

**LOS ANGELES POLICE COMMISSION**

***COMPLAINT INVESTIGATIONS  
AUDIT,  
Fiscal Year 2009-2010***



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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Inspector General

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**OFFICE OF THE INSPECTOR GENERAL  
COMPLAINT INVESTIGATIONS AUDIT  
Fiscal Year 2009/2010**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to its Audit and Review Plan, has completed its annual Complaint Investigations Audit (Audit). The purpose of this Audit was to evaluate the quality of complaint investigations and to ensure that the adjudicated allegations were supported by sufficient evidence.

**BACKGROUND**

Personnel complaints alleged against sworn and civilian employees of the Los Angeles Police Department (Department) are investigated by the accused employee's Division or Internal Affairs Group (IAG). Under Consent Decree Paragraph 93, IAG was mandated to investigate all complaints with allegations of the highest-risk types.<sup>1</sup> Annually, Internal Audits and Inspections Division (IAID) audits complaints which are investigated by Division employees and IAG. In contrast, the OIG Audit reviews only those complaints investigated by IAG. Prior OIG audits have primarily focused on complaint investigations which were concluded as not sustained by the Department. In contrast, this is the first OIG Complaint Investigations Audit to entirely review investigations leading to sustained allegations of misconduct. Due to the potential impact on the accused employee's career, it is important that such investigations be accurate, detailed, supported by the investigative findings and fully disclose all acts of potential misconduct.

The 2009/2010 OIG Audit reviewed investigations resulting in at least one sustained allegation of misconduct determined to be high-risk in nature. The allegation types reviewed included the following: Unauthorized Force, False Imprisonment, Unlawful Search, False Statements, Misleading Statements, Theft, Narcotics/Drugs and Sexual Misconduct.

**METHODOLOGY**

The OIG conducted this Audit in accordance with generally accepted government auditing standards. These standards require that the Audit is adequately planned, performed and supervised, and that sufficient, appropriate evidence is obtained by applying review procedures which assess whether a reasonable basis for the findings and conclusion were contained herein. The time period selected for the Audit was January 1, 2009 to June 30, 2009. A review of complaints closed in this time frame revealed a total of 30 sustained complaints containing at least one of the designated allegations. The entire population was selected for the Audit. The population is summarized in the following table:

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<sup>1</sup> In the wake of the termination of the Consent Decree, IAG has continued to investigate complaints with high-risk allegations. The allegation types include: Unauthorized Force, False Imprisonment, Unlawful Search, False Statements, Misleading Statements, Theft, Narcotics/Drugs, Sexual Misconduct, Invidious Discrimination, Domestic Violence and Retaliation.

	<b>Number of Complaints</b>
Off Duty	16
On Duty	14
Total Complaints	<b>30</b>
<b>Allegation Types:</b>	<b>Number of Allegations<sup>2</sup></b>
False Statements	19
Sexual Misconduct	7
Misleading Statements	5
Theft	4
Unauthorized Force	4
Narcotics/Drugs	3
False Imprisonment	0
Unlawful Search	<u>0</u>
Total Allegations	<b>42</b>

## **OBJECTIVES**

To evaluate the quality of complaint investigations, the following Audit Objectives were established:

1. Determine if all allegations of misconduct were accurately identified.
2. Determine if the required investigative steps were completed (e.g., identifying all accused officers, interviewing public witnesses, interviewing witness and/or accused officers, canvassing for witnesses, etc.).
3. Determine if audio-recorded interviews were accurately and completely summarized in writing.
4. Determine if investigative interviews were conducted within Department requirements (e.g., no group interviews, convenient time and place, etc.).

Two questionnaire matrices were utilized to conduct the Audit. One matrix was designed to evaluate written documentation and contained 17 questions, while the other matrix was comprised of 11 questions and designed to evaluate audio-recorded interviews. Eighty seven audio-recorded interviews were selected for review based on their relative investigative impact.

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<sup>2</sup> Some complaints had multiple allegation types; thus, total allegations exceeded the total number of complaints.

**SUMMARY OF RESULTS**

The summary of results for Objective Nos. 1 and 2 is as follows:

<b>NO.</b>	<b>OBJECTIVE AND SUB-OBJECTIVE DESCRIPTION</b>	<b>COMPLIANCE %</b>	<b>NO. OF COMPLAINTS</b>
<b>1</b>	<b>Determine if all allegations of misconduct were accurately framed.</b>	97	29/30
<b>2</b>	<b>Determine if the required investigative steps were completed:</b>		
(a)	Determine if all pages of the investigation were present.	100	30/30
(b)	Determine if the investigator's chronological log is included in the file.	100	30/30
(c)	Determine if all interviews conducted by the investigator were recorded.	100	30/30
(d)	Determine if all identified public (non-Department) witnesses were interviewed.	100	17/17
(e)	Determine if all Department employees who witnessed or were involved in the incident were interviewed.	100	30/30
(f)	Determine if the investigator addressed all significant inconsistencies between interview statements.	100	30/30
(g)	Determine if all significant physical evidence pertinent to the investigation was collected and preserved.	100	30/30
(h)	Determine if reasonable efforts were used to corroborate complaints that were withdrawn, filed anonymously or by a person other than the victim of the misconduct; or complaints which did not have a statement from the complainant due to their unavailability.	Not Applicable	0/0
(i)	Determine that there was no indication that misconduct, other than that identified as an allegation, occurred.	100	30/30
(j)	Determine if the involved officers indicated there was a reportable use of force during this incident.	100	10/10
(k)	Determine that there are no significant concerns or questions that potentially impact the adequacy and thoroughness of the investigation that have not already been addressed in previous questions.	100	30/30
(l)	If this incident resulted following a stop by the officer, determine if reasonable suspicion for the stop was articulated.	100	6/6
(m)	If this incident resulted in a field search, determine if the legal basis of the search was articulated.	100	11/11

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The summary of results for Objective Nos. 3 and 4 is as follows:

NO.	OBJECTIVE AND SUB-OBJECTIVE DESCRIPTION	COMPLIANCE %	NO. OF INTERVIEWS
<b>3</b>	<b>Determine if the audio-recorded interview was accurately and completely summarized in writing:</b>		
(a)	Determine if the paraphrased statement was accurate (correctly and fairly reflects spoken statements).	100	87/87
(b)	Determine if the paraphrased statement was complete (includes all relevant, pertinent spoken statements).	100	87/87
<b>4</b>	<b>Determine if the interview was conducted within Department requirements:</b>		
(a)	If the interviewee was a public complainant or witness, determine if the interview appears to have been at a time and place convenient to the interviewee.	100	24/24
(b)	If the interviewee was a public complainant or witness, determine if the tone of the interviewer was neutral and professional (not hostile or condescending).	100	24/24
(c)	Determine if the interviewee was interviewed separately (not part of a group).	100	87/87
(d)	Determine if the questions were open (not leading/suggestive of correct answer).	100	87/87
(e)	Determine if the investigator asked all necessary relevant questions.	100	87/87
(f)	Based on the interviewee's answers to previous questions, determine if all necessary logical follow-up questions were asked.	100	87/87
(g)	Determine that the recorded statement does not reflect any additional allegations made by the complainant/witness that were not already identified.	100	87/87
(h)	Determine that there are no additional concerns that were not already covered by any of the other questions.	100	87/87

## **DETAILED RESULTS**

***Objective No. 1 - Determine if all allegations of misconduct were accurately framed.***

### **Background**

Generally, the investigator relies on the identified and framed alleged acts of misconduct to focus the investigation. Additional alleged acts of misconduct not addressed and formally framed may be overlooked and either not properly investigated and/or not adjudicated. The Department's "Complaint Investigations – A Guide for Supervisors" states, "Properly formed allegations help to focus the investigation. The wording of allegations also plays a role in the Department's ability to definitively resolve misconduct."

### **Summary of Results**

Allegations were accurately identified and properly framed for 29 of the 30 investigations. Complaint Form (CF) No. 09-000356 involved two allegations. One allegation was properly framed, whereas the OIG would have preferred that the second allegation been written to more closely mirror the ultimate classification of the allegation.

***Objective No. 2 - Determine if the required investigative steps were completed (e.g., identifying all accused officers, interviewing public witnesses, interviewing witness and/or accused officers, canvassing for witnesses, etc.).***

### **Background**

The Department's required investigative steps for conducting complaint investigations are described in "Complaint Investigations – A Guide for Supervisors." The requirements are designed to ensure a quality investigation and consistency of report writing.

### **Summary of Results**

All necessary and required investigative steps were completed for the 30 investigations.

***Objective No. 3 - Determine if audio-recorded interviews were accurately and completely summarized in writing.***

### **Background**

The Department's "Complaint Investigations – A Guide for Supervisors" states, "Writing an accurate, objective statement which captures the essence of the subject's statement is the biggest challenge in writing the investigation." It is important that audio-recorded interviews be accurately and completely summarized so that the adjudicator has all pertinent information to support the adjudication. Eighty seven audio-recorded interviews were selected for purposes of the Audit.

### **Summary of Results**

Following a complete review, all 87 audio-recorded interviews were accurately and completely paraphrased.

***Objective No. 4 - Determine if investigative interviews were conducted within Department requirements (e.g., no group interviews, convenient time and place, no leading questions, appropriate follow-up questions, etc.).***

### **Background**

The investigative requirements are described in the "Complaint Investigations – A Guide for Supervisors." Investigative requirements are designed to ensure investigative quality and consistency of report writing.

### **Summary of Results**

The 87 audio-recorded interviews complied with Department investigative requirements and were accurately and completely paraphrased.

## **DISCUSSION**

Twenty-nine Department employees were involved in the 30 personnel complaints reviewed in the Audit. One employee was named in four complaints while three other complaints each contained two accused employees.<sup>3</sup> In all, the 30 complaint investigations resulted in 25 sworn officers and four civilians receiving sustained allegations of misconduct. Thirteen of the employees were separated from the Department as a result of the complaint investigation and subsequent adjudication while 16 employees were retained with the following discipline:

- Eleven employees received a suspension of 15 or more days. Of the 11 employees, three were also demoted and one received a pay downgrade.
- Three employees received a suspension of 2 to 5 days.
- Two employees received an official reprimand.

The OIG reviewed the work assignments of the 16 retained employees and determined that 10 of the employees were reassigned to new work locations following the sustained complaint of misconduct. Details are provided in the following table:

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<sup>3</sup> Each of 22 complaints had one accused employee; each of three complaints had two accused employees; and four complaints involved the same accused employee.

**POST-ADJUDICATION ASSIGNMENTS OF THE 16 RETAINED EMPLOYEES, SORTED BY PENALTY**

<b>PENALTY</b>	<b>ALLEGATION TYPES</b>	<b>EMPLOYEE RANK BEFORE ADJUDICATION</b>	<b>EMPLOYEE RANK AFTER ADJUDICATION</b>	<b>EMPLOYEE ASSIGNMENT BEFORE ADJUDICATION</b>	<b>EMPLOYEE ASSIGNMENT AFTER ADJUDICATION</b>
30-Day Suspension/ Demotion	False Statements	Detective I	Police Officer II	Area Patrol	Different Area Patrol
30-Day Suspension/ Demotion	False Statements	Detective II	Police Officer III	Specialty Division	Different Area Patrol
22-Day Suspension/ Downgrade	Sexual Misconduct, False Statements	Police Officer III	Police Officer II	Area Patrol	Different Area Patrol
22-Day Suspension/ Demotion	Sexual Misconduct	Sergeant I	Police Officer II	Area Patrol	Different Area Patrol
22-Day Suspension	Drugs/Narcotics, <sup>4</sup> False/Misleading Statements	Police Officer III	Police Officer III	Area Patrol	Different Area Patrol
22-Day Suspension	Sexual Misconduct	Police Officer II	Police Officer II	Area Patrol	Different Area Patrol
22-Day Suspension	Theft <sup>5</sup>	Detective II	Detective II	Specialty Division	Different Specialty Division
22-Day Suspension	Theft <sup>5</sup>	Sergeant I	Sergeant I	Area Patrol	Specialty Division
20-Day Suspension	Sexual Misconduct, Misleading Statements	Police Officer II	Police Officer II	Specialty Division	Area Patrol
15-Day Suspension	False Statements	Sergeant I	Sergeant I	Area Patrol	Same Area Patrol
15-Day Suspension	False/Misleading Statements	Police Officer III	Police Officer III	Specialty Division	Different Specialty Division
5-Day Suspension	False Statements	Clerk Typist	Clerk Typist	Specialty Division	Same Specialty Division
4-Day Suspension	Unauthorized Force	Police Officer II	Police Officer II	Area Patrol	Same Area Patrol
2-Day Suspension	Unauthorized Force	Sergeant I	Sergeant I	Area Patrol	Same Area Patrol
Official Reprimand	Theft <sup>6</sup>	Police Officer II	Police Officer II	Area Patrol	Same Area Patrol
Official Reprimand	Misleading Statements	Lieutenant II	Lieutenant II	Specialty Division	Same Specialty Division

<sup>4</sup> The Sustained Drugs/Narcotics allegation involved the illegal use of steroids.

<sup>5</sup> The Sustained Theft allegation involved the use of a Department vehicle without permission and refueling the vehicle at Department facilities.

<sup>6</sup> The Sustained Theft allegation involved an employee's off-duty use of the funds in a bank account under his/her spouse's name.

The OIG reviewed the data referred to in the above table to determine if disciplined employees remained in or were assigned to high-risk assignments such as Gang Enforcement Detail and Narcotics Enforcement Detail after the adjudication of the complaint. It appears to the OIG that appropriate consideration accompanied each post-complaint assignment in that no involved employees are currently serving in high-risk assignments.

### **PRIOR RECOMMENDATIONS**

The OIG's 2008/2009 Complaint Investigations Audit recommended that IAG investigators receive additional training regarding itemizing allegations rather than combining them. The OIG determined that appropriate training was conducted to reemphasize this requirement and considers this recommendation to be closed.

### **CURRENT RECOMMENDATIONS**

No recommendations.

### **MANAGEMENT'S RESPONSE**

IAG is in general agreement with the OIG audit.

### **CONCLUSION**

The OIG concluded that IAG conducted complete and accurate personnel complaint investigations while adhering to Department practices and procedures. The sustained allegations of misconduct were supported by the available evidence. The OIG determined that the personnel complaint investigations conducted by IAG were of good quality.