

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



PUBLIC COMMENTS AUDIT
PATROL OPERATIONS –
NORTH PATROL DIVISION –
LANCASTER SHERIFF'S STATION
Project No. 2021-4-A



Alex Villanueva, Sheriff

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

PUBLIC COMMENTS AUDIT – PATROL OPERATIONS
NORTH PATROL DIVISION – LANCASTER SHERIFF'S STATION
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PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Public Comments Audit – Patrol Operations – North Patrol Division, Lancaster Sheriff's Station under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department's (Department) Lancaster Sheriff's Station adhered to the Manual of Policy and Procedures (MPP), Unit Orders, and the provisions of the United States Department of Justice (DOJ) Antelope Valley Settlement Agreement (AV Agreement)¹ regarding public comments, specifically service and personnel complaints documented on the Service Comment Report (SCR).²

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.³ The AAB determined the evidence obtained was sufficient and appropriate to provide reasonable assurance of the results based on the audit objectives.

BACKGROUND

On April 28, 2015, the Department entered into the AV Agreement with the DOJ regarding police services in the Antelope Valley area which includes the cities of Lancaster and Palmdale, and the surrounding unincorporated Los Angeles County areas. In the AV Agreement, the Department agreed to ensure all public complaints are received, properly classified, and fully and fairly investigated.

The Department classifies public complaints into two categories: service complaints and personnel complaints.⁴ Service complaints are external communications of dissatisfaction with Department service, procedures or practices, response times, traffic citations, and those not involving employee misconduct. Personnel complaints are external allegations of misconduct against a Department member, either a violation of law or Department policy, to include but not limited to: discourtesy; dishonesty; unreasonable force; improper tactics; improper detention; search or arrest; neglect of duty; operation of vehicle; off-duty conduct; harassment; or discrimination.

¹ United States Department of Justice – Los Angeles County Sheriff's Department, Settlement Agreement Number CV 15-03174, April 2015.

² Manual of Policy and Procedures §3-04/010.05, Procedures for Department Service Reviews, December 2013.

³ United States Government Accountability Office, Government Auditing Standards, July 2018.

⁴ Manual of Policy and Procedures §3-04/010.00, Department Service Reviews, December 2013.

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Public trust is vital to the Department’s mission and rests on the Department’s 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.⁵

PRIOR AUDITS

The AAB has conducted four prior public comments audits for Lancaster Sheriff’s Station.

METHODOLOGY

Scope

The audit encompassed seven main objectives and included an evaluation of completed SCR reviews from the Lancaster Sheriff’s Station to ensure compliance with the MPP, Unit Orders, and the AV Agreement. For the purposes of this audit, an SCR review was considered completed when approved and signed by the division commander.

- Objective No. 1 – Complaint Intake: To determine if personnel complaint forms and informational materials are made available to the public as required; if complaints made were accepted and reviewed; if a Department member refused to accept a complaint, discouraged the complainant from filing a complaint, or provided false or misleading information about filing a complaint.
- Objective No. 2 – Complaint Classification: To determine if personnel complaints were not classified as service complaints; if complaints were appropriately classified; and if allegations of misconduct were investigated.
- Objective No. 3 – Complaint Investigations: To determine if complaints were investigated thoroughly and by the appropriate/required individuals; if all persons at the scene giving rise to a misconduct allegation were identified; if interviews were performed, conducted separately, and recorded in their entirety.
- Objective No. 4 – Adjudication of the Service Comment Report: To determine whether the disposition of a SCR review was supported by sufficient information and relevant evidence.

⁵ Manual of Policy and Procedures §3-04/000.00, Personnel Investigations, April 1996.

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- Objective No. 5 – Timeliness: To determine whether the SCR review was completed and forwarded to Division Headquarters within 30 days; if the SCR review was forwarded to the Discovery Unit within 60 days.
- Objective No. 6 – Accuracy of the Service Comment Report Data: To determine whether the Result of Service Comment Review and the SCR information was accurately entered into Performance Recording and Monitoring System (PRMS).
- Objective No. 7 – Completion of Corrective Action: To determine if the personnel complaint disposition recommends corrective action, and if it was subsequently completed.

Auditors reviewed documentation comprised of completed SCR forms, Result of Service Comment Review forms, associated memoranda, correspondence, reports, audio and video recordings, and photographs from Risk Management Bureau’s Discovery Unit. Additional documentation was obtained from Lancaster Sheriff’s Station.

In order to measure the Department’s compliance with the provisions of the AV Agreement, auditors conducted a qualitative assessment, as necessary, throughout the audit. This included an assessment of all available documentation for each SCR review to determine whether the complaints were received, appropriately classified, and fully and fairly investigated, up to the adjudication of the complaint, in compliance with the applicable criteria.⁶

Audit Time Period

The audit time period was from August 1, 2020, through January 31, 2021.

Audit Population

All documented service and personnel complaints generated by the public against personnel from the Lancaster Sheriff’s Station, which were fully investigated with final approval by a captain at the station level, were included in the population. Twenty-nine SCR reviews were identified from the data sources for the audit time period. Of the 29 SCR reviews, 21 were personnel complaints, five were service complaints, and three were dual (personnel and service) complaints.

⁶ AV Agreement, XI. Monitoring, B. Compliance Reviews and Audits, paragraph 149, April 2015, states compliance reviews and audits will contain both qualitative and quantitative elements as necessary for reliability and comprehensiveness.

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The SCR population was identified through the PRMS, Service Comment Module.⁷ The population was also cross referenced with entries in the Station/Bureau Administration Portal (SBAP).⁸ External commendations documented on SCR forms were not included in the audit.

Auditors identified varying populations in order to examine the different aspects of the seven main objectives, which are described in the Audit Details and Results Section of this report.

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⁷ The PRMS provides systematic recording of data relevant to incidents involving uses of force, shootings, and commendations/complaints involving Department personnel. The Service Comment Module contains information on personnel and service complaints.

⁸ The SBAP is a data entry system designed to collect and track data related to risk management incidents at patrol stations. The system includes data on use of force, traffic collisions, public comments, pursuits, administrative investigations, and employee injuries and lawsuits/claims.

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AUDIT DETAILS AND RESULTS

Objective No. 1 – Complaint Intake

Objective No. 1(a) – Determine if personnel complaint forms and informational materials are made available to the public.

Criteria

Manual of Policy and Procedures, Section 3-04/010.35, Public Accessibility to Information About the Complaint Process (October 2014), states:

Each Bureau, Station and facility shall maintain a supply of the Department forms SH-CR-596 and SH-CR-596A (Spanish version). These forms, entitled "Procedures For Public Complaints," explain how the Department conducts complaint inquiries. The forms also inform the public of their recourse in the event of dissatisfaction after a complaint is handled...

Lancaster Sheriff’s Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Any Limited English Proficient (LEP) individual who wishes to file a complaint about a deputy or employee shall be provided with a complaint form and informational materials in the appropriate non-English language and/or be provided appropriate translation services in order to file a complaint.

The Community Relations sergeant shall ensure the following locations have ample stock of complaint forms in both English and Spanish:

- *Lancaster Station Lobby*
- *Lake Los Angeles Library*
- *Lancaster Library*
- *Quartz Hill Library*
- *Michael Antonovich Antelope Valley Court House (Inside the Sheriff’s office)*
- *Antelope Valley Juvenile Court (Inside the Sheriff’s office)*

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Antelope Valley Settlement Agreement, Subsection A, Complaint Intake, paragraph 124 (April 2015), states:

LASD shall continue to make personnel complaint forms and informational materials, including brochures and posters, available at appropriate County or municipal properties in the Antelope Valley, including, at a minimum, LASD stations, courts, county libraries, and LASD websites, and make them available to community groups upon request.

Antelope Valley Settlement Agreement, Subsection A, Complaint Intake, paragraph 125 (April 2015), states:

... Any Limited English Proficient (LEP) individual who wishes to file a complaint about a LASD deputy or employee shall be provided with a complaint form and informational materials in the appropriate non-English language and/or be provided appropriate translation services in order to file a complaint.

Procedures

On March 17, 2021, April 2, 2021, May 18, 2021 and June 23, 2021, auditors visited the six properties and the Department’s website to determine whether English and Spanish personnel complaint forms and informational materials and/or translation services were available to LEP individuals.

Results

All seven sites (100%) met the criteria for this objective. Each location and the Department website had the required forms and informational material.

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Objective No. 1(b) – Determine if complaints made through the dispatch center were accepted and reviewed.

Criteria

Manual of Policy and Procedures, Section 3-04/010.00, Department Service Reviews (December 2013), states:

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

Antelope Valley Settlement Agreement, Subsection A, Complaint Intake, paragraph 125 (April 2015), states:

LASD will continue to accept all personnel complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field...

Procedures

Auditors obtained and examined weekend dispatch call segments to determine whether incoming telephone call complaints were accepted. During the week, calls made by members of the public who wish to make a complaint at Lancaster Sheriff’s Station are answered by the station telephone operators. These lines are not recorded. During the weekend, complaint calls made to the Lancaster Sheriff’s Station are answered by the station dispatch center, which are on recorded lines. Auditors selected a population of weekend dispatch line call segments for review.

Auditors identified a total of 4,011 inbound dispatch telephone call segments made during all weekends for the month of January 2021 at the Lancaster Sheriff’s Station. Auditors reviewed the Voice Print International (VPI) system to obtain the data. A statistically valid stratified random sample⁹ of 96 call segments was selected to determine whether all complaints were accepted and reviewed during their initiation. Of the 96 call segments, none were complaints.

⁹ Using a statistical one-tail test with a 95% confidence level and a 4% error rate, a statistically valid sample was identified.

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Results

The 96 weekend dispatch line call segments reviewed did not result in any complaints.

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Objective No. 1(c) – Determine if complaints made to the Watch Commander’s telephone line were accepted and reviewed.

Criteria

Manual of Policy and Procedures, Section 3-04/010.00, Department Service Reviews (December 2013), states:

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

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), 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.

Antelope Valley Settlement Agreement, Subsection A, Complaint Intake, paragraph 125 (April 2015), states:

LASD will continue to accept all personnel complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field...

Procedures

When complainants call the Lancaster Sheriff’s Station, their initial point of contact is either a station telephone operator during the week or a dispatcher during the weekend. Complainants are then forwarded to the watch commander. The watch commander’s line is a recorded telephone line.

Auditors identified a total of 233 inbound watch commander telephone call segments for the month of January 2021. Auditors listened to and evaluated a statistically valid random sample of 68 call segments to determine if complaints were made and accepted by the watch commander at the Lancaster Sheriff’s Station.

Of the 68 call segments, 63 were not complaints. The remaining five call segments were complaints, and were evaluated for this objective.

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Results

For two of the complaint calls, the Watch Commander discussed the issues with the complainants, resolved their concerns, and subsequently, a SCR was not desired.

One of the three (33%) remaining complaint calls met the criteria for this objective. The caller expressed that they wanted to file a complaint, and a SCR was prepared.

For the two remaining complaint calls, auditors could not determine if one return call was made to the complainant because it was not made on a recorded line. For the one remaining call, the complainant expressed that they wanted to file a complaint, however the Watch Commander did not prepare a SCR.

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Objective No. 1(d) – Determine if a Department member refused to accept a personnel complaint, discouraged the complainant from filing a complaint, or provided false or misleading information about filing a complaint.

Criteria

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing of a complaint, shall be grounds for discipline.

Antelope Valley Settlement Agreement, Subsection A, Complaint Intake, paragraph 126 (April 2015), states:

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint, shall be grounds for discipline, up to and including termination.

Procedures

Auditors evaluated the 29 SCRs identified for the audit time period, including related source documentation and audio/video files, to determine whether a Department member refused to accept a personnel complaint, discouraged the complainant from filing a complaint, or provided false or misleading information about filing a complaint.

Of the 29 SCRs, five were service complaints, and one was a personnel complaint that was not received by Lancaster Sheriff’s Station (See Table No. 1). Therefore 6 SCRs were excluded from this objective. The remaining 23 SCRs were evaluated for this objective.

Results

All 23 (100%) SCRs met the criteria for this objective. All SCRs were submitted without indication of discouraging the complainant or providing false or misleading information about filing of the complaint.

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The table below summarizes the filing locations for all the personnel SCRs.

Table No. 1 – Complaint Filing Location

| Personnel Complaint Received By | Number of SCRs |
|--|-----------------------|
| Lancaster Sheriff's Station | 23 |
| Internal Affairs Bureau | 1 |
| TOTAL | 24 |

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Objective No. 2 – Complaint Classification

Objective No. 2(a) – Determine if personnel complaints were misclassified as service complaints.

Criteria

Manual of Policy and Procedures, Section 3-04/010.00, Department Service Reviews (December 2013), 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; and*
- *Personnel Complaint: an external allegation of misconduct, either a violation of law or Department policy, against any member of the Department...*

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Supervisors shall ensure that personnel complaints are not misclassified as service complaints.

Antelope Valley Settlement Agreement, Subsection B, Complaint Classification, paragraph 128 (April 2015), states:

LASD will ensure that personnel complaints are not classified as service complaints.

Procedures

Auditors evaluated the 29 SCR reviews, including related source documentation and audio/video files, to ensure they were properly classified as service complaint. Twenty-one of the SCR reviews were excluded from this objective because they were personnel complaints. Therefore, auditors evaluated the five service SCR reviews and the three dual (personnel and service) SCR reviews, including related source documentation, to ensure they were properly classified as service complaints.

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Results

All eight (100%) SCR reviews met the criteria for this objective.

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Objective No. 2(b) – Determine whether Service Comment Reports were appropriately classified.

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), 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.

Manual of Policy and Procedures, Section 3-04/010.25, Personnel Complaints (October 2014), states:

The Watch Commander shall also check the fact page of the Service Comment form and ensure that it is filled out completely and correctly. He shall confirm that the proper categories are marked reflecting the nature of the complaint...

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Supervisors shall ensure that that all personnel complaint allegations are accurately classified at all investigative stages, from intake through resolution....

Antelope Valley Settlement Agreement, Subsection B, Complaint Classification, paragraph 130 (April 2015), states:

Antelope Valley unit commanders shall be responsible for appropriately classifying each allegation and personnel complaint raised at the outset or during the investigation/review of a complaint...

Procedures

Auditors evaluated the 29 SCR reviews, including related source materials to determine whether the complaints were appropriately classified during the initial intake, or if not, were later modified to reflect the correct classification.

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Results

All 29 (100%) SCRs were appropriately classified during intake or were later modified to reflect the correct classification. Twenty-eight of the 29 SCRs were classified correctly during intake. One personnel complaint was later modified to a dual complaint after additional information was received by the station.

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Objective No. 2(c) – Determine if all allegations of misconduct were investigated.

Criteria

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Supervisors shall... investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant.

Antelope Valley Settlement Agreement, Subsection B, Complaint Classification, paragraph 130 (April 2015), states:

... LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant.

Procedures

Auditors identified and reviewed 57 use of force incidents, ten civil claims, and four lawsuits that occurred during the audit time period. Auditors determined whether allegations of misconduct were present and, if so, whether they were documented on a SCR and investigated.

Of the 71 items reviewed, 62 did not include an allegation of misconduct. Therefore, the remaining nine items were evaluated for this objective.

Results

Seven (78%) of the nine met the criteria for this objective. Two of the allegations, which arose during a reported use of force investigation, were not documented on a SCR and not investigated.

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Objective No. 3 – Complaint Investigations

Objective No. 3(a) – Determine if all investigations of personnel complaints were thorough as necessary to reach reliable, objective and complete findings.

Criteria

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

All investigations of personnel complaints, including reviews, shall be as thorough as necessary to reach reliable, objective, and complete findings. In each investigation, supervisors shall consider all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations based upon that evidence. There will be no automatic preference for a deputy’s statement over a non-deputy’s statement, nor will supervisors disregard a witness’ statement merely because the witness has some connection to the complainant or because of any criminal history. Supervisors shall fully investigate each complaint, and make efforts to resolve any material inconsistencies between witness statements and/or the statements of deputies.

...At the conclusion of the complaint investigation, each employee shall have their own disposition sheet for each allegation.

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 131 (April 2015), states:

All investigations of Antelope Valley personnel complaints, including reviews, shall be as thorough as necessary to reach reliable and complete findings. In each investigation, LASD shall consider all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations based upon that evidence. There will be no automatic preference for a deputy’s statement over a non-deputy’s statement, nor will LASD disregard a witness’ statement merely because the witness has some connection to the complainant or because of any criminal history. LASD shall make efforts to resolve material inconsistencies between witness statements.

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Procedures

Auditors examined the 29 SCR reviews to determine whether the complaints were thoroughly investigated. Five of the SCR reviews were excluded from this objective because they were service complaints. Therefore, auditors evaluated 24 personnel SCR reviews (21 personnel complaints and three dual complaints) for this objective.

Auditors reviewed source documentation narratives, interviews, correspondence, and audio/video files. Auditors conducted a qualitative assessment of those documents to determine if supervisors documented and considered all relevant evidence as appropriate. This included determining whether or not all potential parties were contacted, interviews were recorded, and all involved Department personnel were identified and interviewed or provided a written statement.

Results

All 24 (100%) personnel SCR reviews met the criteria for this objective.

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Objective No. 3(b) – Determine if alleged incidents of misconduct were referred to the Internal Affairs Bureau (IAB) or Internal Criminal Investigation Bureau (ICIB).

Criteria

Manual of Policy and Procedures, Section 3-04/010.25, Personnel Complaints (October 2014), states:

The concerned Unit Commander is responsible for evaluating each personnel complaint to determine the appropriate supervisory response. The nature and seriousness of the allegation(s), the potential for employee discipline, and the concerned employee’s performance history are potential factors to consider in the evaluation. Generally, the following courses of action are options:

- *request that ICIB conduct a criminal investigation if there is reason to believe a crime has been committed...;*
- *request that IAB conduct an administrative investigation...;*
- *conduct a Unit level administrative investigation; and*
- *initiate a service review.*

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 132 (April 2015), states:

LASD agrees to continue to require station commanders in the Antelope Valley to refer alleged incidents of misconduct to the IAB or ICIB for further investigation or review...

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials to determine whether complaints required to be referred to IAB or ICIB were referred.

Of the 24 personnel SCR reviews, none were required to be referred to IAB or ICIB.

Results

None were applicable for this objective.

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Objective No. 3(c) – Determine if the Division Chief reviewed the matter with the unit commander of Internal Affairs Bureau if the case proceeded criminally.

Criteria

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 132 (April 2015), states:

... If the case proceeds criminally, the Division Chief over the Antelope Valley will review the matter with the unit commander of IAB to determine whether the administrative investigation may proceed on a parallel track. The Division Chief or unit commander of IAB may consult with the prosecuting agency for its input. If the matter proceeds on a parallel track, any compelled interview of the subject deputies may be delayed. The Division Chief shall document the reasons for the decision.

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source documentation and audio/video files, to determine if the case proceeded criminally and whether the Division Chief reviewed the matter with the unit commander of IAB.

Of the 24 personnel SCR reviews, none were evaluated for this objective because none proceeded criminally.

Results

None were applicable for this objective.

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Objective No. 3(d) – Determine if an involved supervisor, or any supervisor who authorized the conduct that led to the personnel complaint, did not conduct the complaint investigation.

Criteria

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Any involved supervisor who is party to the complaint, or any supervisor who authorized the conduct that led to a complaint, shall not conduct the complaint investigation.

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 133 (April 2015), states:

LASD will not permit any involved supervisor, or any supervisor who authorized the conduct that led to the complaint, to conduct a complaint investigation.

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials, to determine whether the supervisor that conducted the SCR investigation was not an involved supervisor or a supervisor who authorized the conduct that led to the complaint, unless sufficient justification is documented in the SCR investigation.

Of the 24 SCR reviews, 21 were not applicable to this objective because a supervisor was not a party to the complaint or authorized the conduct that led to a complaint.

Results

The three (100%) applicable SCR reviews met the criteria for this objective. A supervisor, that was not involved and did not authorize the conduct that led to the personnel complaint, did not conduct the complaint investigation.

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Objective No. 3(e) – Determine if all persons at the scene giving rise to a misconduct allegation were identified.

Criteria

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities (August 2019), Community Complaints, states:

Supervisors shall seek to identify all persons at the scene giving rise to a misconduct allegation, including all deputies. The supervisor shall note in the investigative report the identities of all deputies and other witnesses who were on the scene but assert they did not witness and were not involved in the incident.

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 134 (April 2015), states:

The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, including all LASD deputies. The investigator shall note in the investigation report the identities of all deputies and other witnesses who were on the scene but assert they did not witness and were not involved in the incident...

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials, to determine whether all persons at the scene giving rise to a misconduct allegation were identified.

Results

All 24 (100%) personnel SCR reviews met the criteria for this objective.

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Objective No. 3(f) – Determine if the complainant, involved employees, and all witnesses (including deputies) provided a written statement of the incident or were interviewed.

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), 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.

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Supervisors shall interview each complainant in person, if practical, and will conduct additional interviews as necessary to reach reliable and complete findings. If an interview is not done in person, the reason shall be articulated in the complaint memorandum.

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 135 (April 2015), states:

All witnesses, including deputies witnessing or involved in an incident that becomes the subject of a personnel complaint, shall provide a written statement regarding the incident or be interviewed ...

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 136 (April 2015), states:

The SCR complaint investigator shall interview each complainant in person, if practical...

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials, to determine whether the complainants, the involved employees, and all witnesses (including deputies) provided a written statement of the incident or were interviewed.

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Results

Twenty-three (96%) of the 24 personnel SCR reviews met the criteria for this objective. The remaining SCR review, a deputy witness, present at the incident did not provide a written statement and was not interviewed.

It should be noted, two of the 24 SCR reviews did not interview the complainant. However, sufficient justification is documented in the SCR investigation as to why Lancaster Sheriff’s Station personnel did not or could not interview the complainant.

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Objective No. 3(g) – Determine if the complainant and non-deputy witness interviews were recorded in their entirety.

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), 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 ...

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Interviews shall be recorded in their entirety, absent documented extraordinary circumstances...

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 136 (April 2015), states:

... Interviews shall be recorded in their entirety, absent documented extraordinary circumstances.

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials, to determine whether complainant and witness (non-deputy) interviews were recorded in their entirety, absent documented extraordinary circumstances.

Of the 24 personnel SCR reviews, one SCR review was excluded because it did not have complainant interviews or civilian witness interviews. Lancaster Sheriff’s Station personnel was unable to contact the complainant and no non-deputy witnesses were identified.

Therefore, 23 SCR reviews were evaluated for this objective.

Results

All 23 (100%) personnel SCR reviews met the criteria for this objective.

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Objective No. 3(h) – Determine if complainant, involved employee, and all witness (including deputy) interviews were conducted separately.

Criteria

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

During the complaint process, it shall be documented that each complainant, witness and involved employee were interviewed separately.

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 137 (April 2015), states:

Consistent with current policy, interviews shall be conducted separately...

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials, to determine whether the complainants, the involved employee, and all witness (including deputy) interviews were conducted separately.

Results

Twenty-three (96%) of the 24 personnel SCR reviews met the criteria for this objective. The remaining SCR review, based upon the video recording, depicted a non-deputy witness interview was conducted within close proximity to another non-deputy witness of the incident.

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Objective No. 3(i) – Determine if interpreters used for Limited English Proficient (LEP) complainants or witnesses were not party to the complaint, if applicable.

Criteria

Manual of Policy and Procedures, Section 3-09/004.00, Limited English Proficiency and Language Assistance Plan (April 2018), states:

Department members shall take reasonable steps to ensure effective and accurate communication with a LEP individual when providing assistance or Department programs and services. Personnel will use qualified bilingual persons as translators and interpreters as set forth in this policy...

Lancaster Station Unit Order Number 69, Supplemental Supervisory Responsibilities, Community Complaints (February 2020), states:

Supervisors shall not use department personnel who are party to the complaint as an interpreter for LEP complainants or witnesses.

Antelope Valley Settlement Agreement, Subsection C, Investigations, paragraph 137 (April 2015), states:

... An interpreter not involved in the underlying complaint will be used when taking statements or conducting interviews of any LEP complainant or witness.

Procedures

Auditors evaluated the 24 personnel SCR reviews, including related source materials, to determine whether interpreters used for LEP complainants or witnesses were party to the complaint.

Of the 24 personnel SCR reviews, 23 reviews were excluded because they did not utilize an interpreter. Therefore, one SCR review was evaluated for this objective.

Results

The one (100%) personnel SCR review met the criteria for this objective.

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Objective No. 4 – Adjudication of the Service Comment Report – Determine if the disposition of the Service Comment Report review was supported by sufficient information and relevant evidence.

Criteria

Service Comment Report Handbook, Section III, Adjudication of an SCR (June 2011), states:

*...Service reviews should be concise yet need to include sufficient information in order for the **Unit Commander** to make an appropriate assessment. The review should be objective and each allegation should be thoroughly addressed. During the adjudication stage, it is the responsibility of the Unit Commander to ensure that the recommended disposition is supported by the statements and evidence...*

C. Adjudication of an SCR:

*If the complaint is handled as a service review, then the **Unit Commander** is responsible for approving the recommended review disposition. The service review must contain sufficient information in order for the Unit Commander to make a final determination and that determination must be supported by the information contained in the review...*

*The **Unit Commander** should use neutral and objective criteria, weigh evidence appropriately to distinguish strong evidence from questionable or less material evidence, and not indulge in presumptions that bias the findings...*

E. Directions for Completing the “Result of Service Comment Review”

Form:

(Refer to a blank “Result of Service Comment Review” form under Section VII-Exhibits and in “All Forms.”)...

2) REVIEW DISPOSITION:

- c) Review Comp - Service Only - No Further Action:** *(Used only when a complaint is categorized as a "Service Complaint.")...*
- d) Employee Conduct Appears Reasonable:** *(Review indicated the employee's actions appear to be in compliance with procedures, policies, guidelines or training.)...*

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- e) **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.)...*
- f) **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.)...*
- g) **Unable to Make a Determination:** *(The review revealed insufficient information to assess the employee's alleged conduct or to identify the employees involved.)...*
- h) **Resolved - Conflict Resolution Meeting:** *(A conflict resolution meeting with the reporting party and involved employee(s) was held. The meeting adequately addressed all concerns and no further actions are deemed necessary.)...*

Antelope Valley Settlement Agreement, Subsection E, Personnel Complaint Audits, paragraph 140 (April 2015), states:

LASD shall conduct a semiannual, randomized audit of LASD-AV's 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.

Procedures

The adjudication of a SCR is documented on the *Result of Service Comment Review* form and is evidenced by the Unit Commander's signature attesting he/she agreed with the recommended disposition made by the supervisor completing the investigation. Auditors examined the 29 service and personnel SCR reviews to determine whether the disposition was supported by sufficient information and relevant evidence contained in the review.

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Results

All 29 (100%) SCR reviews met the criteria for this objective.

Table No. 2 represents the dispositions for the SCRs reviewed. The number of dispositions does not equal the number of SCRs in the audit period because multiple Department members may have been involved in a single complaint requiring a separate disposition for each Department member.

Table No. 2 - Result of Service Comment Review

| Review Disposition | Number of Disposition |
|---|------------------------------|
| Review Completed – Service Only | 7 |
| Employee Conduct Appears Reasonable | 34 |
| Appears Employee Conduct Could Have Been Better | 1 |
| Employee Conduct Should Have Been Different | 2 |
| Unable to Make a Determination | 0 |
| Resolved – Conflict Resolution Meeting | 2 |
| Unit Level Administrative Investigation Initiated | 0 |
| Exoneration | 1 |

Auditors noted that in the one personnel complaint SCR review with a disposition of “Exoneration,” the division chief signed the *Result of Service Comment Review* form attesting his approval of the disposition.¹⁰

¹⁰ Manual of Policy and Procedures §3-04/010.25, Personnel Complaints, October 2014, states the concerned division chief shall review and approve all service reviews which result in an exoneration finding.

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Objective No. 5 – Timeliness

Objective No. 5(a) – Determine if the Service Comment Report review was completed within 30 days and forwarded to Division.

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), states:

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

Service Comment Report Handbook, Section III, Subsection A(1), Due Dates (June 2011), states:

Service reviews shall be completed within 30 calendar days and forwarded to Division.

Procedures

Auditors examined the 29 SCR reviews for the complaint intake dates, the dates the unit commander signed the SCR review, and the dates that the SCR review was received by the North Patrol Division, to determine whether they were completed and forwarded to Division within 30 calendar days.

Results

Seven (24%) of the 29 SCR reviews met the criteria for this objective.

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The table below summarizes the duration for the SCR reviews to be completed at the unit level.

Table No. 3 - Timely Completion of the SCR Reviews

| Number of Days for SCR review to be completed and forwarded to Division | |
|--|-----------|
| 0-30 Days | 7 |
| 31-40 Days | 2 |
| 41-50 Days | 2 |
| 51-60 Days | 0 |
| 61-70 Days | 1 |
| 71-80 Days | 1 |
| 81-90 Days | 0 |
| 91-100 Days | 3 |
| 101+ Days | 13 |
| TOTAL | 29 |

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Objective No. 5(b) – Determine if the Service Comment Report review was forwarded to the Discovery Unit within 60 days.

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), 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.

Service Comment Report Handbook, Section III, Subsection A(1), Due Dates (June 2011), states:

The completed SCR package shall be forwarded to the Discovery Unit within 60 calendar days...

Procedures

Auditors examined the 29 SCR reviews for the complaint intake dates and PRMS for the dates that the Discovery Unit received the SCR review. Auditors determined whether the SCR review was forwarded to the Discovery Unit within 60 days.

Results

Eleven (38%) of the 29 SCR reviews met the criteria for this objective. The remaining SCR reviews exceeded the allowable 60 day timeframe to be submitted to the Discovery Unit.

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The table below summarizes the duration in days for the completed SCR reviews to be forwarded to the Discovery Unit.

Table No. 4 – Completed SCR Reviews Forwarded to Discovery Unit

| Number of Days for Completed SCR review to be forwarded to Discovery Unit | |
|--|-----------|
| 0-60 Days | 11 |
| 61-70 Days | 0 |
| 71-80 Days | 1 |
| 81-90 Days | 1 |
| 91-100 Days | 1 |
| 101-110 Days | 3 |
| 111-120 Days | 6 |
| 121-130 Days | 3 |
| 131+ Days | 3 |
| TOTAL | 29 |

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Objective No. 6 – Accuracy of the Service Comment Report Data

Objective No. 6(a) – Determine if the Result of Service Comment Review information was entered accurately in the Performance Recording and Monitoring System.

Criteria

Service Comment Report Handbook, Section III, Subsection B, Result of Service Review (June 2011), states:

*Upon completion of a service review about a public personnel complaint, the **Unit Commander** shall ensure that the “Result of Service Comment Review” form is completed (MPP 3-04/010.25-Personnel Complaints, revised 01/05/03)...*

Antelope Valley Settlement Agreement, Subsection A, Personnel Performance Index, paragraph 142 (April 2015), states:

LASD-AV will ensure that PPI [now PRMS] data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered.

Procedures

Auditors examined the 29 SCR reviews and the related entry in PRMS to determine whether the information on the Result of Service Comment Review form was accurately entered in PRMS.

Results

Twenty-seven (93%) of the 29 SCR reviews met the criteria for this objective. Two of the SCR reviews contained date inconsistencies between the Result of Service Comment Review form and PRMS. One SCR review contained inconsistencies with the date that the acknowledgement letter was sent to the reporting party, and the date of the Division Commander’s signature, and one SCR review contained an inconsistency with the date of the Unit Commander’s signature.

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Objective No. 6(b) – Determine if the Service Comment Report information was entered accurately in the Performance Recording and Monitoring System.

Criteria

Antelope Valley Settlement Agreement, Subsection A, Personnel Performance Index, paragraph 142 (April 2015), states:

LASD-AV will ensure that PPI [now PRMS] data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered.

Procedures

Auditors examined the 29 SCR reviews and the related entry in PRMS to determine whether the information on the SCR was accurately entered in PRMS.

Results

Twenty-eight (97%) of the 29 SCR reviews met the criteria for this objective. The remaining SCR review did not have the “Other” box selected in PRMS, however, it was selected on the SCR.

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Objective No. 7 – Completion of Corrective Action - Determine if the personnel complaint disposition recommends corrective action, which was subsequently completed by the Department employee.

Criteria

Service Comment Report Handbook, Section III, Subsection E(2), Directions for Completing the “Result of Service Comment Review” Form (June 2011), states:

2) REVIEW DISPOSITION

...NOTE: The following dispositions, d-h, are used when a complaint is categorized as a “Personnel Complaint” and are not to be used for a Service Complaint.”

- e) **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.

- f) **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 employees 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.

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Procedures

The disposition of a SCR is documented on the *Result of Service Comment Review* form and is evidenced by the Unit Commander’s signature approving the recommended disposition made by the supervisor completing the investigation.

Auditors examined the 40 dispositions within the 21 personnel and three dual SCR reviews to determine whether the disposition was “Appears Employee Conduct Could Have Been Better” or “Employee Conduct Should Have Been Different”.

Of the 40 dispositions, 37 did not have a determination of “Appears Employee Conduct Could Have Been Better” or “Employee Conduct Should Have Been Different”. Therefore, three dispositions were evaluated for this objective.

Results

Of the three dispositions, two dispositions that determined the “Employee Conduct Should Have Been Different,” which would generally result in documented counseling or an appropriate level of corrective action, did not document any counseling or appropriate level of corrective action. The one (33%) remaining disposition, “Appears Employee Conduct Could Have Been Better,” recommended and documented corrective action, and therefore met the criteria for this objective.

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SUMMARY OF AUDIT RESULTS

The audit yielded the following results:

Table No. 5 - Summary of Audit Results

| Objective No. | Audit Objectives | Met the Criteria | |
|---------------|---|------------------|--------------------|
| | | 2021 | 2020 ¹¹ |
| 1 | COMPLAINT INTAKE | | |
| 1(a) | <i>Availability of complaint forms and informational materials.</i> | 100% | 100% |
| 1(b) | <i>Acceptance and review of all complaints – Dispatch Calls.</i> | Not Applicable | 100% |
| 1(c) | <i>Acceptance and review of all complaints – Watch Commander Calls.</i> | 33% | 100% |
| 1(d) | <i>Non-discouragement of filing a complaint.</i> | 100% | 100% |
| 2 | COMPLAINT CLASSIFICATION | | |
| 2(a) | <i>Proper classification of service complaints.</i> | 100% | 100% |
| 2(b) | <i>Appropriate classification of complaint.</i> | 100% | 100% |
| 2(c) | <i>Investigation of all allegations of misconduct.</i> | 78% | 25% |
| 3 | COMPLAINT INVESTIGATION | | |
| 3(a) | <i>Thorough investigation of complaints.</i> | 100% | 100% |
| 3(b) | <i>Referral of alleged incidents of misconduct to IAB or ICIB.</i> | Not Applicable | 100% |
| 3(c) | <i>Division Chief review of the matter with the unit commander of IAB if the case proceeded criminally.</i> | Not Applicable | Not Applicable |
| 3(d) | <i>Performance of complaint investigation by uninvolved supervisor.</i> | 100% | 100% |
| 3(e) | <i>Identification of all persons at the scene.</i> | 100% | 95% |
| 3(f) | <i>Availability of written statement of the incident or interview of the complainant, involved employee, and all witnesses.</i> | 96% | 95% |
| 3(g) | <i>Complainant and non-deputy witness interviews recorded in their entirety.</i> | 100% | 100% |
| 3(h) | <i>Complainant, involved employee, and all witness interviews conducted separately.</i> | 96% | 95% |
| 3(i) | <i>Interpreter used for LEP complainants or witnesses was not party to the complaint.</i> | 100% | Not Applicable |
| 4 | ADJUDICATION OF A SERVICE COMMENT REPORT | | |
| | <i>Adjudication of a Service Comment Report.</i> | 100% | 100% |
| 5 | TIMELINESS | | |
| 5(a) | <i>Timely Completion of the SCR review and forward to Division.</i> | 24% | 0% |
| 5(b) | <i>Completed SCR Review forwarded to Discovery Unit.</i> | 38% | 0% |
| 6 | ACCURACY OF THE SERVICE COMMENT REPORT DATA | | |
| 6(a) | <i>Accuracy of the Result of Service Comment Review information in PRMS.</i> | 93% | Not Evaluated |
| 6(b) | <i>Accuracy of the SCR review information in PRMS.</i> | 97% | 95% |
| 7 | COMPLETION OF CORRECTIVE ACTION | | |
| | <i>Completion of corrective action recommended in disposition.</i> | 33% | Not Evaluated |

¹¹ Results are from the previous audit, Public Comments Audit – Lancaster Sheriff’s Station, Project No. 2020-3-A, issued August 25, 2020.

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OTHER RELATED MATTER

Complaint Calls Made to Watch Commander’s Telephone Line

During the review of the complaint calls made to the Watch Commander’s telephone line, auditors noticed in two instances that return calls made to the complainant by the watch commander were not made on a recorded telephone line. According to MPP 3-04/010.05, during telephonic comments or complaints, the watch commander shall field the call on a taped line if equipment is in place to do so.

One of the two instances resulted in an SCR. The other complaint did not result in an SCR because, after further review, auditors were informed that the purported complainant’s concerns were with the City of Lancaster, Public Safety Department officers and not Lancaster Sheriff’s Station personnel. Although, this complaint was not applicable to Lancaster Sheriff’s Station, it remains a finding in Objective No. 1(c) because the Watch Commander’s return call to the complainant was not conducted on a taped line as required by policy.

Documentation of the Date Discovery Unit Received the SCR Review

During the evaluation to determine if the SCR review was forwarded to the Discovery Unit within 60 days, the auditors noticed that the “Received at Discovery Unit by” section on the “Result of Service Comment Review” form was consistently incomplete. In order to obtain the date that Discovery Unit received the SCR review, auditors had to locate this information in PRMS. Therefore, every effort should be made to ensure that Discovery Unit properly documents the receipt of the completed SCR reviews to verify that documents were properly forwarded on a timely basis.

CONCLUSION

The AAB auditors performed analyses and made assessments to identify areas that needed improvement. The AAB considers the results of this audit to be a helpful management tool for all Department personnel. The evidence presented provides reasonable assurance that Department personnel are not adhering to policies and procedures and audited provisions in the AV Agreement as identified in the above-mentioned criteria.

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RECOMMENDATIONS

When Departmental policies and procedures and the AV Agreement are not adhered to, it may result in an increased risk to the Department. Department management should disseminate the results of this audit to its personnel. Additionally, as best practice, Department management is encouraged to conduct recurring and ongoing briefings of policies and procedures. The AAB considers the results of this audit to be a helpful management tool and therefore, makes the following recommendations:

1. To ensure that all complaints made are accepted and reviewed, it is recommended that Lancaster Sheriff’s Station put procedures in place to make certain that complaint calls made to the watch commander’s telephone line are documented on an SCR. (Objective No. 1)
2. It is recommended Lancaster Sheriff’s Station conduct recurring and ongoing briefings to personnel on Unit Order No. 69 to ensure that all allegations of misconduct are documented on a SCR and investigated. (Objective No. 2)
3. Based on Department practice of corrective action resulting from a disposition of “Appears Employee Conduct Could Have Been Better” or “Employee Conduct Should Have Been Different,” it is recommended that the Service Comment Report Handbook, Section III, Subsection E(2), Directions for Completing the “Result of Service Comment Review” Form, be revised to require that corrective action must be administered. (Objective No. 7)

Views of Responsible Officials

On October 1, 2021, North Patrol Division Command Staff submitted a formal response to AAB concurring with the audit results.

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This audit was submitted on this 26th day of October, by the Audit and Accountability Bureau. A copy of the audit report was provided to the Office of Inspector General.

Original signature on file at AAB

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