

LOS ANGELES POLICE COMMISSION

*REVIEW OF THE DEPARTMENT'S
COMPLAINT, FORM 1.28,
INVESTIGATIONS AUDIT, PHASE II
(Fiscal Year 2007/2008)*



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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REVIEW OF THE DEPARTMENT'S COMPLAINT, FORM 1.28, INVESTIGATIONS
AUDIT, PHASE II (FISCAL YEAR 2007/2008)**

PURPOSE

Pursuant to Consent Decree Paragraph 135, the Office of the Inspector General (OIG) reviewed the Department's Complaint, Form 1.28, Investigations Audit, Phase II (Audit) conducted by Audit Division. The Audit was completed in the third quarter of Fiscal Year (FY) 2007/2008 and received by the OIG on March 28, 2008. The OIG assessed the Audit's completeness, findings, and quality.

BACKGROUND ON AUDIT DIVISION'S AUDIT

This was the sixth Complaint Investigations Audit conducted by Audit Division. In order to increase the efficiency and effectiveness of the audit process, Audit Division performed their audit in two separate phases. The Phase I Audit,¹ issued in December 2007, evaluated various aspects of the complaint investigation process, including selection of investigators, initial assignment of complaints for investigation, and management of the complaint hotline.

This Phase II Audit evaluated the overall quality of complaint investigations and assessed the Los Angeles Police Department's (LAPD or Department) compliance with Consent Decree Paragraphs 74(h), 75(i, ii and iii), 77, 78, 80(a, b, c, d, e, f and g), 81(a, b and c), 82, 84, 85, 86, 90, 91, 101, and 129(b, c and d). Audit Division selected and audited a random sample of 47 Chain of Command (COC) investigations and 38 Internal Affairs Group (IAG) investigations² closed in October 2007, and assessed compliance with 32 objectives (see Table No. 1 on Page No. 2). All complaint investigations with allegations of "failure to appear," "failure to qualify," and "preventable traffic collision" were excluded due to their lower risk.

Table No. 1 provides a description of all 32 objectives tested and the related compliance percentages reported by Audit Division. Table No. 2 on Page No. 3 summarizes the eight non-compliant (under 95 percent) objectives, sorted from lowest to highest non-compliance percentage.

¹ The OIG found the Complaint, Form 1.28, Investigations Audit, Phase I to be complete, conducted in a quality manner, and with its findings adequately supported.

² As mandated by Consent Decree Paragraphs 93 and 94, IAG investigates complaints with the high-risk allegation types of unauthorized force, discrimination, unlawful search, unlawful seizure, dishonesty, domestic violence, improper behavior involving drugs, sexual misconduct, theft, and retaliation against an officer or civilian.

TABLE NO. 1 - COMPLIANCE PERCENTAGES REPORTED FOR ALL 32 OBJECTIVES

Objective No.	CD ¶	Description of Objective	Prior Audit FY 2006/07 Compliance Percentage	Current Audit FY 2007/08 Compliance Percentage
1.	74 (h)	PROHIBITION FROM ASKING OR REQUIRING COMPLAINANT TO SIGN WAIVER	100% (80/80)	95% (74/78)
2.		FILING OF COMPLAINTS		
(a)	75(i)	Failure to Inform any Civilian Indicating the Desire to File a Complaint of the Means by Which a Complaint May be Filed	100% (80/80)	99% (77/78)
(b)	75(ii)	Attempt to Dissuade a Civilian From Filing a Complaint	100% (80/80)	100% (79/79)
(c)	75(iii)	Failure to Accept a Complaint by an Officer Authorized to Do So	100% (80/80)	100% (79/79)
3.	77	NOTIFICATION TO THE DEPARTMENT OF OFFICERS ARRESTED, CRIMINALLY CHARGED, OR NAMED AS A PARTY IN ANY CIVIL SUIT INVOLVING ON-DUTY CONDUCT	Compliant	100% (1/1)
4.	78	REQUIREMENT TO REPORT MISCONDUCT	100% (80/80)	96% (80/83)
5.		CONDUCT OF IAG INVESTIGATIONS		
(a)	80(a)	Tape Recording/Videotaping of Interviews	98% (45/46)	100% (31/31)
(b)	80(b)	Interviewing Witnesses/Complainants	100% (46/46)	88% (29/33)
(c)	80(b)	Interviewing Witnesses/Complainants at Convenient Sites and Times	100% (46/46)	100% (30/30)
(d)	80(c)	Prohibiting Group Interviews	100% (46/46)	100% (38/38)
(e)	80(d)	Notification of Involved Officers and their Supervisors	100% (46/46)	100% (33/33)
(f)	80(e)	Interviewing All Supervisors	98% (45/46)*	78% (7/9)
(g)	80(f)	Collection and Preservation of Evidence	91% (42/46)	97% (29/30)
(h)	80(f)	Canvassing the Scene to Locate Witnesses	100% (46/46)	92% (35/38)
(i)	80(g)	Identify and Report All Inconsistencies	98% (45/46)	100% (38/38)
6.		CONDUCT OF COC INVESTIGATIONS		
(a)	81	Prohibition of Group Interviews	100% (34/34)	98% (46/47)
(b)	81	Interviewing All Supervisors	100% (34/34)*	75% (6/8)
(c)	81	Collection and Preservation of Evidence	97% (33/34)	100% (32/32)
(d)	81	Canvassing the Scene to Locate Witnesses	94% (32/34)	91% (43/47)
7.	82	ADDITIONAL MISCONDUCT INVESTIGATIONS INITIATED OR ALLEGATIONS FRAMED	98% (78/80)	100% (85/85)
8.		EVALUATING CREDIBILITY AND AUTOMATIC JUDGMENT OF INSUFFICIENT INFORMATION TO MAKE A CREDIBILITY DETERMINATION		
(a)	84	Appropriate Standards Used in Evaluating Credibility	100% (80/80)*	100% (35/35)
(b)	84	Automatic Judgment of Insufficient Information to Make a Credibility Determination	100% (80/80)*	100% (56/56)
9.	85	ADJUDICATION OF INVESTIGATIONS USING PREPONDERANCE OF EVIDENCE STANDARD	95% (76/80)	97% (59/61)
10.	86	INVESTIGATION OF WITHDRAWN, ANONYMOUSLY FILED, THIRD-PARTY COMPLAINTS	100% (24/24)	100% (4/4)
11.	90	DEPARTMENT MANAGER'S REVIEW OF ALL COMPLAINT INVESTIGATIONS	99% (79/80)	100% (24/24)
12.	91	DEPARTMENT NOTIFICATION OF RESOLUTION TO COMPLAINANT	100% (61/61)	96% (72/75)
13.	101	DEPARTMENT REFERRAL TO CRIMINAL PROSECUTORIAL AUTHORITIES OF ALL INCIDENTS INVOLVING OFFICERS WITH FACTS INDICATING CRIMINAL CONDUCT	100% (80/80)*	50% (1/2)
14.		COMPLETENESS OF THE INVESTIGATION FILE		
(a)	129(b)	All Audio/Video Recordings Referenced in the File Were Retained and Provided	100% (80/80)	96% (69/72)
(b)	129(d)	Completeness of the Investigation File - Other than Audio/Video Recordings	100% (80/80)	100% (85/85)
(c)	129(d)	All Audio/Video Recordings Provided Had All Referenced Interviews Intact	100% (80/80)	93% (66/71)
15.	129(c)	COMPARISON OF OFFICER, COMPLAINANT, AND WITNESS STATEMENTS	95% (76/80)	91% (61/67)
16.	129(d)	ADEQUACY OF THE INVESTIGATION	91% (73/80)	95% (81/85)

* A change in methodology precluded Audit Division from making a direct comparison to their prior year's audit.

TABLE NO. 2 - NON-COMPLIANT (<95%) OBJECTIVES, SORTED BY PERCENTAGE

Obj. No.	CD ¶	Description of Objective	Non-Compliance Percentage
13	101	Department Referral to Criminal Prosecutorial Authorities	50% (1/2)
6b	81	COC Investigations - Interviewing All Supervisors	75% (6/8)
5f	80(e)	IAG Investigations – Interviewing All Supervisors	78% (7/9)
5b	80(b)	IAG Investigations – Interviewing Witnesses/Complainants	88% (29/33)
6d	81	COC Investigations – Canvassing the Scene to Locate Witnesses	91% (43/47)
15	129(c)	Comparison of Officer, Complainant, and Witness Statements	91% (61/67)
5h	80(f)	IAG Investigations – Canvassing the Scene to Locate Witnesses	92% (35/38)
14c	129(d)	All Audio/Video Recordings Provided Had All Referenced Interviews Intact	93% (66/71)

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of Audit Division's Audit by reviewing the final Audit Report, Audit Work Plan, Audit work papers, and Microsoft Access database used to compile and analyze their Audit results.³ The OIG randomly selected and reviewed 13 (of the 47) COC investigations and 11 (of the 38) IAG investigations audited by Audit Division.

On June 17, 2008, the OIG met with Audit Division's management to discuss the results of this review, and at that time they indicated general agreement with the overall results of this review.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed Audit Division's Audit Report and supporting work papers to ensure all applicable Consent Decree mandates were assessed and Audit Division selected a sample from a complete population.

Based on the OIG's review, the Audit sufficiently identified and assessed the requirements specified in the Consent Decree. Specifically, the Audit established objectives to evaluate and report on Paragraphs 74(h), 75(i, ii and iii), 77, 78, 80(a, b, c, d, e, f and g), 81(a, b and c), 82, 84, 85, 86, 90, 91, 101, and 129(b, c and d). Additionally, the OIG determined that Audit Division's sample was taken from a complete population.

³ The OIG's review of supporting work papers was based on a randomly-selected one-tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus-precision of seven percent.

FINDINGS

The OIG assessed the findings for the 24 (13 COC and 11 IAG) randomly-selected complaint investigations. The OIG performed this test work in order to provide assurance that Audit Division adequately identified and reported significant issues. Audit Division identified and reported issues relevant to the ongoing operations of the Department and the narratives of the Report supported all findings. However, the OIG identified one additional issue on the following page, affecting two Consent Decree Paragraphs and objectives, that the OIG believes Audit Division should have also reported.

CF No. 07-003880

Background

This complaint investigation included two allegations. According to the investigation file, an officer conducted a traffic stop on the complainant for unsafe speed, along with a second vehicle at the same time and location. The complainant repeatedly asked to see the radar calibration certificate or some proof of the valid calibration. The two framed allegations were that during a traffic stop the officer did not provide the radar calibration information the complainant requested and he ignored her by looking back at the other vehicle he had also stopped. These two allegations of "Neglect of Duty" and "Discourtesy" were adjudicated as "Exonerated."

Objective No. 7 - Additional Misconduct Investigations Initiated or Allegations Framed (§82)

Objective No. 15 - Comparison of Officer, Complainant, and Witness Statements (§129(c))

The OIG noted a completeness concern with the summarized statement of the complainant, and an unframed allegation. Specifically, the complainant stated in her tape-recorded interview that after she was issued the citation, she drove away from the officer and stopped in a nearby parking lot to call the officer's supervisor at the police station. The complainant alleged that the officer harassed her by unnecessarily following her to the parking lot, driving around the parking lot three or four times, and remaining in the area for 20 to 30 minutes while she was still there. Although the complainant's summarized statement indicated that she observed the officer drive by her a couple of times, it did not convey her additional allegation of "unbecoming conduct" that the officer was harassing her.⁴

Audit Division management disagreed with the OIG, asserting that there were no significant recorded verbal statements of the complainant omitted from her summarized statement, and that all allegations of misconduct were framed.

⁴ Audit Division reported compliance percentages for Objectives Nos. 7 and 15 of 100 percent (85/85) and 91 percent (61/67), respectively; so this one additional issue would not have affected the Consent Decree compliance determination for the two Paragraphs, which was based on a 95 percent threshold.

QUALITY

Based on the OIG's review, the Audit was properly planned, performed, and supervised. In addition, the Audit Report properly delineated the Audit's objectives, scope, methodology, findings and recommendations, and it was written in a clear and concise manner. Furthermore, the Audit Report was issued timely (within a year of Audit Division's prior audit) and used a fair and unbiased tone.

CONCLUSION

The OIG's review found that, overall, the Audit performed by Audit Division was complete, performed in a quality manner, and the Audit's findings were well supported. The Audit appears to have been thoughtfully planned, carefully executed, and accurately/comprehensively reported. The OIG identified one additional issue that the OIG believes Audit Division should have also reported; however, the compliance determinations reported by Audit Division for the two Consent Decree Paragraphs and related objectives were reliable.