

LOS ANGELES POLICE COMMISSION

***COMPLAINT INVESTIGATIONS
AUDIT***

Fourth Quarter, Fiscal Year 2003/2004



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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OFFICE OF THE INSPECTOR GENERAL

AUDIT OF COMPLAINT INVESTIGATIONS Fourth Quarter, Fiscal Year 2003-2004

I. PURPOSE

The Office of the Inspector General (OIG) is tasked with reviewing a stratified random sample of complaint investigations as mandated by Consent Decree paragraph 136. The review will assess the quality, completeness and findings of the investigations and shall include determinations of whether the investigations were completed in a timely manner, summarized statements accurately match the recorded statements, all available evidence was collected and analyzed, and the adjudication of the investigation was appropriate.

II. PRIOR AUDITS

This is the second Consent Decree related audit of complaint investigations conducted by the OIG. The Report of the Independent Monitor for the Quarter Ending March 31, 2004, found the OIG's first audit of complaint investigations non-compliant with paragraph 136. The Independent Monitor's report noted that the OIG did not consider stratification by Division/Bureau as an aid to evaluating performance by Area investigators; the scope of the OIG's audit covered only completed complaint investigations; and, although the audit report was well-structured, the OIG's favorable summary comments regarding the Department's investigation of complaints were not consistent with the nature of the audit findings noted in the report.

The following provides the recommendations and status of each recommendation made in the OIG's first audit:¹

- *The OIG concurs with Audit Division's recommendation made in their Interim Summary Report of Complaint Investigations that the Department establish a method for documenting the requirements of paragraph 80 within the complaint investigation format.*

Status

The OIG found that Professional Standards Bureau (PSB) is providing training sessions regarding the requirements of paragraph 80 to individual Area/division Commanding Officers (C/O), at Watch Commander and Supervisor Schools, and at the three-day complaint investigator school. Additionally, the mandates of paragraph 80 will be addressed through the Continuing Education Delivery Plan (CEDP) 7.5 training.

¹ The OIG found that until recently there was no Department entity assigned to follow-up on the recommendations made by the OIG. The Civil Rights Integrity Division, who monitors audit recommendations made by the Department, has now been tasked with this responsibility. On May 14, 2004, Civil Rights Integrity Division provided the OIG with the status of audit recommendations from the prior Complaint Investigations Audit.

- *The OIG concurs with Audit Division's recommendation made in their Interim Summary Report of Complaint Investigations that Internal Affairs Group (IAG) develop a ready-reference checklist to be used by commanding officers and others in the complaint review process as a standard for evaluating the thoroughness of investigations.*

Status

The OIG found that PSB has designed an "Investigative Checklist" that is currently being used by the Officer-in-Charge of each PSB investigative section. Professional Standards Bureau is still considering Department-wide distribution of the checklist.

- *The OIG concurs with Audit Division's recommendation made in their Interim Summary Report of Complaint Investigations that IAG establish a method for documenting whether interviews of complainants and witnesses were held at a time, date and location convenient to them; that no group interviews were conducted; and whether a scene was canvassed for witnesses and evidence.*

Status

Although, the OIG found that many complaint investigations now include documentation that allows the auditor to assess compliance with the mandates of paragraph 80, the Department still has not reached compliance. In efforts to achieve 100% compliance, PSB is continually training Department personnel, to include Area/division C/O's, Watch Commanders, and Supervisors, of the requirements of paragraph 80 and the need to accurately document the requirements within the body of the complaint investigation. The Department will further address the mandates of paragraph 80, through the CEDP 7.5 training.

- *The OIG recommends a system be established to ensure that tapes utilized for complaint investigations are submitted to Scientific Investigation Division (SID) for storage as required by Department Manual Section 3/825.*

Status

The Department has included an audit related to this recommendation in its 2004/05 Department's Annual Audit Plan to determine the level of compliance with Department Manual Section 3/825.

- *The OIG recommends the Department direct commanding officers to conduct periodic audits of tape-recordings of complainant, accused employees and witness interviews to ensure paraphrasing is accurate and to identify any issues relative to additional training for Investigating Officer (I/O) on interview techniques, etc.*

Status

The Department has included an audit related to this recommendation in its 2004/05 Department's Annual Audit Plan to identify any issues relative to additional training for I/Os on interview techniques, etc.

III. METHODOLOGY

In an effort to evaluate completed complaint investigations as required by Consent Decree paragraph 136, the OIG utilized audit tools, which consisted of a Sample Selection Process, a Work Plan, matrices and crib sheets, to determine Consent Decree compliance. These audit tools examined the complaint investigation and all related documents for compliance with Department policy and procedure as well as Consent Decree paragraphs 136, 79, 80, 82, 83, 84, 85, 86, 87, 90, 91, and 93 (See Appendix A for a summary of the mandates for each paragraph).

The Sample Selection Process classified complaint allegations into a "High," Medium," or "Low" category based on the severity of the allegation, impact on the community, and allegations with historically low sustained rates based on previous complaint reviews by the OIG. The Work Plan provided "Operational Definitions," "Standards," and "Measures" as they apply to the objectives and the analysis by which compliance was determined. These terms are described in the *Methodologies to Aid in Determination of Consent Decree Compliance dated April 15, 2002*, provided by the Monitor. The auditors utilized two matrices; a primary matrix consisting of 65 questions used to evaluate complaint investigations and a supplemental audiotape matrix consisting of 17 questions used to evaluate tape-recorded interviews. The crib sheets set guidelines on how matrix questions are to be answered to provide consistency among auditors.

The audit objectives based on Consent Decree paragraph 136 are listed below along with related paragraphs used to evaluate each objective.

Objective No.	Review Complaint Investigation for	Consent Decree Paragraphs
1	Quality	CD ¶ 136a, 80b, 80c, 93
2	Completeness	CD ¶ 136b, 80a, 91
3	Investigative Findings	CD ¶ 136c, 80d, 80e, 80g, 82
4	Completion in a Timely Manner	CD ¶ 136d, 79, 87
5	Accuracy of Summarized Statements with Tape-Recorded Statements	CD ¶ 136e
6	Collection and Analysis of All Evidence	CD ¶ 136f, 80f, 86
7	Proper Adjudication of Investigation	CD ¶ 136g, 83, 84, 85, 90

The OIG further assessed active complaint investigations for timeliness in compliance with paragraph 87 of the Consent Decree.

Audit Population and Time Period

Closed Investigations

The time period selected for this audit included complaints reported after December 31, 2002, and closed between December 1, 2003 through February 29, 2004. Investigations that involved Failures to Qualify (FTQ), Failures to Appear (FTA), and Preventable Traffic Collisions (PTC) were excluded from the selection process. This resulted in a total of 1,262 complaint investigations with 1,698 allegations² available for selection in the time period specified. A one-tail test³ was used to identify the sample size using the following criteria: 70% of allegations from the “High” category were randomly selected, 25% from the “Medium,” and 5% from the “Low” category.⁴ A total of 87 complaint investigations with 92 allegations were identified for review. The OIG included all four complaint investigations conducted by Metropolitan Division. This increased the audit population to 91 complaint investigations with 96 allegations.

The following provides a breakdown of the 91 complaint investigations randomly selected for this audit by the investigating entity:

Investigating Entity	Number of Complaint Investigations
Internal Affairs Group	63
Metropolitan	4
<i>Operations-Central Bureau</i>	
Central	3
Central Traffic Division	1
Hollenbeck	1
Newton	1
Northeast	1
Rampart	1

² A complaint investigation may contain multiple allegations.

³ A one-tail test is defined as the test of a given statistical hypothesis in which only a value of the statistic that is, for example, sufficiently large will lead to rejection of the hypothesis tested. For this audit, a 95% confidence level with a +/- 4% error rate was utilized.

⁴ Consent Decree paragraph 136 requires the OIG to audit a stratified random sample. This audit utilizes a risk stratum versus a geographic stratum commonly used for other Department audits. Consent Decree paragraph 93 requires Internal Affairs to investigate complaint allegations of unauthorized force, invidious discrimination, unlawful search, unlawful seizure, dishonesty, domestic violence, improper behavior involving narcotics, sexual misconduct, theft, and retaliation. The majority of these allegations fall under the High Category level of the Sample Selection Process. Since the OIG reviewed 70% of complaint investigations from the High category, the majority of complaint investigations in the population will be complaints investigated by IAG.

Investigating Entity	Number of Complaint Investigations
<i>Operations-South Bureau</i>	
77 th	2
Southeast	1
<i>Operations-Valley Bureau</i>	
Devonshire	1
North Hollywood	1
Van Nuys	1
Valley Traffic Division	4
<i>Operations-West Bureau</i>	
Hollywood	3
West Traffic Division	3
Total	91

Audiotape Review - Population

A one-tail sample of the 92 allegations identified above resulted in a sample size of 46 complaint investigations with 49 allegations selected for audiotape review. The same criterion was used: 70% of the 49 allegations were randomly selected from the “High” category, 25% of the 49 allegations from the “Medium,” and 5% from the “Low” category. In the 46 complaint investigations selected for audiotape review, a total of 167 audiotapes were identified based on the investigation narrative.

Active Investigations

The OIG identified all complaints that were initiated as of January 1, 2004⁵ that were still showing a status of active in IAG’s Complaint Investigation System (CIS), excluding FTQs, FTAs, and PTCs. The OIG further deselected investigations that were identified to be with the OIG, and IAG’s Review and Evaluation Section, and Advocate Section. Complaint investigations were stratified by the entity that conducted the investigation, IAG versus Chain of Command (COC). Using a one-tail test, 86 active investigations were identified, 59 conducted by IAG and 27 conducted by COC. The OIG reviewed IAG’s CIS database to determine if the complainant(s) was sent a letter providing the status of their complaint. The OIG also contacted the Area Complaint Units for the 27 COC complaint investigations to determine the reason(s) for the delay.

⁵ By using this date, the total included all complaint investigations that had gone beyond the five-month period to investigate.

Collection of Complaint Investigations and Audiotapes

Complaint investigations were requested and obtained from IAG. Copies of tape-recorded interviews were requested and obtained from SID.

Source Documentation

The following source documents were used to evaluate compliance with Department policy and procedure relative to the completion, investigation, and adjudication of complaint investigations:

- Los Angeles Police Department Manual, 2002
- Management Guide to Discipline, January 2002
- Review and Evaluation (R & E) Section Chronicles, April 7, 2003
- Administrative Order (AO) No. 5, 2002, "Standardizing Reply Letters and Establishing a Status Update Correspondence to Complainants"
- Special Order No. 1, 2003, "Department Complaint Process - Revised"
- Report of the Independent Monitor for the Los Angeles Police Department, 9th Quarterly Report
- Report of the Independent Monitor for the Los Angeles Police Department, 10th Quarterly Report
- Report of the Independent Monitor for the Los Angeles Police Department, 11th Quarterly Report

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IV. GENERAL OVERVIEW

The OIG found the quality, completeness, findings, and accuracy of the summarized statements with the recorded statements of the complaint investigations to be non-compliant. The OIG found the complaint investigations to be compliant with regards to all evidence being collected and analyzed, the investigation being conducted in a timely manner, and the investigation being properly adjudicated. Furthermore, the OIG found that the investigations are being properly assigned to the correct investigating entity based on the allegation type, and complainants are being notified of the outcome of the investigation.

Note: Professional Standards Bureau is providing training sessions relating to complaint investigations through the various schools including the Watch Commander and Supervisor Schools, as well as the Department-wide CEDP training.

The following provides a summary of findings by Objective:

Objective 1 – Quality

As delineated in paragraph 80, the OIG was unable to determine whether group interviews were conducted in 14 (15%) of the 91 complaint investigations reviewed. Only 36 (40%) of the investigations documented that interviews were conducted at times and places convenient for the complainant and witnesses. The OIG noted that, although the Department continues to struggle with the mandates of paragraph 80, items that could not be audited in the prior complaint investigations audit, such as documenting whether interviews took place at times and sites convenient for complainants and witnesses, or whether involved officers and their supervisors were notified of the complaint, are now documented more frequently in the investigation narrative. The OIG found that the Department is complying with the mandates of paragraph 93, by ensuring the investigations are appropriately assigned to the correct investigating entity depending on the type of allegation.

Objective 2 - Completeness

Overall, the Department was found out of compliance with this objective due to the number of audiotapes that were not booked at SID and the copious administrative-type errors discovered during the audit review such as missing signatures, items not checked off correctly, sections of the forms are left blank, etc. The OIG identified 48 (53%) of the 91 complaint investigations reviewed that contained at least one administrative-type error.

On a positive note, the audit revealed that at the completion of the investigation, complainants are being informed of the outcome of the investigation as mandated by paragraph 91.

Objective 3 - Investigative Findings

Although Consent Decree paragraphs evaluated under this objective had compliance rates of 86% and above, the Department, overall, did not meet the requirement of 95% compliance. The audit identified one (7%) investigation where a supervisor, who was at the scene of the incident, was not interviewed. The I/O did not address inconsistent statements in three (14%) of the investigations reviewed by the OIG. Additionally, the OIG identified 7 (8%) of the 91 investigations that did not address all of the allegations raised in the investigation, which was reported under the findings for paragraph 82. The Department, however, was found in compliance with paragraph 80d, which requires all accused employees identified in the course of the investigation and their supervisors be informed of the allegations against them.

Objective 4 - Completion in a Timely Manner

The Department was found in compliance with regard to timeliness in completing complaint investigations. Complaint facesheets are being forwarded to IAG and the OIG within the Department established timeframes. Of the closed investigations reviewed, a compliance rate of 57% was achieved for investigations to be completed within the five-months. The Independent Monitor has determined that for the Department to be in compliance, at least 50% of the complaint investigations have to be completed within the five-month period.

Objective 5 - Accuracy of Summarized Statements With Tape-Recorded Statements

The Department currently lacks protocols that ensure audiotapes are booked at SID. As a result, 26 out of 167 audiotapes identified from 46 complaint investigations were not reviewed because a copy could not be retrieved from SID. Additionally, the Department did not have a procedure in place to ensure tape-recorded statements were accurately summarized. The accuracy of summary of tape-recorded statements will now be audited and was included in the Department's Annual Audit Plan scheduled for the 2nd Quarter of Fiscal Year 2004/05.

Objective 6 - All Evidence Was Collected and Analyzed

The audit revealed that evidence, which included summarized complainant, witness, and officer statements, as well as documentation related to the investigation, was properly collected and analyzed in the course of the investigation. The Department was found non compliant with Consent Decree paragraph 86 because of one out of 16 investigations that did not corroborate the evidence provided by a complainant who recanted his allegation.

Objective 7 - Proper Adjudication of Investigations

The Department was found in compliance with this objective. When appropriate to determine credibility, the Department employee's history of complaints was taken into consideration during the adjudication of a complaint. Commanding officers are also identifying training issues and are properly documenting them in the Letter of Transmittal (LOT). Complaints are being properly adjudicated using the preponderance of evidence and all complaint investigations were closed with a final adjudication.

Consent Decree Compliance Overview

The table on the next page provides an overview of the Consent Decree paragraphs that were evaluated for this audit, compliance rates, and whether compliance was achieved.

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CONSENT DECREE COMPLIANCE OVERVIEW

CD ¶	Description	Compliance Rate	Compliant	Non-Compliant
Objective 1 - Quality				
136a	Assess the quality of the complaint investigation	Overall*		X
80b	Interview complainants and witnesses at sites and times convenient to them	40%		X
80c	Prohibit group interviews	85%		X
93	IAG will investigate claims for damages, allegations of unauthorized force, invidious discrimination, unlawful search, unlawful seizure, dishonesty, domestic violence, improper behavior involving drugs, sexual misconduct, theft and acts of retaliation	96%	X	
Objective 2 - Completeness				
136b	Assess the completeness of the investigation	Based on Department policy*		X
80a	Tape record all interviews	70%		X
91	Inform the complainant of the outcome of the investigation	99%	X	
Objective 3- Investigative Findings				
136c	Assess the findings of the investigation	Overall*		X
80d	Notify employees of allegations against them	100%	X	
80e	Interview supervisors regarding their conduct at the scene of the incident	93%		X
80g	Identify inconsistencies between statements	86%		X
82	If new misconduct is discovered, initiate a new complaint	92%		X
Objective 4 - Completion in a Timely Manner				
136d	Determine whether the investigation was completed in a timely manner	Based on ¶ 79 & 87 *	X	
79	Forward complaint facesheets to IAG within 10 days of their receipt (calendar)	97%	X	
87	Complete the investigation in a timely manner, usually within five months	57%	X	
Objective 5 - Accuracy of Summarized Statements with Tape-Recorded Statements				
136e	Determine the accuracy of summarized statements with tape-recorded statements	63%		X
Objective 6 - All Evidence Was Collected and Analyzed				
136f	Determine whether all available evidence was collected and analyzed	97%	X	
80f	Collect and preserve evidence	95%	X	
86	Corroborate withdrawn, anonymous and third party complaints	94%		X
Objective 7 - Proper Adjudication of Investigation				
136g	Determine whether investigations were properly adjudicated	Overall*	X	
83	IAG personnel has access to TEAMS	100.0%	X	
84	Familial or social relationship with a victim or officer shall not render a witness statement as biased or untruthful	98%	X	
85	Adjudicate using preponderance of evidence	99%	X	
90	Managers evaluate underlying problems and training needs	100.0%	X	

* Compliance rate was based on multiple audit measures. For details refer to *Detailed Findings*. For paragraph 87, compliance was achieved if greater than 50% of all complaint investigations were completed within five months.

V. DETAILED FINDINGS

Objective No. 1 - Quality (Consent Decree paragraph 136a)

Consent Decree paragraphs 80b, 80c, 93, along with Department policy and procedure were used to evaluate the quality of the complaint investigations. The OIG assessed whether investigations were assigned to the appropriate entity, complainants were interviewed at times and places convenient to them, and that no group interviews were conducted. For investigations selected for audiotape review, the OIG evaluated the quality of the tape-recorded interviews to determine whether the audiotape revealed a group interview was conducted, interview questions were appropriate and not leading or suggestive, and whether the I/O conducted the interview in a professional manner.

The following provides the OIG's findings as they relate to each paragraph evaluated for this Objective:

Consent Decree paragraph 80b - Interview complainants and witnesses at sites and times convenient to them

Of the 91 complaint investigations reviewed, the OIG determined that 28 (30.8%) of the investigations documented whether interviews took place at sites and times convenient for complainants and witnesses. Forty-two (46.1%) investigations did not document this requirement and in 21 (23.1%) investigations the paragraph 80b mandate did not apply for various reasons including the use of an Alternative Complaint Resolution (ACR), the complainant's only contact with the Department was through a phone call, the complainant cancelled scheduled interviews, etc. Excluding the 21 investigations, this translates into a compliance rate of 40%.

Consent Decree paragraph 80c - Prohibit group interviews

The OIG found that of the 91 complaint investigations reviewed, 69 (75.8%) investigations contained documentation that indicated a group interview was not conducted. In 12 (13.2%) investigations, the OIG was unable to determine whether a group interview was conducted because the proper documentation was not found in the investigation. Of the 91 complaint investigations, ten (11%) investigations did not fall within the mandates of paragraph 80c because of various reasons including the use of an ACR, the complaint was initiated as a result of a sting audit, the complainant was the only person interviewed, etc. Excluding the ten investigations, the OIG found the compliance rate to be 85.2%.

The OIG identified one complaint investigation Complaint Form (CF) No. 03-2341 in which a group interview was conducted. In this investigation, the complainant did not allow her 15-year-old son to be interviewed alone. This was documented in the I/O's notes and was not considered an anomaly by the OIG.

Of the 42 investigations identified for audiotape review, the OIG identified three tapes, which contained evidence that a group interview was conducted. The OIG determined, however, that the quality of the investigation was not compromised and the adjudication would not have changed. These findings were not considered anomalies, as the OIG feels sufficient cause was provided. The following provides the details of what was discovered on the audiotapes.

- **CF No. 03-0515 (Tape No. 291266)** – This complainant called on behalf of her Spanish-speaking mother to file a complaint. The Department listed the individual as the complainant, although she was only serving as an interpreter. During the course of the interview, the complainant served as the interpreter for her mother and can be heard asking her mother questions regarding the details of the incident. The complainant was not at the scene of the incident for the most part. The OIG is uncertain why a Department Spanish interpreter was not used in this case.
- **CF No. 03-0565 (Tape No. 289575)** - This interview was conducted at the complainant's home, which adheres to the Consent Decree requirement of conducting interviews at places convenient for complainants and witnesses. The complainant's girlfriend, who was used as a witness in the investigation, can be heard in the background interjecting comments and asking questions. The I/O maintains control of the interview by asking the third person not to interrupt. At one point, the I/O asks to continue the interview in a different room.
- **CF No. 03-1758 (Tape No. 290810)** - The complainant's wife and ten-year-old daughter were interviewed at the same time.

Consent Decree paragraph 93 - IAG will investigate claims for damages, allegations of unauthorized force, invidious discrimination, unlawful search, unlawful seizure, dishonesty, domestic violence, improper behavior involving drugs, sexual misconduct, theft and acts of retaliation

The OIG's review identified four (4.4%) out of 91 complaint investigations that were not assigned to the appropriate investigating entity as mandated by the Consent Decree. This translates into a compliance rate of 95.6% for this paragraph. Based on the type of allegation, the following investigations should have been assigned to IAG.

- **CF No. 03-2290 (Newton Division)** - The complainant alleged unauthorized force stating officers stepped on his testicles while being handcuffed.
- **CF No. 03-2520 (Central Traffic Division)** - The complainant alleged unauthorized force stating an officer unnecessarily grabbed his broken left arm and walked him to the sidewalk.

- **CF No. 03-3369 (West Traffic Division)** - The complainant alleged unlawful search when the complainant was directed to exit his vehicle and searched for no reason.
- **CF No. 03-4017 (West Traffic Division)** - The complainant alleged unauthorized force stating officers pulled on the complainant's handcuffs causing injury.

Unrelated Audiotape Recordings

The OIG identified the following complaint investigations that contained audiotape recordings that were unrelated to the investigation.

- **CF No. 03-0500 (IAG)** - The investigation narrative referenced an audiotaped interview of an officer as Tape No. 310310. This audiotape recording contained an interview of a different officer for CF No. 03-1315. The correct tape number should have been listed as 310151.
- **CF No. 03-2996 (IAG - Tape No. 306665)** - This investigation contained an audiotape of phone calls received by IAG's Duty Room which contained the complainant's allegations. Upon reviewing the tape, the OIG identified five other phone calls that were not related to the complaint investigation this tape was booked for.
- **CF No. 03-3414 (IAG - Tape No. 310210)** - This investigation contained an audiotape of phone calls received by IAG's Duty Room, which contained the complainant's allegations. The beginning of the audiotape contained one recording of a call not related to the complaint investigation. This was noted on the complaint facesheet.

Quality of Audiotape Recordings

The OIG's review of audiotapes assessed the quality of the recording by identifying any problems with the recording such as breaks in the flow of the recording, malfunctions with the cassette player, etc. The review identified the five audiotapes listed below.

- **CF No. 03-0153 (IAG - Tape No. 317577)** – The tape recording of one of the witnesses was inaudible. The OIG was only able to ascertain the I/O's voice.
- **CF No. 03-0332 (IAG - Tape No. 306519)** – The tape recording of one of the officers was inaudible.
- **CF No. 03-2332 (IAG - Tape No. 306725)** - The tape recording of the complainant was inaudible.

- **CF No. 03-2404 (Central Division - Tape No. 290185)** – The tape recording of two officers and a witness was inaudible.
- **CF No. 03-4305 (Hollywood Division - Tape No. 314891)** – The tape recording of the complainant was inaudible.

Absent taking notes at the time of the interview, the OIG is uncertain how the I/O was able to summarize the officers and witnesses statements in these investigations, which contained inaudible tape recordings.

Investigating officer's conduct and professionalism during the interview

The OIG's review of the audiotapes also evaluated the conduct of the I/O's to ensure it was appropriate and to ensure no leading and/or suggestive questions were asked.

- The OIG did not find evidence that the I/O's conducted the interviews other than in a professional manner. The OIG did not identify any issues related to the I/O's using a hostile tone or demeanor.

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 1.

Objective No. 2 - Completeness (Consent Decree paragraph 136b)

The OIG reviewed complaint investigations to ensure all required documents were collected, forms were filled out correctly, appropriate signatures were obtained, and that the complainant was provided a resolution letter explaining the nature of the allegations, the outcome of the investigation, the contact information of the commanding officer who adjudicated the complaint, and a reference to the OIG. Consent Decree paragraphs 80a, 91, Department policy and procedure, and AO No. 5, 2002, were used to assess compliance with this objective.

The following provides the OIG's findings as they relate to each paragraph evaluated for this Objective:

Consent Decree paragraph 80a - Tape record all interviews

The Consent Decree and Department policy requires interviews of complainants, involved officers, and witnesses to be tape-recorded. At the completion of the investigation, the audiotape is to be booked at SID.

Of the 46 complaint investigations selected for audiotape review, 32 (69.6%) complaint investigations appropriately booked all the audiotapes related to the investigation as required by Department policy, 11 (23.9%) had one or more tapes missing, and three (6.5%) investigations did not book any of the audiotapes documented in the investigation narrative. This translates to a compliance rate of 69.6%.

The following table lists the audiotapes that were not booked at SID.⁶

<i>CF Number</i>	<i>Entity</i>	<i>Number of Tapes Not Booked at SID</i>	<i>Tape Number</i>
03-0153	IAG	3 out of 5	309431, 309432, 310142
03-0314	IAG	1 out of 1	315616
03-0546	IAG	1 out of 3	315963
03-0565	IAG	1 out of 5	Tape number was not documented
03-0570	IAG	2 out of 8	Tape numbers were not documented
03-0919	IAG	2 out of 11	303368, 309531
03-1929	IAG	2 out of 5	314838, 314828
03-2075	IAG	1 out of 2	Tape number was not documented
03-2332	IAG	1 out of 2	315617
03-2341	IAG	5 out of 5	304482, 306710, 309477, 309478, 313871
03-2794	IAG	1 out of 2	311113
03-3414	IAG	2 out of 3	315952, 315955
03-3901	IAG	3 out of 4	309485, 316552. Tape number was not documented for the third tape
03-4291	IAG	1 out of 1	315999
14 Total		Total of 26 out of 167	

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⁶ These audiotapes were not booked per SID as of April 12, 2004.

Consent Decree paragraph 91 - Inform the complainant of the outcome of the investigation

Of the 91 complaint investigations, 11 did not require a resolution letter either because the complainant was Department initiated, the complainant was anonymous or the complainant did not provide an address. The OIG's review identified one complaint investigation in which it appears notification was not sent to the complainant at the conclusion of the investigation because the original copy of the complaint resolution letter was still in the investigation addenda. Excluding the 11 investigations, this translates into a compliance rate of 98.8%.

AO No. 5, 2002 - Standardizing Reply Letters and Establishing a Status Update Correspondence to Complainants

Format and Content of the Resolution Letters

A review of the 80 complaint resolution letters was conducted to determine whether the requirements of AO No. 5, 2002 were followed. The OIG identified five letters that did not meet the requirement.

- **CF No. 03-0152 (IAG)** - The date the complaint was reported to the Department was listed as January 16, 2003, in the resolution letter. The actual date on the complaint facesheet was January 12, 2003.
- **CF No. 03-0332 (IAG)** - The date of occurrence was listed as January 29, 2003 in the resolution letter, instead of January 17, 2003, as listed on the complaint facesheet.
- **CF No. 03-1507 (Southeast Division) & 03-2131 (Hollywood Division)** - The general nature of the complaint was not mentioned in the letter.
- **CF No. 03-4291 (IAG)** – The resolution letter did not make reference to the OIG's role in the complaint investigation process, address, phone number, and web site address.

Five-month Status Correspondence - Closed Investigations

Administrative Order No. 5, 2002, directs the investigating entity to provide complainants with a status update via correspondence within one week of the five-month anniversary the complaint was reported to the Department. A copy of the correspondence shall be forwarded to IAG for record tracking purposes.

- The OIG's review identified 49 complaint investigations that went beyond five months. Of these, 18 (36.7%) contained a copy of the status letter that was mailed to the complainant, 20 (40.8%) did not have a copy of the five-month status letter or an

indication that a letter was sent, seven (14.3%) investigations indicated a letter was sent however, a copy was not found in the complaint investigation, and four (8.2%) complaint investigations did not require a status letter because the complaint was Department initiated or the complainant was anonymous.

Five-month Status Correspondence - Active Investigations

The OIG reviewed a sample of 86 active complaint investigations to verify whether complainants were notified through a status letter that their complaint, having passed the five-month mark, was being actively investigated.

- Of the 86 active investigations selected, 13 (15.1%) were Department initiated, 18 (20.9%) investigations indicated the status letter was sent to the complainant, and 55 (64.0%) investigations had no indication of a status letter being mailed out.⁷

As mentioned in the prior Complaint Investigations audit, IAG has developed a system that reminds investigating entities of complaint investigations approaching the five-month goal for completion through a monthly Four-Month Alert report. Based on the findings of this objective, the OIG recommends the following:

Recommendation:

- The OIG recommends that the IAG's monthly Four-Month Alert report include a reminder that investigating entities are to draft a status update correspondence, mail it to the complainant and forward a copy of the correspondence to IAG.

Complaint Investigations - Administrative Issues

The OIG reviewed complaint investigations to determine whether items on the various forms were filled out correctly and if the appropriate documents were included in the complaint investigations.

- The review revealed that out of 91 complaint investigations, 48 (52.7%) contained at least one administrative error which included a missing signature, missing release forms, items were marked incorrectly on the facesheet or items were left blank and should have been marked, etc. (See Appendix B for detailed findings).

The OIG notes that although the findings under the Administrative Issues may appear to be minor, over 50% of the complaint investigations had gone through several levels of supervisory review still contained several administrative-type errors. The Department, however, is actively conducting training to supervisors in the area of supervisory review

⁷ The OIG accessed IAG's CIS database and reviewed the chronology log for entries, which indicated a copy of the status letter was received and mailed out to the complainant.

of post-incident reports and complaint investigations. As noted previously in this audit, PSB is directly training commanding officers and providing training at the various supervisory schools to ensure the complaint investigations are completed in a manner that meet and address the mandates of the Consent Decree and Department policy.

Training, Evaluation and Management System (TEAMS) Issue

Special Order No. 1, 2003, revised portions of the Department's complaint process and modified allegation disposition codes for non-disciplinary complaint investigations.

A review of the TEAMS reports revealed that the TEAMS database does not support the Non-Disciplinary disposition codes created by Special Order No. 1, 2003. Although the OIG was informed that Information Technology Division (ITD) and the TEAMS II Bureau is aware of the problem, a formal recommendation will be made to ensure proper tracking and implementation.

Recommendation:

- It is recommended that the Department monitor and ensure the TEAMS II database incorporates the new disposition codes created in Special Order No. 1, 2003, allowing IAG personnel to properly record complaint and training information.

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 2.

Objective No. 3 - Investigative Findings (Consent Decree paragraph 136c)

Consent Decree paragraphs 80d, 80e, 80g, 82, and Department policy and procedure were used to assess the findings of the investigation. Complaint investigations were reviewed to determine whether all allegations were addressed in the investigation, and the documentation, witness statements and evidence supported the findings of the investigation. A review was conducted to determine whether involved officers and the supervisors of involved officers were notified of the allegations against them, the supervisors at the scene of the incident were appropriately interviewed, and whether the I/O identified and addressed inconsistencies between statements. Additionally, allegations that were not addressed by the I/O were identified in this portion of the audit review.

The following provides the OIG's findings as they relate to each paragraph evaluated for this Objective.

Consent Decree paragraph 80d - Notify employees and their supervisors of allegations against them

The OIG reviewed complaint investigations for documentation relating to the Skelly process⁸ and did not identify any issues. This translates to a compliance rate of 100%.

Consent Decree paragraph 80e - Interview supervisors regarding their conduct at the scene of the incident

Of the 91 complaint investigations reviewed, 15 documented the presence of a supervisor at the scene of the incident. The I/O appropriately interviewed all involved supervisors in 14 (93.3%) of the 15 complaint investigations. The following investigation revealed a supervisor who was not interviewed regarding his conduct at the scene of the incident.

- **CF No. 03-2520 (Central Traffic Division)** - The investigation narrative documented that the officer requested a supervisor to respond to his location due to the complainant's verbally abusive behavior, which did not stop until the supervisor arrived at the scene. The supervisor was not interviewed nor was he identified in the investigation.

Consent Decree paragraph 80g - Identify inconsistencies between statements

The OIG reviewed complaint investigations for inconsistencies between complainant, witness, and officer statements. Of the 91 complaint investigations reviewed, the OIG identified 21 investigations which contained inconsistencies between statements. The I/O appropriately addressed the inconsistencies between statements in 18 investigations. Three (14.3%) investigations did not meet the requirements of paragraph 80g. This translates into a compliance rate of 85.7%. The three investigations, which contained statement inconsistencies, are listed below.

- **CF No. 03-0122 (IAG)** - The complainant alleged that officers inappropriately followed her home after she was transported back to her vehicle from the police station. Both officers stated the complainant asked them to follow her. These statements, which conflicted with the complainant's allegation, were never discussed with the complainant during later interviews.
- **CF No. 03-0204 (IAG)** - The complainant alleged unauthorized force. The complainant stated he was injured when he was detained and handcuffed. The complaint investigation contains photographs of his injury. The investigation did not contain an explanation for the injury.

⁸ The Skelly process requires that involved employees are notified of proposed disciplinary action and reasons for the action, are provided with a copy of the charges and materials upon which the charges are based, are given the right to respond to the charges before discipline is imposed. The Skelly is served by the employee's supervisor.

- **CF No. 03-1714 (IAG)** - This complaint had an allegation of unlawful search, unauthorized tactics, discourtesy and unauthorized force. The complainant alleged only Officer A unlawfully searched his vehicle without his consent. Officer A stated he searched the vehicle after the complainant stated “You can search my car, I don’t have anything in my car, I’m not hiding anything.” Additionally, the partner, Officer B, stated he asked the complainant for permission to search his vehicle and he consented. Officer B then proceeded with the search. The I/O did not clarify the inconsistency with regards to which officer actually conducted the search of the complainant’s vehicle.

Other Related Matter

The OIG’s review also identified inconsistencies between statements and the physical evidence discovered during the course of the investigation. The following discrepancy was identified.

- **CF No. 03-1626 (IAG)** - This complainant alleged discourtesy and unlawful search. Although the officers had probable cause to stop the complainant’s vehicle because it did not have a front license plate, both officers stated that their probable cause also included an earlier broadcast about a similar vehicle being stolen. The I/O requested and reviewed the communications tapes and found no radio traffic relating to a possible stolen vehicle matching the complainant’s vehicle. The officers were never re-interviewed regarding this inconsistency.

Consent Decree paragraph 82 - If new misconduct is discovered, initiate a new complaint

Of the 91 complaint investigations reviewed, three complaint investigations were appropriately initiated after additional misconduct was discovered. Complaint investigations, CF Nos. 03-3067 and 03-3663 were initiated as a result of a Use of Force (UOF) investigation. During the interview process of CF No. 03-1948, a converting an on-duty to off-duty relationship misconduct was discovered and a complaint was initiated.

The OIG identified seven (7.7%) complaint investigations in which additional allegations were raised by the complainant and the I/O did not address them. This translates to a compliance rate of 92.3%. The following lists complaint investigations where allegations were not appropriately addressed.

- **CF No. 03-0122 (IAG)** - This complaint involved allegations of discourtesy, false imprisonment, unbecoming conduct and false statements. After being detained for a possible DUI, the complainant was taken to the police station where she was given a Breathalyzer test and was examined by a Drug Recognition Expert. The test and examination results were negative. The complainant was released and transported by

the arresting officers back to her vehicle, handcuffed. The issue of the complainant being transported handcuffed back to her vehicle was not appropriately addressed. The OIG determined during its review of the tape-recorded interview that the complainant was informed that all persons who are transported in a police vehicle are handcuffed. No questions were asked of the accused officers about handcuffing the complainant on the way back to her vehicle. Since the complainant was no longer detained, the OIG questions the necessity of handcuffing the complainant who, at that point, was no longer suspected of any wrongdoing.

- **CF No. 03-0153 (IAG)** - This complaint filed by a third party involved an allegation of racial profiling. The complainant, standing across the street, observed officers initiating a traffic stop of a vehicle occupied by two black males and alleged that officers conducted the traffic stop based on race. The I/O dismissed this allegation because the driver and passenger of the vehicle did not raise the issue. There is no indication in the investigation that questions regarding racial profiling were asked of the driver or passenger. The OIG was unable to determine whether questions were asked of the driver or passenger regarding racial profiling because their audiotaped interviews were not booked at SID.
- **CF No. 03-0204 (IAG)** - This complaint involved allegations of unauthorized force and unbecoming conduct. A review tape-recorded interviews (Tape Nos. 288782 and 306345) revealed an allegation that the OIG believes was not addressed by the I/O. The I/O asked the complainant, at one point during his interview, why he did not request a supervisor during the incident in which the officers allegedly use force. The complainant stated that he did not request a supervisor because the officers “will threaten to violate him.” Additionally, during an interview of a witness, the witness stated that the complainant’s mother had previously indicated that the police have threatened her sons before by allegedly stating “wait until we get you alone,” which the witness attributes to the fear that the suspect has of the officers. The OIG feels that the I/O did not appropriately follow-up on this allegation.
- **CF No. 03-0854 (IAG)** - This complaint involved an allegation of false imprisonment. The complainant was involved in a domestic violence dispute with his roommate, which resulted in his arrest. In the audiotape (Tape No. 301121) containing the complaint allegations, the complainant stated he informed an unknown detective that his arrest was racially biased. The detective allegedly told him that it was not racially motivated. There was no mention of this in the investigation and no documentation of any efforts to identify the unknown detective.
- **CF No. 03-1828 (IAG)** - This complaint involved an allegation of unauthorized force, false imprisonment, and discourtesy. Although documented on the complaint facesheet summary, the I/O did not address the complainant’s allegation of being

driven around in the police vehicle for an hour prior to being booked at the police station.

- **CF No. 03-1948 (Northeast Division)** - This complaint involved allegations of discourtesy, unbecoming conduct, and neglect of duty. In the complainant's audiotaped interview (Tape No. 313342), he specifically stated he wanted to allege false arrest against the two officers who arrested him and the person that gave the booking approval. This was not included in his summarized statement or added as an allegation in the investigation.
- **CF No. 03-3334 (Metropolitan Division)** - This complaint involved an allegation of unbecoming conduct. The complainant alleged that the accused employee obtained her address through her employment with the Department. The I/O did not address this allegation.

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 3.

Objective No. 4 - Completion in a Timely Manner (Consent Decree paragraph 136d)

The mandates of Consent Decree paragraphs 79, 87, and Department Manual Section 3/815.25 were used as a measure to assess compliance for Timeliness. For closed complaint investigations, the OIG evaluated the date a complaint was reported to the Department, the date IAG received the Complaint Form, and the date a copy of the Complaint Form was forwarded to the OIG. The OIG also assessed whether investigations were completed within five months as mandated by paragraph 87. For active complaint investigations that have gone beyond five months, the OIG contacted Area Complaint Units to determine the reason for the delay in the investigation.

The following provides the OIG's findings as they relate to each paragraph evaluated for this Objective:

Consent Decree paragraph 79 - Forward complaint facesheets to IAG within ten days

The audit revealed three (3.3%) out of 91 complaint facesheets that did not meet the ten-day requirement of forwarding complaint facesheets to IAG for review and assignment. This translates into a compliance rate of 96.7%.

The following table identifies the complaint facesheets that were not submitted to IAG within ten days.

<i>CF Number</i>	<i>Entity</i>	<i>Date Form Completed</i>	<i>Date Received by IAG</i>	<i>Total Number of Days</i>
03-0368	IAG	1/19/03	2/10/03	22
03-2290	Newton	6/5/03	6/19/03	11
03-3604	Central	8/21/03	9/3/03	13

Consent Decree paragraph 87 - Complete the investigation in a timely manner, usually within five months

Closed Investigations

Of the 91 complaint investigations reviewed for this audit, 49 were completed beyond five months. The OIG reviewed the investigations to determine whether reasons were documented for the delay or if the complaint investigation contained any correspondence requesting an extension from IAG. Of the 49 investigations that went beyond five months to complete, 17 documented reasons for the delay. The reasons for the delay, aside from kickbacks and supplemental investigations requested by IAG, included heavy caseloads, other investigations with priority statute cases, difficulty in locating complainants, and a lack of cooperation from complainants. Excluding the 17 investigations that documented a reason for the delay, 32 (43.2%) out of 74 complaint investigations did not meet the requirement of paragraph 87. This translates into a compliance rate of 56.8%.

Recommendation:

- Although IAG has tried to address the issue of documenting the reason for delays through the R&E Section Chronicles, the OIG recommends the Department publish a directive that requires the documentation of the reason(s) for the delay during the investigation in the investigation narrative.

Active Investigations

A query of IAG's CIS was conducted to determine the number of active investigations as of June 10, 2004 that were initiated between January 1, 2002 through December 31, 2003.⁹ The following lists the OIG's findings, excluding FTAs, FTQs, and PTCs:

- Of the 3,712 complaint investigations reported to the Department between January 1, 2002 through December 31, 2002, 90 (2.4%) remain active.

⁹ The referenced active investigations are classified as follows: "review," "reactivated," "investigation," "kick back - other," "kick back - letter of transmittal," or "kick back - Skelly"

- Of the 4,598 complaint investigations reported to the Department between January 1, 2003 through December 31, 2003, 1,054 (22.9%) remain active.

Assessment of reasons for delays beyond the five-month guideline

The OIG telephonically contacted each Area Complaint Unit to determine the reason for the delay in the investigation of the 27 active COC investigations.¹⁰ The review resulted in the following:

<i>CF Number</i>	<i>Investigating Entity</i>	<i>Date Reported</i>	<i>Reason Provided For Delay</i>
03-2943	77 th	7/21/03	Original I/O out as a result of an Injury-On-Duty. Investigation was submitted for closure on 6/10/04.
03-4694	77 th	11/9/03	Investigation was reassigned because I/O left the Complaint Unit.
03-4851	77 th	11/21/03	Accused employee has been off sick and has not returned to work. (Department-initiated complaint)
03-4229	Central	10/9/03	Many interviews had to be conducted and the I/O had a heavy caseload.
03-4700	Central	11/12/03	Submitted to Central Bureau April 29, 2004. Missed five-month deadline by a few weeks.
03-4707	Central	11/8/03	I/O had a heavy caseload.
03-4274	Communications	10/10/03	Investigation was not assigned to I/O until January.
03-4562	Hollywood	11/3/03	Skelly service delay.
03-2928	Jail	7/9/03	Went through several kick backs.
03-4705	Jail	10/28/03	Went through several kick backs.
03-4217	Jail	10/9/03	Supplemental investigation was requested.
03-4155	Newton	9/28/03	Submitted to Central Bureau for closure on March 15, 2004. Missed five-month deadline by two weeks.
03-4445	Newton	10/21/03	I/O had a heavy caseload.
03-4833	Newton	11/19/03	Went through several kick backs.
03-3826	Northeast	9/12/03	Investigation was completed on December 11, 2004. Complaint investigation remains with IAG.
03-3237	Rampart	8/8/03	I/O had a heavy caseload.

¹⁰ Due to the OIG's lack of personnel and time constraints, a smaller sample size was used to conduct the analysis of this audit topic.

<i>CF Number</i>	<i>Investigating Entity</i>	<i>Date Reported</i>	<i>Reason Provided For Delay</i>
03-3340	Rampart	8/12/03	I/O had a heavy caseload.
03-4598	Rampart	11/4/03	Investigation was reassigned because I/O left the Complaint Unit.
03-4580	Southeast	10/29/03	I/O had a heavy caseload.
03-5156	Southeast	12/17/03	I/O had a heavy caseload.
03-3510	South Traffic	8/22/03	Skelly service delay.
03-5230	Southwest	12/19/03	I/O had a heavy caseload.
03-3871	West Los Angeles	8/15/03	I/O was reassigned to a late watch, which made conducting interviews difficult.
03-4418	West Los Angeles	10/20/03	I/O had difficulty contacting accused employee who resigned from the Department.
03-4933	West Los Angeles	12/1/03	I/O was reassigned to a late watch, which made conducting interviews difficult.
03-5149	West Los Angeles	12/11/03	I/O was reassigned to a late watch, which made conducting interviews difficult.
03-3112	West Valley	7/29/03	Reassigned because original I/O, who had the investigation for two months, left on a two-month family emergency leave.

Based on the findings above, the OIG identified four of the 27 investigations with a delay that was preventable at the supervisory level. The following were identified as investigations that were unnecessarily delayed.

- **CF No. 03-4274 (Communications Division)** - This complaint was reported to Devonshire Area on October 10, 2003, and was assigned by IAG to Communications Division for investigation. The complaint investigation was not assigned to the I/O until January 16, 2004, three months after the complaint was reported, because the continuation sheet was not forwarded to Communications Division until January.
- **CF Nos. 03-3871, 03-4933 and 03-5149 (West Los Angeles Area)** - These complaint investigations were delayed due to changes in the I/O's work hours, which made scheduling interviews at a convenient time difficult. After discussing this finding with the complaint coordinator, she indicated the C/O was informed of the issue and appropriate action will be taken to ensure the timeliness of future complaint investigations are not affected by changes of an I/O's work hours.

The OIG viewed reasons provided relating to the complexity of the investigation, personnel resource issues such as I/O's transferring out of the division or changes in duty status, or heavy caseloads as matters that were beyond the control of any supervisor. A

lack of personnel resources has been and continues to cause problems in many areas for the Department.

Department Manual Section 3/815.25 - Notify the OIG of complaint within one week

Department Manual Section 3/815.25 directs IAG to provide the OIG with all complaint information including the entity assigned to investigate the complaint within one week of receiving the complaint.

The audit revealed three (3.3%) out of 91 complaint facesheets that did not meet the seven-day requirement. This translates into a compliance rate of 96.7%.

The following table identifies the complaint investigations that went beyond the seven-day rule.

<i>CF Number</i>	<i>Entity</i>	<i>Date Received by IAG</i>	<i>Date Received by OIG</i>	<i>Total Number of Days</i>
03-1832	IAG	5/19/03	5/27/03	8
03-1851	Central	5/19/03	5/27/03	8
03-2775	Metro	7/14/03	7/30/03	16

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 4.

Objective No. 5 - Accuracy of Summarized Statements with Tape-Recorded Statements (Consent Decree paragraph 136e)

Assessment of the accuracy of summarized statements of tape-recorded interviews was defined as the inclusion of all relevant statements from the recorded interview in the summarized statement. The OIG's review identified eight audiotapes pertaining to three investigations where the summarized statements did not capture all relevant statements made on the tape-recorded interview. Taking into account the 14 investigations identified earlier as having one or more tapes that were not booked at SID and considering those investigations automatically out of compliance along with the investigations identified below, this translates into a compliance rate of 63.0%.

The following lists complaint investigations in which the summarized statement did not capture all relevant statements made on the tape-recorded interview.

- **CF No. 03-0204 (IAG)** - In Tape No. 306345, a witness to the incident stated four officers were at the scene. The summarized statement documented five-to-six

officers at the scene. Additionally, this witness stated that the complainant was complaining that his handcuffs were too tight and that she took pictures to document the injuries. This was not summarized nor were the pictures included in the complaint investigation. In Tape No. 288782, Witness B stated the complainant was pushed against the metal edge of a door, which would have explained the shape and location of the complainant's injury. This statement was not summarized. In Tape No. 309333, the summarized statement of the officer stated "at no time did officer A push the complainant. He was with the complainant's mother the entire time they were at the location and would have seen it had it occurred." On the audiotape, this officer specifically stated he was not watching the entire incident because he was with the complainant's mother keeping her from getting involved. When he looked over, the complainant was already handcuffed. In Tape Nos. 306549 and 309580, two officers never stated they went in foot pursuit, yet the phrasing appears in both summarized statements.

- **CF No. 03-0698 (IAG, Tape No. 306466)** - This complaint included an allegation of unlawful search when the complainant alleged officers searched him and his backpack without probable cause. The summarized statement of one of the officers documents that the complainants "backpack remained on his back when he conducted the patdown search and the backpack was also patted down. None of the officers searched the complainant's backpack." A review of the audiotape revealed that the officer never made a statement regarding a patdown search of the backpack.
- **CF No. 03-1948 (Northeast Division)** - This complaint alleged discourtesy, unbecoming conduct and neglect of duty. One of the allegations was that a detective released confidential criminal history information to a person that did not have a need or right to know. The tapes-recorded interviews (Tape Nos. 306802, 306803) conflict with the summarized statements. The accused officer's summarized statement documented he "did not provide specific information about the complainant's convictions, the information he provided was general." In the audiotaped interview he clearly states that he read out loud all of the complainant's convictions. In Tape No. 306802, a witness' paraphrased statement documented, "She admitted that the accused officer did not provide specific information regarding any of the complainant's arrests or convictions; his statement to her was general in nature." On the audiotape, this witness said the accused officer told her of a prior domestic violence conviction. In Tape No. 306803, Officer B's summarized statement read, "Officer B was able to monitor the telephonic conversation between the complainant and a supervisor. Officer B did not hear the supervisor say that she did not want to hear anything about a complaint or refuse to listen to any of the complainant's concerns." In the audiotaped interview, Officer B said she did not hear the telephonic conversation at all. Had she heard that she would have recalled it, but could not even tell how long they talked.

Other Related Matter

- **CF No. 03-0495 (Devonshire Division, Tape No. 293934)** - During the complainant's interview, she stated she mailed the public complaint forms in November. The OIG reviewed the public complaint forms. The complainant signed it on November 4, 2002. The envelope that contained the complaint forms was stamped November 5, 2002. The first complaint form documented the forms were reviewed on February 19, 2003, however, the first form was originally dated November 13, 2002, and whited out. Three months are unaccounted for.

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 5.

Objective No. 6 - All Evidence was Collected and Analyzed (Consent Decree paragraph 136f)

Consent Decree paragraphs 136f, 80f, 86, and Department policy and procedure, were used to evaluate this objective. The OIG's review assessed whether all evidence, which included locating and interviewing all witnesses and obtaining the appropriate documentation related to the incident, was collected and analyzed, and whether the I/O attempted to corroborate the evidence derived for anonymous and third party complainants.

The following provides the OIG's findings as they relate to each paragraph evaluated for this Objective:

Consent Decree paragraph 136f - Collect and analyze all available evidence

The complaint investigation addenda were reviewed to determine whether all available and relevant evidence was collected and analyzed. Of the 91 complaint investigations, the review identified three (3.3%) complaint investigations that did not have a copy of the appropriate evidence. This translates into a compliance rate of 96.7%. The following lists complaint investigations with missing addenda that would have aided in the OIG's review process.

- **CF No. 03-0630 (IAG)** - This complaint alleged false imprisonment and discourtesy against one officer. The I/O documented that multiple complaints have been filed against this officer in a conspiracy plot to remove the officer from the Gang Unit. The complaint investigation did not have any addenda to support the I/O's claim of conspiracy against the accused officer. At a minimum, a reference to the CF Numbers of other complaints with documentation showing a nexus between the

various complaints would greatly assist reviewers who are not familiar with the situation between the accused officer and the complainants.

- **CF No. 03-0698 (IAG)** - This complaint identified three accused officers. The Summary of Incident and Allegation section of the complaint form documented that the Daily Field Activities Report (DFAR) was missing for two of the three officers. Upon reviewing the complaint investigation, the OIG discovered copies of the DFAR for all three officers were not included.
- **CF No. 03-0764 (IAG)** - This complaint alleged discourtesy and racial profiling during a traffic stop. The complainant felt he was being harassed because the officer issued him a citation for a traffic violation. The complainant received a second citation for having an open container of alcohol. A copy of these citations was not included in the complaint investigation.

Consent Decree paragraph 80f - Collect and preserve evidence, including canvassing the scene to locate witnesses

This paragraph was assessed into three parts to determine whether statements were obtained from the complainant, statements were obtained from the accused officers, and statements were obtained from witnesses. A total of five (5.5%) investigations were identified as not meeting the mandates of this paragraph. This translates into a compliance rate of 94.5%.

The review of the 91 complaint investigations revealed that all complainants were interviewed in investigations, when the interview was appropriate, with the exception of transient complainants whose location was unknown and those who did not appear for a scheduled interview.

One complaint investigation was identified where accused officers were not interviewed because the complainant withdrew the allegations (See CF No. 03-2075 under paragraph 86 below).

Four complaint investigations mentioned witnesses who were not interviewed. There was no documentation of attempts made to locate the witnesses and no reasons were provided as to why they were not interviewed (CF Nos. 03-0914, 03-1929, 03-3334 and 03-3369).

Consent Decree paragraph 86 - Withdrawn, anonymous, and third party complaints are corroborated

The majority of the complaint investigations reviewed for this audit corroborated the information canvassed in the course of the investigation where the complainant was

anonymous, a third party or the complainant withdrew the complaint. Of the 91 complaint investigations reviewed, seven complaints were initiated by a third party, two were anonymous and seven complainants recanted their allegations. Of these 16 investigations, the OIG identified one investigation that did not corroborate the information. This translates into a compliance rate of 93.8%. The following complaint investigation was not corroborated.

- **CF No. 03-2075 (IAG)** - This complaint alleged unauthorized force by several officers on multiple dates. According to an officer who interviewed the complainant at the detention area, the complainant withdrew the allegation stating he lied because he was angry with the officers. This statement was not tape-recorded and it is unclear whether the allegation was actually recanted. Interviews of the complainant and involved officers were not conducted. The sergeant who witnessed the arrest, and could have established that a UOF did not occur, was never interviewed. Additionally, the I/O did not follow up on locating a personal tape-recording from an officer who interviewed the complainant during his detention.

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 6.

Objective No. 7 - Proper Adjudication of Investigations (Consent Decree paragraph 136g)

Consent Decree paragraphs 83, 84, 85, and 90, along with the "Management Guide to Discipline" dated January 2002, were used to assess compliance for proper adjudication of a complaint investigation. The OIG evaluated complaint investigations to determine whether the accused officer's complaint history was taken into consideration when determining credibility, there was no automatic preference to an officer's statement over a witness or complainant's statement, and a familial or a social relationship did not consider a witness statement as biased. Additionally, the OIG assessed whether C/O's used the preponderance of the evidence when adjudicating a complaint and whether training needs were identified and provided.

The following provides the OIG's findings as they relate to each paragraph evaluated for this Objective:

Consent Decree paragraphs 83 & 84 - Review of Officer's Complaint History

The OIG's review determined that all complaint investigations, when appropriate, took the accused officer's history of complaints into consideration when evaluating credibility. Although I/O's are not required to document whether they accessed TEAMS to view the accused officer's complaint history, some complaint investigations contained such

narrative. Additionally, the C/O's properly documented reviews of complaint histories in the LOT. This translates into a compliance rate of 100%.

Consent Decree paragraph 84 - No automatic preference of an officer's statement over the statement of any other witness including the complainant. Familial or social relationship with a victim or officer shall not render a witness statement as biased or untruthful

Of the 91 complaint investigations, there were no instances identified where an officer's statement was favored over a witness and complainant statements. Forty investigations contained complainants and witnesses who were related in a familial or social way. Of these 40 investigations, one complaint investigation was identified as an anomaly. This translates into a compliance rate of 97.5%. The following complaint investigation used familial relationship to discredit the complainant.

- **CF No. 03-0515 (IAG)** - This investigation involved allegations of unauthorized force, unbecoming conduct, discourtesy, false imprisonment, neglect of duty and unlawful search during a service of a search warrant. The LOT documents that the allegations were nothing short of embellished tales fabricated in an effort to shift attention from the complainant's brother's criminal activity.

Consent Decree paragraph 85 - Adjudicate Using Preponderance of Evidence Standard

The review of the 91 complaint investigations revealed that C/O's used the preponderance of evidence standard when adjudicating complaint allegations. One investigation (CF No. 03-0204) inappropriately adjudicated an allegation of unauthorized force by exonerating it, however, this was caught and corrected by IAG. The OIG's review identified one anomaly. This translates to a compliance rate of 98.9%. The following investigation was identified in which a preponderance of evidence was not used when adjudicating the complaint.

- **CF No. 03-2075 (IAG)** - This complaint alleged unauthorized force by several officers on multiple dates. According to an officer who interviewed the complainant at the detention area, the complainant withdrew the allegation stating he lied because he was angry with the officers. This statement was not tape-recorded and it is unclear whether the allegation was actually recanted. Interviews of the complainant and involved officers were not conducted. The sergeant who witnessed the arrest, and could have established that a UOF did not occur, was never interviewed. Additionally, the I/O did not follow up on locating a personal tape-recording from an officer who interviewed the complainant during his detention. Based on the evidence, or lack thereof, presented in the complaint investigation, the adjudication of Unfounded was not supported by the preponderance of evidence. The OIG feels Insufficient Evidence to Adjudicate is a more appropriate disposition.

Consent Decree paragraph 90 - Managers evaluate underlying problems and training needs

In all investigations where training needs were identified, the C/O properly documented the recommended training in the LOT. If the training provided did not require a TEAMS entry, the OIG contacted the concerned entity's Training Coordinators and verified that the officer did, in fact, receive the training indicated in the LOT. This translates to a compliance rate of 100.0%.

Action Taken

Correspondence was sent to the concerned Bureau C/O for appropriate action to address the findings noted under Objective No. 7.

VI. POST AUDIT MEETING

The audit findings were provided to IAG on July 16, 2004, including the proposed recommendations. Internal Affairs Group indicated that more training for field supervisors regarding documentation of specific information obtained for the investigation is necessary, specifically as it relates to the requirements of Consent Decree paragraph 80. Furthermore, the issues involving non-adherence with Department policy and procedure regarding booking of audiotapes at SID and the elimination of paraphrased statements from investigations are currently being considered. The Department has determined that digital recordings will resolve the booking of audiotapes problem and is researching this possibility. The Department is also considering the possibility of eliminating paraphrased statements, which would require a revision to SO No. 1, 2003.

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VII. RECOMMENDATIONS

- The OIG recommends that IAG's monthly Four-Month Alert report include a reminder that investigating entities are to draft a status update correspondence, mail it to the complainant and forward a copy of the correspondence to IAG.
- It is recommended that the Department monitor and ensure the TEAMS II database incorporates the new disposition codes created in Special Order No. 1, 2003, allowing IAG personnel to properly record complaint and training information.
- Although IAG has tried to address the issue of documenting the reason for delays through the R&E Section Chronicles, the OIG recommends the Department publish a directive that requires the documentation of the reason(s) for the delays during the investigation in the investigation narrative.

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(Go to Next Page)

APPENDIX A CONSENT DECREE PARAGRAPHS

Paragraph 79 requires the Los Angeles Police Department (LAPD) to document and forward all complaints to the IAG for review and investigative assignment within ten days of receipt, pursuant to paragraphs 93, 94, and 95.

Paragraph 80 defines specific investigative requirements that apply to all complaint investigations in which the underlying alleged misconduct falls under the definition of paragraphs 93 and 94, to include tape recording of interviews; canvassing a scene for witnesses; interviewing witnesses at sites and times convenient for them; prohibiting group interviews; interviewing supervisors with respect to their conduct at the scene during the incident; collecting and preserving evidence; and, identifying and reporting inconsistencies in officer and witness interview statements.

Paragraph 82 requires that an additional complaint be initiated if the I/O has reason to believe that misconduct may have occurred other than that alleged by the complaint, the alleged victim of misconduct, or the triggering item or report.

Paragraph 83 requires that, subject to restrictions on use of information contained in applicable state law, IAG personnel investigating complaints shall have access to TEAMS, including training records, Complaint Form 1.28 investigations, discipline histories and performance evaluations.

Paragraph 84 requires that when adjudicating complaint investigations the Standard California Jury Instructions be used to evaluate credibility; consideration be given of the accused officer's history and disciplinary records and the civilian's criminal history, where relevant and appropriate; no automatic preference of an officer's statement over the statement of any other witness including the complainant; no automatic judgement of insufficient information to make a credibility determination when only conflicting statements exists; and no automatic rendering of a witness' statement as biased or untruthful given a familial or social relationship.

Paragraph 85 requires that all complaints be adjudicated using a preponderance of the evidence standard and, wherever supported by evidence collected, complaints shall be adjudicated as Sustained, Sustained-No Penalty, Not Resolved, Unfounded, Exonerated, Duplicate, or No Department employee. A complaint cannot be closed without a final adjudication.

Paragraph 86 mandates that where complaints are withdrawn, filed anonymously, filed by a person other than the victim of misconduct, or in cases whereby the complainant is unavailable to make a statement, the LAPD shall use reasonable efforts to investigate the complaints to determine whether they can be corroborated.

APPENDIX A (Cont.)
CONSENT DECREE PARAGRAPHS

Paragraph 87 defines the time period in which most investigations should be completed. Taking into consideration the complexity of an investigation, the availability of evidence or other extenuating circumstances, most investigations should be completed within five months.

Paragraph 90 requires the LAPD to continue its practice of having managers evaluate all complaint investigations to identify underlying problems and training needs. After such evaluations the manager shall implement appropriate non-disciplinary actions or make recommendations to the proper LAPD entity to implement such actions.

Paragraph 91 requires that once a complaint investigation is completed, the LAPD must inform the complainant, in writing, of the investigation's significant dates, general allegations and disposition.

Paragraph 93 requires that the Department reallocate investigative responsibility from COC supervisors to the IAG for misconduct investigations that involve civil suits or claims for damages involving on-duty conduct by LAPD officers or off-duty conduct required to be reported under paragraph 77; unauthorized uses of force, other than administrative Categorical UOF investigations; invidious discrimination, including improper ethnic remarks and gender bias; unlawful search and seizure; dishonesty; domestic violence; improper behavior involving narcotics or drugs; sexual misconduct; theft; and, any act of retaliation or retribution against an officer or civilian employee.

Paragraph 136 requires the Inspector General to conduct a regular, periodic audit and review of a stratified random sample of complaint investigations. The review will assess the quality, completeness, and findings of the investigations and shall include determinations of whether the investigations were completed in a timely manner, summarized and transcribed statements accurately match the recorded statements, all available evidence was collected and analyzed, and the investigation was properly adjudicated.

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(Go to Next Page)

**APPENDIX B
 ADMINISTRATIVE ISSUES**

Line No.	CF Number	Issue
1	03-0122	Boxes indicating the complainant received a copy of the facesheet were blank.
2	03-0124	The complaint classification was not indicated on the 1.28 facesheet. The Military Endorsement box was checked and the complaint investigation did not have a copy of the military endorsement on file.
3	03-0152	The complaint classification was not indicated on the 1.28 facesheet. Complainant signature and received by phone section on the facesheet was blank.
4	03-0202	The Category Level was not checked on facesheet.
5	03-0204	The complaint classification was not indicated on the 1.28 facesheet. Boxes indicating the complainant received a copy of the facesheet were blank. Officer checked I will submit a response on the <i>Skelly</i> form, the C/O's response to employee section was blank.
6	03-0267	Discrepancy between Old Form & Revised Form for Arrested section. Old Form was marked No; Revised form was marked Yes.
7	03-0314	The Category Level was not checked on facesheet. Boxes indicating the complainant received a copy of the facesheet were blank.
8	03-0332	The Category Level was not checked on facesheet. LOT indicates date of occurrence as December 27, 2002; date of occurrence on facesheet is January 27, 2003. Facesheet for one of the officers was missing the C/O's signature.
9	03-0368	The Category Level was not checked on facesheet. Boxes indicating the complainant received a copy of the facesheet were blank. Complaint investigation contained medical records without the appropriate release forms. Name, Rank and Area of C/O left blank although a signature was obtained.
10	03-0374	The Category Level was not checked on facesheet. Recommended action was blank.
11	03-0495	The Categorical UOF boxes were blank.
12	03-0515	The Category Level was not checked on facesheet.
13	03-0546	The Category Level was not checked on facesheet.
14	03-0565	The complaint category was not indicated on the 1.28 facesheet. Officer checked "I will submit a response" on the <i>Skelly</i> form, the C/O's response to employee section was blank.
15	03-0570	The complaint category was not indicated on the 1.28 facesheet.
16	03-0630	The complaint category was not indicated on the 1.28 facesheet.
17	03-0658	The entire adjudication section was blank, including Category Level. Boxes indicating the complainant received a copy of the facesheet were blank.
18	03-0722	Boxes indicating the complainant received a copy of the facesheet were blank.
19	03-0764	The complainant signature and received by phone section was blank.
20	03-0765	The complaint investigation contained medical records without the appropriate release forms.

**APPENDIX B (Cont.)
 ADMINISTRATIVE ISSUES**

Line No.	CF Number	Issue
21	03-0886	The complainant signature and received by phone section on the facesheet blank.
22	03-0914	
23	03-1410	Inconsistency between date of occurrence in narrative listed as April 21, 2003 and April 20, 2003 elsewhere.
24	03-1460	The Injured section of the facesheet was blank.
25	03-1507	The complainant signature and received by phone section was blank.
26	03-1626	Second accused employee not identified on facesheet. Origin of Complaint was blank.
27	03-1758	The complaint classification was not indicated on the 1.28 facesheet. Commanding Officer signature was missing from <i>Skelly</i> form.
28	03-1828	The second accused employee was not identified on the facesheet.
29	03-1929	The complaint was classified as Non-Disciplinary even though not all the boxes on the Preliminary Case Screening of the 1.28 facesheet were checked. Injured section was blank.
30	03-1948	The officer checked "I will submit a response" on the <i>Skelly</i> form, the C/O's response to employee section was blank.
31	03-2194	The third accused employee was not identified on facesheet.
32	03-2231	No Watch Commander signature, name and serial number were typed.
33	03-2404	The complaint was classified as Non-Disciplinary even though not all the boxes on the Preliminary Case Screening of the 1.28 facesheet were checked.
34	03-2492	The complaint classification was not indicated on the 1.28 facesheet.
35	03-2668	The Arrested, Injured & Categorical UOF boxes were blank. Officers were initially unknown but later identified during the investigation. Names should have been added to the facesheet.
36	03-2870	The officer checked "I will submit a response" on the <i>Skelly</i> form, the C/O's response to employee section was blank.
37	03-3298	Both "Yes" and "No" boxes were checked on the Arrested section.
38	03-3334	Origin of Complaint was checked off as Correspondence/Letter, should have checked verbal.
39	03-3498	The Disciplinary/Non-Disciplinary section was not checked on page two of facesheet.
40	03-3504	The complainant signature and received by phone section was blank.
41	03-3604	The complainant signature and received by phone section was blank.
42	03-3735	The Origin of Complaint, Injured and Categorical UOF sections were not checked on the facesheet.
43	03-3901	The complaint classification was not indicated on the 1.28 facesheet.

APPENDIX B (Cont.)
ADMINISTRATIVE ISSUES

Line No.	CF Number	Issue
44	03-3931	The complaint was classified as Non-Disciplinary even though not all the boxes on the Preliminary Case Screening of the 1.28 facesheet were checked. The Injured section was blank.
45	03-4004	The complaint classification was not indicated on the 1.28 facesheet.
46	03-4269	The complainant signature and received by phone section was blank.
47	03-4305	The I/O and C/O's signature blocks at the end of the investigation narrative were not signed. Complainant signature and received by phone section was blank
48	03-4768	Injured was checked off incorrectly as Yes on the complaint facesheet.