

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



DETENTIONS OF INDIVIDUALS AND DATA
COLLECTION AUDIT
NORTH PATROL DIVISION
PALMDALE STATION
No. 2018-6-A

JIM McDONNELL
SHERIFF

August 10, 2018

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau**

**DETENTIONS OF INDIVIDUALS AND DATA COLLECTION
NORTH PATROL DIVISION – PALMDALE STATION
Project No. 2018-6-A
AUDIT REPORT**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Detentions of Individuals and Data Collection – North Patrol Division – Palmdale Sheriff's Station (Palmdale Station) Audit under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department), Palmdale Station, adhered to the Department's policies and procedures related to detentions and data collection. The audit also assessed the degree to which Palmdale Station has revised its procedures for documenting public contacts subsequent to the United States Department of Justice (DOJ) Civil Rights Division's investigation into allegations the Department engaged in unconstitutional policing. As a result, the DOJ and the Department entered into the Antelope Valley Settlement Agreement (AV Agreement).¹ The AV Agreement contains several provisions which pertain to search and seizure as well as several requirements regarding the documentation of stops and detentions. Currently, the Department is still in negotiations with monitors² to establish an acceptable measurement of compliance.

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.³ The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

In 2011, the DOJ investigated Palmdale and Lancaster Sheriff's Stations regarding accusations of discrimination against minority residents of the Antelope Valley area. The alleged discrimination involved Department activities that were perceived as having been racially motivated. In June 2013, the DOJ Civil Rights Division completed its investigation into allegations of unconstitutional policing and issued a DOJ Findings Letter.⁴

¹ United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," April 2015.

² The AV Agreement monitoring team is a group of individuals, commonly referred to as "monitors," who are responsible for assessing and evaluating the Department's progress in implementing and achieving the reforms outlined in the AV Agreement.

³ United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards, 2011 Revision.

⁴ U.S. DOJ Civil Rights Division, Letter (commonly referred to as "DOJ Findings Letter") addressed to then Sheriff Leroy D. Baca, RE: Investigation of Los Angeles County Sheriff's Department Stations in Antelope Valley, June 28, 2013.

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The DOJ Findings Letter stated in part:

Summary of Findings

- *...We found, for example, that Antelope Valley deputies, in violation of the law, routinely detain community members, including domestic violence victims and minor traffic offenders, in the backseats of patrol cars without any individualized assessment of danger or suspicion.*

Discretionary Offenses

- *A large number of these stops, for minor offenses such as jaywalking, also resulted in questionable pat downs and consent searches...*

...Over and over again, we heard disturbingly similar accounts of Antelope Valley deputies pulling over African-American and Latino pedestrians and drivers, searching their persons and/or cars, and releasing them without a citation or any information about why they were initially stopped.

Deputies Detain Individuals Without Adequately Articulating Reasonable Suspicion

- *...Our review found, however, that many log entries do not describe facts sufficient to support the predicate of reasonable suspicion required for a detention under Terry v. Ohio,⁵ or other legal authority.*

The Department entered into the AV Agreement on April 28, 2015. The Manual of Policy and Procedures (MPP) requires Department members performing law enforcement field related duties to create an electronic Deputy Daily Work Sheet (DDWS) through the Computer-Aided Dispatch (CAD) system.^{6, 7, 8}

It further requires the logging of all significant public contacts and activity and shall contain only accurate information including, but not limited to, the race of each individual

⁵ *Terry v. Ohio (Terry)*, 392 U.S. 1, 21 (1968) - A decision by the United States Supreme Court which held that the Fourth Amendment prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous."

⁶ The MPP §5-09/520.20, Logging Public Contacts, May 2017.

⁷ A DDWS (Referred to as a "CAD log" in the AV Agreement) is a permanent electronic detailed report of a patrol unit's activity during a shift. The report is automatically generated based on the incidents assigned to or created by the patrol unit.

⁸ The CAD system is a multi-faceted computer system used by the Department to enter information which logs and documents patrol-related incidents including calls for service and deputy-initiated observations. The dispatch function maintains a permanent electronic record of patrol activity.

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detained or searched, the result of the stop, and the date, time, and location of the stop.⁹ The Department implemented policy changes based on the AV Agreement which requires more detailed documentation and specific descriptive language describing factual circumstances of investigatory stops, detentions, and searches.

PRIOR AUDITS

In 2016, the AAB conducted a Detention of Individuals and Data Collection Audit at Palmdale Station (Project No. 2016-2-A). The audit identified several areas in need of improvement relative to training and policy revisions. All recommendations have been implemented.

METHODOLOGY

Scope

This audit encompassed seven objectives:

- Documenting Public Contacts – Objectives No. 1 through No. 5 determined if deputies appropriately logged clearance related data for stops, searches, and seizures of individuals on their DDWS.
- DDWS Log Compliance Checks Supervisor Responsibilities – Objectives No. 6 and No. 7 auditors evaluated DDWS Log Compliance Checks conducted by sergeants.

Auditors reviewed the MPP, Field Operations Directives, Field Operations Support Services (FOSS) Newsletters, Department Statistical Code Guide - Radio Code Book,¹⁰ Palmdale Station Unit Orders, and the AV Agreement in the analysis of this audit.

Audit Time Period

For Objectives Nos. 1 through 4, the time period for this audit was from September 1, 2017, through February 28, 2018.

For Objective 5, the time period for this audit was from February 1, 2018, through February 28, 2018.

⁹ Per MPP §5-09/520.25, Logging Field Activities, May 2017, "Significant public contacts and activity" are defined as: calls for service, self-initiated activity that results in arrest or citation, self-initiated activity that is enforcement/investigative in nature but does not result in arrest or citation, self-initiated activity which is not enforcement/investigative in nature but results in Department personnel taking some form of constructive action.

¹⁰ The Department's Statistical Code Guide for Uniform Report Numbers and Mobile Digital Logs (SH-R-316) Rev. 09/17, is a manual issued to patrol personnel to assist in CAD related entries as well as other pertinent information.

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For Objectives Nos. 6 through 7, auditors separated the months of September 2017 through February 2018 into 27 individual weeks. The randomly selected time period was the week of October 1, 2017, through October 7, 2017.

Audit Population

Pertaining to Objectives Nos. 1 through 4, Data Systems Bureau (DSB)¹¹ provided auditors a data file containing all CAD incidents which were generated during the audit time period, and were cleared using contact information and statistical codes by Palmdale Station. The DSB compiled a file containing 113,342 entries. Of the 113,342 entries, a statistically valid sample¹² was obtained for each separate objective and a total of 388 entries were analyzed.¹³ The data file was organized by contact information codes to obtain the population specific to each objective.

In Objective No. 5, a data file provided by DSB contained a total of 17,281 CAD incidents for February 2018. In order to analyze a manageable population, auditors chose to evaluate the February 2018 incidents to accurately capture the most up-to-date performance data. Auditors reviewed the narrative portion of the Clearance and Contact Information Fields to determine if a detention had taken place. A statistically valid sample of 95 entries was analyzed.

Pertaining to Objective No. 6, auditors reviewed the Employee Performance Evaluation Tracking System (EPETS), Assigned Raters Report,¹⁴ and found 23 sergeants assigned as raters. One sergeant was not responsible for conducting DDWS log checks for this time period and was excluded from review. A second sergeant was assigned to an outside unit and was also excluded. Therefore, auditors analyzed the remaining 21 sergeants' DDWS Log Compliance Check forms.

Pertaining to Objective No.7, auditors reviewed 158 DDWS logs for the selected time period. Forty DDWS logs contained at least one detention related error. Auditors analyzed all 40 DDWS logs for this objective.

¹¹ The Data Systems Bureau operates under the Technology and Support Division. Their function is to plan, develop, coordinate, and manage information technology for the Department.

¹² A statistically valid sample was identified using a one-tail test with a 95% confidence level and a 4% error rate.

¹³ Auditors specifically analyzed Contact Information Codes – Contact Type, Authority to Conduct Search, and Reason for Contact.

¹⁴ The EPETS maintains and tracks evaluations and analytical reports on Department employees. As required in Unit Order 14-06 and the AV Agreement, Palmdale Station utilizes an "Assigned Raters Report" from the EPETS to determine which deputies are under the supervision of each sergeant (supervisor/rater) for the purposes of conducting the DDWS Log Compliance Checks.

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SUMMARY OF AUDIT FINDINGS

The management and staff at Palmdale Station were accommodating and cooperative in providing the necessary information, and in validating the findings.

Palmdale Station achieved varied results in all objectives. The results are summarized in Table No. 1 on the following page.

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Table No. 1 - Summary of Audit Findings

Objective No.	Audit Objective	Met the Standard
DOCUMENTING PUBLIC CONTACTS		
1	BACKSEAT DETENTIONS – CONTACT TYPE CODE	
1(a)	BACKSEAT DETENTIONS: VEHICLE / PEDESTRIAN / BIKE STOPS	
	<i>To determine if the deputy articulated a reason for the Backseat Detention (BSD)¹⁵ in the narrative portion of the DDWS when using the “B” Contact Type Code (Observation Detention).</i>	76%
1(b)	BACKSEAT DETENTIONS: CALL FOR SERVICE	
	<i>To determine if the deputy articulated a reason for the BSD, in the narrative portion of the DDWS, when using the “C” Contact Type Code (Call for Service).</i>	47%
2	CONSENT SEARCH – CONTACT CLEARANCE CODE	
	<i>To determine if the deputy articulated a reason for seeking consent to search an individual, in the narrative portion of the DDWS, when using the “C” Contact Clearance Code.</i>	28%
3	WEAPONS PAT DOWN – CONTACT CLEARANCE CODE	
	<i>To determine if the deputy articulated reasonable suspicion the individual detained was believed to be armed, in the narrative portion of the DDWS, when using the “W” Contact Clearance Code.</i>	47%
4	REASONABLE SUSPICION – CONTACT CLEARANCE CODE	
	<i>To determine if the deputy articulated reasonable suspicion that the individual detained had been involved in criminal activity, in the narrative portion of the DDWS, when using the “R” Contact Clearance Code.</i>	63%
5	USING CORRECT STATISTICAL CLEARANCE CODE	
	<i>To determine if the deputy conducted a detention and used the appropriate statistical clearance code.</i>	94%
DDWS LOG COMPLIANCE CHECKS		
SUPERVISOR RESPONSIBILITIES		
6	SERGEANT’S WEEKLY COMPLIANCE CHECKS OF DDWS LOGS	
	<i>To determine if the assigned sergeant audited and documented at least one weekly DDWS log for each deputy assigned to them.</i>	57%
7	COMPLIANCE LOG DOCUMENTATION	
7(a)	DDWS ERRORS APPROPRIATELY IDENTIFIED AND DOCUMENTED BY THE SERGEANT	
	<i>To determine if the assigned sergeants documented all detention related errors on their deputies’ DDWS logs and recorded on the DDWS Log Compliance Check form.</i>	0%
7(b)	DDWS CORRECTIVE ACTION APPROPRIATELY DOCUMENTED BY THE SERGEANT	
	<i>To determine if the assigned sergeant documented corrective action for all detention related discrepancies in their deputies’ DDWS logs onto the DDWS Log Compliance Check form.</i>	0%

¹⁵ A BSD is when an individual is securely detained, by deputy personnel, in the backseat of a patrol vehicle.

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Objective No. 1 – Backseat Detentions – Contact Type Code

Objective No. 1(a) – Backseat Detentions: Vehicle / Pedestrian / Bike Stops

Criteria

Manual of Policy and Procedures, Section 5-09/520.10, Backseat Detentions (May 2017), states:

...Backseat detentions shall not be used except when the deputy has individualized reasonable suspicion that justifies a detention and an articulable reasonable belief that the detained person may pose a threat of physical harm or is an escape risk unless detained in the backseat.

...In instances where the backseat detention is due to weather conditions or the individual's desire for privacy, the deputy will ask the individual whether he or she would like the option of sitting in the backseat of the vehicle...

...the factual justification for the backseat detention "seizure" shall be articulated in the narrative portion of the deputy's log.

Field Operations Support Services Newsletter, Volume 13, Number 12, New MDC¹⁶
Codes for Logging Field Activity (December 2016), states:

Contact Type:

... B = Back Seat Detention: Vehicle, Pedestrian, and Bicycle Stops...

*...The new back seat detention (BSD) codes shall be used as the primary code in the Contact Type field to document all BSD. **The justification for the BSD "seizure" shall be articulated in the narrative portion of the deputy's log, keeping in mind any 4th Amendment and/or Terry v. Ohio issues...***

...The "B" code shall be used when the BSD is due to a vehicle, pedestrian, or bicycle stop...

¹⁶ The Mobile Digital Computer (MDC) is the computer system found in patrol vehicles to provide a complete operating system in a mobile environment.

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United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.8, Item No. 44h, (April 2015), states:

LASD-AV deputies shall document the following information about patrol activity in their MDC patrol logs:

...where a backseat detention was conducted, a narrative articulating a reason, consistent with LASD policy and the law, as to why each backseat detention was necessary, as well as the reasonable suspicion for the investigation...

Audit Procedures

Auditors analyzed CAD entry incidents involving a BSD occurring during an "observation"¹⁷ detention by deputy personnel using "Contact Type Code - B." Auditors reviewed the narrative clearance to ensure deputy personnel articulated at least one of the required justifications which are the detained person(s) posed a threat of physical harm, and/or were an escape risk, and/or there was inclement weather, and/or the individual desired privacy, and/or the detained individual voluntarily agreed to a BSD.

Of the 113,342 total CAD entries, 1,000 entries contained a "B" code. Randomly, 88 entries were analyzed for this objective.

Findings

Sixty-seven of the 88 (76%) Contact Type Code "B" entries met the standard for this objective. Twenty-one narratives did not articulate the required justification for the backseat detention.

Objective No. 1(b) – Backseat Detentions: Call for Service

Criteria

Manual of Policy and Procedures, Section 5-09/520.10, Backseat Detentions (May 2017), states:

...Backseat detentions shall not be used except when the deputy has individualized reasonable suspicion that justifies a detention and an articulable reasonable belief that the detained person may pose a threat of physical harm or is an escape risk unless detained in the backseat.

¹⁷ The Department traditionally refers to an observation detention when deputy personnel independently detain an individual based on reasonable suspicion or probable cause.

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...In instances where the backseat detention is due to weather conditions or the individual's desire for privacy, the deputy will ask the individual whether he or she would like the option of sitting in the backseat of the vehicle...

...the factual justification for the backseat detention "seizure" shall be articulated in the narrative portion of the deputy's log.

Field Operations Support Services Newsletter, Volume 13, Number 12, New MDC Codes for Logging Field Activity (December 2016), states:

Contact Type:

... C = Back Seat Detention: Call For Service

*The new back seat detention (BSD) codes shall be used as the primary code in the Contact Type field to document all BSD. **The justification for the BSD "seizure" shall be articulated in the narrative portion of the deputy's log, keeping in mind any 4th Amendment and/or Terry v. Ohio issues...***

...The "C" code shall be used when the BSD is due to a call for service...

United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.8, Item No. 44h, (April 2015), states:

LASD-AV deputies shall document the following information about patrol activity in their MDC patrol logs:

...where a backseat detention was conducted, a narrative articulating a reason, consistent with LASD policy and the law, as to why each backseat detention was necessary, as well as the reasonable suspicion for the investigation...

Audit Procedures

Auditors analyzed CAD entry incidents involving a BSD occurring during a "call for service"¹⁸ detention by deputy personnel using "Contact Type Code – C." Auditors reviewed the narrative clearance to ensure deputy personnel articulated at least one of the required justifications that the detained person(s) posed a threat of physical harm, and/or were an escape risk, and/or there was inclement weather, and/or the individual desired privacy, and/or the detained individual voluntarily agreed to a BSD.

¹⁸ A "call for service" is a request for police services and is sent to the patrol deputy by the station dispatcher.

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Of the 113,342 total CAD entries, 192 entries contained a “C” code. Randomly, 64 entries were analyzed for this objective.

Findings

Thirty of the 64 (47%) Contact Type Code “C” entries met the standard for this objective. Thirty-four narratives did not articulate the required justification for the backseat detention.

Objective No. 2 – Consent Search – Contact Clearance Code

Criteria

Manual of Policy and Procedures, Section 5-09/520.15, Consensual Encounters (March 2015), states:

Persons that are contacted during consensual encounters shall be free to leave at all times and the contact shall be voluntary. A consensual encounter can transform into a detention if a reasonable person believes that they are not free to leave.

Manual of Policy and Procedures, Section 5-09/520.25, Logging Field Activities (May 2017), states:

All significant public contacts and activity shall be appropriately logged on the Mobile Digital Computer’s Deputy’s Daily Work Sheet (DDWS). The Mobile Digital Computer’s DDWS logs shall contain only accurate information including, but not limited to, the race of each individual detained or searched, the result of the stop, and the date, time, and location of the stop.

Palmdale Station Unit Order #14-05, Supplemental Patrol Procedures (May 2016), states:

MDC Patrol Log Procedures

...When a consent search of an individual or vehicle is conducted and “Authority to Conduct Search” box is cleared with a “C” (consent), the reason for seeking consent shall be documented in the MDC narrative...

...Every stop with a “Consent” search will contain the reason for seeking consent verbiage.

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United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.8, Item No. 44j, (April 2015), states:

LASD-AV deputies shall document the following information about patrol activity in their MDC patrol logs:

...whether a consent search of an individual was conducted, and if so, the reason for seeking consent...

Audit Procedures

Auditors analyzed CAD entry incidents involving Consent Searches occurring during a detention by deputy personnel using "Authority to Conduct Search Code – C."¹⁹ Auditors reviewed the narrative clearance to ensure deputy personnel articulated the reason for seeking consent.

Of the 113,342 total CAD entries, 625 entries contained a "C" code. Randomly, 83 entries were analyzed for this objective.

Findings

Twenty-three of the 83 (28%) Contact Clearance Code "C" entries met the standard for this objective. Sixty narratives did not include the reason for seeking consent.

Objective No. 3 – Weapons Pat Down – Contact Clearance Code

Criteria

Manual of Policy and Procedures, Section 5-09/520.30, Statistical Codes for Traffic, Pedestrian, and Bicycle Stops (March 2015), states:

...The Mobile Digital Computer "Reasonable Suspicion" and "Pat Down" Contact Information Codes require justification for the stop or search and shall be noted in the narrative portion of the deputy's log.

Field Operations Support Services Newsletter, Volume 13, Number 12, New MDC Codes for Logging Field Activity (December 2016), states:

¹⁹ A consent search occurs when an individual voluntarily submits to a detention and search by deputy personnel.

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Authority to Conduct Search (Vehicle and Person fields):

... W = Weapons Pat Down (Reasonable Suspicion Detainee is Armed)

The new “W” code shall be used when the detainee is reasonably believed to be armed...

Audit Procedures

Auditors analyzed CAD entry incidents involving a Weapons Pat Down²⁰ occurring during a detention by deputy personnel which were cleared with the “Authority to Conduct Search Code – W.” Auditors reviewed the narrative portion of those incidents to ensure deputy personnel articulated justification for the search.

Of the 113,342 total CAD entries, 501 entries contained a “W” code. Randomly, 81 entries were analyzed for this objective.

Findings

Thirty-eight of the 81 (47%) Contact Clearance Code “W” entries met the standard for this objective. Forty-three of the narratives did not articulate justification for the search.

Objective No. 4 – Reasonable Suspicion – Contact Clearance Code

Criteria

Manual of Policy and Procedures, Section 5-09/520.30, Statistical Codes for Traffic, Pedestrian, and Bicycle Stops (March 2015), states:

... The Mobile Digital Computer “Reasonable Suspicion” and “Pat Down” Contact Information Codes require justification for the stop or search and shall be noted in the narrative portion of the deputy’s log.

Field Operations Support Services Newsletter, Volume 13, Number 12, New MDC Codes for Logging Field Activity (December 2016), states:

PC Stop – Reason for Contact:

... The “PC Stop – Reason for Contact code “R” (previously entitled “Reasonable Cause”) has been changed to “Reasonable Suspicion” to better conform to Terry

²⁰ A Weapons Pat Down, under *Terry v. Ohio*, occurs when deputy personnel have reasonable suspicion to believe a detainee is armed.

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v. Ohio case law. The “Reasonable Suspicion” justification for the stop shall be noted in the narrative portion of the deputy’s log...

Palmdale Station Unit Order #14-05, Supplemental Patrol Procedures (May 2016), states:

MDC Patrol Log Procedures

...Palmdale deputies shall document the following additional information about patrol activity in their MDC patrol log narrative:

A concise narrative articulating specific facts and circumstances for conducting “reasonable suspicion” or “probable cause for investigative” stops and detentions...

United States of America v. The County of Los Angeles and The Los Angeles County Sheriff’s Department, Case Number CV 15-03174, Section III. “STOPS, SEIZURES, AND SEARCHES,” p.8, Item No. 44f, (April 2015), states:

LASD-AV deputies shall document the following information about patrol activity in their MDC patrol logs:

...a concise narrative articulating specific facts and circumstances that support reasonable suspicion or probable cause for investigative stops and detentions consistent with the radio clearance code (Noting a radio clearance code, or the code for the resulting citation or other result, will not be deemed sufficient articulation of legal support for the stop or search).

Audit Procedures

Auditors analyzed CAD entry incidents involving a Reasonable Suspicion²¹ stop occurring during a detention by deputy personnel using the “Reason for Contact Clearance Code – R.” Auditors reviewed the narrative clearance to ensure deputy personnel articulated the reasonable suspicion justification for making the stop.

Of the 113,342 total CAD entries, 281 entries contained an “R” code. Randomly, 72 entries were analyzed for this objective.

²¹ A Reasonable Suspicion detention under *Terry v. Ohio* case law occurs when police temporarily detain an individual in a public place without a valid arrest warrant having a “reasonable suspicion” that the individual has been involved in criminal activity.

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Findings

Forty-five of the 72 (63%) Contact Clearance Code “R” entries met the standard for this objective. Twenty-seven narratives did not include a reasonable suspicion justification for making the stop.

Objective No. 5 – Using Correct Statistical Clearance Code

Criteria

Manual of Policy and Procedures, Section 5-09/520.25, Logging Field Activities (May 2017), states:

...The Mobile Digital Computer's DDWS logs shall contain only accurate information including, but not limited to, the race of each individual detained or searched, the result of the stop, and the date, time, and location of the stop.

Manual of Policy and Procedures, Section 5-09/520.30, Statistical Codes for Traffic, Pedestrian, and Bicycle Stops (March 2015), states:

The statistical codes 840 (Traffic Stop), 841 (Pedestrian Stop), and 842 (Bicycle Stop) shall be used when field personnel conduct vehicle, pedestrian, or bicycle stops based on probable cause, reasonable suspicion, or for other investigative purposes or to follow up on leads from prior incidents. The codes shall be used when logging vehicle, pedestrian, or bicycle stops which are associated with:

- *Calls for service;*
- *Self-initiated activity that results in arrest or citation; and/or*
- *Self-initiated activity which is enforcement or investigative in nature but does not result in arrest or citation.*

Field Operations Support Services Newsletter, Volume 16 Number 16, New Clearance Requirements for Logging Field Activity (September 2016), states:

Entering Contact Information on assists:

Clearance codes 779 (OBS Assist) and 780 (Assigned Assist) have both been reprogrammed to allow entry of information into the Contact Information Fields, which were previously only allowed on 840/841/842 clearance codes...

Reference Call and New Clearance/Stat Code:

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*...When more than two people are detained related to the same incident, additional observation (OBS) tags must be created to capture complete contact information on all remaining detained persons not logged in the original tag by linking them with the new Reference Call (**REFCALL**) feature. The additional OBS tag will be cleared using the **REFCALL** field, along with the **new stat code 843: Logging Additional Detained Persons on OBS or CALL.***

...Stat code 843 cannot be used in conjunction with other clearance/stat codes. If stat code 843 is used, at least one set of contact information for one individual must be entered...

Los Angeles County Sheriff's Department (LASD) Statistical Code Guide and Radio Code Book, p.38 (September 2017), states:

Family Abuse Related Incidents

*831: Secondary statistical code and cannot be used alone. When **831** is used you must complete contact fields 01 through 07...*

LASD Statistical Code Guide and Radio Code Book, p.40 (September 2017), states:

*840, 841, 842, & 843: **MAY** be used as a supplement to any (all) other statistical codes: (However, you must complete the required contact information).*

United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.7, (April 2015), states:

...LASD shall ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-productive divisions between LASD and the community, and are adequately documented for tracking and supervision purposes...

United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section VI. "DATA COLLECTION AND ANALYSIS," p.18, Item No. 81, (April 2015), states:

LASD will continue to collect data currently required by the Statistical Code Guide, Radio Code Book, and related policies...

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Audit Procedures

Auditors analyzed the clearance narratives and the Contact Information Fields to determine if a detention occurred. If auditors determined that a detention did occur, the following Statistical Clearance Codes were verified to ensure they were utilized appropriately:

- 779 (Assist Station Unit)
- 780 (Assigned Assist)
- 831 (Family Abuse Related Incidents)
- 840 (Traffic Stop)
- 841 (Pedestrian Stop)
- 842 (Bicycle Stop)
- 843 (Logging Additional Detained Persons on OBS or CALL)

Auditors obtained a data file that contained 17,281 CAD entries for the selected time period. A statistically valid sample of 95 CAD entries was evaluated for this objective.

Findings

Eighty-nine of the 95 (94%) CAD entries met the standard for this objective. Six entries, indicating a detention occurred, were not cleared with the appropriate Statistical Clearance Code.

Objective No. 6 – Sergeant’s Weekly Compliance Checks of DDWS Logs

Criteria

Palmdale Station Unit Order #14-06, Supplemental Supervisory Responsibilities (May 2016), states:

DDWS REVIEW

*...Sergeants shall audit at least one DDWS log **involving stop, search and seizure activity (if any is conducted)** for each deputy under their supervision each week...*

...DDWS review documents, audit materials, tracking, and corrective action shall be documented and preserved for Monitor review.

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United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.12, Item No. 59, (April 2015), states:

Supervisory Review

...Sergeants shall audit at least one CAD log for each deputy under their supervision each week...

Audit Procedures

Auditors analyzed the supervisory DDWS Log Compliance Check forms to determine if sergeants were performing and documenting at least one weekly DDWS Log for each deputy assigned to them.

Twenty-one sergeant's DDWS Log Compliance Check forms were analyzed for this objective.

Findings

Twelve of the 21 (57%) sergeants met the standard for this objective. Nine sergeants did not document at least one weekly DDWS log for each deputy assigned to them.

Objective No. 7 – Compliance Log Documentation

Objective No. 7(a) – Deputy Daily Work Sheet Errors Appropriately Identified and Documented by the Sergeant

Criteria

Palmdale Station Unit Order #14-06, Supplemental Supervisory Responsibilities (May 2016), states:

DDWS REVIEW

*Sergeants assigned as raters shall audit their assigned deputies' stop, search, and seizure documentation for completeness, accuracy, and legal sufficiency. Sergeants shall audit at least one DDWS log **involving stop, search and seizure activity (if any is conducted)** for each deputy under their supervision each week...*

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...DDWS review documents, audit materials, tracking, and corrective action shall be documented and preserved for Monitor review.

United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.12, Item No. 59, (April 2015), states:

Supervisory Review

Sergeants assigned as raters shall regularly audit their assigned deputies' stop, search, and seizure documentation in addition to arrest reports and citations for completeness, accuracy, and legal sufficiency...

Audit Procedures

Auditors analyzed 158 deputy DDWS logs, documented as having been reviewed by the respective sergeant, for the selected time period. An analysis was completed to determine if there were any detention related errors which were not identified by their respective sergeants and documented on the DDWS Log Compliance Check Form.

Of the 158 DDWS logs, 40 logs contained at least one detention related error. Auditors analyzed all 40 DDWS logs for this objective.

Findings

None of the 40 (0%) DDWS logs met the standard for this objective. The sergeants responsible for these 40 logs did not identify and document any errors.

Objective No. 7(b) – Deputy Daily Work Sheet Corrective Action Appropriately Documented by the Sergeant

Criteria

Palmdale Station Unit Order #14-06, Supplemental Supervisory Responsibilities (May 2016), states:

DDWS REVIEW

...Supervisors shall take appropriate action to address all violations or deficiencies in stops, searches, and seizures including non-disciplinary corrective action for the involved deputy, and/or referring the incident for disciplinary action. Antelope

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Valley supervisors shall track repeated violations or deficiencies and the corrective action taken.

...DDWS review documents, audit materials, tracking, and corrective action shall be documented and preserved for Monitor review.

United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section III. "STOPS, SEIZURES, AND SEARCHES," p.12, Item No. 61, (April 2015), states:

Supervisory Review

Antelope Valley supervisors and commanders shall take appropriate action to address all violations or deficiencies in stops, searches, and seizures including non-disciplinary corrective action for the involved deputy, and/or referring the incident for disciplinary action.

Audit Procedures

Auditors analyzed 40 deputy DDWS logs that contained detention related errors for the selected time period. An analysis was completed to determine if the sergeants documented corrective action and addressed all violations or deficiencies onto the DDWS Log Compliance Check forms.

Findings

None of the 40 (0%) DDWS logs met the standard for this objective. There was no corrective action documented onto the DDWS Log Compliance Check form. The sergeants responsible for these 40 logs failed to document any corrective action or address all violations or deficiencies.

ADDITIONAL INFORMATION

Auditors found trends in the following areas:

- *Clearance Inconsistencies (AV Agreement Item No. 44)* – Many of the required justifications in the clearance narratives were fragmented and did not conform to conventional syntax. Non-standard abbreviations for common words have presumably developed due to the limited amount of characters available in the clearance narrative. When deputies cleared their CAD incidents, they frequently used codes or language that did not completely articulate what transpired during the incident in question.

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- *Labeling Conflict (LASD Statistical Code Guide)* – Auditors noted the “Authority to Conduct Search” field on the clearance screen was labeled as “SCH AUTH.” However, in the Statistical Code Guide it was labeled simply as “S”.
- *Redundant Contact Information (LASD Statistical Code Guide)* – The CAD clearance mask was expanded to provide data fields allowing additional contact information required for stops and detentions. However, deputies continued to enter the full name and date of birth of detainees in some clearance narratives, taking up the 156 characters allowed, that could have been used to articulate required justifications.
- *Civilian Staff (Palmdale Station Unit Order #14-06)* – While reviewing DDWS Log Compliance Check forms, auditors found that several civilian staff members were being placed on the log, even though they did not generate CAD entries that contained detention information. The unit order establishes a review procedure for field personnel (deputies) only.
- *Multiple Supervisors/Duplication of Review (Objectives No. 6 and No. 7)* – Auditors found that 15 deputies DDWS logs were audited by multiple supervisors. According to station operations, acquiring new sergeants and deputy re-assignment to different shifts were the reasons.

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives that are measureable against federal law, state law, or Department policies and procedures.

No DDWS Compliance Log

Auditors found a deputy who was assigned to Palmdale Station but was temporarily on-loan to a specialized unit. He was assigned a rater in EPETS, who worked at a specialized unit and therefore, was not responsible for completing a DDWS Compliance Log Check form. This deputy routinely worked overtime at Palmdale station as a patrol unit and completed three DDWS logs during the sample period. The DDWS was not checked by any of the supervisors assigned to the station. Left unchecked, any detention related issues could continue to perpetuate.

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Department Policy Inconsistencies

Two policy inconsistencies were discovered by auditors. First, when an “843” statistical code was used, per Field Operations Support Services Newsletter, Volume 16, Number 16, the clearance information should be electronically cross-referenced to the handling unit’s original incident. Presently, the CAD system is not programmed to perform this function which does not accurately reflect all possible assisting units who may have detained an individual. Secondly, Department policy currently requires BSD time be entered into the clearance narrative. A data field created per MPP Section 5-09/520.10, Backseat Detentions (May 2017), eliminates the need to articulate this information in the narrative. Updating policy will prevent the unnecessary waste of characters in the clearance narrative that can be used for other detention related requirements.

Training Issues

The existing Statistical Code Guide does not provide adequate instruction or examples on the proper use of the various codes. The most current manual that addresses these codes is the Supervisor CAD Training Manual, dated July 1992.

Timely Log Compliance Checks

Many of the DDWS Log Compliance Check forms analyzed were completed up to two months after the deputy worked the shift. Due to a system limitation, if corrections needed to be made regarding a CAD entry error, the CAD system only allows a seven-day window to make modifications. Informing deputies and taking corrective action sooner, will prevent errors from perpetuating.

Reviewer Approver

The AV Agreement states, “*Antelope Valley supervisors and commanders shall take appropriate action to address all violations or deficiencies in stops, searches, and seizures including non-disciplinary corrective action for the involved deputy, and/or referring the incident for disciplinary action.*” Among the DDWS Log Compliance Check forms audited, sergeants did not identify any logs that contained errors. However, auditors reviewed the 158 DDWS logs from the same DDWS Log Compliance Check forms and found that 40 logs contained errors, as identified in Objective No. 7.

On each form, the “Reviewer Approver” box is signed by a lieutenant. However, auditors did not find evidence that lieutenants identified logs containing errors. Throughout Unit Order 14-06, which addresses log compliance checks, the terms sergeant and supervisor

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appear to be used interchangeably. However, per the same unit order, the role of the lieutenant and/or “Reviewer Approver” was not specifically defined.

Assisting Units

Auditors noted that assisting units routinely conducted a BSD for the handling unit. There were several CAD entries where the assisting unit deferred entering the proper contact and clearance information for the detainee to the handling unit. This action led to the clearance information being inaccurate or incomplete.

CONCLUSION

During the course of this audit, auditors assessed the policies, procedures, and practices related to detentions of individuals and data collection. Several areas in need of improvement were identified.

RECOMMENDATIONS

The resulting recommendations coincide with the findings and conclusion from the objectives and other related matters. They are intended to provide Department management with a tool to correct deficiencies and improve performance.

1. It is recommended that deputies and supervisors receive recurrent briefings on how to properly clear CAD incidents including the proper use of Statistical Codes, Contact Type and Authority to Conduct Search codes, and articulating required justifications in the clearance narrative for CAD incidents. (Objectives Nos. 1 through 5)
2. It is recommended that Palmdale Station Unit Order 14-05, Supplemental Patrol Procedures, be revised to eliminate the duplication of logging parole/probation status and response in the clearance narrative, which is already done on the CAD clearance screen. (Objective Nos. 1 through 5)
3. The CAD is an antiquated system and was not designed to support today’s law enforcement requirements for data management. It is recommended the Department evaluate the current CAD, its supporting systems, and their continued use; specifically, the inability of the CAD system to electronically cross-reference the “843” statistical code clearance information to the handling unit’s incident. (Objective Nos. 1 through 5)
4. It is recommended that supervisors receive recurrent briefings on how to review the DDWS logs of deputies assigned to them completely and more accurately, including any corrective action plans. (Objective Nos. 6 and 7)

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5. It is recommended the MPP Section 5-09/520.10, Backseat Detentions, be revised to eliminate the duplication of logging the length of time of the BSD in the narrative, which is already done on the CAD clearance screen. (Other Related Matters)
6. It is recommended that Unit Order 14-06, Supplemental Supervisory Responsibilities, be amended to establish a reasonable time frame for supervisors to check the DDWS logs and complete the DDWS Log Compliance Check forms. (Other Related Matters)
7. It is recommended that Unit Order 14-06, Supplemental Supervisory Responsibilities, be amended to clearly define the role of “Supervisors” who complete the “Reviewer/Approver” portion of the DDWS Log Compliance Check form as part of the DDWS review. (Other Related Matters)

Views of Responsible Officials

On August 1, 2018, the Chief of the North Patrol Division submitted a formal response to AAB concurring with the audit findings. A copy of the audit was provided to the DOJ Compliance Team and the Office of the Inspector General.

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This audit was submitted on this 10th day of August, 2018, by the Audit and Accountability Bureau.

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