

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



**PUBLIC COMMENTS AUDIT
NO. 2015-4-A**

**JIM McDONNELL
SHERIFF**

August 30, 2016

**Los Angeles County Sheriff's Department
Audit and Accountability Bureau**

**PUBLIC COMMENTS AUDIT
Project No. 2015-4-A
Audit Report**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted an analysis of the Los Angeles County Sheriff's Department's (Department) handling and investigation of public comments documented on a Watch Commander's Service Comment Report (SCR)¹. This audit was performed to determine how the Department, specifically, Lancaster and Palmdale Sheriff's Stations were adhering to current Department policies and procedures related to the intake, classification, and timely investigation of SCRs. The audit also satisfies certain requirements of the United States Department of Justice (DOJ) Antelope Valley Settlement Agreement (Agreement).² Although SCRs include external commendations, for the purpose of this audit as it relates to the DOJ Agreement, the auditors focused on service complaints and personnel complaints.

The AAB conducted this performance audit under the guidance of Generally Accepted Government Auditing Standards.³ The AAB determined the evidence obtained was sufficient and appropriate, providing a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

Public trust is vital to the Department's mission, and rests on Departmental responsiveness to community needs and expectations. To foster public confidence in the Department and to promote constructive communication, public comments must be received with equal professional interest and courtesy, and given appropriate supervisory attention.⁴

Upon receiving a public comment, supervisors are expected to take ownership of complaints, expected to be responsive, and document complaints without delay. Expediting the service review process, including making the documentation more

¹ Watch Commander's Service Comment Reports are the Department's method of documenting public comments or complaints mandated by California Penal Code 832.5(a)(1).

² On April 28, 2015, the Department, Sheriff Jim McDonnell, entered into an agreement with the United States Department of Justice, Case Number CV 15-03174, Section IX "Personnel Complaint Review" (pp. 29-34). The County will ensure that all allegations of personnel misconduct are received and are fully and fairly investigated, and that all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent.

³ United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards 2011 Revision.

⁴ Manual of Policy and Procedures, Section 3-04/000.00 - Personnel Investigations

PUBLIC COMMENTS AUDIT

Project No. 2015-4-A

concise, will help supervisors to better manage their personnel and the Department to fulfill its responsibility to its employees and the public.

The Agreement requires the Department to conduct a semiannual randomized audit of complaint intake, classification, and investigations. This audit will assess whether complaints are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of the evidence.

The Department classifies public complaints in two categories: service complaints and personnel complaints.⁵ Service complaints are external communications of dissatisfaction with Department service, policy or procedures, response time, traffic citation, and those not involving employee misconduct. Personnel complaints are external allegations of criminal conduct, discourtesy, dishonesty, unreasonable force, improper tactics, improper detention, search, or arrest, neglect of duty, operation of vehicle, off-duty conduct, harassment or discrimination against any member of the Department.

PRIOR AUDITS

This audit was the first Public Comments Audit conducted by the AAB.

METHODOLOGY

Scope

This audit encompassed seven audit objectives and included a review of completed SCRs from Lancaster Station and Palmdale Station. The Department's Manual of Policy and Procedures (MPP) was used in the analysis of this audit, along with the Service Comment Report Handbook (SCR Handbook) to determine if they were properly received, classified, investigated, and documented.⁶

The documentation (SCR packet) reviewed for the audit was provided by the involved stations and the Department's Risk Management Bureau, Discovery Unit. The packets are comprised of completed SCR forms, Result of Service Comment Review forms, associated memorandums and reports, audio and/or video recordings, photographs, and correspondences addressed to the complainant. The packets were reconciled with the Personnel Performance Index (PPI), Service Comment Module.

⁵ Manual of Policy and Procedures, Section 3-04/010.00 - Department Service Reviews

⁶ The Department's "SCR Handbook, Handling Public Complaints" (June 23, 2011) is a supplement to the Department's MPP and provides standardized procedures on the receiving, handling, and investigation of public complaints.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Audit Time Period

The time period for this audit was from January 1, 2015, through March 31, 2015.⁷

Audit Population

All service complaints and personnel complaints generated by personnel working the Lancaster and Palmdale Stations' jurisdiction, which were fully investigated with final approval at the Division level, were included in the population. The population was identified through the use of PPI. Watch Commander's Service Comment Report commendations were not included.

The population was comprised of 28 SCRs from Lancaster Station and 30 SCRs from Palmdale Station.

SUMMARY OF AUDIT FINDINGS

Lancaster Station

Lancaster Station management was cooperative in providing the necessary information to complete the audit objectives. Overall, Lancaster Station handled SCR complaints well in the following areas:

- Accepting and documenting public comments
- Adjudication of the SCR

The audit identified the following areas for improvement:

- Watch Commander's responsibilities
- Proper classification of complaints
- Notification to the complainant
- Timeliness
- Completeness of the investigation

⁷ On July 22, 2014, Palmdale Station established a Unit Order (#14-06) mandating the implementation of the Department of Justice Settlement Agreement. On August 18, 2014, Lancaster Station followed suit (Unit Order #69).

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Palmdale Station

Palmdale Station management was cooperative in providing the necessary information to complete the audit objectives. Overall, Palmdale Station handled SCR complaints well in the following areas:

- Accepting and documenting public comments
- Notification to the complainant
- Adjudication of the SCR

The audit identified the following areas for improvement:

- Watch Commander's responsibilities
- Proper classification of complaints
- Timeliness
- Completeness of the investigation

THIS SECTION INTENSIONALLY LEFT BLANK

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Table No. 1 - Summary of Audit Findings

Objective No.	Audit Objectives	Met the Standard	
		Lancaster	Palmdale
1	ACCEPTING AND DOCUMENTING PUBLIC COMMENTS		
1	<i>Accepting and Documenting Public Comments</i>	100%	97%
2	WATCH COMMANDER RESPONSIBILITIES		
2(a)	<i>Audio Recording of Intake</i>	33%	83%
2(b)	<i>Providing Service Comment Report Number</i>	18%	37%
2(c)	<i>Discouraging Complainant-(inquired/notification)</i>	89%	87%
3	PROPER CLASSIFICATION OF THE COMPLAINT		
3	<i>Proper Classification of the Complaint</i>	89%	83%
4	NOTIFICATION TO THE COMPLAINANT		
4(a)	<i>Acknowledgment Letter</i>	100%	87%
4(b)	<i>Final Outcome Letter with Contact Information</i>	0%	100%
5	TIMELINESS		
5(a)	<i>Completion of Service Comment Report on Time</i>	29%	33%
5(b)	<i>Final Outcome Letter Sent to Complainant on Time</i>	100%	90%
5(c)	<i>Completed Investigation Forwarded to Discovery Unit on Time</i>	50%	40%
6	COMPLETENESS OF THE INVESTIGATION		
6(a)	<i>Service Comment Report Synopsis</i>	96%	100%
6(b)	<i>Service Comment Report Packet</i>	3%	100%
6(c)	<i>Result of Service Comment Review</i>	93%	87%
6(d)	<i>Modification Log</i>	59%	57%
7	ADJUDICATION OF THE SERVICE COMMENT REPORT		
7(a)	<i>Adjudication of Service Complaints</i>	100%	100%
7(b)	<i>Adjudication of Personnel Complaints⁸</i>	100%	100%
7(c)	<i>Conflict Resolution Documentation</i>	100%	100%
7(d)	<i>Service Review Terminated</i>	100%	N/A
7(e)	<i>Exonerated</i>	N/A	100%

⁸ 7(b) includes classification of both Personnel and Service complaints.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

DETAILED AUDIT FINDINGS

Objective No. 1 – Accepting and Documenting Public Comments

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states:

The Watch Commander of the Unit shall initiate a service review by immediately interviewing any member of the public who, whether in person or by telephone, offers a comment.

Audit Procedures

Auditors reviewed the SCR packet to determine whether the Watch Commander, who received the public comments, interviewed the complainant and completed a SCR form at the time the comment was first received.

During this audit review, Palmdale Station had five allegation of force incidents initially investigated and documented in a memorandum that were later administratively handled as SCRs.

Seven SCRs from Lancaster Station and one from Palmdale Station were excluded because they were received by mail or email and did not fit the criteria for this objective.⁹

Findings

Lancaster Station

Twenty-one SCR packets were evaluated for this objective. All 21 (100%) met the standard for this objective.

Palmdale Station

Twenty-nine SCR packets were evaluated for this objective. Twenty-eight of 29 (97%) met the standard for this objective. One SCR was not immediately initiated when the complainant initially called the station to allege a complaint.

⁹ The MPP and SCR Handbook does not require immediate interviewing of the reporting party when received by mail or email.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Objective No. 2 – Watch Commander Responsibilities

Objective No. 2(a) – Audio Recording of Intake

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states:

During telephonic comments or complaints, the Watch Commander shall field the call on a taped line if equipment is in place to do so...

The SCR Handbook provides further information regarding the responsibility to hear every commendation or complaint:

*[After the Watch Commander has completed the SCR form, the form, a tape of the recorded intake, and any accompanying memos or documents, shall then be forwarded to the involved employee's **Unit Commander/Operations staff** for processing.]*

Gathering the Necessary Information at the Intake Stage:

The **Watch Commander** taking the initial complaint needs to capture all pertinent information in “real time”...

*If the intake of the initial complaint was not recorded, then the **Watch Commander** shall complete a comprehensive memo detailing the intake conversation, the complaint, and the actions taken by the Watch Commander at intake, and submit it with the SCR form.*

United States Department of Justice, Antelope Valley Settlement Agreement, Section C. Investigations, Sub-section 136, p. 32, states:

The SCR complaint investigator shall interview each complainant in person, if practical. Misconduct investigators will conduct additional interviews as necessary to reach reliable and complete findings. Interviews shall be recorded in their entirety, absent documented extraordinary circumstances.

Audit Procedures

Auditors reviewed the SCR packets to determine whether the Watch Commander made an audio recording of the initial complaint. If no recording was taken, the packet was

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

checked to determine if a memorandum was written by the intake Watch Commander detailing the complaint.

Seven SCRs from Lancaster Station and one from Palmdale Station were excluded because they were received by mail or email and did not fit the criteria for this objective.

Findings

Lancaster Station

Of the 28 SCR packets reviewed, 21 initial complaints were taken by telephone or in person. Seven of the 21 (33%) met the standard for this objective. Fourteen complaints were not recorded during the initial intake. The auditors were unable to locate the memorandum detailing the initial intake by the Watch Commander.

Palmdale Station

Of the 30 SCR packets reviewed, 29 complaints were taken by telephone or in person. Twenty-four of the 29 (83%) met the standard for this objective. Five complaints were not recorded during the initial intake. The auditors were unable to locate the memorandum detailing the initial intake by the Watch Commander.

Objective No. 2(b) – Providing Service Comment Report Number

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states:

During telephonic comments or complaints, the Watch Commander shall field the call on a taped line if equipment is in place to do so, and shall provide the person with the Service Comment Report number prior to the conclusion of the telephone call. If the comment or complaint is made in person, the Watch Commander shall also do the following:

- *give the complainant the green copy of the Service Comment Report form; and*

Audit Procedures

Auditors reviewed the SCR packets to determine whether the Watch Commander provided the complainant with the SCR number or the green copy of the SCR. Auditors

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

considered written documentation, log notes or audio recordings as forms of documentation.

Note: The Acknowledgement Letter itself contained the SCR number; however, since policy states the SCR number shall be given to the complainant in person or by mail (green SCR copy) or given verbally, the letter was not used to meet this objective.

Findings

Lancaster Station

Five of the 28 (18%) SCR packets met the standard for this objective. Twenty-three SCRs did not meet the standard. Auditors were unable to confirm if the complainant was provided with the SCR number.

Palmdale Station

Eleven of the 30 (37%) SCR packets met the standard for this objective. Nineteen SCRs did not meet the standard. Auditors were unable to confirm that the complainant was provided with the SCR number.

Objective No. 2(c) – Discouraging Complainant

Criteria

The SCR Handbook provides direction to watch commanders regarding this issue:

Discouragement Disclaimer: Check the “yes” or “no” box whether the reporting party was discouraged from lodging the comment and indicate the involved employee’s name.

Audit Procedures

Auditors reviewed the SCR packets to determine if the designated check box on the SCR form was marked “yes” or “no.” The Watch Commander’s memorandum, notes, and audio recordings were also reviewed to determine if the intake Watch Commander asked the complainant if any Department member attempted to discourage the complaint.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Findings

Lancaster Station

Twenty-five of the 28 (89%) SCR packets met the standard for this objective. Three SCRs had blank boxes and no further information was located in the SCR packet indicating if this question had been asked thus, not meeting the standard.

Palmdale Station

Twenty-six of the 30 (87%) SCR packets met the standard for this objective. Four SCRs had blank boxes and no further information was located in the SCR packet to indicate if this question had been asked thus, not meeting the standard.

Objective No. 3 – Proper Classification of the Complaint

Criteria

Manual of Policy and Procedures, Section 3-04/010.00, Department Service Reviews, section states:

The Department will accept and review any comment from any member of the public concerning Departmental service or individual performance...

- *Service Complaint: an external communication of dissatisfaction with Department service, procedure or practice, not involving employee misconduct;*
- *Personnel Complaint: an external allegation of misconduct, either a violation of law or Department policy, against any member of the Department.*

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states:

The Watch Commander shall place a mark in the appropriate box indicating the nature of the comment, and shall mark the appropriate sub-category(s) as accurately as possible.

The SCR Handbook provides information regarding classification of complaints:

A complaint can be both a Personnel Complaint and a Service Complaint.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Audit Procedures

The SCR packets were reviewed to determine if the complaint was correctly classified as a Service Complaint and/or a Personnel Complaint at the moment of intake based on the applicable standard. The sub-categories were also reviewed to determine whether the Watch Commander receiving the complaint correctly identified the specific nature of the complaint based on the complainant's statements.

Findings

Lancaster Station

Twenty-five of the 28 (89%) SCR packets met the standard for this objective. Three SCRs were incorrectly classified.

Palmdale Station

Twenty-five of the 30 (83%) SCR packets met the standard for this objective. Five SCRs were incorrectly classified.

Objective No. 4 – Notification to the Complainant

Objective No. 4(a) – Acknowledgement Letter

Criteria

Manual of Policy and Procedures, Section 3-04/010.10, Acknowledgment of Receipt of Public Input states:

The Commander of the Unit to which the subject of the commendation or complaint is assigned shall ensure that a letter is sent to the member of the public acknowledging receipt of the input. The letter shall be sent regardless of whether the public comment was made in person, by telephone, by electronic means, or by mail. The letter shall be accompanied by a receipt copy of the Service Comment Report form unless it is verified that it has already been given to the member of the public who offered the comment.

Audit Procedures

The SCR packets were reviewed for evidence of an acknowledgement letter. The Result of Service Comment Review forms were checked if a date was recorded when the letter was sent.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Findings

Lancaster Station

All 28 (100%) SCRs met the standard for this objective.

Palmdale Station

Twenty-six of the 30 (87%) SCRs met the standard for this objective. Four SCR packets did not have any evidence that an acknowledgement letter had been sent.

Objective No. 4(b) – Final Outcome Letter with Contact Information

Criteria

Manual of Policy and Procedures, Section 3-04/010.20, Service Complaints states:

The Unit Commander shall:

- *send a letter to the complainant summarizing the results of the service review and informing the complainant that if he is dissatisfied with the results, the complainant may contact the Unit Commander...*

Audit Procedures

The SCR packets were reviewed to determine if the final outcome letters were sent to the complainant and if the letters informed the complainants that if they were dissatisfied with the results, they may contact the Unit Commander. The Result of Service Comment Review form and the outcome letter were reviewed for confirmation.

Findings

Lancaster Station

Of the 28 SCR packets reviewed, none (0%) had a copy of the final outcome letter that contained specific language for the complainant to contact the Unit Commander if they were dissatisfied with the results of the investigation; however, all of the SCR packets contained a copy of the final outcome letter sent to the complainant.

Palmdale Station

All 30 (100%) SCRs met the standard for this objective.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Objective No. 5 – Timeliness

Objective No. 5(a) – Completion of the Service Comment Report on Time

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews:

Note: Watch Commander Service Comment Reports shall be completed within 30 calendar days and forwarded to Division.

Audit Procedures

The SCR packets were reviewed to determine if they were completed within the 30-day requirement. The Unit Commander's signature date on the SCR form was compared to the SCR intake date to determine compliance.

Findings

Lancaster Station

Eight of the 28 (29%) SCR packets met the standard for this objective. Twenty SCR packets were not completed within the required timeframe.

Palmdale Station

Ten of the 30 (33%) SCR packets met the standard for this objective. Twenty SCR packets were not completed within the required timeframe.

Objective No. 5(b) – Final Outcome Letter Sent to Complainant on Time

Criteria

Manual of Policy and Procedures, Section 3-04/010.20, Service Complaints states:

- *send a letter to the complainant summarizing the results of the service review and informing the complainant that if he is dissatisfied with the results, the complainant may contact the Unit Commander...*

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

The SCR Handbook provides information regarding SCR timeline.

Within 30 days of the completion of the service review, a final outcome letter shall be sent to the reporting party...

Audit Procedures

Using the date indicated on the Results of Service Comment Review form, auditors determined whether the outcome letter was sent within 30 days of the SCR's completion.

Findings

Lancaster Station

All 28 (100%) outcome letters met the standard for this objective.

Palmdale Station

Twenty-seven of the 30 (90%) SCR packets met the standard for this objective. Three SCR packets were not completed within the required timeframe.

Objective No. 5(c) – Completed Investigation Forwarded to Discovery Unit on Time

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states:

Unit Commanders shall ensure that the Service Comment Report is completed and forwarded to the Discovery Unit within 60 days of receipt of the initial complaint.

Audit Procedures

Auditors measured the time frame from the date of the initial intake to the sent date on the tracker worksheet¹⁰ provided by North Patrol Division which indicates when the SCR was sent to the Discovery Unit.

¹⁰ North Patrol Division maintains an Excel formatted tracker worksheet for the routing and tracking of all SCRs for Lancaster Station and Palmdale Station.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Findings

Lancaster Station

Fourteen of the 28 (50%) SCR packets met the standard for this objective. Fourteen SCR packets were not completed or forwarded to the Discovery Unit within the timeframe.

Palmdale Station

Twelve of the 30 (40%) SCR packets met the standard for this objective. Eighteen SCR packets were not completed or forwarded to the Discovery Unit within the timeframe.

Objective No. 6 – Completeness of the Investigation

Objective No. 6(a) – Service Comment Report Synopsis

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states:

The Watch Commander shall write a brief synopsis of the commendation or complaint in the "Synopsis of Contact/Event" section.

Audit Procedures

Auditors reviewed the SCR forms to determine if a synopsis was written.

Findings

Lancaster Station

Twenty-seven of the 28 (96%) SCR packets met the standard for this objective. One SCR's synopsis section had "see attached." No further detail of the complaint was written on the SCR form.

Palmdale Station

All 30 (100%) SCRs met the standard for this objective.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Objective No. 6(b) – Service Comment Report Packet

Criteria

The SCR Handbook provides information on completing a SCR packet:

In order for the Discovery Unit to consider an SCR packet to be complete and to be able to input into PPI as concluded, it must include the following documents/items:

1. *Original (white) page of the SCR form*
2. *Original Result of Service Comment Review form*
3. *Copy of the acknowledgment letter sent to the reporting party*
4. *Watch Commander's Service Comment Review Memo to the Unit Commander*
5. *Supporting documents/items (i.e., photos, copy of the In-Service(s), DDWS printout(s), Incident Inquiry History printout(s), audio tape(s) of the call, copy of traffic citation, police reports, etc.)*
6. *Original PDE "Read Receipt" printout with "SC" computer generated number (usually added by the Unit's **Operation Staff**)*
7. *Copy of the final outcome letter sent to the reporting party (usually added by the Unit's **Operation Staff**)*

Audit Procedures

Auditors reviewed the SCR packets to determine whether they contained the required forms and attachments as indicated by the above referenced SCR Handbook.

Note: The Risk Management Bureau, Discovery Unit, was contacted in regards to the Original Preliminary Data Entry (PDE) "Read Receipt" printout requirement (Item 6 above). The Discovery Unit confirmed that the PPI automated PDE "Read Receipt" response was not functioning correctly during 2014-2015 and thus, a modification was made, to accept a screen shot of the PDE in place of the Original PDE "Read Receipt." Auditors credited all SCR packets with the screen shot as meeting the requirement for this objective.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Findings

Lancaster Station

One of the 28 (3%) SCR packets met the standard for this objective. Twenty-seven SCR packets were not complete. Auditors were unable to locate a PDE “Read Receipt” or a screen shot of the PDE.

Palmdale Station

All 30 (100%) SCR packets met the standard for this objective.

Objective No. 6(c) – Result of Service Comment Review

Criteria

Manual of Policy and Procedures, Section 3-04/010.25, Personnel Complaints states:

...the Unit Commander shall complete the “Result of Service Review/Exoneration Request” section of the Service Comment Report.

Audit Procedures

Auditors reviewed the Result of Service Comment Review form to determine whether it was completed and signed by the Unit Commander, and whether the appropriate sections in the Review Disposition and Approved Disposition were completed to indicate the Unit Commander approved the recommended disposition.

Findings

Lancaster Station

Twenty-six of the 28 (93%) SCR packets met the standard for this objective. Two SCR packets had an incomplete Approved Disposition section on the Result of Service Comment Review form.

Palmdale Station

Twenty-six of the 30 (87%) SCR packets met the standard for this objective. Four of the SCR packets had missing dates and/or the recommended outcome approval box was left blank.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Objective No. 6(d) – Modification Log

Criteria

The SCR Handbook states:

The change shall also be noted in the Watch Commander's Service Comment Review Memo detailing the inquiry, and shall be noted on the Modification Log form. The Modification Log form shall be included with the completed SCR package.

Audit Procedures

Auditors reviewed the SCR form for any altered information or modifications. If any modifications were found, auditors reviewed the packet to determine whether the change was documented on a Modification Log form and explained in the Watch Commander's memorandum.

Eleven SCR packets from Lancaster Station and 16 SCR packets from Palmdale Station were excluded from this objective because they did not require a modification log.

Findings

Lancaster Station

Ten of the 17 (59%) SCR packets met the standard for this objective. Seven SCR packets did not have a Modification Log form and explanation in the Watch Commander's memorandum to account for the changes made on the SCR form.

Palmdale Station

Eight of the 14 (57%) SCR packets met the standard for this objective. Six SCR packets did not have a Modification Log form and explanation in the Watch Commander's memorandum to account for the changes made on the SCR form.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Objective No. 7 – Adjudication of the Service Comment Report

Objective No. 7(a) – Adjudication of Service Complaints

Criteria

The SCR Handbook states:

*If the complaint is handled as a service review, then the **Unit Commander** is responsible for approving the recommended review disposition.*

Audit Procedures

Auditors reviewed those SCRs classified as Service Complaints. Auditors determined whether the investigation contained adequate information for the Unit Commander to make a final determination.

Findings

Lancaster Station

Of the 28 SCR packets reviewed, one (100%) SCR was classified as a Service Complaint and met the standard for this objective.

Palmdale Station

Of the 30 SCR packets reviewed, one (100%) SCR was classified as a Service Complaint and met the standard for this objective.

Objective No. 7(b) – Adjudication of Personnel Complaints

Criteria

The SCR Handbook states:

The following dispositions...are used when a complaint is categorized as a “Personnel Complaint” and are not to be used for a “Service Complaint”.

- ***Employee Conduct Appears Reasonable:*** *(Review indicated the employee’s actions appear to be in compliance with procedures, policies, guidelines or training.)*

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

This disposition is most appropriate for complaints when a review reveals that the employee's actions appear to be in compliance with established procedures, policies, guidelines and/or training. This is best determined by evidence or the statements of impartial witnesses. This disposition may be used for complaints based solely on the word of the reporting party where there is no independent evidence to contradict the employee's account and no indication that employee conduct was unreasonable.

This disposition is also appropriate in cases where a reporting party is uncooperative, cannot be located, or fails to respond to attempts to contact them and there are no other indications of misconduct.

- **Appears Employee Conduct Could Have Been Better:** *(The employee's actions were in compliance with procedures, policies, and guidelines. The complaint could have been minimized if the employee had employed tactical communication principles or common sense.)*

This disposition is most appropriate when the employee's conduct was determined to be within policy and training, but the manner in which the employee handled the contact or incident primarily caused the complaint. This may also be used to categorize cases where employees chose less-desirable or effective options between technically acceptable alternatives. This disposition will generally result in corrective action, which may include verbal or documented counseling (Unit Performance Log entry), training, etc. When behavior is more serious or repetitive, the review should be halted and an administrative investigation should be initiated.

- **Employee Conduct Should Have Been Different:** *(The employee's actions were not in compliance with established procedures, policies, guidelines or training. **Watch Commander** will take appropriate action.)*

This disposition is most appropriate when the employee's conduct was not consistent with policy or training, but not at a level warranting formal discipline. This disposition will generally result in documented counseling (Unit Performance Log entry) or an appropriate level of corrective action. When behavior is more serious or repetitive, the review should be halted and an administrative investigation should be initiated.

- **Unable to Make a Determination:** *(The review revealed insufficient information to assess the employee's alleged conduct or to identify the employees involved.)*

PUBLIC COMMENTS AUDIT

Project No. 2015-4-A

This disposition should be used when employees cannot recall their conduct or when the review exhausts available information and evidence, but prevents the Watch Commander from adequately assessing an employee's alleged conduct. It may also be used when it cannot be determined which employees were involved (or whether LASD employees were involved at all) or whether an alleged contact actually occurred.

Audit Procedures

Auditors reviewed SCRs classified as Personnel Complaints, and those classified as both Personnel and Service related. When an SCR is both Service and Personnel related, the disposition defaults to one that is designated for Personnel Complaints.¹¹ Auditors determined whether the investigation contained the necessary information for the Unit Commander to make a final determination.

One SCR packet from Lancaster Station and one from Palmdale Station were classified as Service Complaints and were excluded from this objective.

Findings

Lancaster Station

All 27 (100%) SCRs met the standard for this objective. There were 24 SCRs classified as Personnel Complaints and three were both Personnel and Service Complaints.

Palmdale Station

All 29 (100%) SCRs met the standard for this objective. There were 23 SCRs classified as Personnel Complaints and six were both Personnel and Service Complaints.

Objective No. 7(c) – Conflict Resolution Documentation

Criteria

Manual of Policy and Procedures, Section 3-04/010.25, Personnel Complaints states:

- *After the complaint is handled, the Watch Commander shall document his activities in handling the complaint in a memorandum to the Unit Commander.*

¹¹ SCR Handbook (p.13).

PUBLIC COMMENTS AUDIT

Project No. 2015-4-A

Audit Procedures

Auditors reviewed SCR packets, including the Result of Service Comment Review form, where conflict resolution techniques were utilized. Auditors reviewed the packets that utilized conflict resolution and determined if the Watch Commander's memorandum provided the necessary documentation and if a final determination was made.

Twenty-five SCR packets from Lancaster Station and 29 SCR packets from Palmdale Station did not conduct a Conflict Resolution meeting and were excluded from this objective.

Findings

Lancaster Station

All three (100%) Conflict Resolution meetings met the standard for this objective.

Palmdale Station

The one (100%) Conflict Resolution meeting met the standard for this objective.

Objective No. 7(d) – Service Review Terminated

Criteria

The SCR Handbook contains directions regarding Watch Commander's discretion – Service Review Terminated; summarized below:

- *Reporting Party under the influence...*
- *Factually impossible complaint...*
- *Third party complaint without witnesses...*
- *Watch Commander has personal knowledge the complaint is false*

Audit Procedures

Auditors reviewed SCRs that were terminated to determine whether the appropriate disposition was made according to the standard presented in the SCR Handbook, and the justification for terminating the service review was articulated in the Watch Commander's memorandum.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Twenty-seven SCR packets from Lancaster Station and all 30 from Palmdale Station did not terminate the review and were excluded from this objective.

Findings

Lancaster Station

The one (100%) SCR packet met the standard for this objective.

Palmdale Station

There were no SCRs terminated by the Watch Commander.

Objective No. 7(e) – Exonerated

Criteria

Manual of Policy and Procedures, Section 3-04/010.25, Personnel Complaints states:

When a service review of a personnel complaint is completed to the satisfaction of the concerned Unit Commander, and a formal administrative investigation is deemed unnecessary, the Unit Commander shall complete the "Result of Service Review/Exoneration Request" section of the Service Comment Report. The box labeled "Exonerated" shall only be used in the following situations when it is established by clear and convincing evidence that:

- *the employee was not personally involved...*
- *the allegation giving rise to the investigation was demonstrably false...*
- *the allegation in question, broadly construed and even if true, would not in any circumstance constitute a violation of law or Department policies, rules, or procedures and is not otherwise censurable.*

Audit Procedures

Auditors reviewed SCRs that had been exonerated to determine whether the Unit Commander adhered to the standard listed in the policy, and the reasoning and rationale for making such a disposition was clearly documented in writing. Additionally, auditors determined whether the concerned Division Chief or Division Director reviewed the SCR by evaluating the Result of Service Comment Review form for his/her signature in the appropriate field.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Twenty-eight SCR packets from Lancaster Station and 29 from Palmdale Station did not have a disposition of exoneration and were excluded from this objective.

Findings

Lancaster Station

There were no SCRs with a disposition of exonerated.

Palmdale Station

The one (100%) SCR packet met the standard for this objective.

OTHER RELATED MATTERS

Service Comment Report Form

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states in part, "...the Watch Commander shall fill out the remainder of the Service Comment Report form as thoroughly as possible." Lancaster Station had twenty-three SCRs that had unchecked boxes or missing information. Palmdale Station had twenty-six SCRs that had unchecked boxes or missing information.

Thoroughly completing all fields and acknowledging areas that do not apply on the SCR form will ensure that the investigation is complete and that the unit commander has all the necessary information to make an objective determination.

Consistency between the Manual of Policy and Procedures and the SCR Handbook

Certain policy sections found in the MPP have been revised as early as December 12, 2013. Others were revised on October 23, 2014.¹² The last revision of the SCR Handbook was June 23, 2011. Auditors found some of the policy sections referenced in the SCR Handbook had either been revised, or the section number changed making it a challenge to reference. Additionally, certain examples of documents in the SCR Handbook were out of date, including the sample SCR form found on page 15. The MPP does not reference the SCR Handbook nor does it recognize it as the procedural manual.

¹²The MPP Section 3-04/010.00, Department Service Reviews; MPP Section 3-04/010.05, Procedures for Department Service Reviews; and MPP Section 3-04/010.20, Service Complaints were revised December 12, 2013. MPP Section 3-04/010.25, Personnel Complaints; MPP Section 3-04/010.30, Retention of Service Comment Reports; and MPP 3-04/010.35, Public Accessibility to Information about the Complaint Process were revised October 23, 2014.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Acknowledgment Letter sent to Complainant

The SCR Handbook contains a table¹³ with timelines for various correspondence and procedures related to SCRs. This table indicates the acknowledgement letter should be sent within three days of the SCR's intake. There is no specific narrative in the MPP or the SCR Handbook that definitively states it shall be sent within three days of intake.

Allegations of Criminal Misconduct

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews states, "When there are allegations of criminal misconduct, the Service Comment Report form shall be forwarded to the concerned Unit Commander immediately and confidentially." Lancaster Station had one alleged criminal misconduct incident where the complainant withdrew the allegation after he located his lost money. However, the initial complaint was taken on February 16, 2015. Auditors were unable to locate documentation indicating that a preliminary inquiry was conducted or that the SCR was immediately forwarded to the Unit Commander. The first follow up interview found by auditors was an audiotape interview inquiry that occurred on March 15, 2015; a significant reporting delay.

THIS SECTION INTENTIONALLY LEFT BLANK

¹³ The "SCR Timeline table - Summary of Due Dates" (p.7) includes a table that summarized due dates based on Department policy, but contains a caveat for personnel to refer to the listed policies for further explanation. Additional information related to acknowledgment letters appears on page 22 of the SCR Handbook.

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Additional Information

Auditors reviewed the SCR packets to determine whether there were any trends related to specific allegations or the nature of the public complaints captured in the audit. The following is a breakdown of various findings:

Chart No. 1 - Nature of Contact Leading to the Complaint

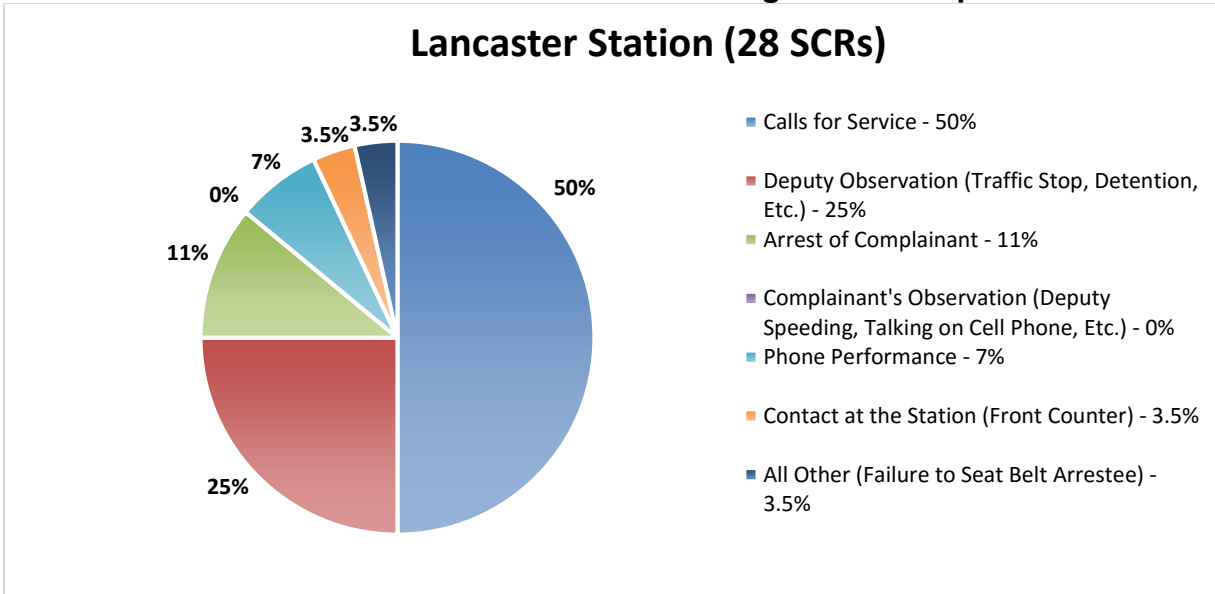
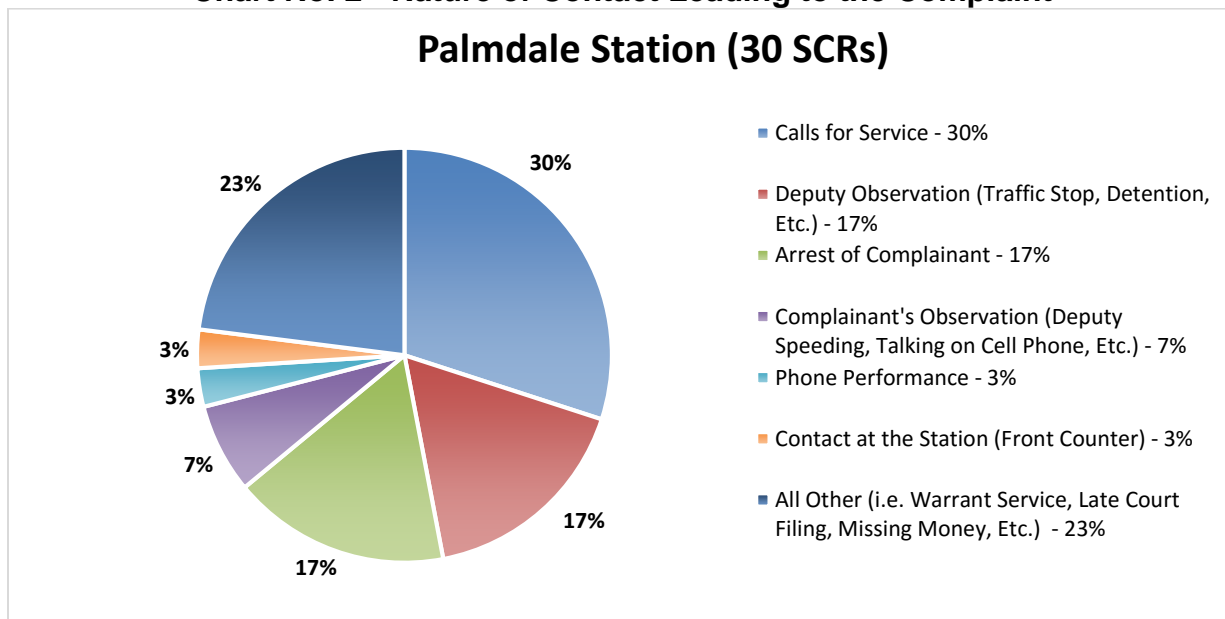


Chart No. 2 - Nature of Contact Leading to the Complaint



PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Chart No. 3 - Gender and Race of Reporting Party (Complainant)

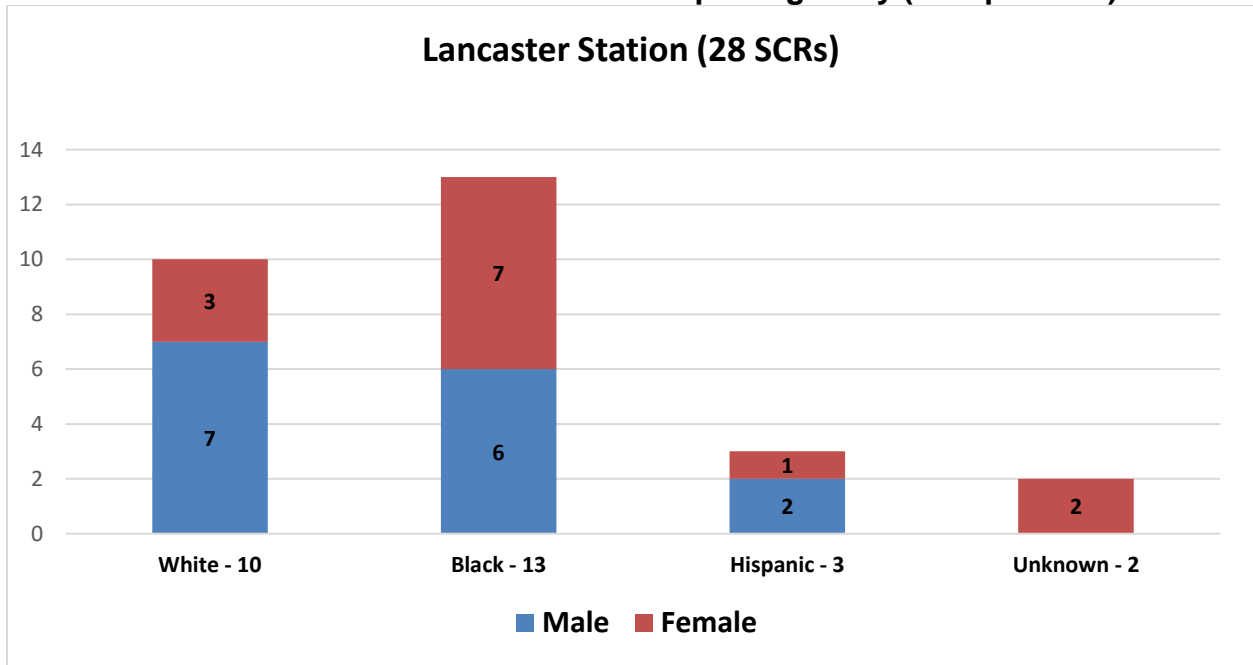
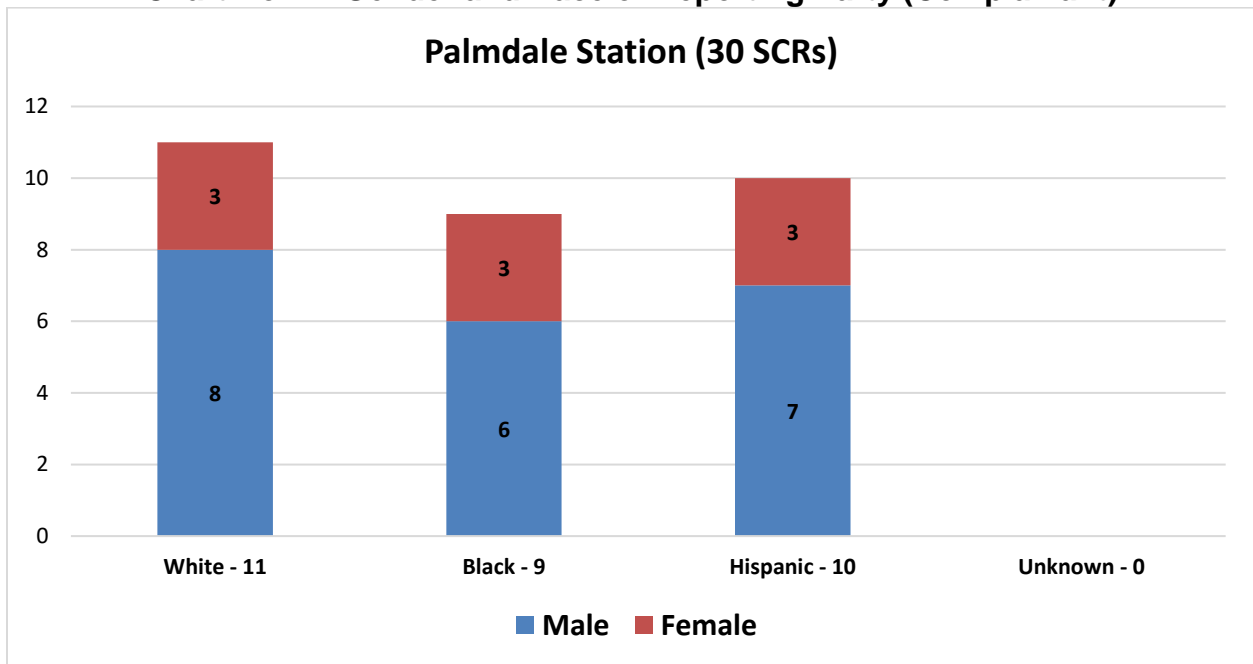


Chart No. 4 - Gender and Race of Reporting Party (Complainant)



PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Use of Force

Lancaster Station had two incidents and Palmdale Station had six incidents that involved an allegation of unreasonable force. A SCR complaint was initiated for each complaint, documented, and investigated by the appropriate station. The investigations were completed and determined to be within policy.

Complaint of Deputy Drawing or Exhibiting Firearm at the Complainant

The Department of Justice Antelope Valley Settlement Agreement¹⁴ called for an ongoing audit of all incidents related to the display or use of a firearm by deputy personnel. Lancaster Station and Palmdale Station each had two documented incidents that a deputy pointed a firearm at the complainant. In each incident, the watch commander’s memorandum addressed the allegation and determined the use of the firearm was reasonable, based on the circumstances surrounding the contact.

All other incidents where deputies drew or pointed their firearms at a complainant that were not documented on a SCR form were not reviewed as part of this audit.

Personnel Complaint Dispositions

For personnel complaints, auditors determined how many types of dispositions were approved for the various personnel complaints. As shown below, Table No. 2 illustrates the number for each type of disposition. Because each employee who is named in a complaint requires an individual disposition as to his/her actions, the total number is **greater** than the number of personnel complaints for this audit.

Table No. 2 - Personnel Complaint Dispositions

Personnel Disposition	Lancaster Station	Palmdale Station
Employee Conduct Appears Reasonable	36	30
Appears Employee Conduct Could Have Been Better	4	3
Employee Conduct Should Have Been Different	4	4
Unable to Make a Determination	0	6
Resolved – Conflict Resolution Meeting	2	0
Exonerated	0	2
Watch Commander’s Discretion Service Review Terminated	1	0
TOTAL	47	45

¹⁴ Section XI. Monitoring, Sub-section B. Compliance Reviews and Audits, Subparagraph 152, p.36

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

Service Reviews Identifying Remedial Measures or Identifying a Training Need

Lancaster Station had eight dispositions and Palmdale Station had seven dispositions wherein the employee's conduct either could have been better, or should have been different. Both stations identified remedial measures and training needs for the involved employees. Remedial measure included counseling sessions which was documented or memorialized on a Unit Performance Log Entry form.

Service Reviews Resulting in an Administrative Investigation

Lancaster Station had one SCR complaint that resulted in an administrative investigation. Palmdale did not have any SCRs that resulted in an administrative investigation.

Third-Party Complaints

Lancaster Station had seven third-party complaints and Palmdale Station had four third-party complaints.

Complaints Received by Other Entities

Lancaster Station received one complaint from Sheriff's information Bureau. Palmdale Station received three complaints from other entities: one from Internal Affairs Bureau, one from the Office of Inspector General, and one from Santa Clarita Valley Station.

Repetitious Complainant

No repetitious complainant SCRs were identified in this audit.

Conclusions and Recommendations

Auditors performed the necessary analysis to assess and identify several areas for improvement. The audit also intended to satisfy some of the requirements related to public complaints contained in the United States Department of Justice Antelope Valley Settlement Agreement. The resulting recommendations coincide with the findings and conclusions, and are intended to provide Department management with a tool to correct deficiencies and improve performance.

1. Policy currently references that initial intake process should be recorded; however, specifically mentions only complaints received by telephone. The Agreement states that interviews shall be recorded in their entirety. It is recommended that the MPP and SCR Handbook indicates that the intake

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

processes be recorded. If a recording is not done, a detailed description of the complaint, as well as the reason for not recording the intake, shall be documented somewhere in the investigation packet (Objective No. 2).

2. Policy requires that the reporting party be given the SCR number or the green copy of the SCR. It is recommended that the MPP and SCR Handbook provide a standard method for documenting how a complainant is to be given a SCR number (Objective No. 2).
3. It is recommended that the MPP and SCR Handbook shall be revised to specifically state Department members shall not discourage the public directly from filing a comment/complaint (Objective No. 2).
4. The MPP does not document a defined date regarding the timeline for sending an acknowledgment letter. The SCR Handbook has a three-day reference on the summary of due dates. It is recommended that a requirement be clearly articulated in the narrative sections of the MPP and SCR Handbook (Objective No. 4).
5. Final outcome letter offer the public an opportunity to know the results of the investigation. The letter also provides information to contest the findings should they be dissatisfied with the results. It is recommended that a standard outcome letter be used as a template, and include information for the complainant to contact the Unit Commander if they are dissatisfied with the results of the investigation, or if they have further questions (Objective No. 4).
6. The timeliness of investigations is essential; however, it may be necessary to extend an investigation. It is recommended that there be a formal process to extend the time frame of the SCR investigative process if needed. The MPP and SCR Handbook should include a section for requesting and documenting this extension to complete the investigation (Objective No. 5).
7. Changes made to a SCR form or accompanying documentation without a Modification Log calls into question the integrity of the initial intake and subsequent investigation of public complaints. It is recommended that personnel receive additional training on the importance of including a Modification Log form when changes are made to the original SCR or investigation (Objective No. 6).
8. The SCR packets had missing information, such as missing dates, boxes not checked, etc. It is recommended that recurring briefings and training emphasize

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

the importance of completing the SCR form in its entirety. It is also recommended that the current exemplars in the SCR Handbook be updated (Other Related Matters).

9. The SCR Handbook is the technical manual for SCRs; therefore, it is recommended that the MPP reference the SCR Handbook as the procedural manual (Other Related Matters).
10. Policy does not currently indicate who should not be assigned to conduct a SCR investigation. It is recommended that a non-involved supervisor, or any supervisor who authorized the conduct which led to the complaint, be assigned to investigate the complaint. This was also recommended by the Department of Justice Settlement Agreement (Additional Recommendations).

Views of Responsible Officials

A copy of the audit report was provided to Lancaster Station, Palmdale Station, North Patrol Division Operation's command staff, and the Office of Inspector General (OIG) to offer them an opportunity to comment. Patrol Operation's command staff, on behalf of North Patrol Division, submitted a formal response on August 22, 2016, concurring with the audit findings. OIG did not provide any feedback.

THIS SECTION INTENTIONALLY LEFT BLANK

PUBLIC COMMENTS AUDIT
Project No. 2015-4-A

This audit was submitted on this 30th day of August 2016, by the Audit and Accountability Bureau.

Original signature on file at AAB

RODOLFO G. CORTEZ
Project Manager
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

M. ROWENA NELSON
Head Compliance Officer
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

STEVEN E. GROSS
Captain
Audit and Accountability Bureau
Los Angeles County Sheriff's Department