

LOS ANGELES POLICE COMMISSION

REVIEW OF THE DEPARTMENT'S COMPLAINT, FORM 1.28, INVESTIGATIONS PHASE I AUDIT, FISCAL YEAR 2007-2008



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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March 27, 2008

**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE DEPARTMENT'S
COMPLAINT, FORM 1.28, INVESTIGATIONS PHASE I AUDIT,
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PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Los Angeles Police Department's (Department) Complaint, Form 1.28, Investigations Phase I Audit (Audit), Second Quarter, Fiscal Year 2007/2008. The Audit, conducted by Audit Division, was received by the OIG on December 27, 2007. This review assessed the completeness, findings, and quality of the Department's Audit.

BACKGROUND ON THE DEPARTMENT'S AUDIT

In order to facilitate the timeliness of the audit process and the relevancy of the audit findings, Audit Division conducted its Complaint, Form 1.28, Investigations Audit in two separate phases. Phase I evaluated the various systems and controls surrounding complaint investigations. Phase II, expected to be issued by the end of March 2008, will evaluate the quality of complaint investigations. Table No. 1 delineates the Consent Decree paragraphs and subparagraphs evaluated in Audit Division's Phase I Audit along with their assessment of compliance.

Table No. 1 – Phase I Audit Results

Obj. No.	Consent Decree Paragraph	Description of Audit Objective	Compliance Percentage
1	51	Evaluate the Use of TEAMS (Training Evaluation and Management System) Data for Decision Making:	
	(a)	Selection of Officers for Assignment as Internal Affairs Group (IAG) Investigators	100%
	(d)	Document Consideration of Sustained Administrative Investigations, Adverse Judicial Findings or Discipline	100%
2	74	Evaluate the Initiation of Complaints:	
	(d)	Distribution and Accessibility of Complaint Materials	97%
	(f)	Assignment of a Case Number to Each Complaint	100%
	(g)	Continuation of a 24-Hour Toll-Free Complaint Hotline that Records All Calls	Non-Compliant
3	76	City Notification to LAPD of Civil Lawsuits Alleging Misconduct of Officer or Employee	100%
4	79	Evaluate the Timeliness of IAG "Review of Complaint Face Sheets"	92%
5	83	Evaluate the Complaint Investigators Access to TEAMS	100%
6	87	Evaluate the Timeliness of Complaint Investigations	Non-Compliant
7	93	Evaluate the Assignment of Complaint Investigations to IAG (Complaints with High-Risk Allegation Types ¹)	100%
	94	Evaluate if IAG Investigates High-Risk Incidents	100%
8	95	Evaluate the Staffing of IAG Investigator Positions	Non-Compliant
9	152	Evaluate the Notification of Complaints to the OIG Within a Week	92%

¹High-risk allegations are those complaints that allege unauthorized force, discrimination, unlawful search, unlawful seizure, dishonesty, domestic violence, improper behavior involving drugs, sexual misconduct, theft, or retaliation against an officer or civilian.

Greater detail on Audit Division’s methodology and findings can be found in their final Audit Report.

FOCUS POINTS

The OIG commends Audit Division for its quality assessments of the applicable Consent Decree paragraphs. Some of the more significant concerns identified by Audit Division’s Audit are described below:

Consent Decree Paragraph 74(g), Continuation of a 24-Hour Toll-Free Complaint Hotline that Records All Calls

Audit Division reported that the Department was not compliant with this Consent Decree mandate because Audit Division made five calls to the “hotline” during non-business hours that were not answered by the IAG complaint Voice Print System (the automated system). In the OIG’s review of these five “failures,” both Audit Division and IAG advised the OIG that the most likely reason for the failures was that when the auditor called the Los Angeles City’s toll-free number (1-800-339-6868), the auditor pressed “4” (to transfer to the IAG complaint Voice Print System) **before** the City’s recorded message was entirely finished. However, the transfer may not always be successful if the caller does not wait until **after** the City’s recorded message is entirely finished. The IAG further advised the OIG that they are currently working on possible ways to resolve this problem, so that a caller can transfer to the IAG complaint Voice Print System at **anytime** during the City’s recorded message. Also, IAG is exploring the possibility of having its own “1-800” toll-free number in lieu of the City’s “1-800” number, which should eliminate the aforementioned transfer problem.

Consent Decree Paragraph 87, Timeliness of the Completion of Investigations

The Audit reported that out of the 84 complaint investigations completed in August 2007, 46 percent were completed within 150 days. Consent Decree Paragraph 87 mandates that most investigations² be completed within five months.

Chain of command (COC) investigations, when calculated separately, were in compliance, as 60 percent were completed within the 150 days. Internal Affairs Group completed investigations within 150 days in 37 percent of the cases. Table No. 2 provides a breakdown of the compliance rates from the IAG and COC investigation stratified samples.

Table No. 2 – Investigations Completed Within 150 Days

Investigating Entity	Complaint Sample Size	No. (%) Investigated within 150-days	No. (%) Not Investigated within 150-days
IAG	49	18 (37%)	31 (63%)
COC	35	21 (60%)	14 (40%)
Total	84	39 (46%)	45 (54%)

² Audit Division defined “most investigations” as over 50 percent of all investigations.

Consent Decree Paragraph 95, Staffing of IAG Investigator Positions

The Audit reported that the Department did not demonstrate that IAG is properly staffed. The Department must demonstrate timeliness of completing investigations (Objective No. 6), and proper assignments of complaints (Objective Nos. 7(a and b)) to be considered compliant. Because the Department did not demonstrate compliance with timeliness of completing investigations, it also did not demonstrate compliance with staffing requirements at IAG. As of December 2007, the Department had filled 113 (83 percent) of the 137 IAG investigator positions.

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of the Audit by reviewing Audit Division's final Audit Report, related Audit work plan, supporting Audit work papers, and electronic files that supported the findings.³ The Appendix, on Page No. 7, delineates the various populations and samples used by Audit Division to evaluate the Department's compliance with the applicable Consent Decree paragraphs and the sample sizes the OIG used to assess the Audit.

On March 25, 2008, the OIG met with Audit Division management to discuss the results of our review. At that time, Audit Division management indicated general agreement with the results presented in this report.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed the Audit to ensure applicable Consent Decree paragraphs were assessed and that the Audit selected its samples from complete populations.

Consent Decree Mandates Addressed

Per the Department's Annual Audit Plan, Audit Division's Complaint, Form 1.28, Investigations Phase I Audit was to assess Consent Decree Paragraphs 51(a)(d), 74(d)(f)(g), 76, 79, 83, 87, 93, 94, 95, and 152. Based on the OIG's review, all applicable Consent Decree paragraphs were assessed by the Audit.

³ For Consent Decree Paragraphs 52(a)(d), 79, 87, 93, 94, and 152, the OIG calculated randomly selected one-tail sample sizes with a 95 percent confidence level, an expected error rate of six percent, and a plus-precision of seven percent. For Consent Decree Paragraphs 74(d)(f)(g), 76, 83, and 95, the OIG reviewed Audit Division's entire sample and/or related workpapers.

Identification of a Complete Population

To evaluate the applicable Consent Decree paragraphs, Audit Division selected samples from more than ten audit populations (see the Appendix on Page No. 7). Based on the OIG's review, it appears that Audit Division selected its samples from complete populations.

FINDINGS

To assess the Audit's findings, the OIG reviewed Audit Division's supporting work papers to ensure there was adequate support for its findings and reviewed the Audit Report to ensure the findings were properly presented. Based on the OIG's assessment, the Consent Decree compliance determinations were supported.

The presentation of the Audit's findings were well organized and the Audit Report properly highlighted some significant areas of concern as mentioned in the Focus Points section of this report. The OIG also agreed with the recommendations made in the Audit Report.

QUALITY

The OIG evaluated Audit Division's Audit and related Audit Report for quality.

Audit Quality

The Audit was properly planned and the Audit methodology was generally appropriate. However, the OIG identified two noteworthy concerns, as follows:

Regarding Objective No. 4, Timeliness of IAG Review of the Face Sheet, Audit Division obtained a listing from the Complaint Management System (CMS) database of all 1,426 complaints initiated June 1 through August 31, 2007. Audit Division then compared the following dates in the database to determine if they were within ten days of each other: (a) date the complaint was reported to an uninvolved supervisor, and (b) date received by IAG. The OIG would have preferred that Audit Division had verified a sample of these dates to source documents to ensure their reliability. However, the OIG's verification of a sample of dates indicated no exceptions.

Regarding Objective No. 9, Notification of Complaint Intake to the OIG within One Week, Audit Division's methodology only tested to determine if complaint face sheets *received by the OIG* were received within seven days of IAG's receipt. To perform this test, Audit Division obtained a sample of 91 complaint face sheets that the *OIG received*. However, a more comprehensive test would have been to also determine if complaint face sheets first received by IAG were subsequently received by the OIG. To perform this test, Audit Division could have taken a sample of all complaint face sheets *received by IAG* (the same sample used to evaluate Objective No. 4) and then examined the complaint face sheets maintained by the OIG to determine if the sampled complaint sheets were received. Although the OIG has had controls in

place to ensure that all complaint face sheets are received from IAG, this would be better methodology to use in future audits.

Report Quality

The Audit Report delineated the Audit's objectives, scope, and methodology. The Report used a fair and unbiased tone and it was found to be convincing and concise. Additionally, it was issued in a timely manner, within a year of Audit Division's prior audit. Although the OIG's review disclosed minor inaccuracies in language and numbers in the Audit Report, they did not impact the Audit's reported compliance percentages and overall reliability. Therefore, those concerns were provided separately to Audit Division.

OTHER RELATED MATTER

Consent Decree Paragraph 74(d) requires: "*The Department shall continue to provide for the receipt of complaints as follows... distribution of complaint materials and self-addressed postage-paid envelopes in easily accessible City locations throughout Los Angeles and in languages utilized by the City of Los Angeles in municipal election ballot materials.*"⁴ In addition, LAPD Manual Volume III, Section 811.20 requires the following complaint forms be made available to the public:

1. *Complaint Information Pamphlet, Form No. 01.81.06 (English)*
2. *Complaint Information Pamphlet, Form No. 01.81.10 (Chinese/Korean)*
3. *Complaint Information Pamphlet, Form No. 01.81.17 (Tagalog)*
4. *Complaint Information Pamphlet, Form No. 01.81.18 (Japanese)*
5. *Complaint Information Pamphlet, Form No. 01.81.19 (Vietnamese)*
6. *Complaint Information Pamphlet, Form No. 01.81.3 (English/Spanish)*
7. *Complaint of Employee Misconduct, Form No. 01.81.08 (Tagalog)*
8. *Complaint of Employee Misconduct, Form No. 01.81.09 (Japanese)*
9. *Complaint of Employee Misconduct, Form No. 01.81.014 (Korean)*
10. *Complaint of Employee Misconduct, Form No. 01.81.15 (Chinese)*
11. *Complaint of Employee Misconduct, Form No. 01.81.13 (Vietnamese)*
12. *Complaint of Employee Misconduct, Form No. 01.81.7 (Spanish)*

During the OIG's review of Audit Division's testing workpapers related to this area, we noted that only two of the above forms state the foreign language in English. Specifically, at the bottom of the *Complaint of Employee Misconduct Form in Korean (01.81.014)* and *Chinese (01.81.15)* the foreign language is stated in English. As a convenience for Department employees, it may be beneficial for the foreign language complaint forms and pamphlets to state the foreign language in English at the bottom.

⁴ On March 20, 2008, the OIG verified with the City Clerk's office that the languages currently utilized by the City of Los Angeles in municipal election ballot materials are English, Chinese, Spanish, Korean, Japanese, Tagalog, and Vietnamese. Thus, the Department's complaint forms are available in all the appropriate languages.

Additionally, during the OIG's review of this area, it was noted that the Department's public website www.lapdonline.org, as of March 17, 2008, only had Complaint of Employee Misconduct Forms available in three languages: English, Japanese and Tagalog. If a member of the public does not have a comfort level to enter a station in person, they should have the option to make a complaint of employee misconduct on the Department's official website and/or print the form in their native language. This concern was immediately brought to the attention of Department management and that same day the website was updated and now includes the Complaint of Employee Misconduct Form in all seven languages.

CONCLUSION

Overall, Audit Division's Audit was complete, the findings were supported, and the Audit was performed in a quality manner.

APPENDIX - AUDIT POPULATIONS AND SAMPLE SIZES

Objective	Consent Decree Paragraph	Purpose	Population Description	Audit Population	Audit Sample Size	OIG Sample Size
1	51(a)	Selection of Officers as IAG Investigators	IAG Investigators for Aug. 1, 2006 to Aug. 31, 2007. Population of Officers Hired after Special Orders 23 and 24, dated July 2003.	131	56	21
	51(d)	Document Consideration of Sustained Administrative Investigations, Adverse Judicial Findings, or Discipline	IAG Investigators for Aug. 1, 2006 to Aug. 31, 2007. Population of Officers Hired after Special Orders 23 and 24, dated July 2003.	131	56	21
2	74(d)	Evaluate Initiation of Complaints	Complaint Materials	26 Locations	364 form attributes	N/A Review of AD's Workpapers*
	N/A	Evaluate Special Order No. 10, 2004 to Ensure Community Complaint and Commendation Posters are Publicly Displayed	Council District Field Offices	15 Council Districts	4	N/A Review of AD's Workpapers*
	74(f)	Complaints are Issued Complaint Form Numbers	Complaints Received Jan. through Aug. 2007.	3,913	3,913	N/A Review of AD's Workpapers*
	74(g)	Operate a 24-hour Toll-Free Telephone Complaint Hotline	Telephone Log for Sept. 13, 2007 and Oct. 1, 2007.	2 days	2 days	N/A Review of AD's Workpapers*
3	76	City Notification to LAPD of Civil Lawsuits	List of Pending Lawsuits/Claims for July 2007.	128	128	N/A Review of AD's Workpapers*
4	79	Timeliness of IAG's Review of Face Sheet	Complaints Initiated June 1 through Aug. 31, 2007.	1,426	1,426	24
5	83	Complaint Investigator Access to TEAMS	IAG Investigators for Deployment Period No. 9, 2007, Aug. 1 to Aug. 31, 2007.	159	159	N/A Review of AD's Workpapers*
6	87	Timeliness of Completed Investigations	Closed Complaints in Deployment Period 9, Aug. 1 to Aug. 31, 2007, Excluding Failure to Appear, Failure to Qualify, and Preventable Traffic Collision Complaints.	624	84	24
7	93 and 94	Assignment of Complaints to Chains of Command or IAG	Closed Complaints in Deployment Period 9, Aug. 1 to Aug. 31, 2007, Excluding Failure to Appear, Failure to Qualify, and Preventable Traffic Collision Complaints.	624	147	27
8	95	Staffing of IAG Investigator Positions	IAG Positions for Deployment Period No. 9, 2007, Aug. 1 to Aug. 31, 2007..	201	201	N/A Review of AD's Workpapers*
9	152	Notification of Complaints to the OIG	Complaints OIG received from IAG from June 1 to August 31, 2007	1,706	91	24

* The OIG's review of these samples entailed a review of Audit Division's audit workpapers and supporting documents.