

**LOS ANGELES POLICE COMMISSION**

***REVIEW OF THE DEPARTMENT'S  
ARREST, BOOKING, AND  
CHARGING REPORTS AUDIT,  
Fiscal Year 2010/2011***



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE DEPARTMENT'S  
ARREST, BOOKING, AND CHARGING REPORTS INSPECTION**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to its Annual Inspection and Review Plan, reviewed the Los Angeles Police Department's (Department) Arrest, Booking, and Charging Reports (ABC) Inspection (Inspection) that was conducted by Internal Audits and Inspections Division (IAID). The Inspection was completed in the first quarter of Fiscal Year 2010/2011 and received by the OIG on October 27, 2010. This review assessed the completeness, quality, and findings of the Department's Inspection.

**BACKGROUND**

The objective of the Inspection was to assess the legality of actions taken by officers throughout the arrest process, which involved the initial contact, detention, search, arrest, admonition of *Miranda* warnings, and booking of arrestees. The IAID noted that while many other requirements factor into an arrest of a person, they do not directly affect the legality of an officer's actions, such as compliance with operational or tactical procedures, and administrative requirements. The objectives of the Inspection were based on assessed risk, with particular attention given to the completeness of Arrest Report packages (arrest packages), authenticity of report content, legality of officer actions, conformance with Department procedures, and supervisory oversight.

The IAID randomly selected a statistical sample of 72 arrest packages from Deployment Period<sup>1</sup> Nos. 6 and 7 of 2010 (May 23 to July 27) to determine if the arrest packages met the standards for the objectives outlined in Table 1.<sup>2</sup> The sample selected for this Inspection included arrest packages from the four patrol bureaus as well as arrest packages from specialized units that were not specifically tasked to gang enforcement.<sup>3</sup> For the 23 Inspection objectives, IAID reported compliance rates of 100% for 17 objectives, 95 to 99% for 3 objectives, and 88 to 92% for 3 objectives. This Inspection's reported compliance rates are listed by objective in Table 1 on the following page, with comparison to the prior year's Audit.<sup>4</sup>

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<sup>1</sup> A Deployment Period is a 28-day period utilized by the Department to schedule/deploy sworn and civilian personnel.

<sup>2</sup> Table 1 provides a brief description of the Inspection's objectives.

<sup>3</sup> A separate Inspection of Gang Enforcement Detail arrest packages was concurrently conducted by IAID.

<sup>4</sup> In prior years, IAID's testing of arrest packages were handled as an *audit* instead of an *inspection*, but IAID's objectives and methodology were virtually the same. An *audit* differs from an *inspection* in that an inspection utilizes a limited review process and does not require Generally Accepted Government Auditing Standards to be followed.

**TABLE 1 – IAID'S SUMMARY OF REPORTED COMPLIANCE RATES**

Objective	Description	Rates: Prior Year's Audit		Rates: This Inspection	
<b>1. Completeness</b>					
1(a)	Completeness of Arrest Package	107/107	100%	107/107	100%
<b>2. Legality of Underlying Actions</b>					
2(a)	Articulation of Reasonable Suspicion for Detention	106/107	99%	72/72	100%
2(b)	Articulation of Probable Cause to Arrest	107/107	100%	72/72	100%
2(c)	Articulation of Legal Basis for Search	55/56	98%	36/36	100%
2(d)	Articulation of Legal Basis for Seizure	48/48	100%	40/40	100%
2(e)	<i>Miranda</i> Rights	107/107	100%	72/72	100%
<b>3. Conformance with Department Procedures</b>					
3(a)	Watch Commander Inspection and Review	79/82	96%	72/72	100%
3(b)	Arrests for Obstructing, Resisting or Assaulting an Officer	2/4	50%	1/1	100%
3(c)	Other Conformance with Department Procedures				
	(i) Documentation of <i>Miranda</i> Responses	60/66	91%	55/57	97%
	(ii) Documentation of Medical Treatment	26/28	93%	13/13	100%
	(iii) Recovery, Disposition/Handling of Property/Evidence	45/47	96%	43/43	100%
	(iv) Issuance of Receipt for Property Taken Into Custody	46/47	98%	40/41	98%
	(v) Juvenile Arrest Procedures				
	(1) Juvenile Arrest Supplemental Report	10/10	100%	7/8	88%
	(2) Parental Notification	10/10	100%	8/8	100%
	(3) Advisement of Telephone Calls	10/10	100%	8/8 <sup>5</sup>	100%
	(4) Timeliness of Telephone Calls	9/9	100%	8/8 <sup>4</sup>	100%
	(5) Length of Detention	10/10	100%	7/8	88%
	(6) Correct Detention Area	9/10	90%	8/8	100%
	(7) <i>Gladys R.</i> Questionnaire	1/1	100%	1/1	100%
<b>4. Supervisory Oversight</b>					
4(a)	Approval of Arrest Report	107/107	100%	70/72	97%
4(b)	Booking Approval	107/107	100%	68/68	100%
4(c)	Post-Incident Supervisory Review	94/107	88%	66/72	92%
4(d)	On-Scene Supervision	23/23	100%	20/20	100%

## **METHODOLOGY**

To assess the completeness, quality, and findings of the Inspection, the OIG randomly selected and reviewed a sub-sample of 27 of the 72 arrests packages in IAID's sample. This sub-sample size of 27 was calculated based on a 95% confidence level, an expected error rate of 5%, and a plus-precision of 5%.<sup>6</sup>

<sup>5</sup> The IAID actually only tested 7 arrest packages for this sub-objective, as IAID was unable to determine compliance for one arrest package due to an incomplete Juvenile Arrest Supplemental Report. However, the compliance rate would still be correctly calculated as 100% (7/7).

<sup>6</sup> This sample size calculation formula represents a generally accepted auditing practice. A detailed explanation of each parameter is available from the OIG Audit Section.

The OIG conducted this review in accordance with generally accepted government auditing standards. These standards require that the review is adequately planned, performed, and supervised and that sufficient, appropriate evidence is examined to provide a reasonable basis for the results and conclusion.

## **OBJECTIVES**

The OIG reviewed the Inspection for three objectives: completeness, findings, and quality. The primary sub-objectives are described below:

### Completeness

- Determine if the Inspection tested and reported compliance for all the stated objectives.
- Determine if the Inspection sample was selected from a complete population.

### Quality

- Determine if appropriate sampling methodologies and testing questions were used.
- Determine if there was evidence of supervisory review of the Inspection.
- Determine if the Inspection completely and accurately reported the Inspection's purpose, methodology, objectives, results, and detailed findings.

### Findings

- Determine if all significant findings identified by the OIG were also identified and reported by IAID.
- Determine if the findings reported by IAID represented valid issues.

## **RESULTS**

### Completeness

The Inspection tested and reported compliance rates for the 23 objectives governing arrest packages. Based on interviews and document review, the Inspection sample was selected from a complete Department-wide population of Arrest Reports. As such, the Inspection met the OIG's standard for completeness.

### Quality

Appropriate sampling methodologies were employed to select a random sample of Arrest Reports. Interviews and documents revealed evidence of adequate supervision. The Inspection completely and accurately reported the Inspection's purpose, methodology, objectives, results, and detailed findings. As such, the Inspection met the OIG's standard for quality.

### Findings

All significant findings identified by the OIG were also identified and reported by IAID. Furthermore, the findings reported by IAID represented valid issues.

## **Other Matter**

### **Testing Requirement to Issue Marsy's Rights Card to Victims**

On November 4, 2008, California voters passed Proposition 9, which is also known as Marsy's Law – The Victim's Bill of Rights Act of 2008. Marsy's Law mandates that victims of any criminal act be notified of their Victim's Bill of Rights and provided a Marsy's Rights Card. Per Special Order No. 43, 2009, effective August 24, 2009, crime victims are to be issued a Marsy's Rights Card. This requirement was reiterated as a Standardized Roll Call Training Lesson Plan.

The OIG noted that compliance with this requirement was *not* tested in this Department-wide ABC Inspection; however, it *was* tested in IAID's concurrent ABC Inspection pertaining to gang units, also reviewed by the OIG.

## **RECOMMENDATION**

The OIG recommends in future Department-wide ABC Inspections that IAID consider testing for compliance with the requirement to issue a Marsy's Rights Card to victims.

## **RESPONSE OF IAID MANAGEMENT**

The management of IAID is in general agreement with the results of the OIG review. Additionally, IAID has amended the Inspection work plan and evaluation documents to include an assessment of compliance with the requirement to issue a Marsy's Rights Card to victims of crimes, whereby such assessment will be included within the next scheduled Department-wide ABC Inspection.

## **CONCLUSION**

The OIG concluded that this Inspection met the OIG's standard for completeness, quality, and findings. This conclusion was supported by the OIG's re-performance of the inspection tests performed by IAID on a sub-sample of 27 arrest packages.