

LOS ANGELES POLICE COMMISSION

COMPLAINT INVESTIGATIONS

AUDIT

(FISCAL YEAR 2008/2009)



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL
COMPLAINT INVESTIGATIONS AUDIT (Fiscal Year 2008/2009)**

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 136(ii), has completed its annual Complaint Investigations Audit (Audit). Paragraph 136(ii) requires the OIG to conduct a regular and periodic audit of complaint investigations, and to evaluate the quality and/or outcome of investigations. For this Audit, the OIG evaluated investigation quality, focusing on the following three areas:

- The accuracy and completeness of summarized statements (summaries of audio-recorded interviews) within the investigation;
- The proper framing of allegations; and,
- Other investigative quality issues that could have possibly affected the final adjudication of one or more allegations. These issues included: (1) Identifying accused officers, (2) Interviewing public witnesses, (3) Interviewing witness and/or accused officers, (4) Follow-up questioning of accused officers, and (5) Canvassing for witnesses.

Note that this Audit is not intended to provide an assessment of Department-wide adherence to complaint-related mandates specified in the Consent Decree. The Los Angeles Police Department's (LAPD or Department) Audit Division performs that type of assessment annually.

SCOPE AND METHODOLOGY

For the last OIG Complaint Investigations Audit (fiscal year 2007/2008), the OIG selected a sample of complaints investigated by Internal Affairs Group (IAG)¹ that contained at least one allegation of unauthorized force. However, this year's Audit focused on complaints investigated by IAG that had at least one allegation adjudicated as Not Resolved.² The OIG was provided a listing by IAG of all complaints investigated by IAG that were closed from April through June of 2008 which had at least one allegation adjudicated as Not Resolved. There were a total of 28 investigations, which became the Audit sample.

Due to the sheer volume of audio-recorded interviews, as a general matter, the OIG limited its review of audio-recorded interviews to those of the complainants and public witnesses³ to evaluate the accuracy and completeness of summarized statements. As a result, the OIG staff listened to a total of 89 audio-recorded interviews. An evaluation document (commonly referred to as a "matrix") with multiple questions was used to evaluate the quality of each investigation.

¹ The OIG annual Complaint Investigations Audits have in the last four years focused on complaints investigated by IAG, as the related allegations are typically higher risk than the allegations in those complaints investigated by the Divisions. In contrast, LAPD Audit Division in its annual Complaint Investigations Audit audits complaints investigated by both IAG and the Divisions, using approximately equal sample sizes.

² The OIG decided for this year's Audit to focus on complaints with allegations adjudicated as Not Resolved, to evaluate whether any additional investigative steps could have been taken to more conclusively resolve the allegations (e.g., to either a Sustained or Unfounded adjudication).

³ Some recorded interviews of witness and/or accused officers were also listened to if there was some ambiguity or inconsistency which needed to be resolved, or some paraphrased statement which needed to be confirmed.

FOCUS POINTS

The Audit identified the following noteworthy issues:

- One complaint, CF No. 06-002708, stemmed from a Categorical Use of Force, specifically, an officer involved shooting (OIS) investigation. In that case, multiple witnesses were interviewed and complained about their treatment by patrol officers. As a result, a complaint was generated which included four Unauthorized Force allegations (slammed to ground, roughed up, dragged, kicked, etc.), two Unauthorized Tactics allegations (unnecessarily pointed handgun at suspect, etc.), and five Discourtesy allegations. Ten of these allegations were framed against unknown officers and one [Discourtesy] allegation was framed against an identified officer. Our review of the underlying Force Investigation Division (FID) investigation identified a group detention issue that was not specifically alleged when the complaint was generated. Specifically, 18 individuals were detained as assault with deadly weapon (ADW) suspects and transported by bus to the police station based on a sergeant's direction, where they remained for several hours until they were all released. As discussed herein, this issue was not addressed in the complaint investigation. In addition, the OIG noted that there were not adequate attempts by the IAG investigating officer (I/O) to ascertain the identity of the accused officers in the case.
- The review of this same complaint also raised a broader question: given the voluminous information contained in a categorical use of force investigation, which goes through multiple levels of review, who bears the responsibility to ensure any and all allegations of misconduct contained therein are identified?
- In CF No. 07-003072, an officer returned to a residence without a warrant and searched for a cellular phone to attempt to substantiate a suspect's claim that he was carrying a cellular phone, not a gun. The officers' initial warrantless search of the residence had been justified based on the alleged exigent circumstances of a report by an airship officer who observed the suspect with a handgun entering a residence with children present. The OIG has concerns with the legality of this warrantless return to/search of the residence.

SUMMARY OF RESULTS

Six (21 percent) of the 28 IAG complaint investigations audited had one or more reportable issues related to summarizing statements and framing allegations (*CF No. 06-002708*), interviewing significant witness officers (*CF No. 07-001822*), interviewing a significant public witness (*CF No. 07-002808*), identifying accused officers (*CF No. 06-002708*), canvassing for witnesses (*CF No. 07-002532*), asking necessary follow-up questions to the officers and complainant (*CF No. 07-002532*), and combining (instead of itemizing) allegations (*CF No. 07-005224*).

The Commanding Officer of IAG advised that they will submit to the OIG a written response to the issues reported herein.

DETAILED FINDINGS⁴

1. CF No. 06-002708

This complaint resulted from an incident in which three officers responded to a radio call of a gang disturbance at a recreation center. Upon arrival, the officers observed a large group of individuals loitering to the rear of the recreation center's gymnasium, and several of the individuals appeared to be "throwing gang signs." Two of the officers entered the gymnasium and observed an individual point a handgun first at one officer and then at the other officer. One officer then fired four rounds at the individual. Immediately following the OIS, several police officers detained a group of 18 individuals who stood in close proximity to the location in which the lone suspect was arrested. The officers ordered these individuals to lie in a prone position on the ground, handcuffed them, and then searched them for weapons. Although there were no weapons recovered from these 18 individuals and no additional evidence which would appear to link them to the gun-toting suspect, they continued to be detained as ADW suspects and were eventually transported by bus to the police station, some forty blocks away. Soon after the 18 individuals were "proned out" and handcuffed, but before they were transported to the police station, an additional eight to ten gunshots were fired from a moving vehicle at a nearby intersection. Once a Command Post was established and additional police resources arrived at the scene of the OIS, order was restored at the recreational center and the individuals who the police believed were responsible for the secondary shooting were arrested.

FID was notified of the incident and investigated the OIS. During the course of FID's investigation, FID determined that the 18 individuals who had been transported to the police station by bus were not involved in the OIS and interviewed them to determine what had occurred at the recreation center. The IAG I/O relied on the FID interviews in conducting the related complaint investigation. There were no re-interviews by the IAG I/O of these individuals. During the FID interviews, eleven allegations were made by eight co-complainants, all of which were adjudicated as Not Resolved. Ten of the allegations were framed by the IAG I/O against unknown officers and included Discourtesy (four allegations), Unauthorized Force (four allegations), and Unauthorized Tactics (two allegations). Another Discourtesy allegation was framed by the IAG I/O against an identified officer.

Summarizing Statements and Framing Allegation - Group Detention Concern

Multiple co-complainants indicated during their interviews with FID during the related OIS investigation that numerous individuals were taken into custody and transported by bus to the police station. The OIG's further review of the FID investigative file indicated that 18 individuals were detained as ADW suspects and transported by bus to the police station based on

⁴ In this Audit Report, for each complaint investigation, the OIG will provide minimal background information on the incident and the adjudication of the framed allegations, enough to put our concerns in context. Since a complaint investigation may have multiple allegations and a commanding officer takes into account various evidence collected in an investigation to support his/her adjudications, the OIG did not delineate the rationale used to adjudicate each allegation. However, if a concern with the quality of the investigation caused the OIG to believe the ultimate adjudication of one or more allegations could have been impacted, the concern was reported.

the orders of a sergeant, where they remained for several hours until they were all released. However, this information was not summarized in the related complaint investigation, nor was there any related allegation framed by the IAG I/O against the sergeant.

The OIG acknowledges that the scene was clearly chaotic and hostile, that criminal activity had undoubtedly occurred. However, the OIG is concerned that, based on our review of the underlying facts contained in the FID investigation, the subsequent transport of these individuals may not have been supported by law. It has long been established that detention is justified when circumstances known or apparent to the officer include specific and articulable facts that would cause him/her to conclude that criminal activity has occurred, is occurring, or is about to occur, and the person he/she intends to detain is involved in that activity. However, the detention cannot be based on mere curiosity, supposition, or hunch despite the officer's good faith. Here, three police officers were confronted with a large group of individuals who were dressed in a manner indicative of gang membership and had reached for their waistbands in a manner that would cause a reasonable officer to conclude that weapons could be hidden there, and with a suspect who pointed a handgun at two police officers. On these facts, the OIG concedes that the officers had reasonable suspicion to conclude that these 18 individuals were possibly armed and presented a real and imminent threat to their safety. Moreover, the OIG believes the officers' subsequent search of these individuals was reasonable and necessary to effect the proper discharge of their duty to investigate possible criminal activity.

While the facts in this case may support the proposition that the officers had reasonable suspicion to detain these 18 individuals and to search them for weapons, the facts appear insufficient to establish probable cause for the subsequent transport to the police station. Probable cause exists when "*a set of facts would cause a reasonable person to form an honest and strong belief that the person to be arrested has committed a crime. A lawful arrest requires only a fair probability that the person committed a crime.*"⁵ Moreover, as noted by relevant case law, "*there must be ample basis for an arrest prior to transport*"⁶ and "*some small quantum of evidence in addition to mere proximity or mere access is required in order to establish probable cause.*"⁷ Here, neither the officers' transcribed statements nor the FID investigative file provided sufficient articulation of a reasonable belief that each of the 18 individuals detained and transported was an ADW suspect. Although an officer indicated that additional shots were fired from a moving vehicle at a nearby intersection, the investigation did not reveal a criminal nexus between the actions of those detained and those responsible for the secondary shooting. In fact, these individuals were detained behind a gymnasium, located approximately 25 yards from the intersection where the secondary shooting occurred. Furthermore, while it can be inferred from the investigation that the group of individuals detained by the police were in close proximity to the location where the suspect was taken into custody, mere proximity to criminal activity is insufficient to establish probable cause for arrest. Had the police discovered evidence during their search of these individuals that would have created a criminal nexus between the actions of the lone suspect, proximity, combined with the evidence of criminal activity, would have established probable cause for their arrest. However, as noted by the Department supervisor who

⁵ Lawful Contacts Card, LAPD Legal Training Unit (2004)

⁶ *People v. Hughes*, 27 Cal.4th 287, 39 P.3d 432 (2002)

⁷ *Frazzini v. Superior Court*, 7 Cal. App.3d 1005, 1017 (1970)

directed the transport of these individuals, no weapons or other evidence of a crime were recovered from these 18 individuals. Having allayed concerns that these individuals could be armed, the OIG believes the police should have released them from custody.

The OIG recognizes that an exception exists to the general prohibition against transporting individuals to the station absent probable cause: *“It is only in a rare case where, absent probable cause for arrest, the removal of a suspect to a police station for further investigation is constitutionally permissible... However, depending upon the circumstances, the police may remove a suspect a short distance due to officer safety concerns (such as a crowd gathering).”*⁸ However, the OIG could find no evidence from either the FID investigation or the IAG investigation that a hostile crowd or other potential officer safety concerns were still in existence at the time the 18 individuals were transported to the station.

The review of this particular case also raised a broader question relative to the responsibility of IAG in relation to complaints which stem from a categorical use of force investigation. In this matter IAG was presented with a voluminous file from an investigation whose primary focus is to ascertain the facts and circumstances surrounding the categorical use of force. The question presented is whether IAG had a responsibility to comb through the entire file to ascertain any and all allegations of misconduct. On the one hand, one could argue that IAG’s mission is to investigate misconduct and, as such, would be in the best position to identify these issues. On the other hand, it may not be reasonable to expect an IAG I/O to review a voluminous use of force investigation when the primary focus of that investigation was to determine facts so that an administrative assessment could be made as to whether an officer’s use of lethal force comported with LAPD policies and procedures. While there is no clear cut answer, in the instant case, the OIG believes a constitutional issue was not addressed. In post-audit discussions, it was agreed that the Department and the OIG would work together to discuss this issue to determine if any systems can or should be put in place to ensure potential allegations of misconduct are not overlooked in the future.

Summarizing and Framing Allegations – Additional Concerns

The OIG noted the following additional concerns while listening to the various co-complainant and witness audio-recorded interviews and comparing to their summarized statements:

- One witness indicated during her interview with FID detectives that her hands were restrained with flexi-cuffs, which were fastened too tightly around her wrists, causing bruises and a pinched nerve. She also stated that she had a gun drawn to her head and was told to keep her “[expletive] hands down,” and that her cellular phone was thrown across the grass when she attempted to call “911.” This witness was not listed as a co-complainant and her allegations were neither framed nor adjudicated as part of the complaint investigation.
- A co-complainant alleged that an [identified] officer told him to “shut the [expletive] up, “there ain’t no [expletive] cameras over here. [Expletive] I’ll kill you. I’ll beat your

⁸ *People v. Courtney*, 11 Cal. App. 3d 1185, 1192 (1970)

[expletive] and then “kneaded him on the right side of his face and stated, I’ll [expletive] you up.” However, the commanding officer adjudicated this allegation as Not Resolved, because “there are no witnesses or other evidence to refute or support the allegation.” However, another co-complainant stated during his recorded interview with FID that he witnessed an officer kneed the co-complainant on the right side of the face and heard the officer comment, “there ain’t no [expletive] cameras over here.” These comments were not summarized. Hence, it appears that the commanding officer was unaware of the corroborating statements of the co-complainant and did not consider them when adjudicating the allegation.

Attempts to Ascertain the Identity of an Accused Officer

As previously noted, ten of the 11 total allegations were framed against unknown officers. At least four of those allegations involve officers who appeared to be on scene during the OIS. Of particular concern is the manner in which IAG resolved the allegations. According to the IAG I/O, Allegation Nos. 1 to 9 were adjudicated as Not Resolved because the complainants “were not able to identify any particular officer.” Despite this assertion by the IAG I/O, statements made by two co-complainants suggest the identity of an officer who allegedly utilized excessive force and was discourteous following the OIS. For example, during a taped interview with FID, a co-complainant stated, [sic] “He pointed his gun at me, threatened to shoot me, you know. He kicked this one guy in the head. Kicked the other guy in the leg. And he was just going around (inaudible) and this guy, he -- I don’t know. He just started shooting for no reason.” Similarly, during a taped interview with FID, another co-complainant stated, “The tall dude, he – he got a threatening problem, though. He got to tell the people, ‘I’ll shoot you up. You’re lucky I ain’t shot you,’ pointing his gun all in peoples face though...He like real trigger happy or something though.” When an FID detective asked the co-complainant if the officer was involved in the shooting, the co-complainant stated, “I – think he was. I really do. But I ain’t really for sure because like I said; I wasn’t down there to see who get shot...he was one of the first ones that jumped out the car, though.”

In this case, the shooting officer had been identified in the FID investigation; however, IAG did not re-interview the co-complainants to ascertain if indeed the shooting officer was the person to whom the co-complainants were referring. A photographic display may have assisted in identifying or excluding an involved party, thus enhancing the quality of the investigation.

2. CF No. 07-003072

This complaint resulted from an incident in which an airship directed two officers to the rear of a residence of a “415 disturbing the peace” party where young children were present. The airship allegedly observed a suspect armed with a steel handgun entering a rear door of the residence. The officers, after entering the residence, observed the suspect walk out of a back bedroom alone. The officers searched the suspect for the aforementioned steel handgun, but the suspect was unarmed. An officer then entered a children’s bedroom, where he observed the butt of an assault rifle protruding from underneath a bunk bed, which later resulted in the arrest of the head of the household (the complainant). The complainant stated that she was outside when the officers entered the rear of her residence, and then when she went inside, she encountered the

officers and was taken into custody. The complainant alleged that an officer unnecessarily used force when he struck her with his elbow (while she was handcuffed) causing injury, falsely arrested her for possession of an assault weapon, recovered two additional guns from her residence without booking them, and unnecessarily cut the lock off of her rear gate. The complainant also alleged that the officers covered their badges to conceal their identity. Furthermore, the complainant alleged that an officer denied her access to the watch commander while at the police station. All allegations were adjudicated as Exonerated, Unfounded or Not Resolved.

Warrantless Return to/Search of a Residence

The I/O indicated that the officers were in pursuit of an armed suspect who had been observed by an airship to enter a residence where numerous children were present. This gave rise to exigent circumstances which allowed for an initial warrantless entry and search of the residence. When the officers subsequently detained and questioned the suspect, found to be unarmed, he claimed that he was not carrying a gun, but instead a cellular phone which he had left on the kitchen table. Thus, one of the officers returned to the residence to search for the cellular phone, to attempt to substantiate the suspect's claim. The OIG has concerns with the legality of this warrantless return to/search of the residence, which was not based on consent or exigency, nor was it incident to arrest. Hence, the Department could have considered framing an additional allegation of Unlawful Search against the officer. Framing this allegation would have helped ensure that this warrantless search issue was identified, investigated and adjudicated; and that, if appropriate, any necessary remedial action, including training, was taken.

3. CF No. 07-002808

The complaint resulted from an incident in which the complainant and another individual were detained for trespassing and a possible gang injunction violation. The complainant and other individual were searched, handcuffed, and transported to the police station for further investigation related to possible violation of the gang injunction. Before entering the station, the complainant was asked if he possessed narcotics; however, the officers stated there was no response. During a pre-booking search at the station, an officer recovered marijuana from the complainant's pants pocket. The complainant was booked for bringing narcotics into the police station – a felony. The complainant alleged that the officer had discovered the narcotics while searching him in the field during the initial detention, and hence, falsely reported the location where the narcotics were discovered. The complaint was adjudicated as Not Resolved.

Interviewing a Public Witness

During the audio-recorded interviews of the complainant and an involved officer, it was indicated that the complainant's 'play auntie'⁹ was present during the alleged search of the complainant and the recovery of marijuana in the field. Also, the Arrest Report indicated that "an elderly woman exited from [apartment address] and stated that she was [complainant's] 'play

⁹ 'Play auntie' is a slang term used to describe a close friend of the family, who has no blood relation, but assumes the role of a family member.

auntie' and [complainant] was just visiting her.” The complainant was not asked by the watch commander during the intake interview to provide the ‘play auntie’s’ name, but the complainant did provide the first name of her husband [D____] who resided with her. The complainant later refused to do a follow-up interview with the IAG I/O. The Canvassing section of the investigation indicated that approximately four months after the incident, the I/O door-knocked 15 apartment units facing the alley, resulting in five residents responding that they did not witness anything. The IAG I/O’s note indicated that that they were unable to identify or locate the complainant’s ‘play auntie.’

Based on the aforementioned information, the OIG questions whether adequate attempts were made to identify and locate the ‘play auntie.’ The OIG would have preferred that the watch commander ask the complainant to provide the ‘play auntie’s’ name and that the IAG I/O ask the apartment complex residents if they knew an elderly woman with a husband named [D_____]. An interview of the ‘play auntie’ would have been important for the investigation to help try to resolve the inconsistency regarding whether the marijuana on the suspect was first discovered by the officers in the field – a misdemeanor (as alleged by the complainant/suspect) or first discovered at the station – a felony (as alleged by the officers).

4. CF No. 07-002532

This incident involved a traffic stop of one individual at night by two uniformed officers driving an unmarked black Hummer vehicle on a special assignment to monitor burglary from motor vehicle activity. According to the complainant, while he was driving, he observed a black Hummer vehicle without visible license plates following him. His vehicle had been stolen in the past, so he became nervous and accelerated to “lose” the Hummer. While executing a u-turn, he thought he saw a police badge on the driver of the Hummer and then immediately stopped his vehicle. He observed one of the officers exit the Hummer and point a gun at him. He was issued a traffic citation for driving on the wrong side of the roadway. The complainant alleged that the same officer who pointed a gun at him detained him without reasonable suspicion and pushed him to the ground by using his foot on his back. The complainant also stated that his chin, left elbow, and lower back were injured during the incident; however, he refused medical treatment. The first allegation that the officers conducted a traffic stop without reasonable suspicion was adjudicated as Exonerated, and the second allegation that an officer used his foot to push the complainant to the ground was adjudicated as Not Resolved.

Follow-up Questioning

The complainant, during his audio-recorded interview, indicated that the officer placed his foot on his back. However, the I/O did not ask the accused officer or witness officer any questions regarding whether an officer used his foot in any way on the suspect. Additionally, although the complainant stated that the officer pointed a gun at him, there were no follow-up questions to complainant, accused officer or witness officer regarding the position of the gun, to determine whether the gun was drawn and held in the low-ready position (i.e., pointed toward the ground) or deliberately pointed at the suspect. Hence, the allegation that an officer used his foot to push the complainant to the ground which was adjudicated as Not Resolved was not adequately

investigated, and the complainant's statement that an officer pointed a gun at him while he was in a high-risk prone position was not adequately explored to determine whether the officer's tactics were appropriate given the circumstances. In fact, the commanding officer who adjudicated this complaint noted these same two investigative quality concerns in his rationale:

“Neither [accused officer] nor [partner officer] were specifically asked by the IAG investigators if [accused officer] used his foot to push the suspect down, hold him down once pruned, or used his foot in any way.”

“There does NOT appear to enough articulated facts or reasons as to why [complainant] was placed in a ‘high risk’ prone position. It is also not clear whether one or both officers had their firearms drawn. One has to assume that if [complaint] was placed in the ‘high risk’ prone position by [accused officer], at minimum, his weapon was drawn based on training and complainant's statement. Again, based on how the officers articulated this event, it appears this scenario did not reach the level of a threat for an armed confrontation, hence, the drawing of the service weapon. Because this scenario may have justified the drawing of a weapon and a possible ‘high risk’ prone with additional facts that may have been present in the officers' minds but not articulated, this issue will be addressed as training rather than a policy violation allegation.”

Hence, the lack of follow-up questioning on these issues had an impact on the investigation, leaving the commanding officer to draw inferences in order to adjudicate the matter.

Canvassing for Witnesses

The I/O did not attempt to canvass for witnesses, nor was there documentation to explain why no canvassing was conducted. A witness statement, if possible, may have assisted in fully resolving the allegations.

5. CF No. 07-001822

The complaint resulted from an incident in which officers responded to an anonymous call of an intoxicated male. Upon their arrival, they came into contact with the complainant, a transient who frequented the area. The complainant alleged that the officer stated that he would plant evidence on him and send him back to prison if he did not leave the location. This allegation was adjudicated as Not Resolved.

Interviewing a Witness Officer

There is no evidence that the I/O interviewed the accused officer's partner. As noted in the complaint, the partner officer was present when the accused officer allegedly threatened the complainant. The investigation mentioned that the accused officer could not recall where his/her partner was standing, or if the partner heard the conversation between the accused officer and the complainant. The OIG believes the I/O should have interviewed the partner officer to determine whether he/she heard the verbal exchange between the accused officer and complainant, since

the only statements included in the investigation were from the complainant and the accused officer.

6. CF No. 07-005224

The complaint resulted from an incident in which officers conducted a battery investigation at a retail store. The complainant became involved in a verbal confrontation with a suspect, and the complainant alleged that the officers failed to identify and arrest this suspect who had battered him. These allegations were adjudicated as Not Resolved.

Combining Multiple Alleged Acts of Misconduct into One Allegation

The IAG “Complaint Investigations – A Guide for Supervisors” manual stresses the importance of itemizing multiple alleged acts of misconduct, instead of combining them into one allegation by using the “***and***” conjunction. As the manual (Appendix 1) states, “*Should any single act within the allegation be proved false, the allegation as a whole cannot be sustained. To avoid this problem, investigators must separate each act of misconduct.*”

However, in this complaint investigation, for each accused officer, the I/O combined the two separate alleged acts of misconduct of (1) “*not identifying the suspect*” and (2) “*not arresting the suspect*” into one combined allegation of “*not identifying and arresting the suspect.*” The combined allegation for each officer was adjudicated as Not Resolved, as the commanding officer concluded that the two accused officers were neglectful in “*not identifying the suspect,*” but that they were correct in “*not arresting the suspect.*” Thus, if the two separate alleged acts of misconduct against each officer of (1) “*not identifying the suspect*” and (2) “*not arresting the suspect*” had been itemized, arguably they would have been adjudicated as Sustained and Exonerated, respectively.

PRIOR RECOMMENDATIONS

All Recommendations from the OIG Complaint Investigations Audit, Fiscal Year 2007/08

No. 1. Provide additional training to IAG I/Os to reemphasize the following:

- a) All efforts should be made to interview accused and witnessing officers, especially in complaint investigations where additional evidence appears necessary to properly adjudicate an allegation. In instances where interviews were not conducted, a rationale should be documented in the investigation.
- b) All reasonable efforts should be made to identify unknown officers in cases where witnesses may not be able to make an identification.
- c) Paraphrased statements should be accurate and complete.
- d) New allegations that stem from interviews should be framed and investigated.

No. 2. Require I/Os to document the reason for any lengthy delays in completing an investigation.

Status: Implemented -- The OIG followed up with IAG on the status of these recommendations, and, according to IAG, training was conducted to the appropriate staff to reemphasize these requirements.

Pending Recommendation from the OIG Complaint Investigations Audit, Fiscal Year 2006/07

No. 3. Require investigators to document whether or not the involved officers recorded an alleged incident, especially if the incident involved a traffic or pedestrian stop.

Status: Pending -- The revised automated lead-in forms are currently being reviewed by Legal Counsel.

CURRENT RECOMMENDATION

As mentioned earlier, the review of one complaint (CF No. 06-002708) raised a broader question relative to the responsibility of IAG in relation to complaints which stem from a Categorical Use of Force investigation. The OIG looks forward to working with the Department on this issue.