

LOS ANGELES POLICE COMMISSION

*Executive Summary of the
Department's
Complaint Investigations Audit
Phase I*

Second Quarter - Fiscal Year 2004/05



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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EXECUTIVE SUMMARY OF THE DEPARTMENT'S COMPLAINT INVESTIGATIONS AUDIT SECOND QUARTER - FISCAL YEAR 2004/05

I. BACKGROUND

Pursuant to the Consent Decree (CD) and the Fiscal Year 2004-05 Annual Audit Plan, the Los Angeles Police Department (LAPD or Department) is to regularly conduct an audit of Complaint Investigations Audit, Form 1.28. Audit Division (AD) conducted the audit, which was completed and signed by the Chief of Police on December 22, 2004. Due to the complexity of the processes involved in investigating a complaint filed against the Department or its employees, the audit was bifurcated into two parts - Phase 1 and Phase 2. This review encompasses the OIG's assessment of Phase 1 of the audit only. Phase 2 is scheduled for completion during the Third Quarter, Fiscal Year 2004-05.

II. PURPOSE

Consent Decree paragraph (¶) 135 requires the Office of the Inspector General (OIG) to evaluate audits conducted by the Department for quality, completeness, and findings. Consent Decree ¶ 135 also requires the Department to provide the OIG with a copy of the audit within one week of completion. The OIG received a copy of the audit on December 29, 2004; compliant with the one-week deadline of CD ¶ 135.

III. OVERVIEW OF THE DEPARTMENT'S REPORT

The Department's audit examined four areas, which encompassed a total of 13 CD paragraphs. The areas examined are listed below along with each related CD ¶.

- Sufficient Investigative Resources For Internal Affairs Group (IAG)
CD ¶ 83 - TEAMS Access for Professional Services Bureau (PSB) Investigators
CD ¶ 95 - PSB Staffing
- Public Accessibility For Filing A Complaint
CD ¶ 74d - Availability of Complaint Materials
CD ¶ 74g - 24-Hour Complaint Hotline
- Complaint Administration
CD ¶ 87/129a - Timeliness of Completing Complaint Investigations
CD ¶ 93/94 - Allocation of Responsibilities between PSB and Chain of Command
CD ¶ 74f - Assignment of Case Numbers
CD ¶ 79/129e - IAG Reviews Complaint Face Sheets Within Ten Days
CD ¶ 152 - Face Sheet Forwarded to the OIG within Seven Days
- Other - Notifications Of Lawsuits And Claims To The Department By The City
CD ¶ 76 - Notification to LAPD by the City of Los Angeles

Audit Division (AD) utilized two samples for the audit. A sample of 132 complaint investigations was selected from a population of complaints initiated in February 2004 to evaluate the timeliness in which complaint investigations were completed.¹ A second sample of 92 complaint investigations was selected from a population of complaints initiated in July 2004 to test the administrative processing of complaints. Audit Division conducted site visits to various Department and City entities and interviewed personnel concerning their role in the complaint intake process.

Audit Division's Conclusions

Of the 13 CD paragraphs evaluated during this audit, three paragraphs (79, 129e, and 95), did not meet the minimum compliance rate of 95% as set forth by the CD.² Paragraphs 79 and 129e, found by AD to be at a 90% compliance rate, require IAG to review complaint facesheets within ten days of their receipt. Paragraph 95, found by AD to be at a 92% compliance rate, requires the City to provide Professional Standards Bureau (PSB) with the staffing it needs to conduct complaint investigations.

IV. OIG METHODOLOGY

The OIG's review consisted of an analysis of the audit report, audit work plan, and a cursory review of the audit work papers and electronic files that supported AD's findings. The OIG did not verify AD's sample selection process. When this review commenced, the OIG was in the process of recruiting a professional auditor to head its Audit Section which is currently under significant resource limitations. As such, only an executive level review was feasible. The OIG has since hired a third Assistant Inspector General to manage the Audit Section and has begun conducting in-depth reviews of AD's CD audits completed in the Third Quarter, Fiscal Year 2004/05.

¹ Two complaints were Ethics Enforcement Section audits that were excluded for statistical purposes. Additionally, Audit Division selected a sample of ten FTA, FTQ, and PTC complaints as a cursory review of lower risk complaints. The OIG did not find any issues with these decisions.

² The compliance definition for CD ¶ 87 states greater than 50% of all completed investigations are completed within five months. Audit Division's assessment of this paragraph found 60% of investigations was completed within five months.

V. OIG's FINDINGS

OIG Findings - Audit Division's Work Plan and Audit Report

Audit Division's work plan and audit report adequately addressed the objectives and CD paragraphs targeted for Phase 1 of the audit. The work papers provided by AD supported the findings presented in the audit report. The audit procedures used to evaluate 12 of the 13 CD paragraphs were sound. Based on discussion with AD's Project Manager and IAG personnel, the OIG feels that additional steps could have been taken to address CD ¶ 74f - "Assignment of Case Numbers to Each Complaint." Additionally, a finding during AD's review of CD ¶ 74g - "24-Hour Complaint Hotline" also supports the OIG's opinion regarding AD's review of assigning case numbers to each complaint. This is discussed below.

OIG Findings - Individual Objectives

CD ¶ 74f - Assignment of Case Number to Each Complaint

The OIG had concerns with regard to the measure used to evaluate this CD paragraph. The sample used to evaluate this objective was taken from a population of pre-existing Complaint Form (CF) numbers generated by IAG during July 2004. Audit Division reviewed a sample of 92 complaints for duplicate CF numbers and reported that no duplicates were identified and that the Department achieved a 100% compliance rate with assigning a case number to each complaint.

Audit Division also reported that the Complaint Classifications Unit, IAG, is responsible for assigning a unique CF number to each complaint face sheet for tracking purposes. Our review revealed otherwise. According to the Complaint Classifications Unit, all complaints received by IAG are forwarded to the Complaint Classifications Unit. This unit is responsible for reviewing the complaint, determining whether the complaint will be investigated, and assigning a Department entity to conduct the investigation. If a complaint will be investigated, it is then forwarded to the Administrative Records Section, IAG, who assigns a CF number to the complaint.

The OIG interviewed IAG personnel. It was indicated that the system used by IAG to generate CF numbers is an automated database that does not allow for duplicate CF numbers. As a result of this system protocol, the likelihood of having a duplicate CF number is very minute. The audit would have been more effective if it measured the manual processes involved in assigning a CF number to a complaint. The OIG feels that in order to assess compliance for this paragraph, AD should have reviewed the process used by the Complaint Classifications Unit to determine when a complaint meets the criteria for investigation and is assigned a CF number or when a complaint is denied.

CD ¶ 74g - 24-Hour Complaint Hotline

The OIG found the audit procedures used by Audit Division to test the 24-Hour Hotline to be effective. To ensure 24-hour staffing of the Hotline, AD reviewed the staffing schedules and sign in timesheets for both IAG and Detective Services Division personnel. Audit Division further tested response to the 24-Hour Hotline by conducting calls to the 24-Hour Hotline during regular business and off-hours. Audit Division further obtained and reviewed the recordings made to the 24-Hour Hotline on July 20, 2004, to ensure all tape-recorded calls that alleged a complaint of misconduct were appropriately addressed through the initiation of a Complaint Form 1.28. Of the 188 incoming and outgoing calls made, Audit Division identified seven calls that included an allegation of misconduct. A complaint face sheet was initiated for one complaint, however, it was denied based on a classification of "chronic complainer." This specific complaint was not assigned a CF number.

The OIG believes that not assigning a CF number to "chronic complainers" conflicts with CD ¶ 74f -... *assign a case number to each complaint*. The OIG found that IAG has revised its procedure for accepting complaints from chronic complainers. Internal Affairs Group's past practice was that if a complaint was received from a chronic caller making allegations that had been previously addressed in another complaint investigation, a CF number would not be generated. Beginning March 2005, IAG revised its procedures for assigning CF numbers and now assigns a CF number to all complaints for tracking purposes. If the allegation has already been addressed in a prior complaint investigation, the existing CF number is referenced on the new complaint facesheet and the complaint will be closed as a duplicate. This will allow management to conduct cross-reference reviews to ensure new allegations are not being overlooked.

VI. POST AUDIT MEETING

A copy of the executive summary was forwarded to AD on May 2, 2005.