

APPENDIX B: Findings from the Monitor's Review of the Audit Division's Warrant Applications & Supporting Affidavits Audit

This Appendix provides a detailed description of the Monitor's findings from its review the Audit Division's Warrant Applications and Supporting Affidavits Audit.

Comments on the Audit Process

The Monitor noted substantial improvements to the audit processes utilized for this audit. The text below highlights certain aspects of this, and identifies a few areas where further improvements could be made.

Sample Selection

According to the Audit Division, the month of October 2001 was selected because "...they yielded the greatest representation of Department commands preparing search and Ramey warrants and it allows sufficient time for the implementation of SO No. 25, 01." While it is acceptable to do one month, for future audits, it would be better to audit more than one month so a better assessment can be made of patterns by officer or division. The Audit Division agrees with this recommendation.

Timeliness of Completing the Audit

As noted above, the month of October 2001 was selected for this audit. Although the fieldwork for this audit was initially completed at the end of March 2002, the investigative follow-up was performed and completed in July 2002 (resulting in the Audit report date of July 8, 2002), and the final report for this audit was received by the Inspector General on August 19, 2002.

Significant delays between the date of the reports being audited and the completion of the audit can be problematic, as the issues identified and recommendations made can become stale.

Assessing the Completeness of the Population and Search Warrant Packages

The population of Search Warrant packages reviewed by the Audit Division was based on the warrant tracking logs submitted by each division to Audit Division in response to correspondence sent to them requesting that all warrant tracking logs, all search warrant affidavits and probable cause arrest warrants, all game plans and all written debriefing critiques for deployment periods 9-13 in 2001 be provided to Audit Division. In addition, Audit Division contacted all Department Commands to determine which commands prepared and served warrants.

Although Audit Division attempted to verify the information provided by all the commands by contacting the court, it determined that the warrant tracking process is self-reporting since the court does not track warrants unless they are returned.

Audit Division recommended and the Monitor agrees that the Commanding Officer and Detective Support Group, as the Department's judicial liaison, should discuss the feasibility of a countywide computerized tracking system to record all warrants granted, signed, and served within the county, with other members of the Los Angeles County Criminal Justice Committee.

Audit Division found and the Monitor agrees that the LAPD is not in compliance with the completeness requirement of paragraph 128 of the Consent Decree. The review of the warrant packages revealed that documentation is missing from the package such as the receipt for property taken, arrest report, property report, debriefing critique, game plans, and return to search warrant. Audit Division was unable to locate the missing documents.

Matrix Discrepancies

The Monitor noted that some of Audit Division's auditors answered certain audit questions differently from others. The Monitor was informed that the auditors were given training prior to commencing the audit and that a crib sheet was provided, however, the Monitor still found some differences.

The Monitor noted that the audit report contains additional corrections that are not reflected on the matrices. The Monitor found some instances where our answer did not agree with the Audit Division's matrix but agreed with the audit report. It appears that the matrices were reviewed and adjustments were made to the audit report, but these were not reflected on the matrices.

The matrix indicated that comments were required for some answers but did not provide any space for these comments. Most auditors made comments on the back of the page. Future matrices should provide sufficient area for comments (such as another column for comments beside the answers).

The auditor was instructed to skip certain questions based on previous answers. In these cases there was nothing marked beside the question. The matrix should include another answer column for not applicable ("n/a") answers.

Issues Identified by LAPD Audit Division

The improved quality of the Audit Division's audit processes significantly impacted the thoroughness of the findings for this audit. The following table highlights the extent of issues identified by the Audit Division and also highlights certain minor discrepancies between the Monitor's findings and the Audit Division's findings, each of which have been discussed with the Audit Division.

TABLE I: ISSUES IDENTIFIED BY THE MONITOR THAT WERE EXAMINED BY AUDIT DIVISION IN ITS WARRANT APPLICATIONS & SUPPORTING AFFIDAVITS AUDIT

Issues Identified by Audit Division and/or the Monitor	Issues Identified by Audit Division (in 73)		Issues Identified by Monitor (in 73)		Discrepancies b/w Audit Division & Monitor (in 73)	
	No. ID'd (X)	% of 73 Reports	No. ID'd (Y)	% of 73 Reports	No. Missed (Z=X-Y)	% Missed (Z/Y)
A. Canned Language	5	6.8%	5	6.8%	0	0.0%
B. Supervisory Oversight						
Supervisor did not initial the bottom of every page of the warrant affidavit	49	67.1%	49	67.1%	0	0.0%
Number of Search warrants missing debriefing critiques	11	15.1%	13	17.8%	2	15.4%
Number of Search warrants missing documentation demonstrating that a Commanding Officer reviewed the debriefing critique	28	38.4%	28 [1]	38.4%	0	0.0%
Supervisor not present at each search warrant location	1	1.4%	1	1.4%	0	0.0%
Number of search warrants missing game plans	8	11.0%	11	15.1%	3	27.3%
Number of search warrants in which game plans are missing initials or signature of the supervisor	32	43.8%	31	42.5%	-1	-3.2%
C. Inconsistencies						
Property seized not listed in the search warrant	4	5.5%	4	5.5%	0	0.0%
Search warrant did not result in the seizure of property	4	5.5%	4	5.5%	0	0.0%
Discrepancies between property report and receipt for property taken report	20	27.4%	20	27.4%	0	0.0%
Missing property report	17	23.3%	19	26.0%	2	10.5%
Missing receipt for property taken report	33	45.2%	37	50.7%	4	10.8%
D. Non-Conformity with LAPD Procedures						
SW not returned within 10 days of issuance	28	38.4%	32	43.8%	4	12.5%
Total	240		254		14	5.5%

Notes:

[1] 3 of these reports were signed by a Lieutenant, however, unclear whether Lieutenants were acting as Commanding Officer.

The Audit Division's key findings for this audit related to issues involving canned language, supervisory oversight, inconsistencies and non-conformity with LAPD procedures. Set out below are the Monitor's comments related thereto.

Canned Language

The Audit Division identified five reports that the Audit Division initially suspected included "canned language". Audit Division followed up as appropriate with the relevant commanding officers, and further follow up is ongoing. The Monitor applauds the process undertaken by Audit Division to date and will revisit this issue in the next quarter.

Supervisory Oversight

Audit Division tested supervisory oversight by looking at whether:

- the supervisor signed or initialed the game plan,
- the supervisor initialed the bottom of each page of the affidavit,
- the supervisor was present at the service of the warrant, and
- the Commanding Officer reviewed the critique debriefing report.

Using this process, Audit Division identified numerous supervisory oversight issues that they considered to be potential risk management issues and made suitable recommendations for followup related thereto.

However, the questions related to the game plan and critique debriefing were included for informational purposes only; anomalies identified were not tabulated.

Additional findings regarding supervisory oversight include:

- Narcotics Division is the only division in which the game plan contains a line for the supervisor's signature, attesting to his or her review of the game plan.
- The critique debriefing does not contain a space for the Commanding Officer's signature, serial number and date of review. The Audit Division and the Monitor were unable to determine if a review was performed within seven days as mandated by Special Order No. 25.
- Some critique debriefings were signed by Lieutenants – no steps were undertaken by Audit Division to determine whether such Lieutenants were acting as Commanding Officer.
- Critique debriefings are not prepared consistently and the information documented is inconsistent throughout the LAPD. These are prepared in an Employee Report, Form 15.7. This means that when there was more than one location searched, in some cases separate employee reports were prepared for each location or one employee report was prepared for one or more locations.

- One multi-location search warrant did not have a supervisor present at each search warrant location.
- Van Nuys, Burglary & Auto Theft, and 77th Division were the only divisions that documented the Commanding Officer's comments on the debriefing critique report by signing and initialling the report.¹

The Monitor identified extra steps that the Audit Division could have performed to test supervisory oversight, such as verifying initials at the bottom of affidavits and obtaining supervisors logs, such as the ones maintained by the sergeants, detectives, and commanding officers. These steps would show if the supervisor was involved in the review of the search warrant prior to submission to the court, and if the supervisor was involved in the pre- and post-review of the service of the warrant.

Inconsistencies

Audit Division identified four search warrants in which the property seized was not described in the search warrant. Audit Division also identified four search warrants that did not result in seizure of property. Audit Division identified numerous inconsistencies between the Property Report and the Receipt for Property Taken into Custody. Audit Division noted that 36 search warrant packages contained both of these reports. Of the 36, 20 instances were listed as containing discrepancies between such reports. The Monitor notes that some of these instances related to drugs and/or guns. The Monitor believes that this is a risk management issue, especially in light of the findings in the Board of Inquiry Report.

Non-Conformity with LAPD Procedures

The Audit Division identified 28 search warrants that were not returned within 10 days of the issuance of such search warrants. The 4 that were missed by the Audit Division would have been identified if the Audit Division had used a spreadsheet to track and record their findings for this audit.

¹ Signatures and initials assist the Audit Division and the Monitor in assessing supervisory oversight as mandated by the Consent Decree, Special Order No. 25, and the LAPD Manual.

APPENDIX C – Findings from the Monitor’s Review of the OIG’s Evaluation of the Detective Service Division’s SEU Arrest Booking & Charging Reports Audit

This Appendix provides the Monitor’s detailed findings from its review of the OIG’s evaluation of the DSD’s SEU ABC Audit.

Completeness of the Population

Although the Office of the Inspector General conducted procedures to substantiate the population of SEU ABC reports identified by the DSD, the Office of the Inspector General failed to identify that the DSD did not receive/review eighteen (18) SEU ABC reports that the SEUs inadvertently failed to forward to the DSD. A stratified random sample of these missing arrest reports will be included in the next SEU ABC audit to be conducted by the Office of the Inspector General.

Evaluation of Quality, Completeness & Findings

Based on the Monitor’s review of and discussions with the Office of the Inspector General regarding their audit, the Monitor notes that the Office of the Inspector General’s Audit Report focuses on the significant/potentially significant risk management issues identified during their audit (i.e. they did not report all issues identified). Notwithstanding this, the Monitor found 18 discrepancies in 17 reports that the Office of the Inspector General failed to identify and/or did not report on comprehensively (included in the Table below under the heading “*Addressed by the OIG*”). The Monitor also identified 75 circumstances in 58 reports that were not addressed or considered by the Office of the Inspector General (i.e. those excluded from the matrices used by the Office of the Inspector General to conduct their audit, included under the heading “*Not Addressed by the OIG*”). These issues represent significant/potentially significant risk management issues that should have been addressed by the OIG in their evaluation of the quality, completeness and findings from their review of the DSD’s SEU ABC Reports Audit. Note:

- *Column A* – Represents issues/circumstances identified by the OIG in reports reviewed by both the OIG and DSD.
- *Column B* – Represents the number of discrepancies identified by the OIG amongst reports included in Column A above.
- *Column C* – Represents the number of issues/circumstances identified by the Monitor in reports reviewed by both the Monitor and the OIG.
- *Column D* – Represents the number of discrepancies identified by the Monitor amongst reports included in Column C above.

**TABLE II: ISSUES IDENTIFIED BY THE MONITOR THAT WERE EXAMINED BY THE OFFICE OF THE INSPECTOR GENERAL (OIG)
IN ITS REVIEW OF THE DSD's SEU ABC AUDIT**

Addressed / Not Addressed by OIG and/or the Monitor	Identified by OIG (in 188)		Discrepancies b/w OIG & DSD (in 188)		Identified by Monitor (in 90)		Discrepancies b/w OIG & Monitor (in 90)	
	No. ID'd	% of 188 Reports	No. ID'd	% of 188 Reports	No. ID'd	% of 90 Reports	No. Missed	% Missed
	A		B		C		D	
A. Addressed by the OIG								
Discarded evidence	35	18.6%	5	14.3%	13	14.4%	1	7.7%
Spontaneous statements	44	23.4%	7	15.9%	12	13.3%	2	16.7%
Permission given to search	[1] 28	14.9%	1	3.6%	12	13.3%	0	0.0%
Booking approval form missing	39	20.7%	39	100.0%	23	25.6%	1	4.3%
Supervisor's name printed or typed	23	12.2%	4	17.4%	9	10.0%	5	55.6%
Reporting officer and supervisor handwriting similar	[2] 1	0.5%	0	0.0%	2	2.2%	2	100.0%
Miranda protocol not articulated	0	0.0%	0	0.0%	2	2.2%	2	100.0%
Miranda given	[1] 115	61.2%	n/a	n/a	47	52.2%	4	8.5%
Miranda waived	[1] 65	34.6%	n/a	n/a	29	32.2%	1	3.4%
Miranda not given	[1][3] 73	38.8%	n/a	n/a	37	41.1%	0	0.0%
Sub-Total	423		56	13.2%	186		18	9.7%
B. Not Addressed by the OIG								
Missing documentation	[4] n/a	n/a	n/a	n/a	44	48.9%	44	100.0%
Inconsistent information in ABC packages	n/a	n/a	n/a	n/a	16	17.8%	16	100.0%
Booking approval name printed	n/a	n/a	n/a	n/a	8	8.9%	8	100.0%
Documentation incomplete	n/a	n/a	n/a	n/a	7	7.8%	7	100.0%
Sub-Total	0		0		75		75	100.0%
Total	423		56	13.2%	261		93	35.6%

Notes:

- [1] Represents an occurrence identified by OIG rather than an anomaly.
- [2] Column D includes one instance whereby the OIG concluded that the reporting officer's and supervisor's handwriting were similar, whereas the Monitor concluded they were not similar.
- [3] The Monitor identified 6 additional instances whereby the arrest report does not articulate whether or not Miranda Rights were given, which are not reflected in Column C.
- [4] Excludes missing Booking Approval forms (which are reflected above).

APPENDIX D: Monitor's Proposed Recommendations to Improve Future Audits

The Monitor proposes the following recommendations to improve the quality of the future audits conducted by the LAPD and/or the Office of the Inspector General.

1. Recommendations Related to the Planning Process for the LAPD's Audits

a) Responsibility for Gang Unit Audits

It is apparent that there is confusion regarding who is meant to take responsibility for the audits required by CD ¶131 – although the Consent Decree clearly states that such audits should be done by the DSD, the DSD is lacking in resources to do such audits. This is a critical issue that should be resolved as soon as possible, so that gang-related audits can be performed on a timely basis department-wide.

The Monitor reiterates its recommendation from its previous Quarterly Report that the LAPD's Audit Division should oversee the performance of the audits that are identified as the responsibility of the DSD, and should call upon the subject matter expertise of the DSD and the Bureau Gang CoOrdinators for the performance of such audits. In addition, the LAPD should consult with the City and the DOJ to consider amending the Consent Decree to require that the gang unit audits are conducted under the leadership of Audit Division, utilizing DSD personnel for subject-matter expertise.

The DSD/Audit Division should either prepare a separate Annual Audit Plan or expand the existing Annual Audit Plan to include each of the Gang Unit audits required by CD ¶131 – to help ensure that such audits are able to be completed on a timely basis, and to enable suitable resource allocation for such audits.

b) Annual Audit Plan

The Annual Audit Plan should be amended to include the Police Training Audit required CD ¶133, and to identify that Audit Division is taking responsibility for the completion of the following audits, as required by CD ¶124:

- The Non-Categorical Use of Force Audits required by CD ¶128(3) and CD ¶129(ii); and
- The Confidential Informant Control Packages Audit required by CD ¶128(5).

c) Police Commissioners

The Board of Police Commissioners should review and approve, on a timely basis, both the historical and prospective Quarterly Update reports on the Annual Audit Plan which cover the activities of the completed quarter, as well as the planned activities for the next quarter.

2. General Processes for LAPD Audits

a) Dating of Audit Reports

Each Audit Report should be dated the day that it is sent to the Commander.

b) Period Reviewed

The period reviewed in each audit should be more than one month, and the period selected for review should be as close to the date of commencement of the audit as possible.

c) Enhanced Use of Technology in Future Audits

Audit Division should consider using electronic documents such as spreadsheets to document the results of future audits in order to ensure matrices are complete and match with the report. This will streamline the reporting process for Audit Division and the Monitor, and will enable subsequent analysis of such findings by officer or division.

d) Tracking Recommendations & Issues for Followup

Each audit report should include a section which discusses the progress on recommendations and issues identified for followup in prior audit report(s).

3. Future Warrant Applications & Supporting Affidavits Audits

a) Supervisor's Log

Audit Division could obtain supervisor/detective logs when the game plan and the critique debriefing is missing from the warrant package to determine if a supervisor conducted a pre and post review of the service of the warrant.

When a critique debriefing is signed by a Lieutenant attesting Commanding Officer review, Audit Division should verify if the Lieutenant was acting as a Commanding Officer.

b) Property Report and Receipt for Property Taken into Custody

Audit Division should assess inconsistencies between these two reports related to guns or narcotics.

c) Matrix Training

As a training session near the commencement of the next Warrant Applications and Supporting Affidavits Audit, the auditors should perform a review of one of each administrative, non-tactical, tactical and Ramey search warrant package. They should compare and discuss their answers to ensure that they are answering the questions in the same manner and to detect any

problems with each question. A similar process should also be followed on all other audits conducted.

Audit Division should ensure that the auditors provide comments for all no, n/a or unable to determine (“UTD”) answers. The comments should refer to the lack of documents required to answer the question or the document relied upon to arrive at the answer.

Audit Division should break down some of the questions to address each component separately. For example, question 1 on the Search Warrants Audit matrix: Does the warrant contain a description of the persons, places and vehicles to be searched? If one of the components is answered yes but another component is answered no or n/a, this may not be reflected correctly in the matrix or may simply be missed by the auditor.

4. Recommendations for Future OIG Audits

a) Ensuring Completeness of the Population

The OIG should conduct adequate procedures in order to substantiate the completeness and size of the population, prior to conducting their audit reviews.

b) Ensuring Completeness of Review

The OIG should include an appendix to their report or working papers that includes all issues identified that were not addressed by the LAPD, regardless of the OIG’s risk assessment of each issue. In this manner, it will be easier to assess first whether the OIG’s review was thorough, and then to assess whether the OIG should have reported on issues that were excluded from the OIG’s report.

c) Tracking Recommendations & Issues for Followup

The OIG should include a section in each of their reports, which discusses the progress on recommendations and issues identified for followup in prior audit report(s).