

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



Obstruction Arrests Audit

Central Patrol Division

Audit No. 2018-9-A



Alex Villanueva, Sheriff

January 3, 2019

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

**OBSTRUCTION ARRESTS AUDIT
PATROL OPERATIONS - CENTRAL PATROL DIVISION
Project No. 2018-9-A
AUDIT REPORT**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Obstruction Arrests Audit, Patrol Operations, Central Patrol Division (CPD),¹ 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) adhered to Department policies and procedures related to the documentation and management of obstruction arrests.

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.² 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

The California Penal Code (PC) codifies three sections where an arrest is lawful in instances where an individual resists arrest, delays, obstructs, or interferes with the police in the lawful exercise of police powers, or batters a police officer. Those PC sections are defined, in part, below:

PC 69(a) - Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon the officer by law, or who knowingly resists, by the use of force or violence, the officer, in the performance of his or her duty.

PC 148(a)(1) - Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment.

PC 243(b) - When a battery is committed against the person of a peace officer, custodial officer, ... security officer, (or) custody assistant ... engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties

¹The Central Patrol Division is comprised of six Sheriff's Stations: Avalon, Century, Compton, East Los Angeles, Marina del Rey, and South Los Angeles. Avalon Station had no reported obstruction arrests during the audit time period.

²United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards, 2011 Revision.

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required of him or her as a peace officer ... and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, security officer, (or) custody assistant ... engaged in the performance of his or her duties.

Sole or primary obstruction charges, at first glance, may be viewed by the public as no other crime than failing to follow the lawful orders of a sworn peace officer. Due to this unique element, these arrests present a significant risk exposure for the Department. Therefore, obstruction arrests require extra examination during the filing and adjudication process by Department supervisors and managers.

In its efforts to uphold lawful and professional standards for obstruction arrests, and to increase transparency within the communities it serves, the Department incorporated standards resulting in a comprehensive policy change regarding obstruction arrests made by deputies. Specifically, the Department's Field Operations Directive (FOD) 12-001, was enacted to establish guidelines and mandatory reviews for arrests involving obstruction charges throughout the Department.³ Subsequent to the change, the Department requires a comprehensive review of obstruction arrests by supervisors and managers.

Additionally, deputies are to use discretion when deciding to arrest for violations of these sections. Generally, verbal resistance or disrespectful behavior alone are not sufficient to justify obstruction arrests. There are some instances where verbal resistance may rise to the definition of incitement of violence, and thus fall within policy for an arrest.

PRIOR AUDIT

This is the first Obstruction Arrests Audit conducted by the AAB within the CPD. In 2015, AAB conducted the Antelope Valley Obstruction Arrests Audit at Lancaster and Palmdale Sheriff's stations (Project No. 2015-2-A). All seven recommendations were implemented.

METHODOLOGY

Scope

This audit examined arrests of individuals within the CPD service area for an obstruction

³Field Operations Directive §12-001, Procedures For Processing "Resistance, Delaying, And Obstruction Arrests" (148(a) (1) California Penal Code (P.C), 69 P.C. and 243(b) P.C.), is a field guide for deputies and supervisors regarding how to write, process, and record obstruction arrests. December 2016.

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arrest charge. The audit encompassed five main objectives regarding the reporting requirements and review of obstruction arrest cases occurring at the CPD Sheriff's Stations.

The applicable Manual of Policy and Procedures (MPP) sections, FOD 12-001, and PC sections were used in reviewing the obstruction arrest cases to determine whether they were properly recorded and evaluated.

Audit Time Period

The time period for this audit was from January 1, 2018, through March 31, 2018.

Audit Population

The population for this audit included all obstruction arrest cases involving an on-duty deputy victim, or custody assistant victim assigned to the CPD for the audit time period. The obstruction arrest charges were either sole or primary charges, or secondary to another arrest charge. Arrests wherein the obstruction charge was from a warrant and/or the victims were not Department members, were excluded from evaluation.

Auditors obtained the population for this audit by extracting data from multiple Department tracking systems. Auditors first examined data from the Department's Obstruction Arrest Web Application (Web Application). The Web Application system tracks obstruction arrests by drawing information from the Automated Justice Information System⁴ (AJIS), and arrest data entered by individual stations. Auditors searched this system and found 223 obstruction arrest cases. Of those, 182 were found to be warrant arrests, duplicate entries, or included the wrong victim type, and therefore were excluded from the population. Auditors then reconciled this population against each station's internal obstruction arrest tracking systems, the Los Angeles Regional Crime Information System,⁵ and the Department's Arrest Query Tool.⁶ Two additional cases were discovered under individual station tracking lists which were not captured by AJIS. The final population for the first quarter of 2018 for CPD totaled 43 obstruction arrest cases. Table No. 1 on the following page summarizes the cases per station.

⁴AJIS the LASD's booking and jail management database. It retains Inmate information, arrest, booking, court appearances, case disposition, housing and release. The system stops updating after the inmate is released from custody.

⁵The Los Angeles Regional Crime Information System is a document database system which tracks all incident report numbers and associated data generated by the Department.

⁶The Arrest Query Tool is a Department database which tracks the main statistical code of charges used on arrest reports. The statistical codes associated with obstruction arrests are 145 and 147. While 145 is the only stat code required in the FOD, 147 was included in the audit population search to ensure all possible applicable arrests were captured.

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Table No. 1 - Audit Population within CPD

Sheriff Station	Number of Obstruction Arrest Cases
Century	12
Compton	13
East Los Angeles	6
Marina del Rey	2
South Los Angeles	10
Avalon ⁷	0
TOTAL	43

For Objective Nos. 1 through 3, auditors evaluated all 43 obstruction arrest cases identified in the population.

For Objective No. 4, auditors identified and evaluated 39 of the 43 obstruction arrest cases which involved a use of force.

For Objective Nos. 5(a) and 5(b), auditors identified three arrests made by outside bureaus⁸ within the CPD service area which were excluded resulting in 40 cases evaluated for these objectives.

SUMMARY OF AUDIT FINDINGS

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

The CPD achieved excellent results in the Arrest Report Requirement in which the elements and actions of obstruction, delay, resistance, and battery were properly documented in the arrest report and in the documentation of de-escalation efforts in use of force reports. The CPD achieved varied results for the remaining objectives. The results are summarized in Table No. 2 on the following page.

⁷Avalon Sheriff Station had no obstruction arrests during the audit time period.

⁸The outside bureaus which operate within the Central Patrol Division that were excluded include Narcotics Bureau, Operation Safe Streets Bureau, and Transit Services Bureau.

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Table No. 2 - Summary of Audit Findings

Objective No.	Audit Objectives	Met the Standard
1	PROBABLE CAUSE DECLARATION	
	<i>Determine if the arrest report was accompanied by an approved probable cause declaration.</i>	74%
2	ARREST REPORT REQUIREMENTS	
2(a)	ELEMENTS AND ACTIONS OF OBSTRUCTION, DELAY, RESISTANCE, AND BATTERY DOCUMENTED	
	<i>Determine if the elements and actions of obstruction, delay, resistance, and battery were properly documented.</i>	100%
2(b)	ARRESTING DEPUTY LISTED AS A VICTIM ON THE REPORT	
	<i>Determine if the arresting deputy was listed as a victim on the report.</i>	77%
2(c)	APPROVING WATCH COMMANDER DOCUMENTED IN REPORT NARRATIVE	
	<i>Determine if the name of the approving watch commander was documented in the body of the report.</i>	67%
2(d)	CORRECT STATISTICAL CODE	
	<i>Determine if the 145 statistical code was used on at least one charge line.</i>	81%
3	OBSTRUCTION ARREST ENTERED INTO WATCH COMMANDER'S LOG	
	<i>Determine if the arrest was entered into the watch commander log as an obstruction arrest.</i>	79%
4	USE OF FORCE	
	<i>In instances where force was used, determine if Department personnel documented in their reports the efforts made to de-escalate potential force incidents, or the reasons that precluded them from employing de-escalation efforts.</i>	100%
5	DETECTIVE BUREAU RESPONSIBILITIES	
5(a)	OBSTRUCTION ARREST ASSIGNED AS AN ACTIVE CASE	
	<i>Determine if the arrest was assigned as an active case to a detective.</i>	95%
5(b)	OBSTRUCTION ARREST DATA WAS PROPERLY ENTERED INTO THE WEB APPLICATION	
	<i>Determine if the Detective Bureau lieutenant ensured data was properly entered by station personnel into the Department's Obstruction Arrest Web Application.</i>	25%

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Objective No. 1 - Probable Cause Declaration

Criteria

Manual of Policy and Procedures, Section 5-03/010.00, Arrest Review Procedures, December 2013, states:

When suspects are booked into a Patrol Station jail, the arrest review shall be performed by the Watch Commander/Watch Sergeant of that Station. When suspects are booked at locations other than a Patrol Station, the arrest review shall be completed by supervisors of the Arresting Deputy's Unit of Assignment.

In circumstances where a Probable Cause Declaration is required, the declaration shall be completed prior to the arrest review and presented to the reviewing supervisor.

The following cases shall be reviewed by the Watch Commander:

- *felony arrests;*
- *juvenile detentions; and*
- *all arrests involving an on-duty peace officer victim.*

Field Operations Directive 12-001, Procedures For Processing "Resistance, Delaying, And Obstruction Arrests" (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

Pursuant to the Arrest Review Procedures set forth in MPP section 5-03/010.00, Watch Commanders must review and approve 148(a)(1) arrests. Additionally, misdemeanor 243(b) PC arrests shall also require Watch Commander review and approval, just as felony 243(c)(2) PC and 69 PC already do. This review shall be required whether the obstruction charge(s) are the sole/primary charge or are the secondary charge(s). The arrest review shall be made via Probable Cause Declaration (PCD), even if the arrestee is eventually released through a cite-out.

When obstruction arrests are made by outside units, all bookings for obstruction arrests shall require Watch Commanders from the local station to approve the arrests and sign the completed arrest report in order to maintain consistency.

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Audit Procedures

Auditors searched the Department’s Sheriff’s Electronic Criminal Documents Archive⁹ (SECDA) and the Electronic Probable Cause Declaration¹⁰ (ePCD) system for electronic case files for evidence that a Probable Cause Declaration (PCD) form was written, approved, and documented for each of the 43 obstruction arrest cases. All were evaluated for this objective regardless of the assigned location of the arresting deputy as per FOD 12-001 guidelines.

Findings

Thirty-two of the 43 (74%) obstruction arrest cases met the standard for this objective. The remaining 11 cases did not meet the standard because they were processed without a PCD.

Table No. 3 - Detailed Findings for Objective No. 1

Sheriff Station	Arrest Report Accompanied by PCD	Met the Standard
Century	8 of 12	67%
Compton	10 of 13	77%
East Los Angeles	5 of 6	83%
Marina del Rey	2 of 2	100%
South Los Angeles	7 of 10	70%

Objective No. 2 - Arrest Report Requirements

Per FOD 12-001, obstruction arrests shall be reviewed carefully by supervisors to determine whether they have a strong factual basis and can withstand legal scrutiny, with special attention to potential controversy and civil liability. Due to the FOD requirement of the station watch commander’s approval for these reports, regardless of the assigned unit of the arresting deputies, all 43 obstruction arrests were evaluated for Objective Nos. 2(a) through 2(d).

⁹SECDA is a Department database which contains scanned copies of incident reports associated with arrests that generate a report.

¹⁰The ePCD system is an electronic database for Los Angeles County that submits PCDs for supervisor and judicial approval, and stores the approved document.

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Objective No. 2(a) - Elements and Actions of Obstruction, Delay, Resistance, and Battery Documented

Criteria

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

BACKGROUND

Arrests for Penal Code sections 148(a)(1), 69, and 243(b) are lawful in instances where an individual resists arrest, delays, obstructs, or interferes with the police in the lawful exercise of police powers or batters or fights or injures a police officer. A suspect’s verbal response, without a physical act, no matter how degrading or provocative, does not constitute resistance or obstruction unless the words used are so inflammatory as to constitute a threat or incite immediate breach of the peace.

ARREST AND REPORT REVIEW PROCEDURES

When reviewing the arrest reports, special scrutiny shall be undertaken with respect to the deputy’s documentation of the duties that were interfered with and the suspect’s actions causing the resistance, obstruction, battery, delay or interference. The Watch Commander is accountable for ensuring that the elements and details of the arrest that were described verbally by the arresting deputy are included in the report.

Audit Procedures

Auditors examined arrest reports and supplemental reports for each of the 43 obstruction arrest cases to determine if the narrative articulated the requirements for arrest under the Penal Code, and met the minimum requirements of FOD 12-001. Auditors evaluated if the arresting deputies articulated the duties interfered with as well as the suspect’s actions that interfered with and/or delayed the deputies.

Findings

All 43 (100%) obstruction arrest cases met the standard for this objective.

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Objective No. 2(b) - Arresting Deputy Listed as a Victim on the Report

Criteria

Manual of Policy and Procedures, Section 4-21/035.00, Resisting Public Officer, December 2013, states:

Principal Deputies only shall be listed as victims.

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

Pursuant to MPP section 4-21/035.00 governing Resisting Public Officer charges, all “Resistance, Delaying, and Obstruction Arrest” reports shall be assigned to a station detective to handle as an active investigation, the principal deputies shall be listed as victims, and the report shall include a 145 statistical code.

Audit Procedures

Auditors examined arrest reports and supplemental reports for each of the 43 obstruction arrest cases to determine if the principal deputy was listed as a victim of the obstruction arrest charge.

Findings

Thirty-three of 43 (77%) obstruction arrest cases met the standard for this objective. The remaining ten cases did not meet the standard because the principal deputy was not listed as a victim on the report.

Table No. 4 - Detailed Findings for Objective No. 2(b)

Sheriff Station	Principal Deputy listed as victim	Met the Standard
Century	10 of 12	83%
Compton	12 of 13	92%
East Los Angeles	5 of 6	83%
Marina del Rey	1 of 2	50%
South Los Angeles	5 of 10	50%

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Objective No. 2(c) - Approving Watch Commander Documented in Report Narrative

Criteria

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C), December 2016, states:

The arresting deputy shall document in his arrest report the name of the Watch Commander who approved the arrest.

Audit Procedures

Auditors examined arrest reports and supplemental reports for each of the 43 obstruction arrest cases to determine if the name of the watch commander approving the obstruction arrest was documented in the report.

Findings

Twenty-nine of 43 (67%) obstruction arrest cases met the standard for this objective. The remaining 14 cases did not meet the standard because the name of the watch commander who approved the arrest was not in the narrative of the report.

Table No. 5 - Detailed Findings for Objective No. 2(c)

Sheriff Station	Watch Commander Documented in Report	Met the Standard
Century	5 of 12	42%
Compton	9 of 13	69%
East Los Angeles	5 of 6	83%
Marina del Rey	2 of 2	100%
South Los Angeles	8 of 10	80%

Objective No. 2(d) - Correct Statistical Code

Criteria

Manual of Policy and Procedures, Section 4-21/035.00, Resisting Public Officer, (December 2013), states:

Principal Deputies only shall be listed as victims. Code 145 – Resisting Officers.

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Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

Pursuant to MPP section 4-21/035.00 governing Resisting Public Officer charges, all “Resistance, Delaying, and Obstruction Arrest” reports shall be assigned to a station detective to handle as an active investigation, the principal deputies shall be listed as victims, and the report shall include a 145 statistical code.

Audit Procedures

Auditors examined arrest reports and supplemental reports for each of the 43 obstruction arrest cases to determine if the “145” statistical code was included on any of the arrest charge lines.

Findings

Thirty-five of the 43 (81%) obstruction arrest cases met the standard for this objective. The remaining eight cases did not meet the standard because they did not include a 145 statistical code with any of the arrest charges.

Table No. 6 - Detailed Findings for Objective No. 2(d)

Sheriff Station	Correct Statistical Code	Met the Standard
Century	10 of 12	83%
Compton	12 of 13	92%
East Los Angeles	6 of 6	100%
Marina del Rey	1 of 2	50%
South Los Angeles	6 of 10	60%

Objective No. 3 - Obstruction Arrest Entered into Watch Commander’s Log

Criteria

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

The Watch Commander shall also document all “Resistance, Delaying, and Obstruction Arrests” in the Watch Commander’s shift log.

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Audit Procedures

Auditors evaluated the Station/Bureau Administration Portal¹¹ (SBAP) system to determine if each of the 43 obstruction arrest cases was entered into the respective watch commander’s shift log. Auditors expanded their review to all three shift logs surrounding the date and time of the arrest to account for unexpected or emergent events which may have delayed entry into the SBAP.

Findings

Thirty-four of the 43 (79%) obstruction arrest cases met the standard for this objective. The remaining nine arrests did not meet the standard because the cases were not entered into a watch commander’s shift log.

Table No. 7 - Detailed Findings for Objective No. 3

Sheriff Station	Entered in Watch Commander’s Log	Met the Standard
Century	8 of 12	67%
Compton	10 of 13	77%
East Los Angeles	6 of 6	100%
Marina del Rey	1 of 2	50%
South Los Angeles	9 of 10	90%

Objective No. 4 - Use of Force

Criteria

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

Deputies are to use discretion and good judgment when deciding to arrest for violations of these sections. Generally, verbal resistance or disrespectful behavior alone are not sufficient to justify resistance or obstruction arrests. When force is used in instances involving obstruction arrests, Department members shall document in their reports the efforts made to de-escalate potential force incidents, or the reasons that precluded Department personnel from employing de-escalation efforts.

¹¹The SBAP is a Department data entry system designed to collect and track data related to risk management incidents at patrol stations. One of the functions of the SBAP system is to electronically store each patrol station’s watch commander logs.

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Audit Procedures

Auditors evaluated arrest reports, supplemental reports, and force investigations for each of the 39 obstruction arrest cases that involved a use of force, to determine if Department members documented the efforts made to de-escalate potential force incidents, or the reasons that precluded them from employing de-escalation efforts.

Findings

All 39 (100%) obstruction arrest cases met the standard for this objective.

Table No. 8 - Detailed Findings for Objective No. 4

Sheriff Station	Use of Force	Met the Standard
Century	12 of 12	100%
Compton	13 of 13	100%
East Los Angeles	6 of 6	100%
Marina del Rey ¹²	N/A	N/A
South Los Angeles	8 of 8	100%

Objective No. 5 - Detective Bureau Responsibilities

Objective No. 5(a) - Obstruction Arrest Assigned as an Active Case

Criteria

Manual of Policy and Procedure, Section 4-21/035.00, Resisting Public Officer, December 2012, states:

Principal Deputies only shall be listed as victims. Code 145 – Resisting Officers. ASSIGNMENT AND ACTION – Station/Unit Detective – A (Active).

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

¹² Marina del Rey Station had a population of two obstruction arrests, neither of which included force.

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DETECTIVE BUREAU PROCEDURES

Pursuant to MPP section 4-21/035.00 governing Resisting Public Officer charges, all “Resistance, Delaying, and Obstruction Arrest” reports shall be assigned to a station detective to handle as an active investigation, the principal deputies shall be listed as victims, and the report shall include a 145 statistical code.

Audit Procedures

Auditors examined station detective case files and arrest reports for the 40 obstruction arrests¹³ made by CPD personnel to determine if the obstruction arrest case was classified as an active investigation and assigned to the Detective Bureau.

Findings

Thirty-eight of the 40 (95%) obstruction arrest cases met the standard for this objective. Auditors found two cases that were erroneously processed as pending instead of active investigations without an assigned detective.¹⁴

Table No. 9 - Detailed Findings for Objective No. 5(a)

Sheriff Station	Assigned as an Active Case	Met the Standard
Century	10 of 11	91%
Compton	11 of 11	100%
East Los Angeles	6 of 6	100%
Marina del Rey	1 of 2	50%
South Los Angeles	10 of 10	100%

Objective No. 5(b) - Obstruction Arrest Data was Properly Entered into the Web Application

Criteria

Field Operations Directive 12-001, Procedures For Processing “Resistance, Delaying, And Obstruction Arrests” (148(a)(1) P.C., 69 P.C., and 243(b) P.C.), December 2016, states:

¹³ Three of the 43 obstructions arrests were made by deputies assigned to bureaus outside of the CPD, and therefore were excluded for Objective Nos. 5(a) and 5(b) resulting in a population of 40.

¹⁴ Per MPP §4-01/005.00, Case Management, a case will be classified as "Active" and a follow-up investigation by a detective will occur. If it has been determined there is a low probability a case can be solved, such cases usually will be classified as "Pending" and a follow-up investigation will not be conducted.

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DETECTIVE BUREAU PROCEDURES

The Detective Bureau Lieutenant shall ensure data is properly entered by station personnel into the Department's Obstruction Arrest Web Application, which was developed to provide a centralized tool for the review of all obstruction arrests.

Audit Procedures

Auditors evaluated the Department's Web Application for evidence that each of the 40 obstruction arrest cases had been properly entered by station personnel.

Findings

Ten of the 40 (25%) obstruction arrest cases met the standard for this objective. The remaining 30 cases did not meet the standard because they had no detailed information regarding the approval or filing of the arrests recorded in the Web Application.

Table No. 10 - Detailed Findings for Objective No. 5(b)

Sheriff Station	Data Properly Entered into Web Application	Met the Standard
Century	0 of 11	0%
Compton	6 of 11	55%
East Los Angeles	0 of 6	0%
Marina del Rey	0 of 2	0%
South Los Angeles	4 of 10	40%

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives which were measurable against Department policies or procedures.

Department Obstruction Arrest Web Application

During the compilation of the audit population, auditors found the Department's Web Application was not user friendly for the purposes of data comparison. Auditors were unable to download pertinent data due to the application's limited data filters. Additionally, the obstruction arrest dashboard within the Web Application was incorrectly populated with data, such as warrant arrests, which should not be in the application. The Web Application is intended to capture active obstruction arrest cases.

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Quarterly Reports

While FOD 12-001 requires a quarterly report from each station regarding obstruction arrests, and for those reports to be reviewed by the unit commander and Division Administration (Headquarters), auditors found the submission and review of information differs from station to station. CPD Headquarters indicated they do not receive quarterly report submissions, but prefer to obtain the data needed upon request.

ADDITIONAL INFORMATION

In June 2013, the United States Department of Justice (DOJ) Civil Rights Division completed an investigation into allegations of unconstitutional policing in the Antelope Valley area, and issued a DOJ Findings Letter in which obstruction arrest charges were addressed.¹⁵ The Letter cited public opinion as viewing these type of arrests as “contempt of cop” or police officers arresting individuals as punishment for displaying disrespectful attitudes toward peace officers while in the performance of their duties.

Additionally, the Letter noted the disproportionate ratio of obstruction arrests involving people of color and alleged racial bias may be one of the causes; however, it did not delve further into the root causes of this issue. Subsequently, in 2015 the DOJ and the Department entered into the Antelope Valley Settlement Agreement¹⁶ (Agreement) which stipulated standards and reporting requirements regarding obstruction arrests.

While the CPD is not subject to the provisions of the Agreement, CPD management requested a qualitative analysis regarding obstruction arrests and a comparison of racial demographics based on the audit population.

Auditors compiled racial demographic information for the entire service area of the CPD from the published United States 2010 Census (Census) report.¹⁷ Auditors compared this demographic information to the racial breakdown of obstruction arrest cases evaluated in the audit. The race demographics were separated into categories of White, Black, and Hispanic.¹⁸ The obstruction arrest cases were separated by racial demographics as indicated in Table No. 11 on the following page.

¹⁵U.S. Department of Justice (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.

¹⁶United 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,” April 2015.

¹⁷The Census Bureau collects data about the economy and the people living in the United States from many different sources. Auditors did not validate the data provided by the U.S. Census Bureau, 2010 Census.

¹⁸The audit population did not include suspects of other races or ethnicities, and therefore were excluded from the table for comparison.

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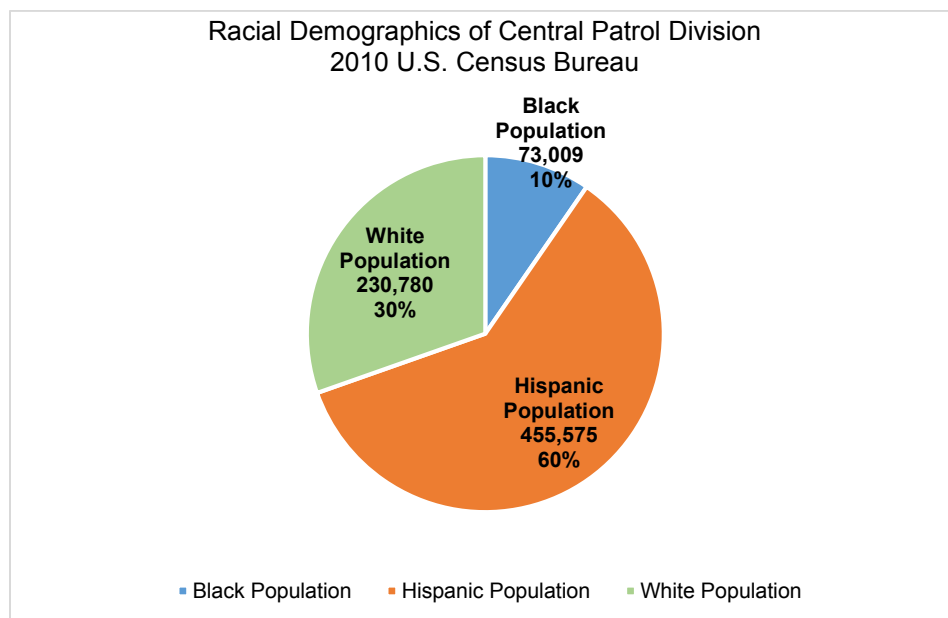
Table No. 11 - Obstruction Arrest Racial Demographics

Sheriff Station	Black Population	Hispanic Population	White Population	Total Arrests
Century	3	9	0	12
Compton	7	6	0	13
East Los Angeles	0	5	1	6
Marina del Rey	2	0	0	2
South Los Angeles	5	5	0	10
TOTAL	17	25	1	43

Chart No. 1 below represents the racial demographics from the Census data for CPD’s service area. Chart No. 2 on the following page represents the racial demographics for the 43 obstruction arrest cases evaluated in the audit.

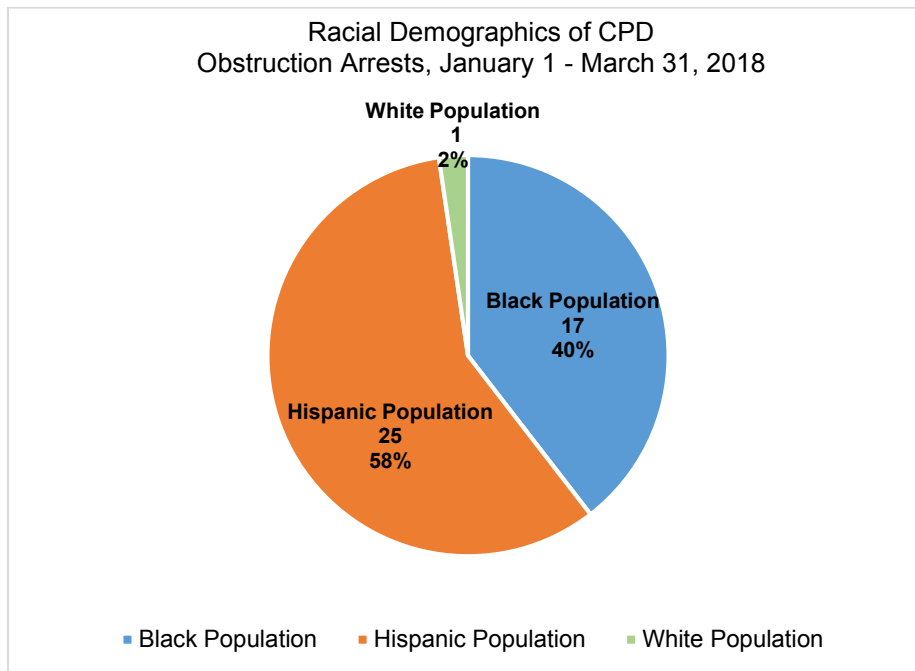
When these numbers are compared to the racial demographics of the audit population, the Hispanic arrest population at 58% is similar to the data in Chart No. 1. However, the Black population and the White population for the arrest data differ. The root cause for this divergence is difficult to pinpoint, and was not addressed in this audit. It is also important to note the comparisons are limited to the population of 43 obstruction arrest cases presented during the time period in this audit.

Chart No. 1 - CPD Race Demographics



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Chart No. 2 - CPD Arrest Race Demographics



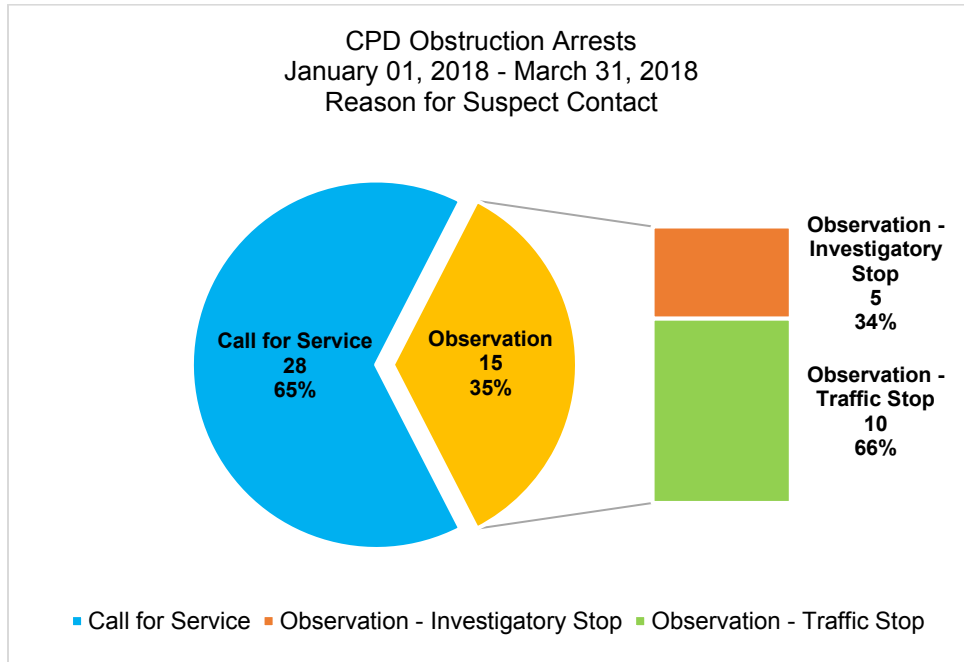
Obstruction Arrests and Calls for Service versus Observation Arrests

Auditors examined the audit population for those arrests which resulted from a call for service versus those which resulted from a deputy's observation¹⁹ in the field as indicated in Chart No. 3 on the following page. The data illustrates that 65% of obstruction arrests were made as a result of a call for service as opposed to arresting individuals during self-initiated contacts. The data indicates the majority of obstruction arrests are not occurring as a result of deputies contacting individuals outside of a call for service.

¹⁹ An observation arrest or contact refers to a deputy's self-initiated activity of contacting an individual as opposed to responding to a call for service which is a call initiated by a member of the public and is dispatched to the deputy for a police response.

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Chart No. 3 - Contact Reason



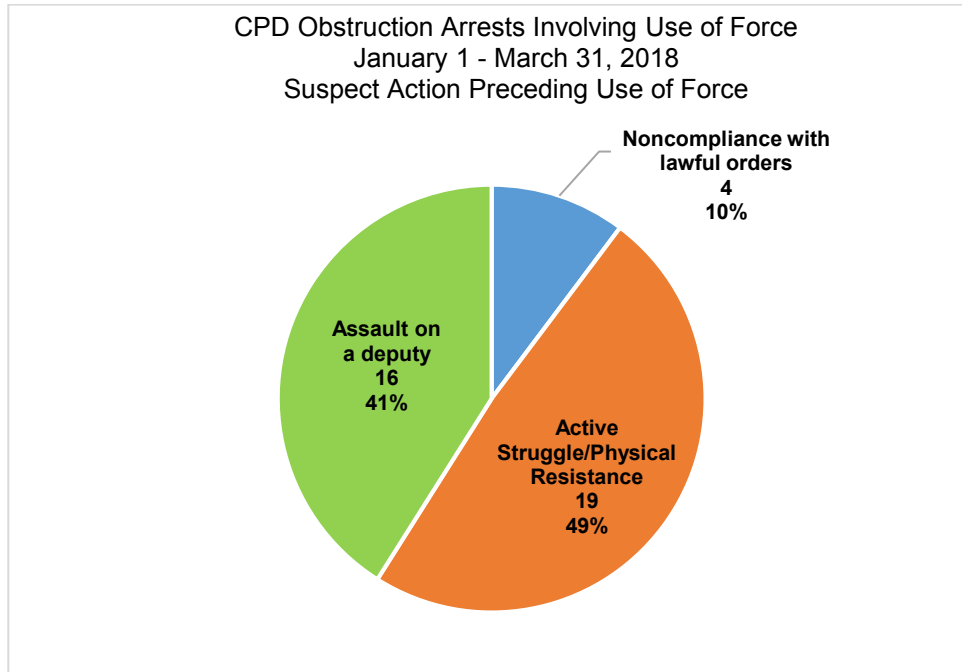
Auditors further examined the observation subset. With a total population of 15, auditors did not determine patterns or divergence related to race within the service area population that would be statistically significant.

Use of Force

Auditors found that of the 39 obstruction arrest cases involving force, 25 (64%) of the force incidents involved a suspect under the influence of drugs or alcohol, or suffering from mental health issues. Auditors examined the arrest reports and force investigations to determine the actions of the suspect preceding the use of force such as passive noncompliance (e.g., suspect not following a deputy’s lawful orders), active struggle or physical resistance, or an assault on the deputy. In four incidents (10%), passive noncompliance with directions preceded the force. A significant number of the force incidents resulted from an assault on the deputy. Chart No. 4 on the following page details the findings.

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Chart No. 4 - Action Preceding Use of Force



Obstruction Arrest Case Information

Auditors examined the detective case files and the suspect’s criminal history report for case filing information regarding the obstruction arrest cases investigated by CPD station detectives. Auditors found 33 of the 40 (83%) obstruction arrest cases were filed with the Los Angeles County Court system by the District Attorney’s Office. Of the 33, twenty (61%) cases resulted in a conviction for an obstruction charge.

CONCLUSIONS

Auditors conducted an assessment as to whether Department managers properly evaluated obstruction arrests. The evidence obtained provides a reasonable assurance that management has made significant efforts to comply with Department policies. Furthermore, there is reasonable assurance Department supervisors are objectively evaluating the quality of the obstruction arrests conducted by their personnel, and are taking appropriate corrective action when necessary. Many of the deficiencies identified in the audit can be mitigated by recurrent training of Department policies related to obstruction arrests.

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RECOMMENDATIONS

The AAB considers the results of this audit to be a helpful management tool for all Department personnel and therefore makes the following recommendations:

1. It is recommended that supervisors receive recurrent training regarding obstruction arrest requirements as specified in FOD 12-001 to ensure compliance with Department policy. (Objective Nos. 1 through 5)
2. It is recommended the Department evaluate the Obstruction Arrest Web Application System used to track obstruction arrests. The current configuration of the application supports data entry, but there is no efficient means to retrieve data from the system. Additionally, there are no quality controls in place to ensure the correct data is inputted for active obstruction arrest cases. (Other Related Matters)
3. It is recommended the Department re-evaluate the FOD 12-001 requirement regarding the submission of a quarterly report. Current practice is not consistent with the directive as management reviews the data on an as-needed basis. (Other Related Matters)

Views of Responsible Officials

On January 3, 2019, the Central Patrol Division submitted a formal response to AAB concurring with the audit findings. A copy of the audit report was provided to the Office of Inspector General.

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This audit was submitted on this 3rd day of January 2019, by the Audit and Accountability Bureau.

Original signature on file at AAB

DIANNA J. WOODWARD
Project Manager
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

ALAN Y. LIU
Assistant Project Manager
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

M. ROWENA NELSON
Head Compliance Officer
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

FAYE A. ADRAGNA
Captain
Audit and Accountability Bureau
Los Angeles County Sheriff's Department