

LOS ANGELES POLICE COMMISSION

**REVIEW OF THE DEPARTMENT'S
COMPLAINT, FORM 1.28,
INVESTIGATIONS PHASE II AUDIT,
FISCAL YEAR 2009/2010**



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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PHASE II AUDIT, FISCAL YEAR 2009/2010**

PURPOSE

The Office of the Inspector General (OIG), pursuant to its Annual Audit and Review Plan, reviewed the Los Angeles Police Department's (Department) Complaint, Form 1.28, Investigations Phase II Audit (Audit), Fiscal Year 2009/2010. The Audit, conducted by Internal Audits and Inspections Division (IAID), was received by the OIG on June 22, 2010. This OIG review assessed the Audit's Completeness, Quality, and Findings.

BACKGROUND

In order to facilitate the timeliness of the audit process and provide relevancy to the audit findings, IAID conducted its Complaint Investigations Audit in two phases. Phase I evaluated the procedures and controls designed to support the complaint investigations. Phase II evaluated the quality of complaint investigations.

During this Phase II Audit, IAID evaluated the quality of complaint investigations utilizing 32 objective attributes pertaining to complaint intake, investigation, and post-investigation follow-up. Internal Audits and Inspections Division randomly selected samples of 32 Internal Affairs Group (IAG) and 39 chain of command (COC) complaint investigations completed in December 2010.¹

The Department requires IAG to investigate all complaints with one or more of the following allegation types: (1) Unauthorized Force, (2) False Imprisonment, (3) Unlawful Search, (4) False Statements, (5) Misleading Statements, (5) Theft, (6) Narcotics/Drugs, (7) Sexual Misconduct, (8) Invidious Discrimination, (9) Domestic Violence, and (10) Retaliation. Complaints with all other allegation types are generally investigated by COC.

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¹ In selecting its COC complaint investigations sample, IAID excluded from the population complaints with the allegations types of Failure to Appear, Failure to Qualify, and Preventable Traffic Collision, as IAID deemed these complaints to be of lower risk.

Review of the Department's Complaint, Form 1.28, Investigations Phase II Audit

Page 2 of 4

1.0

The table below describes each of the 32 audit objective attributes and provides the results of this Audit and the prior Audit.

Objective No.	Description of Objective Attribute	Prior Audit FY 2008/09 Compliance Percentage	Current Audit FY 2009/10 Compliance Percentage
1.	PROHIBITION FROM ASKING OR REQUIRING COMPLAINANT TO SIGN WAIVER	100% (73/73)	100% (68/68)
2.	FILING OF COMPLAINTS		
(a)	Failure to Inform any Civilian Indicating the Desire to File a Complaint of the Means by Which a Complaint May be Filed	100% (73/73)	100% (68/68)
(b)	Attempt to Dissuade a Civilian from Filing a Complaint	100% (73/73)	100% (68/68)
(c)	Failure to Accept a Complaint by an Officer Authorized to Do So	100% (75/75)	100% (69/69)
3.	NOTIFICATION TO DEPARTMENT OF OFFICERS ARRESTED, CRIMINALLY CHARGED, OR NAMED IN ANY CIVIL SUIT INVOLVING ON-DUTY CONDUCT	100% (2/2)	100% (2/2)
4.	REQUIREMENT TO REPORT MISCONDUCT	100% (83/83)	100% (71/71)
5.	CONDUCT OF IAG INVESTIGATIONS		
(a)	Tape Recording/Videotaping of Interviews	97% (31/32)	97% (29/30)
(b)	Interviewing Witnesses/Complainants	88% (28/32)	93% (28/30)
(c)	Interviewing Witnesses/Complainants at Convenient Sites and Times	100% (32/32)	100% (30/30)
(d)	Prohibiting Group Interviews	100% (33/33)	100% (30/30)
(e)	Notification of Involved Officers and their Supervisors	100% (29/29)	100% (30/30)
(f)	Interviewing All Supervisors	71% (5/7)	100% (13/13)
(g)	Collection and Preservation of Evidence	100% (20/20)	100% (27/27)
(h)	Canvassing the Scene to Locate Witnesses	100% (32/32)	100% (22/22)
(i)	Identify and Report All Inconsistencies	100% (36/36)	100% (32/32)
6.	CONDUCT OF COC INVESTIGATIONS		
(a)	Prohibiting Group Interviews	98% (46/46)	100% (39/39)
(b)	Interviewing All Supervisors	100% (10/10)	60% (3/5)
(c)	Collection and Preservation of Evidence	100% (23/23)	100% (30/30)
(d)	Canvassing the Scene to Locate Witnesses	88% (21/24)	94% (17/18)
7.	ADDITIONAL MISCONDUCT INVESTIGATIONS INITIATED OR ALLEGATIONS FRAMED ²	95% (79/83)	97% (69/71)
8.	EVALUATING CREDIBILITY AND AUTOMATIC JUDGMENT OF INSUFFICIENT INFORMATION TO MAKE A CREDIBILITY DETERMINATION		
(a)	Appropriate Standards Used in Evaluating Credibility	100% (83/83)	100% (71/71)
(b)	Automatic Judgment of Insufficient Information to Make a Credibility Determination	100% (83/83)	100% (71/71)
9.	ADJUDICATION OF INVESTIGATIONS USING PREPONDERANCE OF EVIDENCE STANDARD	98% (81/83)	100% (71/71)
10.	INVESTIGATION OF WITHDRAWN, ANONYMOUSLY FILED, THIRD-PARTY COMPLAINTS	100% (16/16)	100% (19/19)
11.	DEPARTMENT MANAGER'S REVIEW OF ALL COMPLAINT INVESTIGATIONS	100% (23/23)	100% (20/20)
12.	DEPARTMENT NOTIFICATION OF RESOLUTION TO COMPLAINANT	97% (64/66)	99% (66/67)
13.	DEPT. REFERRAL TO PROSECUTORIAL AUTHORITIES OF ALL INCIDENTS INVOLVING OFFICERS WITH FACTS INDICATING CRIMINAL CONDUCT	100% (4/4)	100% (2/2)
14.	COMPLETENESS OF THE INVESTIGATION FILE		
(a)	All Audio/Video Recordings Referenced in the File Were Retained and Provided	93% (69/74)	91% (58/64)
(b)	Completeness of the Investigation File - Other than Audio/Video Recordings	94% (66/70)	98% (59/60)
(c)	All Audio/Video Recordings Provided Had All Referenced Interviews Intact	100% (83/83)	100% (71/71)
15.	COMPARISON OF OFFICER, COMPLAINANT, AND WITNESS STATEMENTS	88% (61/69)	95% (59/62)
16.	ADEQUACY OF THE INVESTIGATION	95% (80/83)	97% (69/71)

² This includes all misconduct that may have occurred other than misconduct already framed within the allegation(s).

METHODOLOGY

The OIG assessed the completeness, quality, and findings of the Audit by reviewing the final Audit Report, Audit Work Plan, and workpapers prepared by IAID. The OIG randomly selected sub-samples, from IAID's samples, of 12 IAG investigations and 15 COC investigations. These sub-sample sizes were calculated based on a 95% confidence level, an expected error rate of 6%, and a plus-precision of 7%. The OIG's testing was limited to those items in its sub-samples. For each of these 27 complaint investigations, the OIG re-performed the same tests performed by IAID for the 32 attributes, as applicable.

The OIG conducted this review in accordance with generally accepted government auditing standards. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. Also, these standards require that the review is adequately planned, performed, and supervised and that sufficient, competent, and relevant evidence is obtained to provide a reasonable basis for the findings and conclusions.

OBJECTIVES

The OIG review assessed each of the Audit attributes for Completeness, Quality, and Findings, as follows:

Completeness

- Determine if the Audit tested and reported compliance for the 32 attributes used to evaluate the quality of complaint investigations.
- Determine if the audit samples were selected from complete populations.

Quality

- Determine if appropriate sampling methodologies and testing questions were used.
- Determine if there was evidence of supervisory review of the Audit.
- Determine if the Audit completely and accurately reported the Audit's purpose, methodology, objectives, results, detailed findings, and status of prior recommendations.

Findings

- Determine if the reported findings correctly represented significant instances in which compliance was not achieved.
- Determine if there were any additional findings not reported that represented significant instances in which compliance was not achieved.

RESULTS

Completeness

The Audit tested and reported on all 32 attributes. Based on interviews and document review, the OIG concluded that the audit samples were selected from complete populations. As such, the Audit met the OIG's standard for Completeness.

Quality

Appropriate sampling methodologies and testing questions were used, and there was evidence of supervisory review of the Audit. The Audit completely and accurately reported the Audit's purpose, methodology, objectives, results, detailed findings, and status of prior recommendations. As such, the Audit met the OIG's standard for Quality.

Findings

The reported findings correctly represented significant instances in which compliance was not achieved. Further, there were no additional findings not reported which represented significant instances in which compliance was not achieved. As such, the Audit met the OIG's standard for Findings.

IAID MANAGEMENT'S RESPONSE

Internal Audits and Inspections Division management was in agreement with the results of the OIG's review.

CONCLUSION

The OIG concluded that the Department's Complaint, Form 1.28, Investigations Phase II Audit met the OIG's standard for Completeness, Quality, and Findings. This conclusion was supported by the OIG's detailed review of 12 IAG and 15 COC complaint investigations.