

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



Detention of Individuals and
Data Collection – North Patrol
Division – Lancaster Station

Audit No. 2019-11-A

February 12, 2020



Alex Villanueva, Sheriff

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

**DETENTIONS OF INDIVIDUALS AND DATA COLLECTION AUDIT – PATROL
OPERATIONS – NORTH PATROL DIVISION – LANCASTER STATION**
Project No. 2019-11-A
Audit Report

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Detentions of Individuals and Data Collection Audit – Patrol Operations – North Patrol Division – Lancaster Station, under the authority of the Sheriff of Los Angeles County. The audit was performed to determine whether the Los Angeles County Sheriff's Department (Department) Lancaster Station adhered to the Department's policies and procedures for detentions and data collection, as well as the terms of the provisions of 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. The Department is currently working with federal 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 reasonable assurance for the findings based on the audit objectives.

BACKGROUND

The United States Department of Justice (DOJ), Civil Rights Division, investigated the Palmdale and Lancaster Stations in August 2011, due to allegations of unconstitutional conduct by deputies in the Antelope Valley area. In June 2013, the DOJ, Civil Rights Division, issued a Findings Letter⁴ which indicated that Palmdale and Lancaster stations' personnel engaged in a pattern or practice of discriminatory and otherwise unlawful searches and seizures.

Subsequent to the DOJ findings letter the Department entered into the AV Agreement on April 28, 2015.

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

² The United States Department of Justice Civil Rights Division, appointed monitors who are responsible for assessing the Department's progress in achieving the reforms outlined in the AV Agreement.

³ United States Government Accountability Office, Government Auditing Standards, July 2018.

⁴ United States Department of Justice Civil Rights Division 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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PRIOR AUDITS

The AAB has conducted a total of four audits for Detentions of Individuals and Data Collection for the Lancaster and Palmdale stations. Of the previous audits only the last Detentions of Individuals and Data Collection Audit – North Patrol Division – Lancaster Station (Project No. 2018-15-A), addressed the AV Agreement. This audit had two recommendations, one of which has been implemented. The remaining recommendation is currently in progress and involves revising the Deputy Daily Work Sheet (DDWS)⁵ weekly Compliance Check Log to include an area for reviewing lieutenants to document errors.

METHODOLOGY

Scope

This audit encompassed eight main objectives:

Objective No.1 – Backseat Detentions (BSD) – Determine if deputies articulated the reason for a backseat detention.

Objective No. 2 – Mobile Digital Computer (MDC) Clearance – Determine if deputies documented information regarding contact with an individual (e.g., location, race/ethnicity, etc.).

Objective No. 3 – Consent Search⁶ – Determine if deputies documented the reason for seeking consent to search an individual.

Objective No. 4 – Reasonable Suspicion – Determine if deputies articulated the reasonable suspicion for the stop and/or detention.

Objective No. 5 – Using Correct Statistical Clearance Code – Determine if deputies used the appropriate statistical clearance code for stop and/or detention.

⁵ The Deputy Daily Work Sheet (DDWS) is a permanent electronic detailed report of a patrol unit's activity during a shift. The report is generated by the Computer Aided-Dispatch (CAD) system, which is a multi-faceted computer system used by LASD to log/document patrol-related incidents and maintains electronic records of patrol activity including call for service incidents and observations-initiated stops.

⁶ A consent search occurs when an individual voluntarily submits to a detention and search by deputy personnel.

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Objective No. 6 – DDWS Compliance Check – Determine if assigned sergeants audited and documented the review of at least one weekly DDWS containing a stop/detention, for each deputy assigned to them.

Objective No. 7 – DDWS Compliance Check Log Documentation – Determine if sergeants identified errors related to a stop/detention during the weekly DDWS audit and documented corrective action.

Objective No. 8 – Watch Commander/Lieutenant Review of DDWS Compliance Check Log – Determine if watch commanders/lieutenants reviewed sergeants’ weekly compliance checks documentation.

Audit Time Period

The audit time period was from March 1, 2019 through August 31, 2019.

Audit Population

Auditors identified varying populations in order to examine the different aspects of the eight objectives, which are described in the Audit Details and Results section for each objective of this audit.

SUMMARY OF AUDIT RESULTS

A side-by-side comparison of last year’s audit results (Detentions of Individuals and Data Collection Audit – Lancaster Station, Project No. 2018-15-A) and the results of this audit are summarized on Table 1.

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AUDIT DETAILS AND RESULTS

Objective No. 1 – Backseat Detentions

**Objective No. 1(a) – Backseat Detentions: Observation-Initiated Stops⁷ (Vehicle/
Pedestrian/Bike Stops)**

Criteria

AV Settlement Agreement, Paragraph 44, Item h, states:

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

h. 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.

Manual of Policy and Procedures, Section 5-09/520.10, Backseat Detentions (July 2018), 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 an individual is provided the option of sitting in the backseat due to weather conditions or the individual's desire for privacy, the deputy will make clear this placement is a courtesy, and that the individual is free to exit the patrol car at any time.

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

⁷ The Department defines an observation-initiated stop when deputy personnel independently stops and detains an individual based on reasonable suspicion or probable cause, and without a call for service.

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Field Operations Support Services Newsletter, Volume 13, Number 12, New MDC 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 BSDs. 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...

Procedures

Auditors identified a population of 443 observation-initiated BSDs indicated by a “B” code. Auditors established a statistically valid sample⁸ of 79 entries. Auditors evaluated the narrative clearances to ensure deputy personnel articulated the required justification for the detention.

Results

Of the 79 entries, 63 (80%) met the criteria for this objective. The remaining 20 entries did not indicate the required justification for the BSD.

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⁸ Auditors obtained a statistically valid sample using a statistical one-tail test with a 95% confidence level and a 4% error rate.

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

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item h, states:

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

h. 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.

Manual of Policy and Procedures, Section 5-09/520.10, Backseat Detentions (July 2018), 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 an individual is provided the option of sitting in the backseat due to weather conditions or the individual's desire for privacy, the deputy will make clear this placement is a courtesy, and that the individual is free to exit the patrol car at any time...

...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:

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...

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Procedures

Auditors identified a total population of 195 BSD entries occurring during a call for service indicated by a “C” clearance code, and evaluated a statistically valid sample of 65 entries. Auditors evaluated narrative clearances to ensure deputy personnel articulated the required justification for the detention.

Results

Of the 65 entries, 37 (57%) met the criteria for this objective. The remaining 28 entries did not indicate the required justification for the BSD.

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Objective No. 2 – Mobile Digital Computer Clearance

Objective No. 2(a) – Deputy Name

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item a, states:

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

a. The deputy's name.

Procedures

Auditors used the samples of Computer-Aided Dispatch (CAD) entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if the name of the deputy personnel was documented.

Results

All 144 (100%) of the entries evaluated met the criteria for this objective.

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Objective No. 2(b) – The Date and Time of the Stop

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item b, states:

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

b. The date and time of the stop.

Procedures

Auditors used the samples of CAD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if the date and time of the stop was documented.

Results

All 144 (100%) of the entries evaluated met the criteria for this objective.

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Objective No. 2(c) – The Location of the Stop

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item c, states:

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

c. The location of the stop.

Procedures

Auditors used the samples of CAD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if deputy personnel documented the location of the stop.

Results

All 144 (100%) of the entries evaluated met the criteria for this objective.

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Objective No. 2(d) – Race/Ethnicity of the Individual Who Was Stopped

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item d, states:

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

d. The race/ethnicity of each individual stopped, detained, or searched.

Procedures

Auditors used the samples of CAD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if deputy personnel documented the race/ethnicity of the individual who was stopped, detained, or searched.

Results

All 144 (100%) of the entries evaluated met the criteria for this objective.

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Objective No. 2(e) – Disposition of the Stop

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item e, states:

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

- e. The disposition of the stop, including whether a citation was issued or an arrest was made.*

Procedures

Auditors used the samples of CAD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if deputy personnel documented the disposition of the stop, including whether a citation was issued or an arrest was made.

Results

Of the 144 entries evaluated, 137 (95%) entries met the criteria for this objective. The remaining seven entries did not indicate the disposition of the stop, including whether a citation was issued or an arrest was made.

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Objective No. 2(f) – Probation or Parole Status of the Individual Who Was Stopped

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item g, states:

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

g. Whether they asked an individual about his/her probation or parole status, and what the answer was.

Procedures

Auditors used the samples of CAD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if deputy personnel documented whether they asked an individual about his/her probation or parole status, and documented the individual's answer.

Results

Of the 144 entries, 143 (99%) met the criteria for this objective. The remaining one entry was blank. The deputy did not indicate whether they asked the individual about his/her probation or parole status and did not document the individual's answer.

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Objective No. 2(g) – Duration of the Backseat Detention

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item i, states:

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

i. The length of any backseat detention.

Procedures

Auditors used the samples of CAD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (79 entries) and Objective No. 1(b) Backseat Detentions: Call for Service (65 entries) for a combined sample total of 144 entries. Auditors evaluated the 144 entries to determine if deputy personnel documented the duration of the BSD.

Results

Of the 144 entries, 129 (90%) met the criteria for this objective. The remaining 15 entries did not indicate the duration of the BSD.

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Objective No. 2(h) – Vehicle Impound

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item k, states:

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

k. Whether a vehicle was impounded and the justification for the impoundment.

Procedures

Auditors used the population of BSD entries from Objective No. 1(a) Backseat Detentions: Observation-Initiated Stops (443 entries) and Objective No. 1(b) Backseat Detentions: Calls for Service (195 entries) for a combined population total of 638 entries. Of the total, auditors identified seven vehicle impounds. Auditors evaluated the seven entries to determine if deputy personnel documented the justification for impound.

Results

All seven (100%) vehicle impounds evaluated met the criteria for this objective.

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Objective No. 3 – Consent Search

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item j, states:

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

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

Lancaster Station Unit Order #68, Supplemental Patrol Procedures (October 2017)⁹, states:

MDC Patrol Log Procedures:

In addition to procedures covered under the Department's Constitutional Policing and Stops Policy (5-09/520.00 – 5-09/520.30), Field Operations Directives, Newsletters, and Unit Orders, Lancaster deputies shall document the following additional information about patrol activity in their MDC patrol log narrative:..

...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...

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.¹⁰

⁹ Lancaster Station Unit Order #68 was revised and effective August 2019. The criteria used for Objective No. 3 of this audit (i.e., October 2017 version) is substantially similar to the revised version. Therefore, the revised Unit Order #68 procedures do not impact the results for Objective No. 3.

¹⁰ Per Manual of Policy and Procedures, Section 5-09/520.25, for the purposes of this policy, "significant public contacts and activity" is 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, and/or self-initiated activity which is not enforcement/investigative in nature but results in Department personnel taking some form of constructive action, e.g., requesting a tow truck for a stranded motorist.

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Procedures

Auditors identified a population of 65 entries which included observation-initiated stops and calls for service where the “C” code was indicated in the Search Authority field. Auditors excluded 22 duplicate entries and evaluated the remaining 43 entries to determine if deputy personnel articulated the reason for seeking consent to search the individual.

Results

Of the 43 entries evaluated, 29 (67%) met the criteria for this objective. The remaining 14 entries did not include the reason for seeking the consent search.

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Objective No. 4 – Reasonable Suspicion

Criteria

AV Settlement Agreement, Section III, Paragraph 44, Item f, states:

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

f. 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.).

Lancaster Station Unit Order #68, Supplemental Patrol Procedures (October 2017),¹¹ states:

MDC Patrol Log Procedures:

In addition to procedures covered under the Department’s Constitutional Policing and Stops Policy (5-09/520.00 – 5-09/520.30), Field Operations Directives, Newsletters, and Unit Orders, 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”...

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.

¹¹ Lancaster Station Unit Order #68 was revised and effective August 2019. The criteria used for Objective No. 4 of this audit (i.e., October 2017 version) is substantially similar to the revised version. Therefore, the revised Unit Order #68 procedures do not impact the results for Objective No. 4.

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

Procedures

Auditors identified a population of 244 entries consisting of incidents where the “R” code was indicated in the P Cause field (Probable Cause), and evaluated a statistically valid sample of 69 entries. Auditors reviewed and evaluated the narrative clearance to determine if deputy personnel articulated the reasonable suspicion for making the stop.¹²

Results

Of the 69 entries evaluated, 57 (83%) met the criteria for this objective. The remaining 12 entries did not articulate reasonable suspicion for the stop.

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¹² 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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Objective No. 5 – Using Correct Statistical Clearance Code

Criteria

AV Settlement Agreement states:

Section III:

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

Section VI:

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

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...

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Reference Call and New Clearance/Stat Code:

...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...

LASD Statistical Code Guide and Radio Code Book (September 2017)¹³ states:

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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...

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840, 841, 842, & 843:

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

Procedures

Auditors selected CAD entries from August 1, 2019 through August 31, 2019 to ensure the evaluation of the most recent performance data. A population of 23,080 CAD entries was identified for August 2019. Auditors evaluated a statistically valid sample of 95 entries.

¹³ The LASD Statistical Code Guide and Radio Code Book was revised in July 2019. The criteria used for Objective No. 5 of this audit (i.e., September 2017 version) is substantially similar to the revised version. Therefore, the revised LASD Statistical Code Guide and Radio Code Book does not impact the results for Objective No. 5.

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Auditors evaluated narratives and contact information fields to determine if the statistical clearance codes below, were appropriately utilized for detentions:

- 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)

Results

Of the 95 entries, 71 (75%) met the criteria for this objective. The remaining 24 entries did not indicate the appropriate statistical clearance code.

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Objective No. 6 – DDWS Compliance Check

Criteria

AV Settlement Agreement, Section III, Paragraph 59, states:

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

Lancaster Station Unit Order #69, Supplemental Supervisory Responsibilities (July 2018),¹⁴ 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...

Procedures

Auditors evaluated the DDWSs that sergeants audited for the week of August 25, 2019 through August 31, 2019 to determine if sergeants audited at least one DDWS involving a stop/detention for each deputy assigned to them for the week. Auditors determined that sergeants should have reviewed a total of 145 DDWSs for the week.

Results

Of the 145 DDWSs that sergeants should have reviewed, 116 (80%) DDWSs met the criteria for this objective. For the remaining 29 DDWSs, sergeants reviewed 18 DDWSs that did not have a stop/detention. However, auditors noted that there were DDWSs created by the deputies involving a stop/detention that sergeants could have selected for review. In addition, sergeants did not review 11 DDWSs.

¹⁴ Lancaster Station Unit Order #69 was revised and effective August 2019. The criteria used for Objective No. 6 of this audit (i.e., July 2018 version) is substantially similar to the revised version. Therefore, the revised Unit Order #69 procedures do not impact the results for Objective No. 6.

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Objective No. 7 – DDWS Compliance Check Log Documentation

Objective No. 7(a) – Sergeants Identified and Documented Stop/Detention Errors

Criteria

AV Settlement Agreement, Section III, Paragraph 59, states:

59. 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...

Lancaster Station Unit Order #69, Supplemental Supervisory Responsibilities (July 2018),¹⁵ 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...

If the deputy's stop, search, or seizure documentation (DDWS, arrest report, Probable Cause Declaration) does not provide sufficient detail or articulate sufficient legal and policy justification for the action, or contains abbreviations that are indiscernible, the supervisor shall review the action with the deputy to determine whether there was sufficient legal and LASD policy justification and to take corrective action.

Procedures

Auditors reviewed the DDWSs evaluated by sergeants for the selected time period to determine if the sergeants identified and documented stop/detention related errors on the Compliance Check Log. Auditors identified 26 DDWSs containing errors.

¹⁵ Lancaster Station Unit Order #69 was revised and effective August 2019. The criteria used for Objective No. 7(a) of this audit (i.e., July 2018 version) is substantially similar to the revised version. Therefore, the revised Unit Order #69 procedures do not impact the results for Objective No. 7(a).

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Results

Of the 26 DDWSs where auditors identified stop/detention related errors, 18 (69%) met the criteria for this objective, as sergeants identified and documented the errors on the Compliance Check Log. However, for the remaining eight DDWSs, auditors noted errors that should have been identified by the sergeants.

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Objective No. 7(b) – Corrective Actions for Detention Related Errors Identified

Criteria

AV Settlement Agreement, Paragraph 61, states:

61. 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.

Lancaster Station Unit Order #69, Supplemental Supervisory Responsibilities (July 2018),¹⁶ 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 Valley supervisors shall track repeated violations or deficiencies and the corrective actions taken.

Procedures

Auditors evaluated the 18 DDWSs with stop/detention related errors identified by the sergeants to determine if they documented the corrective action taken on the Compliance Check Log.

Results

All 18 (100%) of the DDWSs met the criteria for this objective.

¹⁶ Lancaster Station Unit Order #69 was revised and effective August 2019. The criteria used for Objective No. 7(b) of this audit (i.e., July 2018 version) is substantially similar to the revised version. Therefore, the revised Unit Order #69 procedures do not impact the results for Objective No. 7(b).

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**Objective No. 8 – Watch Commanders/Lieutenants Review of DDWS Compliance
Check Logs**

Criteria

AV Settlement Agreement, Section III, page 12 (April 2015), states:

61. *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.*

Lancaster Station Unit Order #69, Supplemental Supervisory Responsibilities (July 2018),¹⁷ states:

DDWS REVIEW

Watch Commanders/Lieutenants shall thoroughly review the log audits to ensure the sergeants are accurately auditing the deputy DDWS logs and note any issues in the Watch Commander signature line area of the form...

Procedures

Auditors evaluated the 22 DDWS Compliance Check Logs created by the 22 reviewing sergeants during the selected time period to determine if watch commander/lieutenants performed the required weekly review of the DDWS Compliance Check Logs.

Results

Of the 22 DDWS Compliance Check Logs evaluated, five (23%) met the criteria for this objective. The remaining 17 DDWS Compliance Check Logs included errors that should have been identified by watch commanders/lieutenants.

¹⁷ Lancaster Station Unit Order #69 was revised and effective August 2019. The criteria used for Objective No. 8 of this audit (i.e., July 2018 version) is substantially similar to the revised version. Therefore, the revised Unit Order #69 procedures do not impact the results for Objective No. 8.

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Table 1: SUMMARY OF AUDIT RESULTS

Objective No.	Audit Objectives	Met the Criteria	
1	BACKSEAT DETENTIONS (BSD) - BY CONTACT TYPE	2019	2018¹⁸
1(a)	<i>Determine if the deputy articulated the justification for a BSD during a vehicle, pedestrian or bicycle stop in the narrative clearance.</i>	80%	93%
1(b)	<i>Determine if the deputy articulated the justification for a BSD during a call for service.</i>	57%	61%
2	MOBILE DIGITAL COMPUTER (MDC) CLEARANCE		
2(a)	<i>Determine if the deputy's name who performed the stop was documented on the MDC.</i>	100%	N/A ¹⁹
2(b)	<i>Determine if the date and time of the stop was documented on the MDC.</i>	100%	N/A
2(c)	<i>Determine if the deputy documented the location of the stop on the MDC.</i>	100%	N/A
2(d)	<i>Determine if the deputy documented the race/ethnicity of the individual who was stopped, detained, or searched on the MDC.</i>	100%	N/A
2(e)	<i>Determine if the deputy documented the disposition of the stop on the MDC.</i>	95%	N/A
2(f)	<i>Determine if the deputy documented whether they asked the individual about his/her probation/parole status and documented the individual's response on the MDC.</i>	99%	N/A
2(g)	<i>Determine if deputy documented the duration of the BSD on the MDC.</i>	90%	N/A
2(h)	<i>Determine if the deputy documented the justification of the vehicle impound.</i>	100%	N/A
3	CONSENT SEARCH - CONTACT CLEARANCE CODE		
	<i>Determine if the deputy articulated the reason for seeking the consent search.</i>	67%	70%
4	REASONABLE SUSPICION - CONTACT CLEARANCE CODE		
	<i>Determine if the deputy articulated the reasonable suspicion justification for the stop.</i>	83%	85%
5	USING CORRECT STATISTICAL CLEARANCE CODE		
	<i>Determine if the deputy used correct statistical clearance codes for stops/detentions.</i>	75%	84%
6	DDWS COMPLIANCE CHECK		
	<i>Determine if sergeants audited at least one DDWS involving a stop/detention for each deputy under their supervision each week.</i>	80%	58%
7	DDWS COMPLIANCE CHECK LOG DOCUMENTATION		
7(a)	<i>Determine if supervisors identified stop/detention related errors on the DDWS and documented the errors on the Compliance Check Log.</i>	69%	21%
7(b)	<i>Determine if supervisors documented the corrective action for the stop/detention related errors that were identified on the DDWS reviewed.</i>	100%	100%
8	WATCH COMMANDER/LIEUTENANT REVIEW OF DDWS COMPLIANCE CHECK		
	<i>Determine if watch commanders/lieutenants thoroughly reviewed DDWS Compliance Checks performed by sergeants.</i>	23%	19%

¹⁸ Results from Detention of Individuals and Data Collection Audit, North Patrol Division – Lancaster Station, Project No. 2018-15-A, issued on June 18, 2019. Period tested was March 1, 2018 through August 31, 2018.

¹⁹ Objectives with results marked “N/A” were not evaluated.

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ADDITIONAL INFORMATION

Mobile Digital Computer Patrol Log – Probation or Parole

Deputies are required to document whether they asked an individual if he/she is on probation or parole and document the individual's response on the CAD clearance. The deputy should indicate, "Y" for yes and "N" for no, in the "ASK PROB PAROLE" field to show whether they asked the question, and complete the "ANSWER" field to show the individual's response. During the review of the MDC logs (Objective No. 2(f)), auditors noted instances where the CAD showed that the deputy did not ask the individual if they were on probation/parole, ("N"), and the individual's response was that they were not on probation/parole, ("N"). These instances did not affect the outcome of the audit results for Objective No. 2(f) however, they may affect the interpretation of the CAD information as to whether the individual voluntarily provided the information. If the question was not asked, there should be no answer.

Watch Commander/Lieutenant DDWS Review

The Lancaster Station Unit Order #69 requires that watch commanders/lieutenants thoroughly review the log audits to determine if the sergeants are accurately auditing the DDWS and note any issues in the Watch Commander signature line area of the revised DDWS Compliance Check Log form. Further, the unit order states that the repeated inability to identify errors by sergeants should be documented in a Performance Log Entry.

Auditors noted that in order for the watch commander to determine if a thorough audit was performed by the sergeant, the watch commander would have to review every DDWS to identify those repeated errors not captured by the sergeant.

While the AV Settlement Agreement, Paragraph 63, states that the LASD agrees to hold accountable supervisors and AV commanders for appropriately conducting a thorough review of reports and documentation, Unit Order#69 only directs the sergeants to be held accountable if the reviews are not appropriately conducted.

The unit order requires additional responsibility for watch commanders/lieutenants to perform the same review of DDWSs as conducted by the sergeants, however a mechanism is not in place to determine if watch commanders/lieutenants, are held accountable for not identifying those errors. Auditors identified 17 errors in the DDWS Compliance Check Logs not captured by sergeants and or watch commanders/lieutenants.

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CONCLUSION

The AAB auditors performed analyses and made assessments to identify areas that needed improvement. The results provide reasonable assurance that Department personnel are not consistently adhering to provisions in the AV Agreement as identified in the above-mentioned criteria.

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RECOMMENDATIONS

When Department policies and procedures are not adhered to, it may result in an increased risk to the Department. Department management should disseminate the results of this audit to its personnel. Additionally, as best practice, Department management is encouraged to conduct ongoing briefings of policies and procedures. The AAB considers the results of this audit to be a helpful management tool and therefore, makes the following recommendations:

1. Provide regular briefings to deputies and supervisors on the procedures to properly clear CAD incidents, including the use of statistical, contact type, authority to conduct search, and reason for contact codes, and the required justification in the clearance narrative. (Objective No. 1 through Objective No. 5)
2. Provide regular briefings to sergeants on the procedures to properly perform weekly audits of DDWSs involving stop, search and seizure activity, and documenting stop/detention related errors. (Objective No. 6 and Objective No. 7(a))

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Views of Responsible Officials

On January 28, 2020, North Patrol Division and Lancaster Station management concurred with the audit results. In addition, AAB received a formal response on February 7, 2020 concurring with the audit results. 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 12TH day of February 2020, by the Audit and Accountability Bureau.

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