

**LOS ANGELES POLICE COMMISSION**

***COMPLAINT INVESTIGATIONS  
AUDIT  
(Fiscal Year 2005/2006)***



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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Inspector General

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**EXECUTIVE SUMMARY**  
**Office of the Inspector General**  
**Complaint Investigations Audit (FY 2005/2006)**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree paragraph 136 (ii), completed its Complaint Investigations Audit (Audit). The Audit focused on assessing the following:

- 1) The Adequacy of Investigations;
- 2) Interviewing of All Significant Complainants, Witnesses and Accused Department Employees;
- 3) Proper Framing of Allegations; and
- 4) Addressing All Significant Allegations.

The Audit is not intended to provide an assessment of Department-wide adherence to mandates specified in the Consent Decree. The Los Angeles Police Department's (Department) Audit Division performs that type of assessment annually. Instead, this Audit provides a global assessment of the above-listed risk areas. In determining whether a particular concern was reportable, the OIG evaluated the totality of circumstances. In some instances, other concerns were identified that did not necessarily fit into the above-mentioned Audit objectives. Those concerns were also reported.

**AUDIT METHODOLOGY**

In an attempt to identify and evaluate higher-risk complaint investigations, the OIG requested Internal Affairs Group (IAG) to query the Complaint Information System to identify all Category 1 complaints investigated by IAG that were disciplinary in nature, initiated on or after January 1, 2004, and closed in June 2005. The OIG selected June 2005 because it was the most recent completed month prior to commencing the Audit. The OIG also requested IAG omit all "failure to qualify," "failure to appear," and "preventable traffic collision" complaint investigations. Based on the query provided by IAG, as of July 5<sup>th</sup>, 2005, per the Complaint Information System, there were 69 complaint investigations that met the aforementioned criteria.<sup>1</sup> Prior to conducting any testwork, the OIG excluded 21 additional complaint investigations that contained allegations solely alleging "Unbecoming Conduct," "Discourtesy," "Neglect of Duty" and/or "Other Policy/Rule." This helped to ensure the Audit focused on arguably higher-risk complaints. Finally, the OIG also excluded two complaint investigations that alleged retaliation because the OIG's annual review of retaliation (scheduled for completion in February 2006) will assess those complaint investigations. As a result, the OIG evaluated 46 IAG complaint investigations.

It is important to re-emphasize that the Audit did not perform an assessment of complaint investigations Department-wide and the Audit's findings should not be projected Department-wide. The Department's Audit Division performs a Department-wide assessment annually. In order not to duplicate Audit Division's efforts and to focus our Audit on areas deserving of the

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<sup>1</sup> On November 30, 2005, the OIG requested IAG to re-query the system using the same criteria and based on the OIG's review of that query, no additional complaint investigations were closed in June 2005.

Department's immediate attention, the OIG used the aforementioned "risk-based" methodology to identify complaint investigations with arguably more serious allegations.

The OIG also selected and listened to a random sample of 41 tapes to assess the accuracy and completeness of the applicable paraphrased statements for 52 interviews (found on the 41 tapes).

## **SUMMARY OF RESULTS**

Of the 46 IAG complaint investigations, the OIG determined:<sup>2</sup>

- Thirteen investigations had a significant concern related to the adequacy of the investigation that the OIG believes impacted the adjudication of one or more allegations.
- Six investigations lacked an interview the OIG believes could have impacted the adjudication of one or more allegations.
- Two investigations had an allegation the OIG believes was improperly framed, which impacted the adjudication of one or more allegations.
- Ten investigations had one or more significant allegations not framed or adjudicated.

In conducting the Audit, the OIG also identified concerns and/or issues related to allegation classifications, adjudication updates onto the accused employee's TEAMS record, Notification Letters, and documentation related to canvassing the scene. These issues and concerns are fully detailed in the Audit report.

On December 21<sup>st</sup>, 2005, the OIG met with IAG management and most of the supervisors assigned to the IAG Review and Evaluation Section. The Audit's findings were discussed at length and at that time, the Commanding Officer of IAG indicated appropriate action would be taken (e.g., training, detailed investigation biopsies, and/or the correction of TEAMS record information). In fact, IAG management subsequently provided the OIG with a preliminary plan of action that indicates how IAG plans to address some of the more significant issues and concerns noted the Audit report. Additionally, IAG management indicated the more significant findings of the Audit would be discussed at its next quarterly IAG Training Day.

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<sup>2</sup> Some investigations had more than one concern.

**Office of the Inspector General  
Fiscal Year 2005/2006  
Complaint Investigations Audit**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree paragraph 136 (ii), completed its Complaint Investigations Audit (Audit).<sup>1</sup> Paragraph 136 requires the OIG to conduct a regular, periodic review of complaint investigations. The paragraph further requires the Audit to assess areas of concern identified by the Inspector General and at least one area related to the quality and/or outcome of the investigations. The objective of this Audit focused on assessing the following:

- 1) The Adequacy of Investigations;
- 2) Interviewing of All Significant Complainants, Witnesses and Accused Department Employees;
- 3) Proper Framing of Allegations;<sup>2</sup> and
- 4) Addressing All Significant Allegations.

This Audit is not intended to provide an assessment of Department-wide adherence to mandates specified in the Consent Decree. The Los Angeles Police Department's (Department) Audit Division performs that type of assessment annually. Instead, this Audit provides a global assessment of the above-listed risk areas. In determining whether a particular concern was reportable, the OIG evaluated the totality of circumstances.<sup>3</sup> In some instances, other concerns were identified that did not necessarily fit into the above-mentioned Audit objectives. Those concerns were also reported.

**SCOPE AND METHODOLOGY**

In an attempt to identify and evaluate higher-risk complaint investigations, the OIG requested Internal Affairs Group (IAG) to query the Complaint Information System to identify all Category 1 complaints investigated by IAG that were disciplinary in nature, initiated on or after January 1, 2004, and closed in June 2005. The OIG selected June 2005 because it was the most recent completed month prior to commencing the Audit. The OIG also requested IAG omit all "failure to qualify," "failure to appear," and "preventable traffic collision" complaint investigations. Based on the query provided by IAG, as of July 5<sup>th</sup>, 2005, per the Complaint Information System, there were 69 complaint investigations that met the aforementioned criteria.<sup>4</sup> Prior to conducting any testwork, the OIG excluded 21 additional complaint investigations that contained allegations solely alleging "Unbecoming Conduct," "Discourtesy," "Neglect of Duty" and/or "Other Policy/Rule." This helped to ensure the Audit focused on arguably higher-risk complaints. Finally, the OIG also excluded two complaint investigations

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<sup>1</sup> The paragraph was recently amended to allow the OIG the flexibility to determine the manner to best review complaint investigations, which serves to enhance the oversight and role of the OIG and to maximize its resources.

<sup>2</sup> The OIG evaluated whether the framing of the allegation impacted the overall adjudication when determining whether a particular concern was reportable.

<sup>3</sup> For example, the OIG considered an investigation to have an "adequacy of investigation" concern if a deficiency called into question the final adjudication of one or more allegations.

<sup>4</sup> On November 30, 2005, the OIG requested IAG to re-query the system using the same criteria and based on the OIG's review of that query, no additional complaint investigations were closed in June 2005.

that alleged retaliation because the OIG's annual review of retaliation (scheduled for completion in February 2006) will assess those complaint investigations. As a result, the OIG evaluated 46 IAG complaint investigations.

It is important to re-emphasize that the Audit did not perform an assessment of complaint investigations Department-wide and the Audit's findings should not be projected Department-wide. The Department's Audit Division performs a Department-wide assessment annually. In order not to duplicate Audit Division's efforts and to focus our Audit on areas deserving of the Department's immediate attention, the OIG used the aforementioned "risk-based" methodology to identify complaint investigations with arguably more serious allegations.

Due to the sheer volume of tape recordings of complainant, officer, and witness interviews (225 tapes), the OIG selected and listened to a random sample of 41 tapes (18%) to assess the accuracy and completeness of the applicable paraphrased statements for 52 interviews (found on the 41 tapes).<sup>5</sup> In addition, at times, an auditor listened to additional tapes to clarify information included in other paraphrased statements. Any significant omissions and/or inconsistencies identified with the paraphrased statements were reported as issues with the adequacy of the investigation.

The Audit initially utilized a detailed matrix to evaluate the investigations (in addition to the matrix utilized to assess paraphrased statements) but the OIG found that the matrix was too voluminous and did not allow the auditors to focus on the identification of key risk-management concerns (i.e., the objectives of this Audit). Subsequently, the auditors re-evaluated the investigations without the use of this matrix and focused on evaluating the investigations for significant concerns related to investigation inadequacies, the lack of pertinent interviews, framed allegation deficiencies, and additional allegations that were not addressed by the investigation. The global assessment provided a better picture of the overall quality of these investigations as evidenced by the results of this Audit. Additional issues identified in this Audit that were found to be less significant were separately reported to IAG management and not included in this report.

When auditing complaint investigations, the most difficult component to assess is the adjudication of allegations. Because the Department uses a "preponderance of evidence" standard, there is subjectivity used when weighing evidence in the investigation file. This is also supported by the fact that most of IAG's disagreements with the findings of this report related to the OIG questioning adjudications. When the OIG identified a complaint investigation that had one or more allegation adjudications that clearly appeared unreasonable, those concerns were also reported.<sup>6</sup>

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<sup>5</sup> A detailed matrix was utilized to assess the paraphrased statements for the 52 interviews.

<sup>6</sup> Significant investigation inadequacies and the lack of significant interviews also called into question the adjudication of certain allegations.

## **SUMMARY OF RESULTS**

Of the 46 IAG complaint investigations, the OIG determined:<sup>7</sup>

- 1) Thirteen investigations had a significant concern related to the adequacy of the investigation that the OIG believes impacted the adjudication of one or more allegations. (Objective No. 1)
- 2) Six investigations lacked an interview the OIG believes could have impacted the adjudication of one or more allegations. (Objective No. 2)
- 3) Two investigations had an allegation the OIG believes was improperly framed, which impacted the adjudication of one or more allegations. (Objective No. 3)
- 4) Ten investigations had one or more significant allegations not framed or adjudicated. (Objective No. 4)

In conducting the Audit, the OIG also identified concerns and/or issues related to allegation classifications, adjudication updates onto the accused employee's TEAMS record, Notification Letters, and documentation related to canvassing the scene. Those concerns and/or issues are presented in the Additional Matters Section of this report.

On December 21<sup>st</sup>, 2005, the OIG met with IAG management and most of the supervisors assigned to the IAG Review and Evaluation Section. The Audit's findings were discussed at length and at that time, the Commanding Officer of IAG indicated appropriate action would be taken (e.g., training, detailed investigation biopsies, and/or the correction of TEAMS record information). In fact, IAG management subsequently provided the OIG with a preliminary plan of action that indicates how IAG plans to address some of the more significant issues and concerns noted this report. Additionally, IAG management indicated the more significant findings of the Audit would be discussed at its next quarterly IAG Training Day.

## **DETAILED FINDINGS**

### **CF No: 04-2975**

In this complaint, three co-complainants reported five allegations of discourtesy and unauthorized force against one unknown and two known officers. During the incident, a Non-Categorical Use of Force occurred between the two officers and Complainant No. 1. The allegations were adjudicated as "Unfounded" and the use of force investigation concluded that the force was "In-Policy."

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<sup>7</sup> Some investigations had more than one concern.

The OIG's evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)

For one allegation involving unauthorized force, Complainant No. 1 alleged the officer poked and injured his eye. However, the investigation did not fully address this allegation. In fact, the paraphrased statements for the two known officers indicate that the investigator never asked questions related to this alleged act. Although the Arrest Report for Complainant No. 1 indicated that his eye injury was a result of using the lateral head displacement technique, the officers should have been asked detailed questions of how this occurred. The accused officers' commanding officer merely adjudicated the allegation as "Unfounded," stating the "eye injury sustained by [Complainant No. 1] could very likely [have] been caused by [one accused officer's] use of the lateral head displacement technique." Based on the tape-recorded interview of Complainant No. 1, his main allegation was that the officer was trying to pull out his eye, which is more serious than an eye poke. Also, during this tape-recorded interview, Complainant No. 1 stated his eye turned blue, and when he began to state the police caused this injury, the investigator over-spoke Complainant No. 1 and then asked a different question. Due to the lack of follow-up on this statement made by Complainant No. 1, the OIG cannot determine whether the Complainant No. 1 was trying to indicate that this particular incident caused one of his eyes to turn blue. This information was not included in the paraphrased statement of Complainant No. 1. Complainant No. 1 also offered to release his medical reports regarding his eye injury to the investigator and stated he would provide his doctor's information to the investigator the next day. Yet the investigation file does not contain any medical information on Complainant No. 1 or address the reason (if any) the information was not obtained. Complainant No. 1 also indicated he was hit in the head and blacked out for a couple of minutes, but that information was not in his paraphrased statement. This statement was pertinent because it might have explained the reason why Complainant No. 1 did not mention hearing a different threatening statement alleged by Complainant No. 2.

Additionally, the paraphrased statement of Complainant No. 2 does not mention that during his tape-recorded interview, he stated one officer said, "Don't move or I will kill you" and the investigator did not follow-up on this statement. Instead, the investigator focused on another improper statement Complainant No. 2 alleged. However, the earlier statement (the one that was not followed up on) tended to add weight to an allegation made by Complainant No. 1. Specifically, Complainant No. 1 alleged an officer said "Don't move or I will blow your [profanity omitted] head off." The paraphrased statement for Complainant No. 2 also indicated he did not hear any officer use profanity, particularly when he heard an officer say "Don't move." However, based on the tape-recorded interview, the statement was not made by Complainant No. 2 and the investigator did not ask that specific question. Also, the tape-recorded interview of Complainant No. 2 was missing approximately one-minute of the interview. Specifically, when the investigator asked Complainant No. 2, "where was the gun?" the tape cut out for about one minute and then restarted with a conversation on another matter regarding the investigation.

Finally, the accused officers' commanding officer adjudicated the allegations as "Unfounded" based on the versions of the force used on Complainant No. 1 being "so different" between Complainant Nos. 1 and 2. The OIG disagrees with this statement. Although there were a few inconsistencies, they were potentially explainable. Specifically, Complainant No. 2 stated he did not see the officers hit Complainant No. 1 in the head but he did state he saw the accused officer poke the eye of Complainant No. 1. However, given that Complainant No. 2 was also being arrested during the incident, his attention may not have been focused on Complainant No. 1. Also, although not mentioned in the paraphrased statement of Complainant No. 2, the complainant stated he was told (a few times) by an officer to turn around and not look at what was occurring with Complainant No. 1. As such, the OIG questions the commanding officer's reliance on this inconsistency to adjudicate the allegations. At any rate, during the tape-recorded telephonic interview of Complainant No. 1, the complainant offered to meet with the investigator to further clarify his version of the incident but the IAG investigator stated it would not be necessary. Given that these potentially explainable inconsistencies were used to challenge the credibility of Complainant Nos. 1 and 2, the OIG believes that attempts should have been made to further clarify the incident with the two co-complainants.

An investigator's note in the investigation file states the case was not presented to the Los Angeles District Attorney's Office for filing considerations "because the force allegation that [Complainant No. 1] alleged was investigated in the use of force [investigation] and no new allegations were alleged by [Complainant No. 1]." However, given that Complainant No. 1 was not interviewed as part of the use of force investigation and the additional information identified above, the OIG believes it should have been presented. Also, based on the totality of circumstances, the "Unfounded" adjudications do not appear to be supported by the investigation.

- Addressing All Significant Allegations (Objective No. 4)  
Based on a review of the paraphrased statements of Complainant Nos. 1 and 2, it was also alleged that the two known officers unnecessarily pointed their guns at them (Complainant No. 1 indicated one officer's gun was two feet from his head). These allegations were not framed or adjudicated. Additionally, Complainant No. 2 indicated an officer placed his/her weapon on the ground next to him and his tape-recorded interview indicated he was "scared to death." Given this comment, the OIG believes the Department should have framed an additional allegation regarding the officer's tactics.
- Other Concern  
A review of the tape-recorded interview for Complainant No. 1 revealed that the investigator asked Complainant No. 1 several questions about the dates of birth, names and addresses of his children and ex-wife. At one point the investigator indicated that he/she would contact the complainant's ex-wife to verify her address information. However, Complainant No. 1 did not live with his children and ex-wife and it is unknown why the investigator would ask such detailed questions of Complainant No. 1. In the tape-recorded interview, Complainant

No. 1 and his friend, present during the interview, were concerned with this extensive line of questioning.<sup>8</sup>

Additionally, the OIG noted that there was a Non-Categorical Use of Force investigation completed immediately after this alleged incident, but the IAG investigator did not formally interview the supervisor who investigated the use of force. The IAG investigator only notes that the investigating supervisor interviewed Complainant No. 2 regarding the use of force, and his account was consistent with his/her investigation that concluded no unauthorized force was used. However, because the tape-recorded interview of Complainant No. 2, performed during the use of force investigation did not clearly reflect the responses of Complainant No. 2 when questioned during that investigation (as noted in the complaint investigation's file), the OIG believes Complainant No. 2 should have been asked about this initial interview. If Complainant No. 2 raised the same issues during the use of force investigation, then that investigation should have mentioned his allegations.

**CF No: 04-2980**

In this complaint, the complainant alleged he was inappropriately detained because of his ethnicity. Specifically, the complainant alleged that although the officers indicated they stopped him for a non-working brake/tail light on his vehicle, the officers could not have seen the brake/tail light from their location. As the complainant did not receive a citation and the officers did not provide him with a business card, the complaint investigation listed the officers as "unknown." However, the complainant described the two officers by gender, race, approximate weight and age. Additionally, he provided the date, approximate time and location of the alleged stop. After a review of multiple Daily Field Activity Reports completed by officers assigned to the vicinity of the alleged stop, the IAG investigator indicated he/she could not identify the officers described and as such, the allegations were adjudicated as "Insufficient Evidence to Adjudicate - Unknown Officers."

The OIG's evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
Based on a review of the Daily Field Activity Reports included in the investigation file, the OIG identified a Daily Field Activity Report for two partnered officers that appears to document the alleged vehicle stop. The documented stop occurred on the same date, time and general location specified by the complainant. Given the close match between the complainant's reported gender of the officers and information documented on the Daily Field Activity Report, these two officers should have been identified as the possible "Accused Officers" and subsequently verified with the complainant. If the complainant positively identified these officers, the investigator could have then interviewed the officers to further investigate the complainant's allegations.

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<sup>8</sup> The investigation file did not document the reason for this group interview.

- Addressing All Significant Allegations (Objective No. 4)

The complainant also alleged he and his passenger were illegally searched and the officers were discourteous to them. These allegations were not framed or adjudicated.

**CF No: 04-2979**

In this complaint, the complainant alleged two officers grabbed him off his motorized bike and threw him against a wrought iron fence causing injury to his shoulder. This allegation was adjudicated as “Unfounded.” Additionally, the complainant alleged the officers failed to loosen his handcuffs when requested. This allegation was adjudicated as “Exonerated.”

The OIG’s evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)

The OIG noted the paraphrased statement of the complainant indicated an officer told him that he had a warrant. However, the actual tape-recorded interview of the complainant indicated the officer told him that he had a suspended license. This difference is significant because the accused officers’ commanding officer relied on the paraphrased information to question the complainant’s credibility and adjudicate the allegations. In fact, in a letter to the Chief of Police, the commanding officer indicated the complainant waited three hours to report the incident because he did not want to go to jail. Further stating the explanation given by the complainant “appears self-serving, since waiting for three hours would not result in the disappearance of the warrant and he would still be taken to jail after going to the station, if indeed he had a warrant.” The commanding officer also stated, “it is apparent that the reason for the delay was for the complainant and his friend to get their story together.” Given the inaccuracy in the paraphrased statement, the adjudication rationale was based on a faulty premise.

- Proper Framing of Allegations (Objective No. 3)

The complainant alleged two officers, “while on-duty, unnecessarily grabbed him off his motorized bike and threw him against a wrought iron fence causing injury to his right shoulder.” As each allegation involves two individual acts (unnecessarily grabbed him off his motorized bike and threw him against a wrought iron fence) these individual acts should have been split into separate allegations, but they were not. The Department’s Complaint Investigations Manual states that individual acts should be separated because “should any single act within the allegation be proven false, the allegation as a whole cannot be sustained.” Since the allegation of unnecessarily grabbing the complainant off his motorized bike appeared to lack merit, the second act (throwing into a fence) should have been framed as a separate allegation.

- Addressing All Significant Allegations (Objective No. 4)

The complainant also alleged one officer pulled him to the street by his handcuff chain, which caused his left wrist to swell. This allegation was not framed or adjudicated.

- Other Concern

The OIG disagrees with the adjudication of these allegations. Given that three public witnesses stated the officers forcibly shoved/pushed the complainant into the fence and heard the complainant tell the officers his handcuffs were too tight, and the investigation inadequacy noted above, the “Exonerated” and “Unfounded” adjudications were not supported.<sup>9</sup>

**CF No: 04-3315**

In this complaint, the complainant alleged three officers made a racially-profiled stop when they cited him for a traffic violation he did not commit. The allegations were adjudicated as “Unfounded.”

The OIG’s evaluation of this complaint investigation identified the following concern:

- Adequacy of the Investigation (Objective No. 1)

The paraphrased statements of the complainant did not include pertinent information. Specifically, in the paraphrased statement of the complainant, the investigator does not mention that the complainant denied committing the traffic violation, which is why the complainant felt his detention was due to racial profiling. Also, an investigator’s note in the investigation file indicates a recording of the traffic stop captures the complainant admitting to the traffic violation, but that statement is not supported. On that tape, recorded by an officer’s personal recording device, the complainant denied the traffic violation several times. It is difficult to make out all statements on this tape due to background noise, but it is clear these denials were made. The paraphrased statement of an officer at the scene also indicated the complainant denied the traffic violation. The accused officers’ commanding officer adjudicated the allegation as “Unfounded,” primarily basing his/her decision on inaccurate information in the investigation file that indicated the complainant admitted to the traffic violation.

**CF No: 04-3088**

In this complaint investigation, seven co-complainants as well as the Department made 16 allegations against four officers. In addition to the co-complainants, there were five identified officers and one civilian witness interviewed during the investigation. Complainant Nos. 1 and 2 (the mothers of three related girls) alleged that two officers unnecessarily detained their three minor daughters for prostitution (Allegations Nos. 1-4) and one officer unnecessarily pointed his weapon at two of the girls (Allegation No. 5). The Department alleged one officer was discourteous to a civilian (Allegation No. 6). The three girls detained for prostitution (Complainant Nos. 3-5) alleged the same two officers unnecessarily pushed them (Allegation Nos. 7, 8, 10, and 11). One of the girls also alleged an officer was discourteous to her (Allegation No. 9). Complainant Nos. 6 and 7 (the cousins of the girls) alleged the same two

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<sup>9</sup> The officers indicated they used the fence as a blocking agent to prevent the complainant from fleeing but did not push the complainant into the fence.

officers unnecessarily pushed them (Allegation Nos. 12, 13, and 14). Finally, one of the girls also alleged two other officers were discourteous to her (Allegation Nos. 15 and 16). Five of the allegations (9, 11, 14, 15, and 16) were adjudicated as “Not Resolved.” Ten of the allegations (1, 2, 3, 4, 5, 7, 8, 10, 12, and 13) were adjudicated as “Unfounded.” One of the allegations (6) was adjudicated as “Non-Disciplinary - Employee’s Actions Did Not Rise to the Level of Misconduct.” The incident took place inside and in front of a business during normal business hours.

The OIG’s evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
The OIG noted there was no evidence of canvassing the scene for witnesses outside of the business. As most allegations resulted from contacts near the sidewalk in front of the business, attempts should have been made to locate additional witnesses. The only independent witness was the owner of the business. Although the investigator indicated he/she spoke with other business employees, he/she stated they told him/her they did not observe the incident.<sup>10</sup>
- Addressing All Significant Allegations (Objective No. 4)  
The girls’ mothers also alleged the Department unnecessarily photographed the girls and had them sign a prostitution contact sheet. Additionally, one girl also alleged her handcuffs were too tight and an officer failed to loosen them. These allegations were not framed or adjudicated.
- Other Concern  
The OIG disagrees with the “Unfounded” adjudication for Allegation Nos. 5, 7, 8, 10, and 11. These allegations were that two officers pushed the three girls into a wall and one officer inappropriately pointed his weapon at two of the girls. Specifically, the accused officers’ commanding officer relied on the information of an independent witness who stated he did not see the alleged acts occur. However, that witness indicated that when the officer and girls walked outside his business, he locked the door to his business and walked to the rear of his business so he could watch the incident from behind a fence. This was the same time frame those acts were alleged to have occurred. Given the circumstances, the OIG believes the allegations should have been adjudicated as “Not Resolved.”

**CF No: 04-4746**

In this complaint, the complainant alleged two officers used unauthorized force against him during a foot pursuit. Both allegations were adjudicated as “Unfounded.”

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<sup>10</sup> The OIG noted that the names of these employees were not documented in the investigation file.

The OIG's evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)

The OIG identified inadequacies with the complainant's paraphrased statement. Specifically, the entire second interview (occurring approximately ten hours after the first interview) was not paraphrased or included in the investigation file. In that tape-recorded interview the complainant, at one point, stated he probably did fall and sustain his injuries. However, later in the interview, the complainant stated he did not know whether he sustained his injuries from the fall during the foot pursuit or from being struck by the officers.<sup>11</sup>

Additionally, regarding the complainant's injuries, there is a significant inconsistency as to how he fell. The responding supervisor's paraphrased statement indicated one officer, the only person who witnessed this fall, told the supervisor he/she saw the complainant fall face down on his torso and head. However, this same officer's paraphrased statement indicates he/she saw the complainant land on his back, buttocks and head. Given that a face-down fall would not explain injuries to the back of the complainant's head, the inconsistency should have been addressed further by the investigator.

Finally, an investigator's note in the investigation file indicates that all interviews were tape-recorded except for one person, but the file does not indicate whether the person had any pertinent information and this person's paraphrased statement was not included in the investigation.

- Other Concern

The first interview of the complainant was initially conducted a few hours after the alleged incident, sometime after midnight. A few times during the interview, the complainant yawned, indicated he was tired and stated, "I gotta sleep," and wanted to make some telephone calls. Based on the time of the interview and the complainant's request to end the interview, the OIG questions why the investigator continued interviewing this complainant.<sup>12</sup>

### **CF No: 04-5148**

In this complaint, the complainant alleged two officers illegally searched him and his vehicle during a traffic stop. The complainant also alleged one officer unnecessarily pushed him against a parked vehicle. The allegations were adjudicated as "Exonerated."

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<sup>11</sup> The first interview also had inconsistencies, however, because the entire second interview was not paraphrased, the OIG believes this is a reportable matter.

<sup>12</sup> The accused officers initially stopped the complainant for a "driving under the influence" violation. The complainant was interviewed over four hours later. It is unknown whether the complainant was still "under the influence" at the time of the interview.

The OIG's evaluation of this complaint investigation identified the following concern:

- Addressing All Significant Allegations (Objective No. 4)  
The complainant also alleged he was illegally detained, unnecessarily ordered him out of his car with guns drawn and while being searched, his genitals were unnecessarily grabbed. These allegations were not framed or adjudicated.

**CF No: 04-1141**

In this complaint, the complainant alleged an officer made an ethnic remark, was discourteous, and used unauthorized force. The allegations were adjudicated as "Unfounded."

The OIG's evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
The complainant stated his injuries were caused by the accused officer's kicks, but the accused officer's commanding officer concluded the complainant caused the injuries by jumping through a closed second-story window and falling to the ground. It appears this conclusion was based on another officer at the scene indicating he/she saw broken glass,<sup>13</sup> the accused officer stating he/she heard the sound of glass breaking, and an investigator's note. The investigator's note indicated the suspect's injuries to the left side of his face was consistent with cuts from broken glass and the injury to the right side of his face was consistent with hitting the ground from the fall. However, the OIG does not believe the investigator's conclusion is fully supported by the investigation file. Specifically, the officer nearest to complainant at the time of the jump, indicated he/she believed the window was open and did not remember any broken glass, and the complainant was not asked whether the window was open or closed. Given these concerns, the OIG questions the "Unfounded" adjudication for the unauthorized force.
- Addressing All Significant Allegations (Objective No. 4)  
The framed "Unauthorized Force" allegation by the complainant was that the officer kicked the complainant in the head numerous times while he was handcuffed. However, the complainant's paraphrased statement indicated that, following the kicks, the same officer stomped on the back of his neck three or four times. The additional allegation pertaining to this stomping on the complainant's neck should have been a framed allegation. If this allegation had merit (e.g., bruising to the back of the complainant's neck), it would also call into question the commanding officer's adjudication of the unauthorized force allegation.

**CF No: 04-2342**

In this complaint, three co-complainants made a total of seven allegations against three officers who responded to a radio call involving an assault with a deadly weapon and possible kidnapping. The co-complainants alleged illegal searches (three allegations) and detentions

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<sup>13</sup> This information was found in an investigator's note that did not reference a tape number.

without cause (four allegations). Although the reporting person provided detailed descriptions of the suspects (one suspect was her son) and this information was included in the crime broadcast, two of the co-complainants (of a different race) were detained. The allegations were adjudicated as “Exonerated.”

The OIG’s evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
Four allegations involved the illegal detention of two co-complainants by two officers. The accused officers’ commanding officer adjudicated the allegations as “Exonerated,” but the OIG believes the investigation was not thorough enough to properly adjudicate the allegations. Specifically, the reporting person described the suspects as three male Blacks and provided detailed descriptions that were included in the associated crime broadcast. The two co-complainants detained were Hispanic and lived in the apartment complex. The investigation was unclear on how the two co-complainants were acting “suspiciously” and did not analyze whether these two co-complainants matched the detailed descriptions of the suspects.
- Addressing All Significant Allegations (Objective No. 4)  
Based on a review of co-complainants’ paraphrased statements, it appears additional allegations were not framed or adjudicated. Specifically, one co-complainant alleged the officers unnecessarily handcuffed him and an unknown officer ignored him when he stated his handcuffs were too tight. Another co-complainant alleged officers ignored at least five of his requests to check on his two-year-old son who was alone in his apartment due to the co-complainant’s detention, and his apartment was “ransacked” during the search. Finally, the two male Hispanic co-complainants were also alleging that the length of their detention was unjustified (approximately one hour, although the exact time varies considerably per witness).

**CF No: 04-3996**

In this complaint, the complainant alleged two officers racially profiled him during a traffic stop and unnecessarily handcuffed him. These allegations were adjudicated as “Unfounded.” The complainant also alleged his vehicle was searched without consent or cause. This allegation was adjudicated as “Exonerated.” There were two other passengers in the vehicle.

The OIG’s evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
Regarding the illegal vehicle search allegation, the OIG believes the “Exonerated” adjudication is not supported due to inadequacies in the investigation. The accused officers’ commanding officer indicated that based solely on the complainant’s assertion versus the officers, the allegation would have been adjudicated as “Not Resolved.” But further states, “the officers had legal justification to lawfully search the vehicle without consent,” and the

allegation was therefore adjudicated as “Exonerated.” The commanding officer further indicated that because the field interview card of the passenger documented he was on active felony probation with search conditions, the status alone allowed officers to search the vehicle without consent. However, based on the paraphrased statements, the investigation never established whether the officers knew about these conditions and placed reliance on the information prior to conducting the search. As the investigation never established such pre-existing knowledge, the OIG does not believe the “Exonerated” adjudication for the vehicle search allegation is supported by the investigation.

- Addressing All Significant Allegations (Objective No. 4)  
Based on the interviews of the complainant, additional allegations (that the two officers unnecessarily handcuffed his passengers and conducted a pat-down search for weapons) should have been framed and adjudicated.

**CF No: 04-2849**

In this complaint investigation, the complainant alleged an officer unnecessarily handcuffed her, and that the same officer along with his/her partner, unnecessarily used force against her son. There were two radio calls from the residence requesting assistance for a domestic violence dispute. The allegations were adjudicated as “Exonerated.”

The OIG’s evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
Regarding the allegation that one accused officer unnecessarily handcuffed the complainant, the officer indicated he/she handcuffed the complainant when she “attempted to open the back door to the police car to free her son.” However, a witness (the complainant’s spouse) stated that the complainant did not attempt to remove her son from the police vehicle. The complainant denied ever attempting to interfere with the officers when they were taking her son into custody. The complainant and her spouse indicated she was handcuffed inside the house but the officers indicated she was handcuffed outside the house. If this handcuffing incident occurred outside near the street, there could have been witnesses. Yet, the investigator did not perform a canvassing of the neighborhood for witnesses, nor did the Non-Categorical Use of Force investigation canvass the scene for witnesses because the use of force occurred inside the house. Fully addressing this issue with an attempt to canvass the scene for witnesses would have helped to resolve this inconsistency.

- Interviewing Significant Witnesses and Accused Employees (Objective No. 2)  
The OIG noted that neither the two accused officers nor two witnessing officers were interviewed in the complaint investigation.<sup>14</sup> Although these individuals were already interviewed in the Non-Categorical Use of Force investigation, the interviews were not paraphrased or tape-recorded (which was not required by Department policy given the level of force used). However, as the complainant also alleged she was unnecessarily handcuffed, unrelated to the use of force on her son, these officers should have been re-interviewed.
- Other Concern  
The OIG also noted the paraphrased statements of the two co-complainants indicated the interviews were tape-recorded, but there were no referenced tape numbers. The OIG requested IAG to follow-up on the matter but the tapes were never located.

### **CF No: 04-1805**

In this complaint investigation, an attorney filed a Claim for Damages on behalf of his client with the City of Los Angeles. It was alleged that several years ago two officers planted cocaine and arrested his client without cause. Additionally, it was alleged that one officer gave false testimony in court. The allegations were ultimately adjudicated as “Other Judicial Review.” The OIG’s review of the complaint investigation revealed the client was convicted in the late 1990s for being in possession of a controlled substance. Then, in early 2004, the Los Angeles Superior Court granted a Petition for Writ of Habeas Corpus and the case was dismissed. A review of the investigation found that the Claim for Damages was denied. The attorney declined to be interviewed by the investigators and would not allow his client to be interviewed. In addition, the deputy district attorney who prosecuted the client did not return the investigator’s calls.

The OIG’s evaluation of this complaint investigation identified the following concern:

- Adequacy of the Investigation (Objective No. 1)  
In January 2005, the officer-in-charge of the IAG Support Section sent intradepartmental correspondence to the officer-in-charge of the IAG Administrative Investigation Section requesting an explanation be provided relative to the criminal case being dismissed based on the Writ of Habeas Corpus. The correspondence pointed out that the “Other Judicial Review” form completed for one officer indicated his complaint history did not contain prior allegations of a similar nature; however, a review of both officers’ complaint history did not support that statement. The responding letter, dated March 2005, from the IAG Administrative Investigation Section did not adequately address those concerns. Specifically, there was no additional information on the basis for the case being dismissed. Instead, the response (three paragraphs) provided a chronological work history of a former Rampart officer from 1996 to 1999 (when he/she resigned from the Department) and a general discussion of the fact that multiple Writs of Habeas Corpus requests were reviewed

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<sup>14</sup> The son’s arrest report, signed by one of the accused officers, was used to support the officers’ version of the incident.

by the court as a result of allegedly false arrests after the Rampart scandal.<sup>15</sup> Regarding the officers' complaint history, the response summarized the officers' complaint history; however, there is no indication that the details of the complaints were researched to determine if there were previous allegations of a similar nature. Thus, as the investigation did not clearly indicate the reason for the case dismissal, the OIG was unable to determine whether the "Other Judicial Review" adjudication was supported.

### **CF No: 05-1681**

In this complaint, a complainant inmate made allegations pertaining to his conviction in the 1990s for a Rampart murder. Specifically, the complainant alleged the accused officer subsequently became aware of the complainant's innocence but failed to make proper notifications. The complainant was not interviewed, and the allegation was adjudicated as "Other Judicial Review."

The OIG's evaluation of this complaint investigation identified the following concerns:

- Proper Framing of Allegations (Objective No. 3)  
The framed allegations do not accurately reflect the information on the original complaint form, and there is no explanation for the difference. Specifically, the framed allegations were that, while on-duty, an officer falsely arrested him for murder and withheld information in his criminal case. The original complaint form indicates the officer later became aware of the complainant's innocence, but failed to make proper notifications. It is unknown whether the complainant was trying to allege the officer failed to make proper notifications of his innocence at his trial or after his conviction.
- Interviewing the Complainant (Objective No. 2)  
Given the vagueness of the complainant's allegation, the OIG believes he should have been interviewed for additional clarification, but he was not.
- Other Concern  
The accused officer's commanding officer adjudicated the allegation as "Other Judicial Review." However, as the investigation file does not clarify whether the allegation could have been addressed during the complainant's trial, the use of "Other Judicial Review" is not supported.<sup>16</sup>

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<sup>15</sup> The former Rampart officer (involved in the Rampart scandal) is not one of the two accused officers in this complaint.

<sup>16</sup> The OIG's Discipline Report for the first quarter of 2005 discussed issues identified with the "Other Judicial Review" adjudication. As a result of that report, the Department recently indicated that the adjudication category would no longer be used.

**CF No: 04-5835**

In this complaint investigation, the complainant (on behalf of his incarcerated son) alleged that his son was arrested without cause and an officer provided false information to his son's Parole Board which resulted in the Parole Board concluding his son violated his parole conditions. Specifically, the accused officer reported the complainant's son was previously seen with known gang members and in possession of a gun but fled the scene to elude capture. The allegations were adjudicated as "Unfounded."

The OIG's evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
The allegation that false information was submitted to the Parole Board was not fully addressed. Specifically, the investigator was able to identify witnesses who observed the son at a location where gang members were present, but the investigator did not address whether the son was actually in possession of a gun. Because these allegations were framed into one allegation, the investigator concluded that because one part of the allegation was false, the other part of the allegation would be false.
- Interviewing Significant Witnesses and Accused Employees (Objective No. 2)  
As the investigator concluded that part of the allegation was false, the investigator felt that he did not have to further investigate whether the son was in possession of a gun and fled the scene to elude capture. Therefore, the investigator did not interview the accused officer or his partner. The OIG disagrees with that decision.

**CF No: 04-2850**

In this complaint investigation, the complainant, arrested for domestic violence, alleged he was injured while being handcuffed by two officers, and unauthorized force was used by one officer. All allegations were adjudicated as "Unfounded."

The OIG's evaluation of this complaint investigation identified the following concern:

- Interviewing All Significant Witnesses (Objective No. 2)  
Investigators of this complaint did not attempt to interview the domestic violence victim who was the girlfriend of the complainant. Although the victim signed a request for confidentiality of information so her name would not become part of public record, the signing of this form should not have precluded her, the only potential witness, from being interviewed by IAG. There was no indication in the investigation file whether an interview was attempted.

**CF No: 04-3321**

In this complaint, the complainant and her nephew made five allegations against four officers for discourteous remarks and unnecessarily pushing the nephew's head into a fence when he was detained for loitering. The allegations were adjudicated as "Unfounded."

The OIG's evaluation of this complaint investigation identified the following concern:

- Addressing All Significant Allegations (Objective No. 4)  
The complainant's nephew also alleged one officer used unauthorized force when the officer grabbed him by his T-shirt and pulled on it, and then slammed and placed him roughly into the police vehicle. This allegation was not framed or adjudicated.

**CF No: 04-2663**

In this complaint, a complainant alleged various unknown officers have been harassing her family. She also alleged that, during a specific incident, two known officers were discourteous to her son, improperly detained and pointed a firearm at him, and dropped him off in a rival gang area. These allegations were adjudicated as "Unfounded." The complainant also alleged an unknown officer made an improper remark about her to another person. That allegation was adjudicated as "Not Resolved." The complainant also alleged that, during a different incident, another officer made discourteous remarks towards her. That allegation was adjudicated as "Unfounded." The complainant's son alleged that on a different occasion, another officer was discourteous towards him. That allegation was also adjudicated as "Unfounded."

The OIG's evaluation of this complaint investigation identified the following:

- Other Concern  
Based on the investigation, the OIG disagrees with the "Unfounded" adjudication for the alleged harassment. Given that vague information was provided that hampered an ability to properly investigate the allegation, "Insufficient Evidence to Adjudicate" would have been a better adjudication.<sup>17</sup>

**CF No: 04-2474**

In this complaint, the complainant alleged misconduct against several different officers. Specifically, the complainant alleged the officers: 1) falsely arrested him; 2) submitted false statements in an Arrest Report; 3) provided false statements during court proceedings; 4) conspired in his false arrest; 5) failed to address errors in his Arrest Report; and 6) kicked over a homeless person's shopping cart. Four of the allegations (1 through 4) were adjudicated as "Other Judicial Review" and the other two (5 and 6) were adjudicated as "Unfounded."

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<sup>17</sup> As this allegation involved "on-going" harassment, the OIG felt it was necessary to report its concern regarding the final adjudication.

The OIG's evaluation of this complaint investigation identified the following concern:

- Addressing All Significant Allegations (Objective No. 4)  
A witness indicated officers went into her room when she was not there and looked for drugs. The OIG believes this allegation should have also been framed and adjudicated.

**CF No: 04-2555**

In this complaint, the complainant alleged that his neighbor, an officer with the Department, made an off-duty racial slur towards him. The allegation was adjudicated as "Not Resolved."

The OIG's evaluation of this complaint investigation identified the following concern:

- Interviewing All Significant Witnesses (Objective No. 2)  
The investigation did not indicate the investigator attempted to interview the accused officer's spouse. As the investigation indicates the spouse may have had some knowledge about the alleged incident, the OIG believes an attempt to interview her should have been made.

**CF No: 04-6310**

In this complaint investigation, one co-complainant alleged that two officers falsely arrested him, unnecessarily injured his ankle, and failed to provide medical treatment. Additionally, this same co-complainant and another co-complainant alleged an officer challenged them to a fight. The false arrest allegation was adjudicated as "Exonerated," and the rest of the allegations were adjudicated as "Unfounded." The complainant with the alleged ankle injury filed a Claim for Damages with the City of Los Angeles.

The OIG's evaluation of this complaint investigation identified the following:

- Other Concern  
The OIG disagrees with the rationale used to adjudicate the allegation related to the officer challenging the complainants to a fight. Specifically, the accused officers' commanding officer stated that the complainant "demonstrated a conspicuous pattern of lying. Similarly, [the co-complainant's] story is filled with contradictions. Both parties are describing the same set of events. There is no doubt that both parties attempted to get their stories alike to support the Claim for Damages." This statement contradicts itself and the OIG felt the inconsistencies between the complainants' statements were fairly minor. Based on the investigation file, the OIG believes "Not Resolved" would have been a better adjudication.

**CF No: 04-2927**

In this complaint, the complainant alleged an officer unnecessarily grabbed his friend by the shirt and pushed his friend against a vehicle. The complainant also alleged the officer inappropriately

handcuffed his friend and attempted to intimidate and dissuade the complainant from requesting a supervisor. The allegations were adjudicated as “Unfounded.”

The OIG’s evaluation of this complaint investigation identified the following concerns:

- Adequacy of the Investigation (Objective No. 1)  
The paraphrased statement of the complainant did not include significant statements made during his tape-recorded interviews.<sup>18</sup> Specifically, the complainant indicated he no longer wanted to pursue his complaint because the same officer issued him a speeding ticket approximately three months after this incident. He further indicated he was not speeding but was unwilling to confront the officer who is assigned to patrol his neighborhood. The OIG believes it was pertinent to include this information in the complainant’s paraphrased statements because it could explain the reason the complainant did not want to pursue his initial complaint.
- Interviewing Accused Employees (Objective No. 2)  
The OIG believes the accused officer should have been interviewed, especially since the investigation file indicates the responding supervisor inadvertently erased the recording of the incident made by the accused officer.

#### **CF No: 04-2762**

In this complaint, the complainant alleged three officers, while on duty, unnecessarily pushed him into a wall and handcuffed him. The allegations were adjudicated as “Not Resolved.” Specifically, the officers indicated the complainant was detained for an “under the influence” investigation. The officers stated the complainant initially gave them consent to search his person, however, due to the complainant’s resistance, a supervisor (at the scene during the entire incident) gave the order to handcuff the complainant “for his safety and theirs.” The search had negative results.

The OIG’s evaluation of this complaint investigation identified the following:

#### Other Concern

In one officer’s tape-recorded interview, he/she indicated the complainant remained handcuffed when an independent responding supervisor arrived at the scene even though the preliminary investigation had already revealed the complainant was not under the influence of anything. The officer indicated the complainant remained handcuffed due to his mental stability. This statement was not paraphrased, but it conflicted with the responding supervisor’s version of the incident. Specifically, the responding supervisor indicated the complainant was not handcuffed when he/she arrived at the scene. The OIG would have preferred IAG clarify this issue during

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<sup>18</sup> An Area supervisor first interviewed the complainant, and then, approximately three months later, the complainant was re-interviewed by IAG.

the interview of the complainant, however, the OIG recognizes that the complainant did not allege he was handcuffed for an unreasonable length of time.

### **ADDITIONAL MATTERS**

The OIG also identified additional matters that did not necessarily relate to just one complaint investigation. Specifically, the OIG identified concerns and/or issues with allegation classifications, adjudication updates onto the accused employees' TEAMS record, Notification Letters and documentation related to canvassing a scene. The concerns and/or issues are described further below.

#### **Allegations Incorrectly Classified**

The OIG noted six complaint investigations had one or more allegations that appeared to be improperly classified in the Complaint Information System (CIS).<sup>19</sup> The OIG used guidance from the Department to assist in evaluating allegation classifications.

The identified concerns include:

- CF No: 04-1805 – The complainant alleged an officer gave false testimony in court. The allegation was classified as “Unbecoming Conduct” but “False and Misleading Statements” appears to be a more appropriate classification.
- CF No: 04-5835 – The complainant alleged the officer reported false information to his son’s Parole Board and his son’s parole was revoked. The allegation was classified as “Unbecoming Conduct” but “False and Misleading Statements” appears to be a more appropriate classification.
- CF No: 04-2975 – The complainant alleged an officer made a threatening and ethnic remark. The allegation was classified as “Discourtesy” but “Ethnic Remark” or “Unbecoming Conduct” appears to be a more appropriate classification.<sup>20</sup>
- CF No: 04-6310 – The complainants alleged an officer challenged them to a fight. The allegations were classified as “Discourtesy” but “Unbecoming Conduct” appears to be a more appropriate classification.
- CF No: 04-2927 – The complainant alleged an officer unnecessarily handcuffed his friend. The allegation was classified as “False Imprisonment” but “Unauthorized Tactics” appears to be a more appropriate classification.

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<sup>19</sup> The IAG Classifications Section, not the complaint investigators, classifies the framed allegations.

<sup>20</sup> It appears that the framed allegation by IAG should have been separated into two allegations for proper classification.

- CF No: 04-2603 – The complainant alleged an officer pulled his hat forward and caused pain to his neck. The allegation was classified as “Unauthorized Tactics” but “Unbecoming Conduct” appears to be a more appropriate classification.

Internal Affairs Group management indicated that these classifications would be changed on the accused officers’ TEAMS record and that individuals in the IAG Classifications Section would be trained to ensure similar allegations are correctly classified going forward.

### **Inaccurate/Omitted Adjudications in TEAMS**

The OIG noted three of the 46 investigations had one or more allegations that appeared to have inaccurate or omitted adjudications on the accused employees’ TEAMS record. The identified concerns include:

- CF No: 04-3088 – The allegations related to unauthorized force were adjudicated as “Unfounded,” but one of the accused officer’s TEAMS record indicates it was adjudicated as “Not Resolved.”<sup>21</sup>
- CF No: 04-2849 – The allegations related to unnecessarily handcuffing the complainant and using unauthorized force on her son were adjudicated as “Exonerated,” but the TEAMS record for one accused reserve police officer did not reflect this complaint investigation or the related adjudication.
- CF No: 04-0295 – The allegation related to a failure to complete a complaint form and a preliminary investigation report. The allegation was adjudicated as “Not Resolved,” but the accused officer’s TEAMS record does not reflect this complaint investigation or the related adjudication.

Internal Affairs Group management indicated that these adjudications and/or omitted information would be corrected on the accused officers’ TEAMS record.

### **Notification Letter Deficiencies**

The OIG noted four complaint investigations had issues with the final Notification Letters (Letters). These Letters are mailed to complainants at the conclusion of an investigation and indicate the final adjudication of their allegations. As the Letters are the only information provided to public complainants to notify them of the investigation results, it is important to ensure they are sent, complete and accurate.

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<sup>21</sup> However, as previously mentioned, the OIG disagreed with the “Unfounded” adjudication and felt “Not Resolved” was more appropriate.

The identified concerns include:

- CF No: 04-2663 - The Letter did not mention the complainant's "Unbecoming Conduct" allegations or associated adjudications.
- CF No: 04-2263 - This same investigation file indicated a Letter was sent to only one of the two co-complainants.
- CF No: 04-5009 - The date of the incident was misstated by 70 days.
- CF No: 04-3088 - One co-complainant's Letter indicated two "Unauthorized Force" allegations that were actually adjudicated as "Not Resolved" were incorrectly reported as being "Unfounded." Another co-complainant's Letter inappropriately included adjudications for two allegations ("Unauthorized Force" and "Discourtesy") that were not part of her complaint. This same investigation file indicated Letters were only sent to three of the seven co-complainants.

Additionally, the OIG disagrees with the standard verbiage used by the Department in Letters reporting allegations adjudicated as "Unfounded." Those Letters normally state, "*Your allegation that an officer ..... was classified as Unfounded. This means that the investigation indicated that the act complained of did not occur.*" This verbiage inappropriately implies to the complainant that he/she is lying. Perhaps, the second sentence should be revised to state, "*This means that the preponderance of evidence in the investigation indicated that the act complained of did not occur.*" The OIG believes this revision would more accurately reflect the basis for the "Unfounded" adjudication.<sup>22</sup>

### **Inadequate Documentation Related to Canvassing a Scene**

During this Audit, the OIG noted that IAG investigators were not always consistent on the amount of detail they documented regarding their canvassing of a scene for witnesses. For example, one investigation indicated the neighborhood was canvassed and no witnesses were located. However, specific addresses were not provided. Yet other investigations provide the specific addresses that were canvassed. This information is important because it allows the reviewer to assess the type and extent of canvassing performed.

This issue was discussed with the Commanding Officer of IAG and he indicated this issue was discussed with IAG investigators during an IAG quarterly training day. He indicated the investigations completed in late 2005 and 2006 should contain adequate documentation regarding canvassing the scene.

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<sup>22</sup> See the Recommendation Section (Revise the standard verbiage in Notification Letters involving "Unfounded" allegations.)

**RECOMMENDATION**

It is recommended that the Department revise the language in Notification Letters involving “Unfounded” allegations to indicate the investigation used the preponderance of evidence standard.