

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



**VEHICLE IMPOUND AND STORAGE POLICIES
AUDIT-LANCASTER STATION
2016-3-A**

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February 2, 2017

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

VEHICLE IMPOUND AND STORAGE POLICIES AUDIT
LANCASTER SHERIFF'S STATION
Project No. 2016-3-A
Audit Report

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Vehicle Impound and Storage Policies Audit under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Lancaster Sheriff's Station, complied with the policies and procedures of the Los Angeles County Sheriff's Department ("LASD" or "Department") as to the authority to store and impound vehicles. The audit also analyzed the relationship between its findings and some of the requirements of the United States Department of Justice (DOJ) Antelope Valley Settlement Agreement (Agreement), although its purpose is not specifically to determine compliance with said Agreement.¹

The AAB conducted this performance audit under the guidance of Generally Accepted Government Auditing Standards. The AAB has determined that the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.²

BACKGROUND

In 2011, the DOJ investigated the Lancaster and Palmdale Sheriff's Stations upon learned accusations of discrimination against minority residents of the Antelope Valley area. The alleged discrimination involved law enforcement activities that may have been racially motivated. As a result, the Agreement was approved on April 28, 2015.

The Agreement mandates that police services are delivered to the Antelope Valley community "...in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and deputy safety, and promotes public confidence in LASD and its deputies." Under the Agreement, the Department consented to conduct a review of vehicle tows and impounds conducted at the Sheriff's Stations in the Antelope Valley. Additionally, the Agreement mandates that "*LASD-AV deputies shall document ...the race/ethnicity of each individual stopped, detained or searched... in their MDC [Mobile Digital Computer] patrol logs.*"

¹ United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 5-03174, Section III "Stops, Seizures, and Searches," (p. 8) and Data Collection and Analysis VI (pp. 18-19, 38).

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

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PRIOR AUDITS

This audit was the first Vehicle Impound and Storage Policies Audit of Lancaster Sheriff's Station conducted by the AAB.

METHODOLOGY

Scope

The audit encompassed four objectives:

- Stored and Impounded Vehicles – To determine if the California Highway Patrol standard form (CHP-180 Reports)³ was complete, if the correct statistical code was used for the Uniform Report Number (URN), and if the Deputy's Daily Worksheet (DDWS)⁴ contained all the correct clearance codes.
- Correct Vehicle Code Section used to store or impound – To determine if the authority to store or impound the vehicle was captured using the correct Vehicle Code Section.
- Storage Notification Letters to Registered/Legal Owners – To determine if the registered or legal owner were appropriately notified in a timely manner via certified mail.
- Post-Storage Hearing (Stypmann Hearing)⁵ Request Procedures – To determine if the hearing was conducted within 48 hours of the request by the registered owner, legal owner, or agent.

Auditors reviewed the Manual of Policy and Procedures (MPP), Field Operations Directives, Statistical Code Guide, Report Writing Manual, and the California Vehicle Code (CVC) in the analysis of this audit. The CHP-180 Reports, supplementary reports, associated traffic citations, and the associated DDWS logs were identified and obtained through the Department's databases. The Los Angeles Regional Crime Information System (LARCIS), the Regional Allocation of Police Services (RAPS), and the Sheriff's Electronic Criminal Documents Archive (SECDA) were also used during the analysis of this audit.

³ The CHP-180 Report is the standard form for vehicle storage and is used by the Department to document all impound and stored vehicles.

⁴ A DDWS is a permanent electronic detailed report of a patrol unit's activity during a shift. The report is automatically generated based on the incidents the patrol unit is assigned to using the Computer Aided Dispatch (CAD) system.

⁵ The California Vehicle Code 22852 (a) requires the agency, directing the storage of a vehicle, to provide the vehicle's registered and legal owners of record, an opportunity for a post-storage hearing to determine the validity of the storage. The Department refers to these hearing as "Stypmann Hearings."

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Audit Time Period

The time period for this audit was from October 1, 2015, through December 31, 2015.

Audit Population

Regarding Objectives No. 1 and No. 2, related to impound and storage towing policies, the population of stored or impounded vehicles was identified through the use of LARCIS. Reports involving stored or impounded vehicles were evaluated for the population. Reports related to stolen, recovered, embezzled, or released vehicles, and lost or stolen license plate reports were deselected. A review of CHP-180 Reports identified a total of 406 vehicles that were towed by Lancaster Sheriff's Station personnel during this audit period. A statistically valid sample of 78 CHP-180 Reports were evaluated for this audit.⁶ A total of four Stypmann Hearings were conducted at Lancaster Sheriff's Station during this audit period. Each were located in the Watch Commander's office on their "Stypmann Hearings" board. Auditors verified the hearings were conducted by reviewing the report located in the master file folders.

SUMMARY OF AUDIT FINDINGS

Lancaster Sheriff's Station management was cooperative in providing the necessary information to complete the audit objectives. Table No. 1, on the following page, depicts the summary of the audit findings. Overall, the station performed well in the following areas:

- Vehicle tow was correctly classified on CHP-180 Reports as Stored or Impounded.
- Stored Vehicle Notification Letter
- Stypmann Hearing Request Procedures

The audit identified the following areas for improvement:

- Completeness of the CHP-180 Report
- Correct use of Deputy's Daily Worksheet (DDWS) Clearance Codes
- Correct use of Statistical Code for URN
- Impounded Vehicle Requiring Certified Letter

⁶ Using a statistical one-tail test with a 95% confidence level and a 4% error rate, a statistically valid sample was identified.

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Table No. 1 - Summary of Audit Findings

Objective No.	Audit Objective	Met the Standard
1	STORED AND IMPOUNDED VEHICLES	
1(a)	<i>Completeness of the CHP-180 Report</i>	85%
1(b)	<i>Correct Use of DDWS Clearance Codes</i>	35%
1(c)	<i>Correct Use of Statistical Code for URN</i>	54%
2	CORRECT AUTHORITY TO STORE AND IMPOUND VEHICLES	
	<i>Correct Authority to Store and Impound Vehicles</i>	92%
3	NOTIFICATION TO OWNER OF STORED OR IMPOUNDED VEHICLE	
3(a)	<i>Stored Vehicle Notification Letter</i>	100%
3(b)	<i>Impounded Vehicle Requiring Certified Letter</i>	0%
4	STYPMANN HEARING REQUEST PROCEDURES	
	<i>Stypmann Hearing Request Procedures</i>	100%

Objective No. 1 – Stored and Impounded Vehicles

Objective No. 1(a) – Completeness of the CHP-180 Report

Criteria

Manual of Policy and Procedures, Section 4-01/020.20 Special Incident Reports states:

Reports covering such cases as thefts of bicycles or autos, checks, fires, etc. are in alphabetical listings which follow in this volume. Preparation of these forms is self-evident from the report format and the instructions on the forms.⁷

Manual of Policy and Procedures, Section 5-01/060.05 Stored Vehicles states:

A CHP-180 Stored Vehicle Report shall be made when a vehicle is stored...

Manual of Policy and Procedures, Section 5-01/060.10 Impounded Vehicles (Stored Vehicle Hold) states:

A CHP-180 Impounded Vehicle Report shall be made by this Department when a vehicle is impounded...

⁷ Based on testimony from Lancaster Sheriff's Station clerical staff, it is evident CHP-180 Reports minimally require 13 information sections to be filled out in order to enter a stored or impounded vehicle into the Stolen Vehicle System (SVS). These sections include: Date/Time of Report, File Number, VIN (Vehicle Identification Number) Clear in SVS, LIC. (License Plate) Clear in SVS, Vehicle I.D. (VIN) No., Registered Owner (R/O), Legal Owner/Same as R/O, Driver's Name, Arrested/Section, Signature of Officer Taking Report and I.D. No., Supervisor, Required Notices Sent to Registered and Legal Owners per 22852 CVC, Date Notified.

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Audit Procedures

Auditors reviewed the CHP-180 Reports to determine that all relevant and evidential information was documented.

Finding

Sixty-six of 78 (85%) of the CHP-180 Reports met the standard for this objective. Twelve reports were incomplete or had missing evidence.

Objective No. 1(b) – Correct Use of DDWS Clearance Codes

Criteria

Manual of Policy and Procedures, Section 5-09/520.30 Statistical Codes for Traffic, Pedestrian and Bicycle Stops 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.*

These codes shall be used in addition to any other statistical code(s) used to classify the incident. The narrative portion of the logged incident shall also include the reason for the contact and a brief description of the action taken by deputies.

Manual of Policy and Procedures, Section 5-09/230.00 Deputy's Daily Worksheet states:

Information compiled on the Deputy's Daily Work Sheet is also used by the Department to compile statistics for RAPS, and therefore the accuracy of the work sheet is vital.

It is essential that the Unit or Station log and the Deputy's Daily Work Sheet agree in both classification and disposition of an incident.

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Auditors reviewed the CHP-180 Reports, supplementary reports, associated traffic citations, and the associated DDWS logs, to ensure correct statistical codes were utilized accurately in the clearance of each tow incident.

Finding

Twenty-seven of the 78 (35%) DDWS Logs met the standard for this objective. Fifty-one of the incidents did not use the applicable codes to clear the incident on the DDWS.

Objective No. 1(c) – Correct Use of Statistical Code for URN

Criteria

County of Los Angeles Sheriff's Department Statistical Code Guide for Uniform Report Numbers and Mobile Digital Logs⁸ states:

All crimes and incidents are converted into numerical statistical codes. Note that all crimes and incidents are listed in numerical order. Some offences have greater numerical value than others as is determined by the FBI's Uniform Crime Reporting (UCR) guidelines. In the creation of the URN the lowest, appropriate, statistical code must be used relative to Part I and Part II crime and UCR prioritization... This prioritization in coding is known as the HIERARCHY PRINCIPLE. The HIERARCHY PRINCIPLE must be followed when selecting the statistical code to be used in the URN number when multiple offenses are involved.

Manual of Policy and Procedures, Section 4-02/060.00 Priorities for Statistical Purposes states:

All Part I crimes or incidents and all Part II crimes or incidents must be reported by priority. Part I crimes, listed below, regardless of the priority number, have coding precedence over any Part II crimes.

All other crimes are Part II crimes and are rated at a lower priority than any Part I crime. Part II crimes are rated as follows: when one charge is a felony and the other is a misdemeanor, the felony always takes precedence over the misdemeanor. If all the Part II crimes are just felonies or just misdemeanors, then use the lowest code number as the element of the URN.

⁸ The time period for this audit referenced the version revised on 05/20/13.

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Auditors reviewed the URN recorded in LARCIS, as well as the activities documented in the DDWS Log entries and CHP-180 Reports, to determine if the URN contained the correct statistical code.

Finding

Forty-two of the 78 (54%) URNs met the standard for this report. The remaining 36 used an incorrect statistical code to create the URN.

Objective No. 2 – Correct Authority to Store and Impound Vehicles

Criteria

Manual of Policy and Procedures, Section 5-01/060.05 Stored Vehicles states:

A CHP-180 Stored Vehicle Report shall be made when a vehicle is stored for one of the following reasons:

- *vehicle is apparently abandoned;*
- *vehicle must be removed from its present location because it is in a "no parking" area, blocking traffic, etc.;*
- *when an arrest is made and the ownership or permission to drive the vehicle is not verified, but the circumstances do not justify a reasonable cause Grand Theft Auto (GTA) charge; or*
- *vehicle must be placed for safekeeping.*

Manual of Policy and Procedures, Section 5-01/060.10 Impounded Vehicles (Stored Vehicle Hold) states:

A CHP-180 Impounded Vehicle Report shall be made by this Department when a vehicle is impounded for one of the following reasons:

- *vehicle held for investigation;*
- *vehicle is involved in a civil case where fees and penalties are due;*
- *vehicle has been involved in a hit and run violation as covered in Section 22655 CVC;*
- *vehicle has altered or missing identification numbers (also requires an SH R 49);*
- *vehicle held for fingerprinting;*
- *vehicle is unidentifiable (also requires an SH R 49); or*
- *vehicle seized pursuant to 14602.6 CVC (30-Day Impound).*

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Auditors reviewed the approved CHP-180 Reports to determine if the vehicle was correctly classified as either stored or impounded per Department policy.

Finding

Seventy-two of the 78 (92%) CHP-180 Reports met the standard for this objective. Five CHP-180 Reports incorrectly classified impounded vehicles as stored vehicles. One CHP-180 Report incorrectly classified a stored vehicle as an impounded vehicle.

Objective No. 3 – Notification to Owner of Stored or Impounded Vehicle

Objective No. 3(a) – Stored Vehicle Notification Letter

Criteria

Manual of Policy and Procedures, Section 5-01/070.00 Notification and Hearing Procedure for Stored/Impounded Vehicle states:

When a vehicle is stored at a local garage/towing company, a notice of the storage shall be mailed or personally delivered to the registered and legal owners.

California Vehicle Code Section 22852(b) states:

A notice of the storage shall be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays...

Audit Procedures

Auditors reviewed the CHP-180 Reports and associated documents to determine if the registered and legal owner of the stored vehicle was notified, either by mail or in person. One of the stored vehicle reports had no registered/legal owner on file and was excluded for review; therefore, 77 reports were evaluated for this objective.

Finding

All 77 (100%) CHP-180 Reports met the standard for this objective.

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Objective No. 3(b) – Impounded Vehicle Requiring Certified Letter

Criteria

Manual of Policy and Procedures, Section 5-01/080.00 Notification and Hearing Procedure for Stored/Impounded Vehicle states:

When a member of this Department directs the storage/impound of a vehicle for any reason, the registered and legal owners shall be notified pursuant to 22852 CVC. If the vehicle has been impounded per 14602.6 VC, the notice shall be sent by certified mail, return receipt requested, to the legal owner of the vehicle. A notice of such storage/impound shall be mailed or personally delivered to the registered and legal owners within 48 hours, excluding weekends and holidays.

California Vehicle Code, Section 14602.6(a)(2) states:

The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle...

California Vehicle Code, Section 14602.8(3) states:

Within two working days after impoundment, the impounding agency shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle...

Audit Procedures

Auditors reviewed the CHP-180 Reports and associated documentations to determine if the legal owner of the impounded vehicles were sent notification letters via certified mail with return receipt requested. Of the 78 CHP-180 Reports reviewed, 56 reports documented impounded vehicles which required certified mail notification (per 14602.6 (a)(2) CVC).

Finding

None of the 56 (0%) CHP-180 impound vehicle reports met the standard for this objective. Although notifications were mailed to the legal owners, none were notified via certified mail with return receipt requested, pursuant to Department policy and the appropriate CVC sections.

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Objective No. 4 – Stypmann Hearing Request Procedures

Criteria

California Vehicle Code, Section 22852(a) states:

Whenever an authorized member of a public agency directs the storage of a vehicle, as permitted by this chapter, or upon the storage of a vehicle as permitted under this section (except as provided in subdivision (f) or (g)), the agency or person directing the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine the validity of the storage.

Manual of Policy and Procedures, Section 5-01/080.00 Notification and Hearing Procedure for Stored/Impounded Vehicle states:

If the registered owner, legal owner, or agent notifies the Watch Commander within 10 days that he desires a hearing ("Stypmann Hearing"), a date for the hearing shall be set. The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays.

Audit Procedures

Auditors reviewed the completed Stypmann Hearing report and the associated CHP-180 Report to determine if the hearing was conducted within 48 hours of the request by the registered owner, legal owner, or agent.

Finding

All four (100%) of the Stypmann Hearing reports met the standard for this objective.

OTHER RELATED MATTERS

Use of Statistical Code 840 (Traffic Stop)

Regarding Audit Objective No. 1(b), auditors reviewed all applicable statistical codes required per incident. Because the use of statistical code 840 within the MDC clearance format opens a data mask to collect necessary statistical information (e.g., sex, race, and reason for contact), auditors reviewed DDWS logs to determine if the statistical code 840 was utilized, when applicable, to clear vehicle storage and impound incidents. Three of the 78 tow incidents did not have a driver associated with the incident; therefore, did not require statistical code 840. However, auditors discovered that of the 75 tow incidents reviewed, only 52 (69%) properly utilized statistical code 840. The inaccurate use of this statistical code prevents the Department from properly capturing specific information necessary for statistical analysis. Auditors reviewed the use of all statistical codes, within Objective No. 1(b), to ensure that MDC log entries with

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clearance code error(s), and which also did not include the statistical code 840, were not identified as having failed to meet the standard twice.

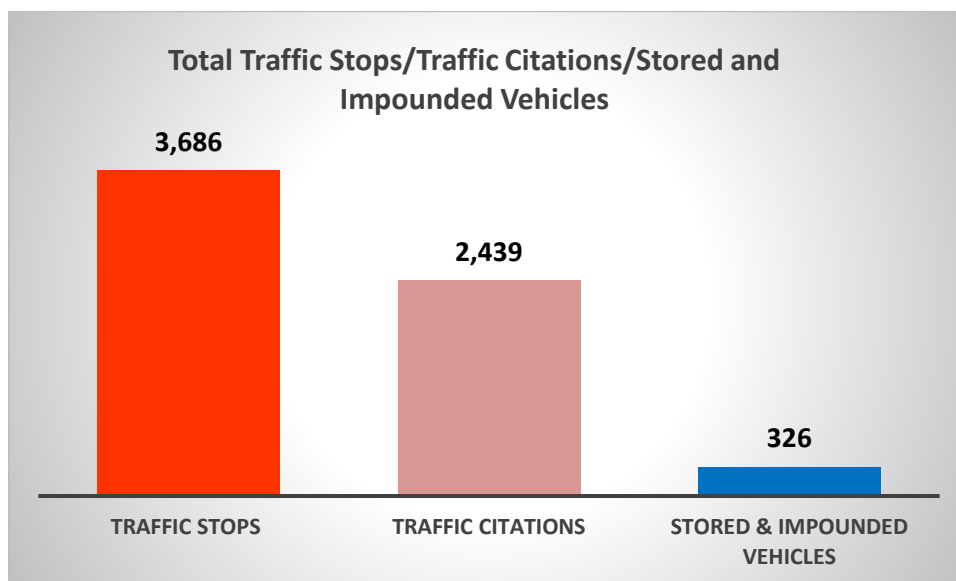
Stypmann Hearing Procedural Advisement

Manual of Policy and Procedures, Section 5-01/080.00 Notification and Hearing Procedure for Stored/Impounded Vehicle states: “...If the hearing officer determines that the vehicle was lawfully stored/impounded, he shall ... advise the claimant, if he is dissatisfied, he may submit a written appeal, directed to the Unit Commander, describing their reasons for disagreement with the decision...” However, Department policy does not require the appeal notification be documented to maintain historical evidence of compliance.

Additional Information

For the audit period under review, Chart No. 1 depicts the total number of traffic stops as reported in the RAPS Sheriff’s Department on-line database, using the statistical code 840. It also depicts the total number of traffic citations as reported in the Crossroads Traffic Database, customized for Traffic Services detail. Additionally, the chart depicts the total number of stored vehicles, involving citizen contacts by deputy personnel as reported through LARCIS and does not include vehicle tows wherein a driver was not present.⁹

Chart No. 1



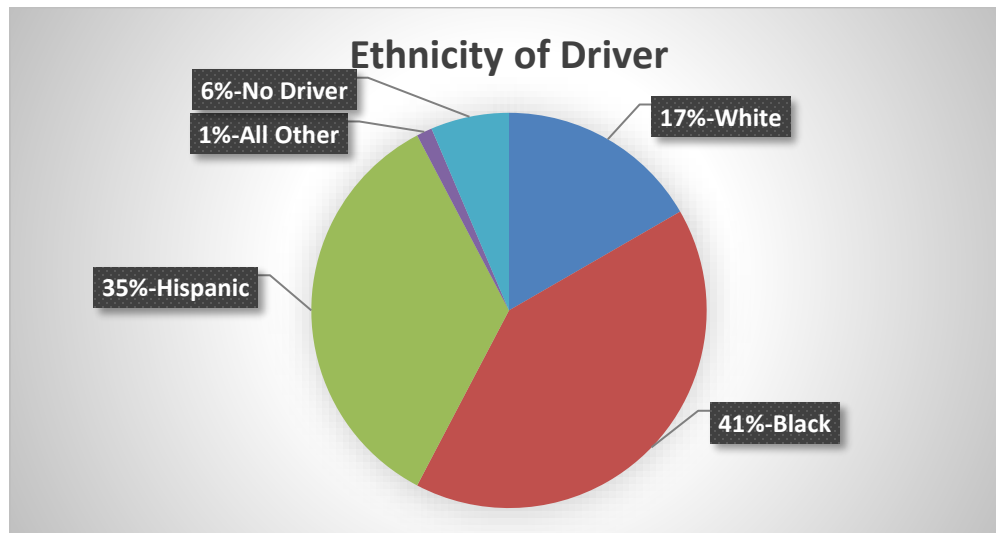
⁹ Auditors recognize that reliance on the statistical code 840 to provide the total number of vehicle stops is inherently flawed, as is noted in the above Other Related Matters. However, for purposes of illustrating amount of vehicles towed relative to the number of traffic stops, it is the best source of documentation available within the context of this audit.

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Chart No. 2 is a breakdown of the ethnicity of the drivers whose vehicles were stored. A total of 78 vehicles were stored; however, only 73 had drivers.¹⁰

Chart No. 2



CONCLUSION

During the course of this audit, AAB personnel analyzed and assessed the policies and procedures related to vehicle storage and impound and identified areas of improvement.

RECOMMENDATIONS

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

1. The CHP-180 Reports must accurately reflect the information needed to document the authority to store and impound vehicles. Therefore, it is recommended that Lancaster Sheriff's Station supervisors re-brief storage authority procedures and accurately review and approve CHP-180 Reports to ensure the correct storage authority and statistical code was used in addition to overall completeness. (Objectives No. 1 and No. 2)
2. Upon impounding a vehicle, notification must be made to the legal owner of the vehicle. It is recommended that the legal owner of the impounded vehicles must be notified via certified mail with return receipt requested in every case when a vehicle is impounded. (Objective No. 3)

¹⁰ Auditors recognize that reliance on the 840 statistical code to provide the ethnicity of drivers stopped is inherently flawed, as is noted in the above Other Related Matters. However, for purposes of illustrating the ethnicity of drivers relative to the number of traffic stops, it is the best source of documentation available within the context of this audit.

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3. The CVC and the MPP, require claimants be informed of the appeal process if they are dissatisfied with the results of the Stypmann Hearing. It is recommended the watch commander document this advisement to the complainant to ensure they have been informed of the process. (Other Related Matters)
4. California Vehicle Code, Section 22852(a) requires the agency or person directing a vehicle impound shall provide the vehicle's registered and legal owners of record, or their agents, the opportunity for a post-storage hearing (Stypmann Hearing) to determine the validity of the storage. Therefore, it is recommended the Department include this notification, with the initial impound notification letter per MPP Section 5-01/080.00 Notification and Hearing Procedure for Stored/Impounded Vehicles, and a copy retained for evidentiary documentation. (Other Related Matters)
5. It is recommended that a standardized procedure for documenting and tracking Stypmann Hearings, including the results of the hearings, is established. (Other Related Matters)
6. The use of the statistical code 840 to capture additional statistical information was not consistent among the tested population. It is recommended Lancaster Sheriff's Station re-brief Field Operations Directive 00-04 related to the use of the 840 clearance codes. (Other Related Matters)

Views of Responsible Officials

Lancaster Sheriff's Station was provided an ongoing Summary of Findings, to which Management provided several email responses to the AAB as well as a summary of corrective actions for each finding.

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This audit was submitted on this 2nd day of February 2017, by the Audit and Accountability Bureau.

Original signature on file at AAB

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