

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



ADMINISTRATIVE INVESTIGATION
TIMELINESS AUDIT
2016-5-A

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

ADMINISTRATIVE INVESTIGATION TIMELINESS AUDIT
Project No. 2016-5-A
Audit Report

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Administrative Investigation Timeliness Audit under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department), Internal Affairs Bureau (IAB) adhered to Department policies and procedures as they pertain to Administrative Investigations, Shooting Reviews, and Force Reviews. The audit also examined how the current policies relate to the implemented recommendations from the Citizens' Commission on Jail Violence (CCJV).¹

The AAB conducted this performance audit under the guidance of Generally Accepted Government Auditing Standards.² The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

The mission of the IAB is to conduct thorough Administrative Investigations, Shooting Reviews, and Force Reviews with integrity, objectivity, diligence, and confidentiality. Their responsibilities include conducting administrative investigations of policy violations, monitoring criminal investigations of Department members, responding to deputy-involved shootings, specific use of force incidents, preparing administrative reviews of shooting, and force incidents for the Executive Force Review Committee (EFRC).³

In its report, the CCJV made recommendations to the Los Angeles County Board of Supervisors regarding investigations and discipline within the Department. The CCJV reported, "There have been well-documented lapses in reporting, investigating and disciplining use of force in jails." Additionally, the CCJV found the investigative process often took too long to complete, and there were multiple deficiencies in the investigatory process.

¹ On September 28, 2012, the Citizens' Commission on Jail Violence published 64 recommendations for reforms in the Department. Then Sheriff Leroy D. Baca agreed to implement all of the recommendations.

² United States Government Accountability Office - By the Comptroller General of the United States, December 2011, Government Auditing Standards 2011 Revision.

³ Manual of Policy and Procedures, Section 3-10/140.00 - Executive Force Review Committee

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As a result of these findings, the CCJV recommended the Department's investigative and disciplinary system be revamped (CCJV Recommendation 7.1), the Internal Affairs Bureau be appropriately valued and staffed by personnel who can effectively perform the sensitive and important work of that Bureau (CCJV Recommendation 7.6), and the Department implement an enhanced and comprehensive system to track force reviews and investigations (CCJV Recommendation 7.12).

California Government Code, Sections 3300-3313, is cited as the Public Safety Officers Procedural Bill of Rights Act (POBOR), and establishes procedures for the handling of administrative investigations against public safety officers wherein the disposition could lead to punitive action. Moreover, the POBOR limits a public agency's ability to impose any type of punitive action against a public safety officer if the investigation of any misconduct is not completed within one year of the public agency's discovery of the allegation of the violation.

Upon receipt of a personnel complaint or upon notification that a personnel incident involving possible misconduct has occurred, a unit commander or higher ranking executive may order an administrative investigation. An administrative investigation names a Department member as a subject, and alleges a violation of Department policy by that subject. While most investigations will be conducted at the unit level, there are situations which require assignment to IAB, such as when witnesses are spread over a large geographic area, subjects are supervisory personnel, or when the allegations, if founded, may result in discharge.

An IAB Force/Shooting Response Team investigates deputy-involved shootings, force incidents resulting in admittance to a hospital, significant use of force, and other significant incidents requiring a comprehensive investigation.⁴

PRIOR AUDITS

This was the first Administrative Investigation Timeliness Audit conducted by the AAB.

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⁴ Manual of Policy and Procedures, Section 3-10/130.00 - Activation of the IAB Force/Shooting Response Teams

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METHODOLOGY

Scope

The audit encompassed three main objectives reviewing Administrative Investigations, Shooting Reviews, and Force Reviews. The applicable Manual of Policy and Procedures (MPP) sections, IAB Management Directives, the Administrative Investigations Handbook (Handbook),⁵ and the POBOR were used as the criteria to measure against the selected Administrative Investigations, Shooting Reviews, and Force Reviews to determine compliance as they relate to timeliness of the investigation.

Audit Time Period

The audit time period was from January 1, 2014, through December 31, 2014.

Audit Population

Using the Personnel Performance Index (PPI),⁶ auditors identified 256 Administrative Investigations conducted by IAB personnel during the 2014 calendar year that were available for review. A statistical sample comprised of 70 Administrative Investigations was reviewed for this audit.⁷ Two Administrative Investigations were deselected because they were tolled and ongoing.⁸ They were replaced with the next two randomly selected cases.

Auditors identified the total number of Shooting Reviews in 2014 was 35. Eleven of the 35 were not selected because eight cases had not been completed at the time of review.⁹ Three cases did not have any documentation available in PPI at the time of review, and were unable to be tested.

⁵ Manual of Policy and Procedures, Section 3-04/020.15 - Administrative Investigation Procedures, refers investigators to the Administrative Investigations Handbook, published by the IAB, for procedural information. The most current revision for the Handbook available on the IAB Intranet site is dated October 17, 2005.

⁶ The Personnel Performance Index application provides systematic recording of data relevant to incidents involving administrative investigations, shooting reviews, and force reviews handled by the Department (LASD Personnel Performance Index User Reference Manual, November 15, 1999).

⁷ A statistically valid sample was identified using a statistical one-tail test with a 95% confidence level and a 4% error rate.

⁸ The POBOR has stipulations where an administrative investigation may be tolled beyond the one-year statute such as when the employee is also the subject of a criminal investigation, the matter is subject to civil litigation, or the investigation involves more than one employee and requires a reasonable extension.

⁹ There are instances where a shooting review may be delayed such as when there is a concurrent criminal investigation, the District Attorney has not yet determined the lawfulness of the shooting, or where there is an allegation of misconduct.

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There were a total of 48 Force Reviews identified in 2014. Twenty-seven were not selected for review. Fourteen were incomplete and had not yet been reviewed by the EFRC. One force case was not applicable for IAB review. One case was reviewed by the Special Enforcement Bureau. Eleven cases did not have any documentation available in PPI at the time of review, and were unable to be tested.

SUMMARY OF AUDIT FINDINGS

The management and staff at the IAB and the Advocacy Unit were accommodating and cooperative in providing the necessary information, and in validating the findings. The audit identified several areas in need of improvement. Refer to Table No. 1 below.

Table No.1 - Summary of Findings

Objective No.	Audit Objectives	Met the Standard
1	IAB INVESTIGATION TIMELINESS	
1(a)	<i>IAB Investigation Timeliness - Case Completion by Investigator</i>	0%
1(b)	<i>IAB Investigation Timeliness - Extension Request</i>	0%
1(c)	<i>IAB Investigation Timeliness - Advocacy Unit Preparation of Disposition Sheet</i>	0%
1(d)	<i>IAB Investigation Timeliness - Cases Returned to IAB for Further Investigation</i>	60%
1(e)	<i>IAB Investigation Timeliness - Finalization of Disposition Sheet</i>	57%
1(f)	<i>IAB Investigation Timeliness - Letter of Intent</i>	100%
1(g)	<i>IAB Investigation Timeliness - One Year Statute</i>	98%
2	IAB AND EXECUTIVE FORCE REVIEW COMMITTEE - SHOOTINGS	
2(a)	<i>Shooting Review by IAB Completed within 90 Calendar Days</i>	0%
2(b)	<i>EFRC Shooting Review Scheduled within 30 Calendar Days</i>	75%
2(c)	<i>Unit Commander Disposition within 15 Calendar Days</i>	0%
3	IAB AND EXECUTIVE FORCE REVIEW COMMITTEE - FORCE	
3(a)	<i>Force Review by IAB Completed within 90 Calendar Days</i>	0%
3(b)	<i>EFRC Force Review Scheduled within 30 Calendar Days</i>	67%
3(c)	<i>Unit Commander Disposition within 15 Calendar Days</i>	0%

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AUDIT OBJECTIVES

Objective No. 1 – IAB Investigation Timeliness

Objective No. 1(a) – IAB Investigation Timeliness – Case Completion by Investigator

Criteria

Internal Affairs Bureau Management Directive #38, Administrative Investigations – Time Frames, dated January 1, 2014, states:

The investigator is responsible for adhering to the established Unit time frames for completing administrative investigations and force/shooting reviews.

TIME FRAMES FOR SUBMITTING COMPLETED CASES

- | | |
|----------------------------------|------------------|
| 1. Administrative Investigations | 90 calendar days |
| 2. Relieved of Duty | 60 calendar days |

Audit Procedures

Administrative Investigations were reviewed to determine whether the case was completed by the investigator within the time frame: 90 calendar days for cases involving personnel not relieved of duty, and 60 calendar days for cases involving personnel relieved of duty.¹⁰ Fifty-three of the 70 Administrative Investigations reviewed involved subjects who were not relieved of duty. Seventeen of the 70 Administrative Investigations reviewed involved subjects who were relieved of duty.

Findings

None of the 53 (0%) cases for personnel not relieved of duty met the standard for this objective.

None of the 17 (0%) cases for personnel relieved of duty personnel met the standard for this objective.

¹⁰ Manual of Policy and Procedures, Section 3-04/020.10 - Employee Relieved of Duty for Disciplinary Reasons, states an employee may be relieved of duty for disciplinary reasons by the Unit Commander, his designated representative at the direction of the Unit Commander (or higher), or by representatives from the Internal Affairs Bureau when acting on behalf of a Division Chief, Division Director, or higher.

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Objective No. 1(b) – IAB Investigation Timeliness – Extension Request

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

To permit effective “tracking” of an investigation, an investigator must seek an extension if an investigation is not completed within the following time frames:

- *90 calendar days for administrative investigations not involving relieved of duty personnel,*
- *60 calendar days for I.A.B. investigations involving relieved of duty personnel.*

Audit Procedures

Administrative Investigations were reviewed to determine whether there was evidence investigators requested an extension for an investigation not completed within 90 calendar days for cases involving personnel not relieved of duty, or within 60 calendar days for cases involving personnel relieved of duty. Auditors utilized documentation located in the case files and electronic files to determine whether an extension request was submitted.

Findings

None (0%) of the 70 Administrative Investigations met the standard for this objective. Auditors did not find any evidence showing an extension request was submitted.

Objective No. 1(c) – IAB Investigation Timeliness – Advocacy Unit Preparation of Disposition Worksheet

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

On all cases completed by Internal Affairs Bureau, the Advocacy Services Unit shall prepare the Disposition Worksheet for forwarding to the unit commander. Generally, the Disposition Worksheet should be completed in 25 calendar days, or, in cases involving relieved of duty personnel, in 10 calendar days.

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Audit Procedures

Administrative Investigations were reviewed to determine whether the Advocacy Unit prepared the Disposition Sheet within 25 calendar days for subjects not relieved of duty, or within 10 calendar days for subjects relieved of duty.

Note: Information received from the Advocacy Unit indicated the above criteria is not current practice. The concerned unit commander or designee completes the Disposition Sheet. The form is then forwarded to the Advocacy Unit for review.

Specifically, the Advocacy Unit reviews the allegations portion to ensure the correct charges (policy violations) have been listed. The Disposition Sheet is then returned to the concerned unit or the approving Division for processing. The information on the Disposition Sheet aids in the preparation of the Letter of Intent.

Auditors discovered the information contained in the case files and in PPI, as it related to the review by the Advocacy Unit, was difficult to ascertain. There is a field in PPI titled "Sent to Advocacy Date." In the majority of the cases reviewed, the field was blank.

Findings

Auditors determined none (0%) of the Disposition Sheets were prepared by the Advocacy Unit, therefore not meeting the standard.

Objective No. 1(d) – IAB Investigation Timeliness – Cases Returned to IAB for Further Investigation

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

When a Unit Commander or the Advocacy Services Unit requests further investigation, Internal Affairs Bureau should return the case in 25 calendar days, if practicable under the circumstances of the investigation. When an employee is relieved of duty, the additional investigation ideally would be completed in less time.

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Audit Procedures

For Administrative Investigations returned to the IAB for further investigation, auditors determined whether the cases were returned to the Advocacy Unit within 25 calendar days. Auditors utilized documentation included in the investigative packet, the investigator's log, and in PPI, to determine the dates a case was returned to IAB and to the Advocacy Unit. Of the 70 Administrative Investigations, five were returned by the Advocacy Unit to IAB for further investigation, and were therefore reviewed for this objective.¹¹

Findings

Three of the five (60%) Administrative Investigations met the standard for this objective.

Objective No. 1(e) – IAB Investigation Timeliness – Finalization of Disposition Sheet

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

*Generally, completed administrative investigations should have a disposition sheet prepared and finalized within **30 calendar days** of the completion of the investigation. However, there may be situations that will cause the unit commander to exceed the 30-day limit. Those investigations which involve an employee relieved of duty should be finalized in **20 calendar days**.*

Audit Procedures

Administrative Investigations were reviewed to determine whether a Disposition Sheet was finalized within 30 calendar days of the completion of the investigation. Investigations involving relieved of duty personnel were reviewed to determine whether a Disposition Sheet was finalized within 20 calendar days of the completion of the investigation. Auditors used memoranda from IAB indicating the completion date. If no

¹¹ Four cases were for subjects not relieved of duty, and one was for a subject relieved of duty.

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memorandum was included in the case file, auditors utilized the date indicated in PPI or in the investigator's log.¹²

Findings

Forty of the 70 (57%) Administrative Investigations met the standard for this objective.

For the 53 Administrative Investigations involving subjects not relieved of duty, 36 met the standard. For the 17 cases involving subjects relieved of duty, four met the standard.

Objective No. 1(f) – IAB Investigation Timelines – Letter of Intent

Criteria

California Government Code § 3304(d)(1), Public Safety Officers Procedural Bill of Rights Act, states:

In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed discipline by a Letter of Intent or Notice of Adverse Action articulating the discipline that year...

Audit Procedures

Administrative Investigations were reviewed to determine whether the subject was notified by Letter of Intent of the Department's decision to impose discipline.

Of the 70 Administrative Investigations, 26 were excluded because the case disposition was unresolved, unfounded, or the Department opted not to impose discipline; therefore, not requiring a Letter of Intent, resulting in 44 cases reviewed for this objective.¹³

¹² An investigator's log is maintained by the handling investigator and included in the case file. It contains pertinent information about the case including fields for important dates such as the Department knowledge date, the date the investigation was initiated, and the date the case was sent to and returned from the Advocacy Unit, if applicable.

¹³ Manual of Policy and Procedures, Section 3-04/020.25 - Administrative Investigation Terminology defines unfounded when an investigation establishes by a preponderance of the evidence that the allegation is not true. Unresolved is when there is no preponderance of the evidence to support either version of the incident.

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Findings

All of the 44 (100%) Administrative Investigations met the standard for this objective.

Objective No. 1(g) – IAB Investigation Timeliness – One Year Statute

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations, states:

Effective January 1, 1998, section 3304 of the California Government Code was amended. That amendment pertains to the review of all administrative investigations of acts, omissions or other misconduct occurring after January 1, 1998. With certain exceptions, it prohibits any punitive action, or denial of promotion, to public safety officers if the administrative investigation is not completed within one year of the date the Department became aware of acts, omissions or other misconduct.

Audit Procedures

Administrative Investigations were reviewed to determine whether the cases were completed within the one-year statute of limitation from the date of the Department's knowledge for sworn personnel.¹⁴ Of the 70 Administrative Investigations, eleven were excluded because ten cases involved non-sworn personnel and one case involved a reserve deputy resulting in 59 cases reviewed for this objective.¹⁵

Findings

Fifty-eight of the 59 (98%) Administrative Investigations met the standard for this objective.

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¹⁴ Department's knowledge refers to when the Department became aware of acts, omissions or other misconduct by a Department member. To facilitate compliance with POBOR, the Department must document the date it becomes aware of an allegation of misconduct brought against sworn personnel.

¹⁵ The POBOR does not apply to non-sworn personnel or reserve deputies; however, the Department strives to complete administrative investigations within one year. Of the 11 cases involving non-sworn personnel, four were completed within one year.

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Objective No. 2 – IAB and Executive Force Review Committee - Shootings

Objective No. 2(a) – Shooting Review Completed by IAB within 90 Calendar Days

Criteria

Internal Affairs Bureau Management Directive #38, Administrative Investigations – Time Frames, dated January 1, 2014, states:

TIME FRAMES FOR SUBMITTING COMPLETED CASES

3. *Shooting ... Reviews*
90 Calendar days from the date of the incident. In the case of hit shootings, 90 calendar days from the date of the Homicide book.¹⁶

Audit Procedures

Auditors reviewed 24 Shooting Reviews: five were non-hit shootings, and 19 were hit shootings. Auditors reviewed whether the non-hit shootings were completed within 90 calendar days from the date of incident. For hit shootings, auditors determined whether the Shooting Reviews were completed within 90 calendar days from the date IAB received the Homicide book.

Findings

None of the 24 (0%) Shooting Reviews, for both hit and non-hit shootings, met the standard for this objective. Auditors did not locate any evidence or documentation the Shooting Reviews were completed within 90 calendar days.

Objective No. 2(b) – EFRC Shooting Review Scheduled within 30 Calendar Days

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

¹⁶ In any deputy-involved shooting, Homicide Bureau is responsible for conducting a thorough investigation into the incident. The Homicide book refers to the investigative case file completed by Homicide Bureau.

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A copy of the case is then forwarded to the Training Bureau for a training analysis....Upon receiving the training analysis, the incident will be scheduled for review by the Executive Force Review Committee within 30 calendar days.

Audit Procedures

Auditors determined whether Shooting Reviews were reviewed by the EFRC within 30 calendar days after receiving the analysis from the Training Bureau.

Findings

Eighteen of the 24 (75%) Shooting Reviews met the standard for this objective. For the six not meeting the standard, auditors were unable to find evidence of delay.

Objective No. 2(c) – Unit Commander Disposition within 15 Calendar Days

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

Once reviewed by the committee, the unit commander should complete his or her disposition in 15 calendar days and forward the case to Division Headquarters.

Audit Procedures

Shooting Reviews were reviewed to determine whether the unit commander completed the disposition within 15 calendar days and forwarded the case to Division Headquarters. Auditors utilized documentation included in the case file for this objective.

Findings

None of the 24 (0%) Shooting Reviews met the standard for this objective. Auditors did not locate any documentation or evidence supporting whether a unit commander disposition was completed within 15 calendar days and forwarded the case to Division Headquarters.

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Objective No. 3 – IAB and Executive Force Review Committee - Force

Objective No. 3(a) – Force Review Completed by IAB within 90 Calendar Days

Criteria

Internal Affairs Bureau Management Directive #38, Administrative Investigations – Time Frames, dated January 1, 2014, states:

TIME FRAMES FOR SUBMITTING COMPLETED CASES

3. ...Force Reviews
90 Calendar days from the date of the incident.

Audit Procedures

Twenty-one Force Reviews were reviewed to determine whether they were completed within 90 calendar days. Auditors utilized documentation included in the case file and electronic files to determine the completion date.

Findings

None of the 21 (0%) Force Reviews met the standard for this objective.

Objective No. 3(b) – EFRC Force Review Scheduled within 30 Calendar Days

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

A copy of the case is then forwarded to the Training Bureau for a training analysis....Upon receiving the training analysis, the incident will be scheduled for review by the Executive Force Review Committee within 30 calendar days.

Audit Procedures

Auditors determined whether Force Reviews were reviewed by the EFRC within 30 calendar days after receiving the analysis from the Training Bureau.

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Findings

Fourteen of the 21 (67%) Force Reviews met the standard for this objective. For the seven not meeting the standard, auditors were unable to find evidence of delay.

Objective No. 3(c) – Unit Commander Disposition within 15 Calendar Days

Criteria

The Administrative Investigations Handbook, Guidelines and Definitions, Time Limits for Conducting Investigations section, states:

Once reviewed by the committee, the unit commander should complete his or her disposition in 15 calendar days and forward the case to Division Headquarters.

Audit Procedures

Force Reviews were reviewed to determine whether the unit commander completed the disposition within 15 calendar days and forwarded the case to Division Headquarters. Auditors utilized documentation included in the case file for this objective.

Findings

None of the 21 (0%) Force Reviews met the standard for this objective. Auditors did not locate any documentation or evidence supporting whether a unit commander disposition was completed within 15 calendar days and forwarded the case to Division Headquarters.

OTHER RELATED MATTERS

Other Related Matters are pertinent issues discovered during the audit, but were not objectives that are measurable against Department policies or procedures.

Lack of Consistency among the Manual of Policy and Procedures, the Administrative Investigations Handbook, and IAB Management Directives

The Handbook provides certain time frames and benchmarks for specific moments occurring in investigations and reviews; however, those benchmarks are not exhaustive to every process in an investigation. Auditors noted several inconsistencies between the Manual of Policy and Procedures and the Handbook with regard to administrative

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investigations. The Handbook is the procedural manual for administrative investigations which makes the need for consistency significant.

The Handbook cites POBOR appropriately when it comes to the one year statute. The Department has recently updated policy requiring that Department managers ensure administrative investigations be completed within statute. Department supervisors may be held accountable if the delay in completing an administrative investigation results in the letter of intent not being served prior to the expiration of the one-year statute date.¹⁷

With regard to shooting and force reviews, current policy does not provide for specific time frames. On January 14, 2015, the Department instituted the Critical Incident Review Panel (CIRP) with the charge of performing timely preliminary analyses of critical incidents (such as deputy-involved shootings, application of deadly force, or other major incidents identified by the Panel).¹⁸ The Panel's objective is to identify, recommend, and/or implement risk management strategies to ensure best practices and limit the Department's exposure to liability. This policy section does not take the place of a shooting or force review, but rather, offers a timely review of the incident, often within a few days of it occurring.

Training Bureau Analysis of Shooting and Force Reviews

Current procedural information in the Handbook indicates the Training Bureau is responsible for conducting a training analysis of any shooting and force review which will ultimately be reviewed by the EFRC.

There is no requirement in the policy indicating the analysis should be in writing, nor is there a requirement for any documentation to be included in the case file of when the analysis occurred, nor when that analysis was forwarded to the EFRC. Although criteria exists indicating a specified time frame for when an analysis should be completed, auditors were unable to measure whether or not the analyses were conducted within the specified time frames because of the lack of documentation.¹⁹

¹⁷ Although MPP Section 3-04/020.12 was originally enacted on February 24, 2014, and later revised on February 17, 2016, the verbiage in the section relating to the Letter of Intent coincides with the POBOR.

¹⁸ Manual of Policy and Procedures, Section 3-09/330.00 - Critical Incident Review Panel

¹⁹ Administrative Investigations Handbook, pp. 3-4, states an analysis should be returned to the EFRC within 20 calendar days for personnel not relieved of duty, and ten calendar days for personnel relieved of duty.

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Staffing Concerns at the Internal Affairs Bureau

The IAB Management was given an opportunity to provide information regarding current staffing and productivity. Presently, there are 33 investigator filled items and 11 vacant investigator positions. One investigator is on-loan from another unit. The total number of cases including administrative investigations, shooting reviews, and force reviews finalized during the audit time period was 429 cases. In 2015 there were a total of 504 cases.

Investigators are tasked on a rotational basis as members of the on-call IAB Response Team. This team is required to respond to deputy-involved shootings, or significant events, which may delay cases currently being investigated. The CCJV Recommendation 7.1 called for IAB to be afforded sufficient resources and personnel in order to meet their investigatory requirements.

Case Tracking

Obtaining information for the status of a case, time frames, and at what juncture a case is at was difficult to ascertain without manually researching each case. The PPI system is not created to maintain information in “real time.” Most of the dates, as they relate to the status of a case, are inputted into the PPI system after a case has been completed. Auditors utilized investigators’ logs, which are recorded manually and kept in the physical case file, to determine where the case files had been and for how long. The logs were oftentimes incomplete.

According to the IAB management, there is no efficient means of tracking how long a case has been investigated without manually going through each case file. The IAB management confirmed they do not have a comprehensive tracking system capable of tracking a case in real time. The current system lacks an alert mechanism to notify management when a case has reached a critical benchmark without physically inspecting a case file individually, or speaking directly with an investigator. The CCJV Recommendation 7.12 called for an enhanced and comprehensive system capable of allowing for careful tracking of the progression of a case.

The management at the Advocacy Unit indicated there is no comprehensive tracking system to track how long a case has been in their possession. At present, a manager utilizes a spreadsheet to log when a case was received and to whom it was assigned. There is no alert system in place to notify management if a case has been unduly delayed.

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Lack of Specific Time Frames for Processes within an Investigation

Although the Handbook contains time frames for certain components occurring within an investigation, there is an apparent lack of standardized time frames for the review process. An investigation can be unnecessarily delayed between the initial process when the Department becomes aware of an incident necessitating an administrative investigation, to the date an investigator is actually assigned a case. Furthermore, time delays exist between the date an investigator completes the investigation, to the time a case has been approved. The approval process itself can create significant delays between the review of a supervisor at IAB, to the review by a concerned Division Chief or designee, to the review by the Advocacy Unit.

Additional Information

The following information presented in Table Nos. 2-5 demonstrates the average number of days that were necessary to complete the selected administrative investigations.

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Table No.2

Department Knowledge to PDE Entry Date²⁰	
Average Number of Days	156
1-30 days	29
31-60 days	6
61-90 days	5
91-120 days	7
More than 121 days	22
Information Unavailable	1

Table No.3

Case Initiation to Investigator Assignment Date	
Average Number of Days	29
1-7 days	49
8-14 days	4
15-21 days	1
More than 22 days	14
Information Unavailable	2

Table No.4

Date of Assignment to Submission to Supervisor	
Average Number of Days	183
1-90 days	15
91-180 days	16
181-270 days	20
271-360 days	18
Information Unavailable	1

Table No.5

Return for Corrections Date to Supervisor Approval Date	
Average Number of Days	10
1-7 days	56
8-14 days	4
More than 15 days	7
Information Unavailable	3

In addition to the number of days in the tables above, auditors discovered the average number of days a case was at the Division level for review to the day it was returned to the concerned unit commander was 34 days.

²⁰ The Preliminary Data Entry (PDE) application provides an initial data entry point where key Service Comment, Force, and Investigation information is entered in a timely manner. Once the information is entered, it is then delivered to PPI. When the case information is delivered, a PPI Case ID Number is generated. This number becomes the unique ID number for the PPI case and is used to link to an incident (PDE URM - Version 1.0, 11/15/99).

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CONCLUSION

During the course of the audit, auditors assessed the Manual of Policies and Procedures related to timeliness in conducting administrative investigations, shooting reviews, and force reviews, and identified several areas in need of improvement.

RECOMMENDATIONS

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. The IAB Management Directives state investigators must complete administrative investigations within 90 calendar days for cases involving non-relieved of duty personnel, or within 60 calendar days for relieved of duty personnel. Presently there is no means to alert Department managers that a case has reached these initial benchmarks. It is recommended the Department create a system, or enhance current systems, which would alert supervisors of the case status in order to properly track the progress of an administrative investigation (Objective No.1).
2. The Handbook and the IAB Management Directives state investigators must seek an extension request for any administrative investigation not completed within the specified time frame. It is recommended investigators submit the request in writing, with approval from a manager, and include the extension request in the case file for proper tracking (Objective No.1).
3. The Handbook indicates the Advocacy Unit is responsible for preparing a disposition worksheet in all cases completed by the IAB. Auditors discovered this is not the current practice. It is recommended the Handbook be revised to indicate the correct process and information as it relates to the preparation of a disposition worksheet (Objective No.1).
4. There are instances wherein a case is returned from the Advocacy Unit to the IAB for further investigation. It is recommended a tracking log be created to document the exact date an investigation has been received by the Advocacy Unit, to whom it was assigned, the date it was returned for additional investigation, and the date it was returned to the IAB. The log itself should become a part of the case file. It is further recommended there be oversight provisions for the log within the Advocacy Unit (Objective No.1 and Other Related Matters).
5. Current policy states Department supervisors shall be held accountable if the delay in completing an administrative investigation, or a delay in adjudicating an administrative investigation results in the letter of intent not being served prior to

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the expiration of the one-year statute date. It is recommended the Department create an alert system, as stated previously, to notify Department management when a case has reached a critical point prior to the expiration of the statute date (Objective No.1).

6. The Public Safety Officers Procedural Bill of Rights Act is very clear on the one year statute of limitations for the completion of an administrative investigation. It is recommended the Department require a comprehensive explanation be included in the case file detailing the reasons an administrative investigation expired past the statute date with oversight provisions included (Objective No.1).
7. Shooting and force reviews require an in-depth analysis with sufficient information for members of the EFRC to render a decision as to whether tactics used were within Department policy. It is recommended investigators submit a written extension request, approved by a manager, for any shooting and force review not completed within the specified time frame (Objectives No.2 and No.3).
8. Auditors discovered EFRC reviews for shooting and force reviews were not always conducted within 30 calendar days after receiving an analysis from the Training Bureau. It is recommended the policy be reviewed as to the practicality of this requirement (Objectives No.2 and No.3).
9. Unit commanders are responsible for completing a disposition within 15 calendar days after a shooting or force review has been reviewed by the EFRC. The current policy does not have a detailed explanation of what the disposition should entail. Auditors found no documentation of a disposition by a unit commander in any of the shooting or force reviews. It is recommended policy be revised to reflect current practices as it relates to a disposition after a case has been reviewed by the EFRC (Objectives No.2 and No.3).
10. Auditors found numerous inconsistencies among the Manual of Policy and Procedures, the Handbook, and IAB Management Directives. The most recent revision for the Handbook was in 2005. It is recommend the Handbook be revised to correspond with current policy requirements for timeliness and accountability as they relate to administrative investigations and reviews (Other Related Matters).
11. The Training Bureau plays a critical role in assessing tactics involved in shooting and force reviews. It is recommended written documentation be included in shooting review and force review case files, documenting that an analysis by the Training Bureau was conducted (Other Related Matters).
12. Management at the IAB indicated there are eleven investigator vacancies. It is recommended the Department fully implement the previous recommendations

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made by the CCJV, and afford sufficient resources and personnel to the IAB (Other Related Matters).

13. The Advocacy Unit lacks a comprehensive system for case tracking. It is recommended the Advocacy Unit implement a system capable of tracking the duration a case has been in their possession, to include a feature that alerts management of any significant delays (Other Related Matters).
14. There are no definitive time frames or benchmarks for every aspect of an investigation. It is recommended the Department establish a comprehensive benchmark for every significant process within an investigation, including establishing time frames for the review process (Other Related Matters).

View of Responsible Officials

On November 7, 2016, the unit commander of IAB submitted a formal response via e-mail to AAB expressing a general agreement with the audit findings. On November 14, 2016, management from the Professional Standards Division submitted a formal response via e-mail to AAB expressing concerns regarding the evaluation of outdated internal practices, specific document responsibility, and a time reference procedural clarification. Subsequently, the auditors re-evaluated the audit findings, and validated them as factually accurate. On November 15, 2016, management from the Advocacy Unit submitted a formal response expressing a general agreement with the audit findings.

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This audit was submitted on this 15th day of November 2016, by the Audit and Accountability Bureau.

Original signature on file at AAB

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