

INTRADEPARTMENTAL CORRESPONDENCE

October 1, 2010
14.1

BPC #10-0396

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: GED/CLEAR ARREST, BOOKING, AND CHARGING INSPECTION
(IAID No. 10-130)

RECOMMENDED ACTIONS

1. It is recommended the Board of Police Commissioners REVIEW and APPROVE the attached GED/CLEAR Arrest, Booking, and Charging Inspection.
2. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

In accordance with the First Quarter, Annual Audit and Inspection Plan for Fiscal Year (FY) 2010/11, Internal Audits and Inspections Division (IAID) conducted an Arrest, Booking, and Charging (ABC) Reports Inspection to evaluate arrests made by GED/CLEAR units for legality and conformance with Los Angeles Police Department policy.

If additional information regarding this inspection is required, please contact Police Administrator Gerald L. Chaleff, Special Assistant for Constitutional Policing, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachments

LOS ANGELES POLICE DEPARTMENT
*GED/CLEAR ARREST, BOOKING, AND
CHARGING INSPECTION*

(LAID No.10-130)



CHARLIE BECK
Chief of Police

September 2010

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GED/CLEAR ARREST, BOOKING, AND CHARGING INSPECTION

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EXECUTIVE SUMMARY
INTERNAL AUDITS AND INSPECTIONS DIVISION
GED/CLEAR ARREST, BOOKING, and CHARGING REPORTS INSPECTION
IAID NO. 10-130
First Quarter, Fiscal Year 2010/11

PURPOSE

In accordance with the First Quarter Audit and Inspection Plan of Fiscal Year (FY) 2010/11, Internal Audits and Inspections Division (IAID) conducted an Arrest, Booking, and Charging (ABC) Reports Inspection to evaluate arrests made by GED/CLEAR units for legality and conformance with Los Angeles Police Department (Department) policy and the Los Angeles Consent Decree, United States District Court Transition Agreement.

SCOPE OF INSPECTION

Documents Reviewed

Arrest Packages, which included:

- Arrest Report (Form 05.02.00);
- Release from Custody (RFC) Report (Form 05.02.08);
- Continuation Sheet (Form 15.09);
- Booking Approval (Form 12.31);
- Investigative Action Statement (Form 03.11.20);
- Property Report (Form 10.01.00);
- Receipt for Property Taken Into Custody (Form 10.10.00);
- Juvenile Arrest Supplemental Report (Form 05.02.06);
- Gladys R. Questionnaire (In House Form 20);
- Request for Confidentiality of Information (Form 03.02.00);
- Firearms Supplemental Property Report (Form 10.01.01);
- Firearms Supplemental Property Report Continuation Sheet (Form 10.01.02);
- Domestic Violence Supplemental Report (Form 15.40.02);
- Marsy's Rights Card, Victim's Bill of Rights, Marsy's Law; Attorney General, State of California
- City Attorney Disclosure Statement (Form 05.02.09);
- Watch Commander's Daily Report (Form 15.80.00);
- Adult Detention Log (Form 06.19.00);
- Non-Secure Juvenile Detention Log (09.06.00); and/or
- Secure Juvenile Detention Log (09.05.00).

Population Size: 1580 Arrest Packages

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Related Directives: United States Department of Justice City of Los Angeles Consent Decree, June 15, 2001
Los Angeles Police Department Manual (2010 1st Quarter - Online)
United States District Court Transition Agreement, July 20, 2009
Field Notebook Divider (Form 18.30.0) – General Reporting Instructions
Office of the Chief of Police Notice (April 11, 2008) Telephone Calls– Juvenile in Custody
Final Report of the Independent Monitor for the Los Angeles Police Department (June 11, 2009)

PRIOR INSPECTIONS

Internal Audits and Inspections Division has conducted ABC Inspections annually for the last nine years. The last inspection, specifically focused on arrests made by GED/CLEAR units, reported that Department standards were met in the areas of completeness, authenticity of information, and legality of underlying actions. The last inspection also reported the Department required improvement in areas related to arrests involving Obstructing, Resisting, and Assaults on Officers; Documentation of Miranda Responses; Documentation of Medical Treatment; Juvenile Detention Areas; and, Supervisory Oversight in the area of Post Incident Supervisory Review.

The following recommendation was made in the last inspection to address conflicting information regarding the Watch Commander Inspection and Interview:

It is recommended that Planning and Research Division conduct a review of Department policy requiring watch commanders to conduct pre-booking evaluations to determine whether issues regarding training, policy, or tactics need be addressed when an additional filing is requested for obstructing, resisting arrest, or assaulting an officer.

Status: Implemented. Planning and Research Division published Special Order No. 3, March 23, 2010, titled “Mandatory Pre-booking Evaluation of Arrests for Interfering, Resisting Arrest, or Assaulting an Officer – Revised,” which did away with the requirement for pre-booking evaluations for additional filings.

SUMMARY OF FINDINGS

OBJECTIVE	DESCRIPTION	FINDING PERCENTAGE 2009/2010	FINDING PERCENTAGE 2010/2011
1. COMPLETENESS			
1a.	Completeness of Arrest Reports	100% (107/107)	100% (101/101)
1b.	Documentation of Property Seized	N/A	99% (73/74)
2. AUTHENTICITY			
2a.	Consistency of Information	96% (103/107)	100% (101/101)
2b.	"Canned" Language	100% (107/107)	100% (101/101)
3. LEGALITY OF UNDERLYING ACTIONS			
3a.	Articulation of Reasonable Suspicion for Detention	99% (106/107)	100% (101/101)
3b.	Articulation of Probable Cause to Arrest	100% (107/107)	100% (101/101)
3c.	Articulation of Legal Basis for Search	98% (55/56)	100% (69/69)
3d.	Articulation of Legal Basis for Seizure	100% (48/48)	100% (64/64)
3e.	Miranda Rights	100% (107/107)	100% (101/101)
4. CONFORMANCE WITH DEPARTMENT PROCEDURES			
4a.	Watch Commander Inspection and Interview	96% (79/82)	98% (88/90)
4b.	i. Documentation of Miranda Responses	91% (60/66)	99% (71/72)
	ii. Documentation of Medical Treatment	89% (25/28)	100% (7/7)
	iii. Issuance of Receipt for Property Taken into Custody	98% (45/46)	98% (59/60)
	iv. Juvenile Arrest Procedures		
	(1) Juvenile Arrest Supplemental Report	100% (10/10)	100% (15/15)
	(2) Parental Notification	100% (10/10)	100% (15/15)
	(3) Advisement of Telephone Calls	100% (10/10)	100% (15/15)
	(4) Timeliness of Telephone Calls	100% (9/9)	93% (14/15)
(5) Correct Detention Area	90% (9/10)	100% (15/15)	
(6) Length of Detention	100% (10/10)	100% (15/15)	
(7) Gladys R. Questionnaire	100% (1/1)	100% (1/1)	
5. SUPERVISORY OVERSIGHT			
5a.	Approval of Arrest Report	99% (106/107)	100% (101/101)
5b.	Approval of Booking Approval	99% (81/82)	100% (95/95)
5c.	Post Incident Supervisory Review	88% (94/107)	89% (90/101)
5d.	On-Scene Supervision	100% (23/23)	100% (29/29)

INTERNAL AUDITS AND INSPECTIONS DIVISION
GED/CLEAR ARREST, BOOKING, and CHARGING REPORTS INSPECTION
IAID NO. 10-130
First Quarter, Fiscal Year 2010/11

PURPOSE

In accordance with the First Quarter Audit and Inspection Plan of Fiscal Year (FY) 2010/11, Internal Audits and Inspections Division (IAID) conducted an Arrest, Booking, and Charging (ABC) Reports Inspection to evaluate arrests made by GED/CLEAR units for legality and conformance with Los Angeles Police Department (Department) policy and the Consent Decree Transition Agreement between the Department and the Federal Monitor.

PRIOR INSPECTIONS

Internal Audits and Inspections Division has conducted ABC Inspections annually for the last nine years. The last inspection, specifically focused on arrests made by GED/CLEAR units, reported that Department standards were met in the areas of completeness, authenticity of information, and legality of underlying actions. The last inspection also reported the Department required improvement in areas related to arrests involving Obstructing, Resisting, and Assaults on Officers; Documentation of Miranda Responses; Documentation of Medical Treatment; Juvenile Detention Areas; and, Supervisory Oversight in the area of Post Incident Supervisory Review.

The following recommendation was made in the last inspection to address conflicting information regarding the Watch Commander Inspection and Interview:

It is recommended that Planning and Research Division conduct a review of Department policy requiring watch commanders to conduct pre-booking evaluations to determine whether issues regarding training, policy, or tactics need be addressed when an additional filing is requested for obstructing, resisting arrest, or assaulting an officer.

Status: Implemented. Planning and Research Division published Special Order No. 3, March 23, 2010, titled "Mandatory Pre-booking Evaluation of Arrests for Interfering, Resisting Arrest, or Assaulting an Officer – Revised," which did away with the requirement for pre-booking evaluations for additional filings.

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METHODOLOGY

Internal Audits and Inspections Division personnel used a 95 percent confidence level, with an expected error rate of six percent and a precision of plus four percent when selecting the sample of 101 arrest report packages (arrest packages) from April 1 to May 31, 2010 to determine if the arrest packages met the standards for the objectives outlined.¹ Release from Custody arrests that did not have a narrative were de-selected and replaced as they could not be evaluated for the inspection objectives. The selected sample specifically included Gang Enforcement Detail (GED) and the Community Law Enforcement and Recovery (CLEAR) units arrest reports.

If arrestees selected in the primary sample were part of a multi-arrest report, the related arrestees were evaluated for any risk management issues associated with their arrests. Findings associated with the related arrestees are reported under Objective No. 5c - Post Incident Supervisory Review.

As a matter of practice, pattern assessment findings, if any, are reported to the Chief of Police and Board of Police Commissioners.

SCOPE OF INSPECTION

Documents Reviewed

Arrest Packages, which included:

- Arrest Report (Form 05.02.00);
- Release from Custody (RFC) Report (Form 05.02.08);
- Continuation Sheet (Form 15.09);
- Booking Approval (Form 12.31);
- Investigative Action Statement (Form 03.11.20);
- Property Report (Form 10.01.00);
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- Firearms Supplemental Property Report Continuation Sheet (Form 10.01.02);
- Domestic Violence Supplemental Report (Form 15.40.02);
- Marsy's Rights Card, Victim's Bill of Rights, Marsy's Law; Attorney General, State of California
- City Attorney Disclosure Statement (Form 05.02.09);
- Watch Commander's Daily Report (Form 15.80.00);
- Adult Detention Log (Form 06.19.00);
- Non-Secure Juvenile Detention Log (09.06.00); and/or
- Secure Juvenile Detention Log (09.05.00).

¹ The population of arrest reports was obtained from Information Technology Division's Consolidated Criminal Analysis Database (CCAD). A data reliability assessment was not conducted.

Population Size: 1580 Arrest Packages

Related Directives: United States Department of Justice City of Los Angeles Consent Decree, June 15, 2001
Los Angeles Police Department Manual (2010 1st Quarter - Online)
United States District Court Transition Agreement, July 20, 2009
Field Notebook Divider (Form 18.30.0) – General Reporting Instructions
Office of the Chief of Police Notice (April 11, 2008) Telephone Calls – Juvenile in Custody
Final Report of the Independent Monitor for the Los Angeles Police Department (June 11, 2009)

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SUMMARY OF FINDINGS

The following table summarizes findings for each objective.

TABLE 1 – SUMMARY OF FINDINGS

OBJECTIVE	DESCRIPTION	FINDING PERCENTAGE 2009/2010	FINDING PERCENTAGE 2010/2011
1. Completeness			
1a.	Completeness of Arrest Reports	100% (107/107)	100% (101/101)
1b.	Documentation of Property Seized	N/A	99% (73/74)
2. Authenticity			
2a.	Consistency of Information	96% (103/107)	100% (101/101)
2b.	"Canned" Language	100% (107/107)	100% (101/101)
3. Legality of Underlying Actions			
3a.	Articulation of Reasonable Suspicion for Detention	99% (106/107)	100% (101/101)
3b.	Articulation of Probable Cause to Arrest	100% (107/107)	100% (101/101)
3c.	Articulation of Legal Basis for Search	98% (55/56)	100% (69/69)
3d.	Articulation of Legal Basis for Seizure	100% (48/48)	100% (64/64)
3e.	Miranda Rights	100% (107/107)	100% (101/101)
4. Conformance with Department Procedures			
4a.	Watch Commander Inspection and Interview	96% (79/82)	98% (88/90)
4b.	i. Documentation of Miranda Responses	91% (60/66)	99% (71/72)
	ii. Documentation of Medical Treatment	89% (25/28)	100% (7/7)
	iii. Issuance of Receipt for Property Taken into Custody	98% (45/46)	98% (59/60)
	iv. Juvenile Arrest Procedures		
	(1) Juvenile Arrest Supplemental Report	100% (10/10)	100% (15/15)
	(2) Parental Notification	100% (10/10)	100% (15/15)
	(3) Advisement of Telephone Calls	100% (10/10)	100% (15/15)
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(6) Length of Detention	100% (10/10)	100% (15/15)	
(7) Gladys R. Questionnaire	100% (1/1)	100% (1/1)	
5. Supervisory Oversight			
5a.	Approval of Arrest Report	99% (106/107)	100% (101/101)
5b.	Approval of Booking Approval	99% (81/82)	100% (95/95)
5c.	Post Incident Supervisory Review	88% (94/107)	89% (90/101)
5d.	On-Scene Supervision	100% (23/23)	100% (29/29)

DETAILED FINDINGS

OBJECTIVE NO. 1 – COMPLETENESS

Department policy requires that arrest packages contain the forms necessary to complete the arrest process.²

Objective No. 1a - Completeness of Arrest Reports

Inspection Procedure

Each package was examined for the completion of an Arrest Report (Form 05.01.02), Continuation Sheet (Form 15.09), and Booking Approval (Form 12.31). For arrestees who were not booked, a Release from Custody (RFC) Report (Form 05.02.08) and Continuation Sheet (Form 15.09) were required. These forms were selected for examination based on their relevance in evaluating the legality of the officers' actions.

Arrest packages containing the required forms met the standards for this objective.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

Objective No. 1b – Documentation of Property Seized

Criteria

Department policy requires that seized property must be documented on the Arrest Report or a Property Report. Further, the employee seizing or taking property shall issue a Receipt for Property taken into custody.

Inspection Procedure

Each arrest package was examined and the arrest narrative was read to determine if property was seized. If property was seized, proper documentation on either the arrest face sheet or property report and the Receipt for Property Taken into Custody form met the standards for this objective.

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² See Department Manual Sections 4/216.01 and 4/216.02.

Findings

Of the 101 arrest packages, 74 indicated property was seized. Of the 74 that showed evidence of property seized 73 (99%) met the standards for this objective. The one arrest package that did not meet the standard is detailed below:

- An arrest package, from Southwest Division, documented on the face sheet of the arrest report and on the Receipt for Property taken into Custody that (9) 9mm rounds were booked into evidence, yet in the Evidence portion of the arrest report narrative, indicated (9) .45 caliber rounds were booked into evidence.

OBJECTIVE NO. 2 – AUTHENTICITY

The authenticity of information contained in the packages was determined by evaluating the consistency of information and the existence of inappropriate “canned” language as reported under Objective Nos. 2a and 2b.

Objective No. 2a – Consistency of Information

Criteria

Department policy requires arrest packages contain consistent information within each report and between the associated documents that make up the package. The consistency of information throughout the package supports the authenticity of each package.³

Inspection Procedures

Each arrest package was examined and assessed for significant inconsistent information contained in the Arrest Report (Form 5.01.02) and associated documents. Significant inconsistent information was defined as inconsistencies that would have an impact on the investigation. Documents reviewed were the Arrest Report (Form 5.01.02), arrest narrative, Property Report (Form 10.1), Receipt for Property Taken into Custody (Form 10.10), Booking Approval (Form 12.31), City Attorney Disclosure Statement (Form 5.02.09) and Probable Cause Determination. Arrest packages that did not contain significant inconsistent information within each report and associated documents met the standards for this objective.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

³ See Department Manual Sections 4/416.01 and 4/216.02.

Objective No. 2b - “Canned” Language

Criteria

Department policy requires that officers not use inappropriate “canned” language inconsistent with the information contained within the appropriate reports. The lack of inappropriate “canned” language supports the authenticity of each package.⁴

Inspection Procedures

Each arrest package was examined for evidence of inappropriate “canned” language. Inappropriate “canned” language was defined as use of generic language or general terms to describe unique and specific circumstances.

Arrest packages that had no evidence of inappropriate “canned” language met the standards for this objective.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

OBJECTIVE NO. 3 – LEGALITY OF UNDERLYING ACTIONS

Legality of underlying actions documented in the arrest packages was evaluated under Objective Nos. 3a through 3e.

Objective No. 3a – Articulation of Reasonable Suspicion for Detention

Criteria

Department policy requires that reasonable suspicion to detain is articulated in each arrest package and that the action was appropriate, legal, and in conformance with Department policy.⁵

Inspection Procedures

“Reasonable suspicion for detention” was measured by the standards described in the California Peace Officers Legal Sourcebook as “a set of specific and articulable facts that lead an officer to reasonably believe that a crime is occurring, is about to occur, or has occurred, and that the person detained is connected to that activity which is criminal in nature.”

Each arrest package was examined to determine whether reasonable suspicion for the detention was articulated. Arrest packages that articulated reasonable suspicion for the detention met the standards for this objective.

⁴ See Department Manual Sections 4/216.01 and 4/216.02.

⁵ See Department Manual Section 1/508.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

Objective No. 3b – Articulation of Probable Cause to Arrest

Criteria

Department policy requires that probable cause to arrest is articulated in each arrest package and that the action was appropriate, legal, and in conformance with Department procedures.⁶

Inspection Procedures

“Probable cause to arrest” was measured by the standards described in the California Peace Officers Legal Sourcebook as “a set of facts that would lead an officer of similar training and experience to form an honest and strong belief that the individual has committed a crime, based on the totality of the circumstances.”

Each arrest package was examined and assessed to determine whether probable cause to arrest was articulated. Arrest packages that articulated probable cause to arrest met the standards for this objective.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

Objective No. 3c – Articulation of Legal Basis for Search

Criteria

The Fourth Amendment of the United States Constitution protects people against unreasonable searches. As such, Department personnel are required to document the legal basis for conducting searches which include the following: search warrants, probable cause, incident to arrest, consent, or exigent circumstances.

Inspection Procedures

The legality of searches was based on the articulated existence of one of the following: search/arrest warrant, consent, incident to arrest, probable cause, or exigent circumstances.

Each arrest package was examined and assessed to evaluate the legality of the search, including booking searches involving strip and visual body cavity searches. Arrest packages that articulated the search authority met the standards for this objective.

⁶ See Department Manual Section 1/508.

Findings

There was no indication that searches were conducted in 32 of the 101 arrest packages. Of the remaining 69 arrest packages, all 69 (100%) met the standards for this objective.

Objective No. 3d – Articulation of Legal Basis for Seizure

Criteria

The Fourth Amendment of the United States Constitution protects people against unreasonable search and seizures. As such, Department personnel are required to document the legal basis for conducting searches and/or seizures which include the following: search warrants, probable cause, incident to arrest, consent, or exigent circumstances.

Inspection Procedures

The legality of seizure of evidence or property was based on the articulated existence of one of the following search criteria: search/arrest warrant, consent, incident to arrest, probable cause, or exigent circumstances.

Arrest packages were examined to evaluate the legality of the seizure of evidence/property. Arrest packages that articulated the legal justification for the seizure met the standards for this objective.

Findings

There were 37 packages for which there was no indication that evidence/property was seized. Of the remaining 64 arrest packages, all 64 (100%) met the standards for this objective.

Objective No. 3e – Miranda Rights

Criteria

Department policy requires that officers document that when a person in custody is to be interrogated regarding his/her possible participation in the commission of a criminal offense or in any other instance for which a Miranda admonition is required, the Miranda admonition shall be read verbatim to the detainee.⁷

Inspection Procedures

Arrest packages were examined for the overall chronology of arrest events, specifically examining whether a detainee was interrogated regarding his/her participation in criminal activity. Arrest packages were also examined for evidence of Miranda rights violations. Arrest packages that contained no evidence of Miranda rights violations met the standards for this objective.

⁷ See Department Manual Section 4/202.10.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

OBJECTIVE NO. 4 – CONFORMANCE WITH DEPARTMENT PROCEDURES

Conformance with Department procedures as documented in the arrest reports was evaluated under Objective Nos. 4a through 4d.

Objective No. 4a – Watch Commander Inspection and Interview

Criteria

Department policy requires that all detainees and arrestees brought to a Department facility shall be brought before a watch commander for inspection. The watch commander shall visually inspect each detainee or arrestee for injuries as required by Department procedures and, at a minimum, ask the detainee or arrestee the questions required by current Department procedures, which are: 1) “Do you understand why you were detained/arrested?”; 2) “Are you sick, ill, or injured?”; 3) “Do you have any questions or concerns?”⁸

Inspection Procedures

Each detention log was examined and assessed the documentation of interview and inspection by watch commanders. Additionally, if the response to Question No. 2 or question No. 3 was positive, IAID verified the watch commanders documented the arrestee’s response.

Arrest packages that documented the completion of watch commander’s interview and inspection on the detention log in accordance with Department procedures met the standards for this objective.

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⁸ See Department Manual Section 4/216.

Findings

There were 11 arrest packages for which officers were not required to bring the arrestee to a department facility. Of the remaining 90 arrest packages, 88 (98%) met the standards for this objective. The two arrest packages that did not meet the standards are detailed below:

- For one arrest package from Central Division, the Watch Commander did not sign the Adult Detention Log (Form 6.19) as required.
- For one arrest package from 77th Division, the Adult Detention Log (Form 6.19) was signed by a Sergeant other than the watch commander as required.

Objective No. 4b – Other Conformance with Department Procedures

Other conformance with Department procedures was evaluated under Objective Nos. 4b(i) through 4b(iv). These objectives were derived based on risks associated with the arrest process and not otherwise tested under other objectives.

Objective No. 4b(i) – Documentation of Miranda Responses

Criteria

Department policy requires that the arrestee's responses to each of the Miranda admonition questions be documented on the appropriate reports.⁹

Inspection Procedures

Each arrest package was examined to determine whether the arrestee's responses to each of the Miranda admonition questions were documented as required.

Arrest packages that appropriately documented the responses to each of the Miranda admonition questions met the standards for this objective.

Findings

Of the 101 arrestees, 29 were not admonished. Of the remaining 72 arrest packages, 71 (99%) met the standards for this objective. The one arrest package that did not meet the standards for this objective is detailed below:

- One arrest package, from Mission Division, indicated the suspect was admonished of his/her Miranda rights, but his/her responses were not documented in the narrative of the report.

⁹ See Department Manual Section 4/202.10.

Objective No. 4b(ii) – Documentation of Medical Treatment

Criteria

Department policy requires that an officer having custody of an arrestee who is, or complains of being, ill, injured, or in need of medication shall cause the arrestee to be examined at a Department Jail Dispensary, at a Los Angeles County Medical Center, or a Department contract hospital.¹⁰

Inspection Procedures

Each arrest package and Detention Log (Form 6.19) was examined to determine whether the arrestee was, or complained of being, ill, injured, or in need of medication; if medical examination and/or medical treatment was required, the arrest package was reviewed to determine whether the arrest report documented the medical examination and/or medical treatment was provided, unless treatment was refused, in accordance with Department procedures.

Arrest packages that indicated medical examination and/or medical treatment were provided when required, unless treatment was refused, met the standards for this objective.

Findings

Of the 101 arrest packages, 94 documented the arrestee either did not require, or refused medical treatment. For the remaining seven arrest packages, all seven (100%) met the standards for this objective.

Objective No. 4b(iii) – Issuance of Receipt for Property Taken into Custody

Criteria

Department policy requires that when property is seized from an arrestee, the officers shall provide the arrestee with a completed Receipt for Property Taken into Custody (Form 10.10), specifying the type of property taken.¹¹

Inspection Procedures

Each arrest package was examined to determine if property was recovered or seized as evidence from the arrestee. If so, IAID verified if a Receipt for Property Taken into Custody (Form 10.10) was issued in accordance with Department policy.¹²

Arrest packages that contained evidence of issuance of Receipts for Property Taken into Custody (Form 10.10) when property was taken from an arrestee met the standards for this objective.

¹⁰See Department Manual Section 4/648.10.

¹¹ See Department Manual Section 4/510.10.

¹² For purposes of this test, if a required receipt for property was not located, the arrest report was deemed in compliance if “Yes” was marked on the “10.10 Given” section of the arrest face sheet.

Findings

Of the 101 arrest packages, 41 either did not involve property seizures or the seized property did not require issuance of a Receipt for Property Taken into Custody (Form 10.10), such as alcohol disposed of at scene. Of the remaining 60 arrest packages, 59 (98%) met the standards for this objective.

- One arrest package, from Devonshire Division, documented in the narrative section of the Arrest Report (Form 5.01.02) that \$679 of US currency was recovered on May 29th, 2010, during a search incident to a narcotics sales arrest. There was no evidence of a Receipt for Property Taken into Custody form issued however, the money was documented in a Property Report (Form 10.1) dated on June 2nd, 2010.

Objective No. 4b(iv) – Juvenile Arrest Procedures

Of the 101 arrest packages, 15 involved juvenile arrests. Each of the 15 arrest packages involving juveniles were evaluated under Objective Nos. 4b(iv)(1) through 4b(iv)(7).

Objective No. 4b(iv)(1) – Juvenile Arrest Supplemental Report

Criteria

Department policy requires that a Juvenile Arrest Supplemental Report (Form 5.02.06) for juvenile arrestees be completed. The primary purpose of this form is to document compliance with juvenile requirements mandating parental notification, telephone call rights advisement, and timely telephone calls from juvenile to parents/guardians and attorneys.¹³

Inspection Procedures

Each juvenile arrest package was examined to determine whether the Juvenile Arrest Supplemental Report (Form 5.02.06) was included. Juvenile arrest packages that contained the Juvenile Arrest Supplemental Report (Form 5.02.06) met the standards for this objective.

Findings

Of the 15 juvenile arrest packages, 15 (100%) met the standards for this objective.

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¹³ See Special Order No. 19, 2004.

Objective No. 4b(iv)(2) – Parental Notification

Criteria

Department policy requires notification of a juvenile’s parent or guardian when a juvenile is taken into custody.¹⁴

Inspection Procedures

Each of the 15 arrest packages was examined to determine whether the arresting officers made necessary attempts to notify the juvenile’s parents or guardians.

Arrest packages that indicated the parents or legal guardians were notified as required or that attempts were made by the officers to contact the parents or legal guardian albeit with negative results, met the standards for this objective.

Findings

Of the 15 juvenile arrest packages, 15 (100%) met the standards for this objective.

Objective No. 4b(iv)(3) – Advisement of Telephone Calls

Criteria

Department policy requires that juvenile arrestees be advised of the legal right to make three telephone calls within three hours.¹⁵

Inspection Procedures

Each of the 15 Juvenile Arrest Supplemental Reports (Form 5.02.06) was reviewed to determine whether the juvenile arrestee was advised of the right to make three telephone calls within three hours.

Juvenile arrest packages that indicated the juvenile arrestee was advised of the right to make three telephone calls within three hours met the standards for this objective.

Findings

Of the 15 juvenile arrest packages, 15 (100%) met the standards for this objective.

¹⁴ See Department Manual Section 4/218.80.

¹⁵ See Department Manual Section 4/658.17.

Objective No. 4b(iv)(4) – Timeliness of Telephone Calls

Criteria

Department policy requires that juvenile arrestees be allowed to make telephone calls within three hours of the arrest; two of those calls shall be made within the first hour of the juvenile being taken into custody.¹⁶

Inspection Procedures

Each of the 15 Juvenile Arrest Supplemental Reports, Secured Juvenile Detention Logs, and Non-Secured Juvenile Detention Logs was reviewed to determine the timeliness of the telephone calls made by the juvenile arrestee. “Timeliness” was defined as the juvenile was advised to make telephone calls within three hours of arrest, two of which were made within the first hour.

Juvenile arrest packages that documented timely telephone calls and/or refusals met the standards for this objective.

Findings

Of the 15 arrest packages, 14 (93%) met the standards for this objective.

One arrest package, from Pacific Division, reflected the juvenile did not make a phone call within the mandated time period after arrest.

Objective No. 4b(iv)(5) – Correct Detention Area

Criteria

There are two types of juvenile detention areas: secured and non-secured. Department policy requires that juveniles may be held in a secured detention area only if the juvenile is:

- 14 years of age or older;
- Held for a violation of 602 Welfare and Institutions Code;
- A security risk; and,
- Detention is for investigation of a crime, facilitating a release to a parent or guardian, or arranging a transfer to an approved juvenile detention facility.¹⁷

In all other cases, juveniles shall be held in a non-secured detention area.

¹⁶ See Department Manual Section 4/658.17.

¹⁷ See Department Manual Section 4/218.66.

Inspection Procedures

Each arrest package and Secure Juvenile Detention Log (Form 9.05) or Non-Secure Detention Log (Form 9.06) was examined to determine whether the juvenile was held in the proper detention area. Arrest packages that indicated the juvenile was held in the proper detention area met the standards for this objective.

Findings

Of the 15 juvenile arrest packages, 15 (100%) met the standards for this objective.

Objective No. 4b(iv)(6) – Length of Detention

Criteria

Department policy requires that juveniles shall not be held in temporary detention in a Department facility for more than six hours.¹⁸

Inspection Procedures

Each of the 15 arrest packages was reviewed to determine whether juvenile arrestees were held in temporary detention in a Department facility for more than six hours.

Arrest packages that indicated detentions were less than or equal to six hours met the standards for this objective.

Findings

Of the 15 juvenile arrest packages, 15 (100%) met the standards for this objective.

Objective No. 4b(iv)(7) – Gladys R. Questionnaire

Criteria

Department policy requires completion of a Gladys R. Questionnaire (In House Form 20) for juvenile arrestees under 14 years of age.¹⁹

Inspection Procedures

Each of the 15 arrest packages was examined to determine whether the Gladys R. Questionnaire (In House Form 20) was completed for juvenile arrestees under 14 years of age as required. Arrest packages that indicated Gladys R. Questionnaire (In House Form 20) was completed as required met the standards for this objective.

¹⁸ See Department Manual Section 4/218.66.

¹⁹ See Manual of Juvenile Procedures Section 725.

Findings

Of the 15 arrest packages involving juveniles, one arrestee was under the age of 14. The one arrest package (100%) met the standards for this objective.

OBJECTIVE NO. 5 – SUPERVISORY OVERSIGHT

Supervisory oversight was evaluated under Objective Nos. 5a through 5d.

Objective No. 5a – Approval of Arrest Report

Criteria

Department policy requires that the watch commander or designee review and approve arrest reports and supporting documents as to appropriateness, legality, and conformance with Department policies and procedures in light of the booking recommendation.²⁰

Inspection Procedures

Each of the 101 arrest packages was examined for proper documentation of approval based on the following criteria:

- A supervisor/watch commander signed the reports;
- The approving supervisor was not a GED supervisor; and,
- There was no evidence of the approval being signed by the officer(s) preparing the arrest report.

Arrest packages that contained proper documentation of approval met the standards for this objective.

Findings

Of the 101 arrest packages, 101 (100%) met the standards for this objective.

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²⁰ See Department Manual Sections 4/216.01 and 4/216.02.

Objective No. 5b – Approval of Booking Approval

Criteria

Department policy requires that booking approval for any arrest be obtained from the Area or Jail Watch Commander.²¹

Inspection Procedures

Each booking approval was examined for proper documentation of approval based on the following criteria:

- A supervisor/watch commander signed the booking approval;
- The approving supervisor was not a GED supervisor; and,
- There was no evidence of the approval being signed by the officer(s) preparing the arrest report.

Arrest packages that contained proper documentation of approval met the standards for this objective.

Findings

Of the 101 arrest packages, six did not require a booking approval, as the arrestee was released from custody at scene and was not booked. Of the remaining 95 arrest packages, 95 (100%) met the standards for this objective.

Objective No. 5c - Post Incident Supervisory Review

Criteria

Department policy requires the supervisor document his/her review of the applicable incident and any post incident review.²²

Inspection Procedures

Each of the 101 arrest packages was examined and assessed to determine the existence of required forms (listed below, as applicable) and whether they were properly completed.

- Request for Confidentiality Form (Form 03.02);
- Firearms Supplemental Report (Form 10.01.01);
- Domestic Violence Supplemental Form (Form 15.40.02);
- City Attorney Disclosure Statement (Form 05.02.09); and,

²¹ See Department Manual Sections 4/216.01 and 4/216.02.

²² See Department Manual Sections 4/216.01 and 4/216.02.

- Marcy's Rights Card, Victim's Bill of Rights, Marsy's Law; Attorney General, State of California.

Other issues that reasonably should have been identified and corrected by supervisors were also reported under this objective if not reported elsewhere. Arrest packages that included the required forms that were properly completed and for which no other issues were identified that had not been addressed elsewhere met the standards for this objective.

Findings

Of the 101 arrest packages, 90 (89%) met the standards for this objective. The 17 arrest packages that did not meet the standards for this objective are detailed below:

- One arrest package from Central Division did not document that a Marcy's Rights Card was provided.
- One arrest package from Newton Division did not document that a Marcy's Rights Card was provided.
- One arrest package from Harbor Division did not document that a Marcy's Rights Card was provided.
- One arrest package from Foothill Division did not document that a Marcy's Rights Card was provided.
- One arrest package from Mission Division did not document that a Marcy's Rights Card was provided.
- One arrest package from Topanga Division did not document that a Marcy's Rights Card was provided.
- One arrest package from Olympic Division did not document that a Marcy's Rights Card was provided.
- One arrest package from West Los Angeles Division did not document that a Marcy's Rights Card was provided.
- Two arrest packages from Wilshire Division did not document that a Marcy's Rights Card was provided.
- One arrest package, from Pacific, appeared to be written by an officer without any detail of his/her involvement in a gang injunction investigation and arrest. The officer signed the City Attorney Disclosure Statement (form 5.02.09) and the Probable Cause Declaration.

Of 25 arrest packages that involved a victim, 15 (60%) met the standard for documentation of Marsy's Right Card given.

Objective No. 5d – On-Scene Supervision

Criteria

Each arrest package was examined to determine whether a supervisor was present at the scene during the time of arrest. If so, IAID evaluated the adequacy of the supervisor's handling of the incident based on information contained in the package.

Inspection Procedures

Arrest packages that documented adequate on-scene supervision met the standards for this objective.

Findings

Of the 101 arrest packages, 72 did not contain evidence of on-scene supervision. Of the remaining 29 arrest packages, all 29 (100%) met the standards for this objective.

RECOMMENDATION

It is recommended that Personnel and Training Bureau provide supplemental training concerning Department policies on Marsy's Law.