LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

DEPARTMENT ELECTRONIC COMMUNICATIONS
(E-MAIL) AUDIT
TECHNOLOGY AND SUPPORT DIVISION
2018-1-A

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – TECHNOLOGY AND SUPPORT DIVISION
Project No. 2018-1-A
AUDIT REPORT

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Department Electronic Communications (e-mail) Audit – Technology and Support Division under the authority of the Sheriff of Los Angeles County.[1] The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) employees complied with e-mail policies and procedures[2] as they pertain to the Policy of Equality.[3]

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.[4] The AAB determined that the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

On May 1, 2016, the Sheriff of Los Angeles County responded to media reports that a Department executive used a government e-mail account in an inappropriate manner. In a public service announcement using social media, the Sheriff discussed inappropriate and unprofessional e-mail communications, as they relate to the Department's efforts to fortify public trust and enhance internal and external accountability and transparency.[5] In doing so, the Sheriff announced his intention to implement a system of random audits of Department e-mails, and expressed that his executive staff will be included. The AAB performed an audit of Department e-mail correspondences to determine if employees utilized e-mail in accordance with the Department's policies, procedures, organizational missions, and Core Values, as well as to ensure supervisory oversight.

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[1] The Technology and Support Division is comprised of the personnel assigned to Technology and Support Division Headquarters, Communications and Fleet Management Bureau, Data Systems Bureau, Records and Identification Bureau, and Scientific Services Bureau.
[2] Manual of Policy and Procedures, Section 3-07/210.10, System Use, December 2013, provides the complete definition and requirements of the Department's e-mail policies.
[3] Manual of Policy and Procedures, Sections 3-01/121.00 through 3-01/122.25, provide the complete definition and requirements of the Department's Policy of Equality. This policy is intended to protect the right of employees to be free from discrimination, harassment, and retaliation.
[4] United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards 2011 Revision.
[5] E-mails are electronic communications sent, received, drafted, stored and deleted, including any and all attachments.

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PRIOR AUDITS

There were three prior Department E-mail Audits conducted by the AAB. The first Department E-mail Audit (Project No. 2017-10-A) examining the Executive Offices was concluded and published on August 10, 2017. The first audit resulted in the following recommendation:

> *The Department policies regarding electronic communications and the Policy of Equality are comprehensive and address risk related to both topics. The prevalence of electronic communications inherently links potential violations of the Policy of Equality to misuse of the Department's e-mail policy. Therefore, it is recommended that policy be amended to cross-reference the related policies where applicable.*

Status: The proposed amendments to the policies based on the recommendation are currently being reviewed by Professional Standards and Training Division as well as the Department's Constitutional Policing Advisor.

The second Department E-mail Audit (Project No. 2017-11-A) examining the Special Operations Division was concluded and published on October 26, 2017. The second audit resulted in the following recommendation:

> *The Department policies including the Policy of Equality are comprehensive in addressing the supervisors and managers duty to report potential violations. However, the expected actions by any Department employee in receipt of an inappropriate e-mail, is not clearly defined. Therefore, it is recommended that policy clearly define the actions required by an employee receiving an inappropriate e-mail generated from a non-Department source.*

Status: The recommendation was reviewed by Department management who concluded existing Department policy sufficiently addresses what is required of an employee when receiving an inappropriate e-mail generated from a non-Department source. Therefore, the recommendation was not implemented.

The third Department E-mail Audit (Project No. 2017-15-A) examining the North Patrol Division was concluded and published on December 28, 2017. The third audit resulted in the following recommendation:

> *All Department members are required to conduct themselves in accordance with the Policy of Equality. By reviewing this policy, personnel will remain versed on its contents and requirements with respect to electronic communication. Therefore, it is recommended that personnel continue to be briefed on the Policy of Equality.*

Status: The recommendation has been implemented by the Department.

METHODOLOGY

Scope

This audit encompassed one objective:

- E-mail System[6] Use – To determine if Department members' e-mails are consistent with Department policies and procedures.

Auditors reviewed the Department's Manual of Policies and Procedures (MPP) in the analysis of this audit. The Data Systems Bureau (DSB) manages the Department's Information Technology systems, including overall access and administration of electronic data communications on the Sheriff's Data Network (SDN). Auditors utilized Electronic Discovery (eDiscovery) to retrieve the e-mails which are stored in secure Personal Storage Table folders.[7] The files retrieved were then examined by auditors to determine compliance with the Department's policies.

Audit Time Period

The time period for this audit was from January 1, 2018, through January 31, 2018. Auditors examined one randomly identified 24-hour period.[8]

Audit Population

Auditors identified the population utilizing the Enterprise Human Resources System (eHR).[9] A total of 1,005 personnel assigned to the Technology and Support Division were identified for the audit time period. The 1,005 personnel were distinguished into

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[6] The e-mail system is the Department's e-mail program utilizing Microsoft Outlook.
[7] The eDiscovery is a component accessible on the Department's intranet that allows the retrieval of electronic data from the SDN.
[8] The DSB advised auditors that more than one million e-mails cross the SDN monthly. Thus, AAB determined the retrieval of e-mails from a single 24-hour period would provide a manageable population for review.
[9] The eHR is a countywide system which supports the human resources and payroll management functions. The system maintains detailed employee records as well as generates reports detailing the employees by unit of assignment.

the following groupings: six executives and management personnel, 92 full-time sworn personnel, and 907 professional staff. The executives include a Division Director, a Commander and an Assistant Division Director. The management personnel include one Captain and two Directors.

The six executives and management personnel assigned to the Technology and Support Division were selected. A stratified sampling was applied to the remaining groupings, rendering the following samples: 48 full-time sworn and 87 professional staff.[10] A total of 141 personnel were audited.

SUMMARY OF AUDIT FINDINGS

The Division did not meet the standard in the area of policy compliance. The results of the audit are summarized in Table No. 1.

Table No. 1: Summary of Audit Findings

Objective No.	Objective	Met the Standard
1	**E-MAIL SYSTEM USE**	
1	*Determine if the e-mails complied with the Department's Policy.*	**99%**

Objective No. 1 – E-mail System Use

Criteria

Manual of Policy and Procedures, Section 3-07/210.10, System Use, December 2013, states:

> *Authorized persons are expected to use electronic communications and network systems with a high degree of professional and personal courtesy. Authorized persons must ensure that the tone and content of electronic communications are business-like and exclude inflammatory remarks or inappropriate language. If it is an issue that could cause embarrassment, it does not belong on e-mail. . . .*

[10] Using a statistical one-tail test with a 95% confidence level and a 4% error rate, statistically valid samples were identified.

Manual of Policy and Procedures, Section 3-01/121.40, Policy of Equality – Examples of Conduct that may Violate this Policy and Scope of Coverage, (December 2013), states:

> *. . . SCOPE OF COVERAGE . . .*
>
> *. . . Location: This Policy prohibits discrimination, harassment, retaliation, and inappropriate conduct toward others in the workplace or in other work-related settings . . .*
>
> *. . . Communication System/Equipment: This Policy also applies to the use of any Departmental communication system or equipment, including but not limited to, electronic mail, internet, intranet, JDIC, telephone lines, computers, facsimile machines, voice mail, radio, and mobile digital terminals. . . .*

To facilitate measuring e-mail compliance with listed MPP sections, the Office of the Undersheriff provided AAB with a list of 122 derogatory terms.[11]

Audit Procedures

Upon retrieval of the e-mails, auditors performed a search to locate terms from the predetermined list in the title, narrative, and attachments of the e-mails. E-mails were further examined for content to determine if the identified terms were used in a manner which constituted a potential violation of the Manual of Policy and Procedures by inappropriate language in the workplace or workplace settings. Due to attorney-client privilege, the e-mails addressed to or from the Office of the Los Angeles County Counsel were excluded in the retrieval of e-mail files. Additionally, the e-mails to or from the Chief of Professional Standards and Training Division, the Captain of Internal Affairs Bureau, and the Captain of Internal Criminal Investigations Bureau were excluded due to the confidentiality required during administrative investigations. Supervisors and managers, including the management at AAB, have an affirmative duty to report potential violations of the Policy of Equality. Should auditors discover a potential violation(s) of Department policies and procedures, they would immediately notify the team lieutenant who would report the violation to the Intake Specialist Unit[12] and complete a Policy of Equality Report Form (POE Report Form).[13] The original POE Report Form would be forwarded to the Intake Specialist Unit.

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[11] The list provided to AAB by the Office of the Undersheriff included terms identified by a subject matter expert taking into account the Policy of Equality. The list is not all-inclusive and does not include benign terms which could be used in a derogatory context.

[12] The Intake Specialist Unit is responsible for receiving employees' complaints of violations of the Policy of Equality. Its primary role is to initially evaluate the substance of equity-based complaints and determine the proper path for the investigation and/or disposition of those complaints.

[13] The POE Report Form (POE-001) is used to report a potential violation of the Policy of Equality to the Intake Specialist Unit.

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Findings

One hundred forty of the 141 (99%) personnel examined met the standard for this objective. While examining e-mails, auditors discovered an e-mail which contained inappropriate language violating the System Use Policy. Auditors immediately reported the e-mail to their team lieutenant who provided the POE Report Form to the Intake Specialist Unit. The Intake Specialist Unit concluded that the e-mail had not violated the Policy of Equality. To document the potential violation reported by AAB, the Intake Specialist Unit provided auditors with a reference number for an Ombudsperson Log Entry.[14]

CONCLUSION

During the course of the audit, auditors assessed the compliance with policies and procedures as it pertains to the use of electronic communications, the Policy of Equality, and supervisory responsibilities. At the direction of the Sheriff, AAB will continue to conduct random e-mail audits.

RECOMMENDATION

The resulting recommendation coincides with the findings and conclusion from the objective of this audit. It is intended to provide Department management with a tool to correct deficiencies and improve performance.

1. All Department members are required to conduct themselves in accordance with the MPP, Section 3-07/210.10, System Use. Therefore, it is recommended that personnel continue to be briefed on this policy to ensure they are knowledgeable on Department requirements with respect to electronic communication. (Objective No. 1)

VIEWS OF RESPONSIBLE OFFICIALS

On April 27, 2018, the Office of the Assistant Sheriff – Chief Financial and Administrative Officer, submitted a formal response to AAB expressing general concurrence with the results of this audit. A copy of the audit report was provided to the Office of Inspector General.

[14] The Office of the Ombudsperson functions as a specialized resource for all Department members concerning the Policy of Equality and associated procedures. The Ombudsperson Unit responds to all inquiries, concerning the Policy of Equality and provides information to Department members about their rights, responsibilities, complaint, and investigation procedures. Subsequently, the Ombudsperson Unit will generate a corresponding Ombudsperson Log number to record the incident.

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This audit was submitted on this 2nd day of May, 2018, by the Audit and Accountability Bureau.

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