# LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

## AUDIT AND ACCOUNTABILITY BUREAU

# Public Complaints Audit

Antelope Valley Stations

Project No. 2023-5-A

Robert G. Luna, Sheriff

2023

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

# Public Complaints Audit
# North Patrol Division - Antelope Valley Stations
# Project No. 2023-5-A

## EXECUTIVE SUMMARY

Under the authority of the Los Angeles County Sheriff's Department (LASD or the Department) Executives and by the United States Department of Justice (DOJ) Antelope Valley (AV) Settlement Agreement (Agreement), the Audit and Accountability Bureau (AAB) conducted a Public Complaints Audit for the AV Stations, specifically Lancaster and Palmdale. The following information will provide a comprehensive overview of key findings directly relevant to the Agreement.

Outlined within the Agreement are imperative stipulations mandating that public complaints initiated within the AV jurisdiction are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of the evidence.

This audit was conducted based on a previously approved work plan, outlining the scope, objectives, and methodology. By collaborating with the AV Monitoring Team (MT), AAB initiated a streamlined audit process to facilitate a more efficient and comprehensive audit.

The AAB auditors examined the aspects of the availability, acceptance, intake, investigation, and adjudication of public complaints. The focus of these critical elements was to provide an understanding of the Department's practices in transparency with the public, compliance with established policies, and the Agreement.

Within 60 days of issuing the final audit report to the involved executives and bureaus, the AAB will conduct a follow-up of recommendations provided in this report. The follow-up aims to verify the auditee's progress toward necessary improvements and ensure that any issues identified during the audit process are effectively addressed. Verification of corrective action will involve assessing new directives, revised unit orders, and/or any relevant documentation. The AAB will work with the auditee, understanding the implementation of audit recommendations may be lengthy and require a collaborative effort with other Department resources.

## SUMMARY OF COMPLIANCE METRIC FINDINGS

Auditors evaluated:

- Thirty-five (35) completed Watch Commander's Service Comment Report (WCSCR) investigations that were initiated during the period of July 1, 2022, through September 30, 2022.
- Thirty-seven (37) completed use of force investigations for incidents that occurred during the month of August 2022.
- Five hundred fifty-eight (558) Watch Commander's Logs for the period of July 1, 2022, through September 30, 2022.
- Mobile Digital Computer (MDC) entries during the period of July 1, 2022, through September 30, 2022.
- Eight (8) civil claims and two (2) lawsuits were filed during the period of July 1, 2022, through September 30, 2022.

This audit covered four main objectives: Availability of Complaint Information, Accepting Public Complaints, Investigations, and Management Review and Oversight, which encompassed 35 sub-objectives.

Table No. 1 indicates the results for the objectives. Auditors evaluated Lancaster (LAN) and Palmdale (PLM) Stations separately for each objective and combined the results to determine if the Department complies with the AV Agreement Compliance Metrics (compliance metrics). As a result, it was determined the AV Stations failed to meet 10 of the 20 sub-objectives applicable to the compliance metrics. The AV Stations are mandated to meet or exceed those agreed upon metrics.

## Table No. 1 – Summary of Compliance Metrics Findings

| Objective No. | Audit Objectives | LAN | PLM | AV Total | Compliance Finding | Compliance Metrics % |
|---|---|---|---|---|---|---|
| **1** | **AVAILABILITY OF COMPLAINT INFORMATION** | | | | | |
| 1(a) | *Specified Facilities* | 100% | 33% | 78% | Not in Compliance | 91% |
| 1(b) | *Community Groups* | 100% | N/A | 100% | In Compliance | 100% |
| 1(c) | *Department Website* | N/A | N/A | 100% | In Compliance | 100% |
| 1(d) | *Station Websites* | 100% | 100% | 100% | In Compliance | 100% |
| **2** | **ACCEPTING PUBLIC COMPLAINTS** | | | | | |
| 2(a) | *Mail-in Form* | 0% | 0% | 0% | N/A | N/A |
| 2(b) | *Email Complaints* | 100% | 0% | 50% | Not in Compliance | 100% |
| 2(c) | *Department 800 Number* | N/A | N/A | 0% | Not in Compliance | 100% |
| 2(d) | *AV Station Phones* | 0% | 60% | 30% | Not in Compliance | 100% |
| 2(e) | *Prompt Initiation of Complaint* | 83% | 76% | 80% | Not in Compliance | 95% |
| 2(f) | *Discouraging or Inhibiting a Complaint* | 89% | 94% | 91% | Not in Compliance | 95% |
| 2(g) | *Field Supervisors* | 0% | 0% | 0% | Not in Compliance | 95% |
| 2(h) | *Misconduct Not Resulting in a WCSCR* | 60% | 0% | 11% | Not in Compliance | 95% |
| **3** | **INVESTIGATIONS** | | | | | |
| 3(a) | *Interviews Conducted Separately* | 81% | 76% | 79% | | |
| 3(b) | *Interview Complainant in Person* | 64% | 100% | 84% | | |
| 3(c) | *Additional Interviews Conducted as Needed* | N/A | 100% | 100% | | |
| 3(d) | *Involved Parties' Statement Requirements* | 100% | 82% | 90% | | |
| 3(e) | *Identify Everyone Involved* | 100% | 82% | 91% | | |
| 3(f) | *Limited English Proficiency* | UTD | UTD | UTD | | |
| 3(g) | *Deputy Statement Given Preference* | 94% | 100% | 97% | | |
| 3(h) | *Statement Discarded Due to Criminal History* | 100% | 100% | 100% | | |
| 3(i) | *Material Inconsistency* | 0% | 100% | 50% | | |
| 3(j) | *Overall Qualitative and Quantitative Evaluation Outcome (Objectives 3(a)–3(i))* | 50% | 53% | 51% | Not in Compliance | 85% |
| 3(k) | *Uninvolved Investigator* | 100% | 100% | 100% | In Compliance | 90% |
| 3(l) | *Collect All Evidence* | 94% | 100% | 97% | In Compliance | 95% |
| 3(m) | *Record Entire Interviews* | 88% | 94% | 90% | Not in Compliance | 92% |
| 3(n) | *Timely Investigation* | 72% | 53% | 63% | N/A | N/A |
| 3(o) | *Overall Thoroughness and Reliability Outcome (Objectives 3(a)-3(i) and 3(k)-3(n))* | 28% | 35% | 31% | Not in Compliance | 92% |

| Objective No. | Audit Objectives | LAN | PLM | AV Total | Compliance Finding | Compliance Metrics % |
|---|---|---|---|---|---|---|
| **4** | **MANAGEMENT REVIEW AND OVERSIGHT** | | | | | |
| 4(a) | *WCSCR Versus Administrative Investigation* | 100% | 100% | 100% | In Compliance | 95% |
| 4(b) | *Service Versus Personnel Complaints* | 94% | 100% | 97% | In Compliance | 95% |
| 4(c) | *Identify all Substantive Allegations in a Complaint* | 61% | 71% | 66% | Not in Compliance | 95% |
| 4(d) | *Preponderance of Evidence* | 61% | 71% | 66% | Not in Compliance | 95% |
| 4(e) | *Timeliness of Adjudication* | 11% | 35% | 23% | N/A | N/A |
| 4(f) | *Recordation of Critical Information* | 17% | 76% | 46% | Not in Compliance | 95% |
| 4(g) | *Recordation of Non-Critical Information* | 94% | 88% | 91% | In Compliance | 80% |
| 4(h) | *Recordation of WCSCR Investigation Information in PRMS* | 94% | 94% | 94% | N/A | N/A |

# AUDIT REPORT

## PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Public Complaints Audit under the authority of the Los Angeles County Sheriff's Department (LASD or the Department), pursuant to the United States Department of Justice (DOJ) Antelope Valley (AV) Settlement Agreement (Agreement) Paragraph 140, which 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.*

The AAB carried out this audit in accordance with Generally Accepted Government Auditing Standards[1], focusing on obtaining sufficient and pertinent evidence to offer reasonable assurance regarding the outcomes based on the audit objectives.

## BACKGROUND

On April 28, 2015, the Department entered into the Agreement to ensure police services are delivered to the people of Lancaster and Palmdale, and the surrounding unincorporated Los Angeles County areas, to fully comply with the Constitution and laws of the United States.[2] The Agreement includes requirements for the intake, investigation, and adjudication of public complaints and requires that AAB conduct compliance audits to assess the Department's compliance with those requirements.

## PRIOR AUDITS

This audit was formerly known as the Public Comments Audit. The AAB conducted five previous audits related to public complaints in the AV. The AAB revised this audit to ensure it met the requirements of the Agreement, AV Agreement Compliance Metrics (compliance metrics), and to ensure the results are reliable, objective, and meaningful to the Department, Lancaster, and Palmdale Stations.

[1] United States Government Accountability Office, Government Auditing Standards, July 2018.

[2] United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department. Case Number CV 15-03174, April 28, 2015.

## OBJECTIVE, SCOPE, AND METHODOLOGY

The AAB developed an audit work plan as a general strategy and approach for conducting the Public Complaints Audit for the Agreement. The plan was designed to appropriately focus on operational concerns and adherence to the Agreement and ensure the audit reflects the auditor's independence and objectivity, substantiating the results. As part of the audit process, the AAB conducted an entrance meeting on February 9, 2023, with the North Patrol Division (NPD) Chief. No additional concerns pertaining to this audit were expressed outside of the issues defined in the Agreement. For Objectives 1(a), 1(b), 1(d), 2(e) and 2(g) auditors quantified the compliance percentage based upon the language in the compliance metrics.

In collaboration with the MT, the audit work plan was submitted for review and approval prior to the start of the audit.

### Audit Scope

The audit scope was centered on evaluating the aspects of the availability, acceptance, intake, investigation, and adjudication of public complaints. Under the Department's policy, public complaints fall into two categories: service complaints and personnel complaints. Service complaints are external communications of dissatisfaction with Department policy or procedures; response times; traffic citations; and those not involving employee misconduct. Personnel complaints are external allegations of misconduct against any 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.

### Audit Criteria

Since the initiation of the Agreement, the Department, DOJ, and the AV Monitoring Team (MT) have collaborated to establish mutual agreement on metrics for evaluating compliance with the provisions outlined in the Agreement. The compliance metrics for public complaints were provided by the MT. The Department's compliance will be measured against the public complaints' compliance metrics.

## Audit Population and Sampling

The selected audit period was July 1, 2022, through September 30, 2022.

The audit population consisted of all Watch Commander's Service Comment Report (WCSCR) investigations for complaints filed, received, or attempted to be filed during the selected period involving Lancaster and Palmdale Stations. The WCSCR investigations involving outside units were only reviewed if Lancaster and Palmdale Station personnel were implicated in the public complaint, per an agreement between the parties.

The audit population contained the most recent cases that could reasonably be utilized, considering the population's case completion status rate. Any investigations in the population that were incomplete at the start of the audit were identified, along with the reported reason as to why they were incomplete. Auditors checked the status of the incomplete investigations toward the end of the audit process.

The audit population documents were obtained from Lancaster and Palmdale Stations and the Risk Management Bureau's Discovery Unit via the Performance Recording and Monitoring System (PRMS)[3].

Sampling methodologies and audit time periods may be tailored to address specific criteria for selected audit objectives. In those instances, a sample population was utilized to provide a reasonable basis for audit findings. Auditors selected a statistically valid random sample using a one-tailed test with a 95% confidence level and a 4% error rate.

Audit objectives containing sampling:

- Objective 2(h): Misconduct Not Resulting in a WCSCR

AAB identified 36 WCSCRs for this audit period that were either received or investigated by Lancaster and Palmdale Stations. Two of the complaints identified were for the same incident, which involved a Court Services Bureau deputy residing in the Antelope Valley and a Palmdale Station deputy. The reporting parties' (R/P) complaint was separated into two WCSCRs and investigated concurrently with Palmdale Station investigating the allegations directed against its deputy and the Court Services Bureau investigating the allegations against its respective deputy. This audit excluded the WCSCR investigated by the Court Services Bureau. Therefore, 35 WCSCRs investigated by Lancaster and Palmdale Station were included in the audit population.

[3] The PRMS provides a systematic recording of data relevant to incidents involving uses of force, shootings, administrative investigations, and commendations/complaints involving Department personnel.

Additionally, the audit population included three WCSCR investigations conducted by an outside unit. The three WCSCR investigations involved Lancaster Station personnel. All of these investigations were conducted by NPD. No other WCSCR investigations that contained allegations against Lancaster or Palmdale personnel were identified. As a result, the audit population included 38 WCSCR investigations.

Three of the 38 WCSCR investigations identified for the audit population were incomplete by the end of the fieldwork cut-off date. Therefore, they were excluded from the population. As of the date of this report, the status of these three WCSCR investigations are detailed below:

- L-10 – completed on January 11, 2024.[4]
- L-20 – completed on May 3, 2023.
- P-8 – at NPD, pending Commander's approval.

These three WCSCR investigations will be included in AAB's next Public Complaints audit.

The final WCSCR population evaluated for this audit was 35 investigations.

| AV Public Complaints | | | |
|---|---|---|---|
| **Complaint Type** | **Lancaster** | **Palmdale** | **Total** |
| **Personnel** | 15 | 15 | **30** |
| **Service** | 2 | 2 | **4** |
| **Dual** | 1 | 0 | **1** |
| **Total** | **18** | **17** | **35** |

[4] For this audit, AAB auditors assigned L for Lancaster and P for Palmdale and added numerical values as a unique identifier for the WCSCR investigation.

## Validation of Population

Public complaints are documented in WCSCR investigations; however, they can also be discovered in different Department investigations or documentation, not all of which result in initiating a public complaint investigation. Those areas include Use of Force investigations (UOF), Watch Commander's Logs, civil claims, and lawsuits.

The Department validated the different areas described above to determine the audit population. Cases were identified through PRMS and Watch Commander's Logs via the Station/Bureau Administration Portal (SBAP) Risk Management tracker[5].

### A. Use of Force

During a UOF incident, when an allegation of misconduct is alleged by the suspect, or another member of the public, the Department is required to document and investigate the complaint allegation on a WCSCR. To validate complaints related to UOF incidents, the auditors identified all reported UOF incidents during the audit period. A total of 169 were identified. Auditors selected a random month (August 2022) during the audit period. For August 2022, auditors identified 30 UOF incidents for Lancaster Station and 26 UOF incidents for Palmdale Station. Of the 56 total incidents, auditors obtained a statistically valid random stratified sample of 37 force incidents for the sample population. Auditors reviewed the documentation included in the UOF investigations, along with supervisor video interviews of the subject of the force to determine whether complaints were made and if so, were they documented on a WCSCR.

### B. Civil Claims and Lawsuits

Civil claims and lawsuits can contain allegations of misconduct that went unaddressed. To validate public complaints from civil claims and lawsuits, auditors identified and reviewed all civil claims and lawsuits filed during the audit period. Auditors reviewed the documentation and relevant associated media, such as video footage, to determine whether they contained unaddressed allegations of misconduct. Auditors reviewed eight (8) civil claims and two (2) lawsuits.

[5] The SBAP was designed for the primary purpose of being an access point for multiple Department applications and contains station specific significant information, including Watch Commander's Logs.

### C. Watch Commander's Log

Although Department policy does not require Watch Commanders to document complaints in the Watch Commander's Logs, auditors reviewed Watch Commander's Logs for the entire audit period to determine if any log entry documenting an allegation of misconduct resulted in a WCSCR. Auditors reviewed a total of 558 Watch Commander's Logs.

## Population Summary

Auditors reviewed a total of:

- 35 WCSCR investigations
- 37 UOF investigations
- 558 Watch Commander's Logs
- 8 civil claims
- 2 lawsuits

Detailed below are the complaint allegations and dispositions for the WCSCR investigation population:

| Investigation No. | Complaint Allegation | Investigation Disposition |
|---|---|---|
| **L-1** | *Response Time* | Review Comp – Service Only – No Further Action |
| **L-2** | *Harassment; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **L-3** | *Criminal Conduct; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **L-4** | *Policy/Procedures* | Review Comp – Service Only – No Further Action |
| **L-5** | *Discrimination; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **L-6** | *Improper Detention, Search, or Arrest; Other – Improper Care* | Employee Conduct Appears Reasonable |
| **L-7** | *Discrimination; Improper Detention, Search, or Arrest* | Resolved – Conflict Resolution Meeting |
| **L-8** | *Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **L-9** | *Discourtesy; Neglect of Duty* | Employee Conduct Appears Reasonable; Appears Employee Conduct Could Have Been Better; Employee Conduct Should Have Been Different |
| **L-11** | *Traffic Citation; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **L-12** | *Improper Detention, Search, or Arrest; Other – Discourage Complaint* | Employee Conduct Appears Reasonable |
| **L-13** | *Force; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **L-14** | *Discourtesy* | Employee Conduct Appears Reasonable |
| **L-15** | *Neglect of Duty* | Employee Conduct Appears Reasonable; Appears Employee Conduct Could Have Been Better |
| **L-16** | *Neglect of Duty* | Appears Employee Conduct Could Have Been Better |
| **L-17** | *Neglect of Duty; Harassment* | Employee Conduct Appears Reasonable |
| **L-18** | *Discourtesy* | Resolved – Conflict Resolution Meeting |
| **L-19** | *Discrimination; Other – Retaliation* | Resolved – Conflict Resolution Meeting |
| **P-1** | *Neglect of Duty; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **P-2** | *Policy/Procedures* | Review Comp – Service Only – No Further Action |
| **P-3** | *Neglect of Duty* | Employee Conduct Appears Reasonable |
| **P-4** | *Discourtesy* | Employee Conduct Appears Reasonable |
| **P-5** | *Discourtesy; Neglect of Duty* | Employee Conduct Appears Reasonable |
| **P-6** | *Criminal Conduct; Neglect of Duty; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable; Appears Employee Conduct Could Have Been Better; Unit Level Administrative Investigation Initiated |

| Investigation No. | Complaint Allegation | Investigation Disposition |
|---|---|---|
| **P-7** | *Neglect of Duty* | Employee Conduct Appears Reasonable |
| **P-9** | *Discourtesy; Neglect of Duty* | Employee Conduct Appears Reasonable |
| **P-10** | *Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **P-11** | *Force* | Employee Conduct Appears Reasonable |
| **P-12** | *Neglect of Duty* | Employee Conduct Should Have Been Different |
| **P-13** | *Discourtesy* | Appears Employee Conduct Could Have Been Better |
| **P-14** | *Discourtesy; Force* | Employee Conduct Appears Reasonable |
| **P-15** | *Traffic Citation* | Review Comp – Service Only – No Further Action |
| **P-16** | *Neglect of Duty* | Resolved – Conflict Resolution Meeting |
| **P-17** | *Force; Improper Detention, Search, or Arrest* | Employee Conduct Appears Reasonable |
| **P-18** | *Neglect of Duty* | Employee Conduct Appears Reasonable |

## Audit Procedures

Auditors reviewed the compliance metrics related to public complaints.

Auditors examined associated public complaint processes, materials, and documents, which included the WCSCR, Result of Service Comment Review form(s), UOF investigations, civil claims, lawsuits, Watch Commander's Logs, associated memoranda, correspondence, reports, dispatch calls, audio and video recordings, photographs, or other documents.

Auditors conducted detailed test work using audit tools designed to test the different audit objectives. The information analyzed by auditors and their findings were methodically recorded on work paper materials and subject to additional levels of review.

Auditors obtained and reviewed all associated Body-Worn Camera (BWC) footage for the audit population.

## Detailed Findings

### Objective No. 1 – Availability of Complaint Information

This objective included the evaluation of whether public complaint information was made available as specified in the compliance metrics.

| Objective No. | Audit Objectives | LAN | PLM | AV Total | Compliance Findings | Compliance Metrics % |
|---|---|---|---|---|---|---|
| **1** | **AVAILABILITY OF COMPLAINT INFORMATION** | | | | | |
| 1(a) | *Specified Facilities* | 100% | 33% | 78% | Not in Compliance | 91% |
| 1(b) | *Community Groups* | 100% | N/A | 100% | In Compliance | 100% |
| 1(c) | *Department Website* | N/A | N/A | 100% | In Compliance | 100% |
| 1(d) | *Station Websites* | 100% | 100% | 100% | In Compliance | 100% |

### Objective No. 1(a) – Specified Facilities

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Public Access to Complaint Information, Paragraph 124 and 125 (partial) (October 2019), Section 3A, 3B, and 3C states:

> 3. *LASD will be deemed in substantial outcomes compliance when it:*
>
> A. *Displays approved informational materials, including LASD's "Procedures for Public Complaints" brochures (includes a complaint form) in English and Spanish and posters, which inform the public about LASD's process for filing public complaints.*

*B. Ensures that the below locations have informational materials "Procedures for Public Complaints" brochures readily available for the public when the location is operable.*

3. *Lancaster Station Lobby*
4. *Lake Los Angeles Library*
5. *Lancaster Library*
6. *Quartz Hill Library*
7. *Michael Antonovich Antelope Valley Court House (at the Sheriff's public counter)*
8. *Antelope Valley Juvenile Court (at the Sheriff's public counter)*
9. *Palmdale Station Lobby*
10. *Littlerock (County) Library*
11. *Acton/Agua Dulce (County) Library*

*C. Upon inspection, **no more than one** of the operable locations listed above fails to have any of the requisite complaint materials available. The unavailability of complaint material at a non-LASD facility will not be considered a failure if LASD has documented they have made reasonable efforts within 30 days preceding the inspection(s) to ensure complaint material was readily available at the location.*

Procedures

Auditors visited the specified locations to determine if required informational materials, including LASD's "Procedures for Public Complaints" brochures (includes a complaint form) in English and Spanish, and informational posters were on display. If the required materials were not on display at locations outside of the Department's control (libraries, courts), auditors determined if LASD documented, through the Watch Commander Log, within the prior 30 days, that a reasonable effort was made to have materials on display.

The Lancaster locations are:

- Lancaster Station Lobby
- Lake Los Angeles Library
- Lancaster Library
- Quartz Hill Library
- Michael Antonovich Antelope Valley Court House
- Antelope Valley Juvenile Court

The Palmdale locations are:

- Palmdale Station Lobby
- Littlerock Library
- Acton/Agua Dulce Library

Findings

All six (100%) of the Lancaster facilities had the required informational materials, LASD's "Procedures for Public Complaints" brochures, complaint forms, and informational posters on display, in English and Spanish.

One (33%) of the three Palmdale facilities had the required informational materials, LASD's "Procedures for Public Complaints" brochures, complaint forms and informational posters on display, in English and Spanish. The Littlerock Library and the Acton/Agua Dulce Library did not meet the criteria for this objective. Both facilities had the poster displayed in English only. There was no documentation in the Watch Commander's Log to show why Spanish posters were not on display and that efforts had been made to display the posters in Spanish.

Auditors contacted Palmdale Station regarding these findings. After the necessary steps were taken to request the posters, they informed AAB that the posters are awaiting production at the Department's sign shop. This finding was re-evaluated in the Public Complaints Audit (2024-2-A), and auditors found that the posters were displayed in Spanish and English at the libraries.

In total, seven of the nine locations had the required informational materials; however, for two locations, there was no documented efforts to display the required materials. This resulted in a compliance rate of 78%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

To ensure the Department continues to meet compliance metrics with the Agreement, the AV Stations must continue to make concerted efforts to provide public access to complaint information in English and Spanish within the designated locations, as outlined in the Agreement. This establishes the Departments continued effort to promote accountability while providing the AV community the avenue to contact the AV Station supervisors to make complaints, as well as provide feedback to acknowledge positive behavior by Department personnel.

It is recommended the AV Stations continuously inspect the complaint materials at the specified facilities and be proactive in restocking them when they are not available or posted. The inspections should be documented with a Watch Commander's Log entry. The entry should be titled "Public Complaint Material Inspection."

It is also recommended that each AV Stations' DOJ Liaison Sergeant create a standardized document (separate from the Watch Commander's Log) to document the inspections with detailed information on inspection results. Each AV Station's unit orders should be updated to reflect the new inspection requirements.

## Objective No. 1(b) – Community Groups

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Public Access to Complaint Information, Paragraph 124 and 125 (partial) (October 2019), Section 3E states:

> *E. Informational materials are made available to community groups on request.*

Procedures

Auditors reviewed the Lancaster and Palmdale Sheriff's Station Community Advisory Committee (CAC) meeting minutes during the audit time period to determine if community groups requested informational materials and if their requests were met. Additionally, auditors inquired with the Chairperson of each station's CAC as to whether complaint materials were made available to the CAC or community groups upon request.

Auditors also reviewed the WCSCR investigations to determine if there was any evidence that community groups requested informational materials and if their requests were met.

Findings

Auditors reviewed meeting minutes for the Lancaster CAC and determined no indication that any community group(s) requested complaint informational materials.

During the review of the meeting minutes, auditors noted three complaints mentioned during the August 2022 CAC meeting and the September 2022 Town Hall meeting. Auditors followed up with Lancaster Station to determine if WCSCRs were initiated for the complaints made at those meetings. Lancaster Station verified that three WCSCRs were initiated based on those complaints.

The Lancaster CAC Chairperson stated via email the NAACP AV, Vote Your Power Back, and Cancel the Contract groups expressed allegations that complaints were not handled appropriately; however, they did not request complaint informational materials because they are aware of the procedures for filing a complaint.

During the evaluation of the WCSCR investigations for Lancaster Station, a R/P in one investigation (L-4) alleged that community members were having difficulties filing complaints, receiving copies of complaints and complaint policy information. The R/P was a member of an AV community group. The WCSCR also stated the R/P "requested information on how complaints regarding potential officer misconduct are addressed and what entities investigate these." The WCSCR investigator attempted to contact the R/P "several times, during the investigation, with no reply from the R/P." The R/P was also in communication with the Unit Commander of Lancaster Station. During the communication with the Unit Commander regarding this WCSCR, the R/P was provided with a link to the LASD Transparency web page for public complaints and a link to the LASD public complaints policy.

Lancaster Station (100%) met the criteria for this objective. They fulfilled the one request made by a community group for complaint informational materials.

Auditors review of the meeting minutes for the Palmdale CAC determined there was no indication that any community group(s) requested complaint informational materials.

Auditors emailed the Palmdale CAC Chairperson twice during this audit to determine if complaint materials were made available to the CAC or community groups upon their request; however, a response was never received.

During the evaluation of the WCSCR investigations for Palmdale Station, there was no indication of community groups requesting complaint information materials.

There were no requests (N/A) for complaint informational materials made by community groups at Palmdale Station; therefore, this objective is not applicable.

In total, informational materials were provided in the one request that was made for a compliance rate of 100%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

To ensure that the Department continues to maintain open communication with the AV community through multiple outlets, AV Stations must further their efforts to provide the public with complaint information. In order to enhance transparency and keep the AV community informed, it is recommended that the AV Stations advise the community of the complaint process and the availability of complaint materials at each CAC meeting and any other relevant gatherings including Town Hall meetings. This communication should be added to every meeting agenda and meeting minutes.

**Objective No. 1(c) – Department Website**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Public Access to Complaint Information, Paragraph 124 and 125 (partial) (October 2019), Section 3D states:

> *D.* ***At all times****, complaint material is available on LASD-AV station websites.*

The Agreement requires that complaint materials are available on the AV Stations' websites. However, to ensure that complaint materials are accessible to the AV community in multiple forms, AAB evaluated the availability of the materials on the Department's website, LASD.org.

Procedures

Auditors visited the Department's website (LASD.org) to determine if public complaint information was displayed in English and Spanish.

Findings

The Department (100%) met the criteria for this objective. Public complaint information was displayed in English and Spanish on the Department's website (LASD.org).

Auditors noted the "I'm not a robot" box was unavailable in Spanish. Also, when selecting the complaint information in Spanish, the Spanish version of the complaint form does not automatically populate. The Spanish version of the complaint form must be manually selected. Auditors noted this extra step does not inhibit potential Spanish language complainants from making a complaint on the Department website.

The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

To ensure the Department continues to meet compliance metrics with the Agreement, the Department must provide access to make complaints in convenient and functional options to the public. This establishes the Department's continued effort to promote accountability. It is recommended that the Technology and Support Division revise the Department's website, LASD.org to reflect:

- the "I'm not a robot" box availability in Spanish.
- the automatic display of the complaint form in Spanish.

**Objective No. 1(d) – Station Websites**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Public Access to Complaint Information, Paragraph 124 and 125 (partial) (October 2019), Section 3D states:

> *D.* ***At all times****, complaint material is available on LASD-AV station websites.*

Procedures

Auditors visited the Lancaster and Palmdale Station websites to determine if public complaint information was displayed in English and Spanish.

Findings

Lancaster and Palmdale Stations (100%) met the criteria for this objective. Public complaint information was displayed in English and Spanish on the AV Stations' websites (LASD.org/Lancaster and LASD.org/Palmdale).

Auditors noted that the "I'm not a robot" box was unavailable in Spanish for both AV Station's websites. Also, when selecting the complaint information in Spanish, the Spanish version of the complaint form does not automatically populate. The Spanish version of the complaint form must be manually selected. Auditors noted this extra step does not inhibit potential Spanish language complainants from making a complaint on the Department website.

The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

To ensure the Department continues to meet compliance metrics with the Agreement, the AV Stations must provide access to make complaints in convenient and functional options to the public. This establishes the Department's continued effort to promote accountability.
It is recommended that the Technology and Support Division revise the AV Stations' websites to reflect:

- the "I'm not a robot" box availability in Spanish.
- the automatic display of the complaint form in Spanish.

## Objective No. 2 – Accepting Public Complaints

This objective included the evaluation of LASD's acceptance of public complaints as specified in the compliance metrics.

| Objective No. | Audit Objectives | LAN | PLM | AV Total | Compliance Findings | Compliance Metrics % |
|---|---|---|---|---|---|---|
| **2** | **ACCEPTING PUBLIC COMPLAINTS** | | | | | |
| 2(a) | *Mail-in Form* | 0% | 0% | 0% | N/A | N/A |
| 2(b) | *Email Complaints* | 100% | 0% | 50% | Not in Compliance | 100% |
| 2(c) | *Department 800 Number* | N/A | N/A | 0% | Not in Compliance | 100% |
| 2(d) | *AV Station Phones* | 0% | 60% | 30% | Not in Compliance | 100% |
| 2(e) | *Prompt Initiation of Complaint* | 83% | 76% | 80% | Not in Compliance | 95% |
| 2(f) | *Discouraging or Inhibiting a Complaint* | 89% | 94% | 91% | Not in Compliance | 95% |
| 2(g) | *Field Supervisors* | 0% | 0% | 0% | Not in Compliance | 95% |
| 2(h) | *Misconduct Not Resulting in a WCSCR* | 60% | 0% | 11% | Not in Compliance | 95% |

## Objective No. 2(a) – Mail-in Form

Criteria

*There are no applicable Antelope Valley Compliance Metrics for this objective.*

The Agreement requires that the Department ensure public complaint materials are displayed at specific locations in the AV. The Department's mail-in form can be completed and mailed to any Sheriff's station or to:

LASD Professional Standards Division
211 West Temple Street
Los Angeles, CA 90012

Procedures

Auditors had an unrelated party, unassociated with the AV Stations or AAB, submit one LASD mail-in complaint form to each Station. Auditors determined if the form was accepted and if the Department initiated contact with the complainant (AAB). The form provided a non-LASD email address as the complainant's contact information. The unrelated party provided auditors with a copy of the mail-in complaint form and follow-up information, if any.

Additionally, auditors noted all mail-in complaints within the audit's WCSCR population, to determine if mail-in complaints were being accepted. In addition, auditors reviewed the WCSCRs for evidence that mail-in complaints had been submitted but were not accepted.

Findings

Auditors contacted Professional Standards Division (PSD) who did not have any record of receiving either of the two mail-in complaint forms. As a result, the mail-in complaints were not accepted, and auditors were not contacted by Lancaster or Palmdale Station as proof that the Department attempted to initiate contact with the complainant.

Auditors did not identify any mail-in complaints for the AV Stations in the WCSCR investigation population; however, a mail-in commendation for Palmdale Station was received during the audit period. Auditors expanded the test to examine the 2022 calendar year. In 2022, Lancaster received two service complaints and four personnel complaints by mail, and Palmdale received three personnel complaints by mail. Therefore, during the evaluation of the WCSCR investigation population for this audit, there was no evidence to show mail-in complaints were not accepted.

However, based upon the lack of response to the mail-in complaint forms from the auditors, it was determined that Lancaster and Palmdale Stations (0%) did not meet the criteria for this objective. Therefore, the AV stations did not meet the criteria for this objective.

Recommendations

The AV Stations must ensure they accept and investigate every mail-in complaint received from PSD. If the Department offers mail-in complaints as an option for the community to inform the Department of issues which warrant a WCSCR, the AV Stations must ensure that they are accepting complaints as required. It is recommended that any AV Station member who fails to accept a complaint receive documented corrective action. In addition, the AV Stations should make an inquiry with PSD to revisit their existing protocols to ensure that complaint forms are properly received and routed to the

appropriate station or unit. **Objective No. 2(b) – Email Complaints**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaint Intake, Paragraph 125 and 126 (October 2019), Section 3A states:

> A. ***At all times**, LASD's telephone and internet systems allow for acceptance of personnel complaints via telephone, fax, and email.*

Procedures

Auditors had an unrelated party, unassociated with the AV Stations or AAB, email one complaint to each station via the Department's email web portal on LASD.org to determine if it was accepted and if the Department initiated contact with the complainant. The unrelated party provided auditors with a copy of the email and follow-up information, if any.

Additionally, auditors noted all email complaints in the audit's WCSCR population to determine if email complaints were being accepted, and auditors also reviewed the WCSCRs to determine if there was evidence that email complaints had been submitted but were not accepted.

Findings

Auditors could trace the departmental receipt of both complaints in the complaints database monitored by PSD. Lancaster Station attempted to contact the complainant in response to the email complaint. Auditors did not find evidence that Palmdale Station attempted to contact the complainant. Auditors noted that there was no documentation regarding the receipt of email complaint information from PSD besides the electronic notification to the station's Operations personnel. The receipt of the complaint and other applicable complaint information was not documented in the Watch Commander Log.

Auditors identified seven email complaints for the AV Stations in the WCSCR investigation population. One service complaint and five personnel complaints were received at Lancaster, and one personnel complaint was received at Palmdale.

The AV Stations must demonstrate an attempt to respond to the complaint. Lancaster Station met the criteria for this objective because they responded (100%) to the email complaint upon receipt. However, Palmdale Station did not meet the criteria for this objective because they did not respond (0%) to the complaint.

One of the two email complaints was responded to and therefore accepted for a compliance rate of 50%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

It is recommended that the AV Stations create a standardized procedure for the receipt and processing of email complaints received from PSD. This procedure should include documentation of receipt and assignment of the responsible member. This will ensure the tracking of the complaint intake, followed by initiation of the WCSCR. The receipt of the complaint should be entered into the Watch Commander's Log, and the entry should be titled "Email Complaint." It is also recommended that any AV Station member who fails to accept a complaint receive documented corrective action.

**Objective No. 2(c) – Department 800 Number**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaint Intake, Paragraphs 125 and 126 (October 2019), Section 3A states:

> A. ***At all times**, LASD's telephone and internet systems allow for acceptance of personnel complaints via telephone, fax, and email.*

Procedures

Auditors had an unrelated party, unassociated with the AV Stations, call the Department's 800 number (800-698-TALK). The calls were made over several weeks on random dates of their choosing, including weekdays and weekends, covering business and non-business hours.

Auditors reviewed the unrelated party logs and evaluated the Department's 800 number as a functional mechanism to accept a public complaint.

Findings

The Department (0%) failed to meet the criteria for this objective. During audit test work, the Department's 800 number did not provide a functional mechanism to accept a public complaint. Five phone calls were made to the number where callers were met with a message in both English and Spanish to make complaints by either calling the Watch Commander at a Station or filing a complaint online via the Department's website. The caller could not leave a message as that function was unavailable.

For the audit period and the 2022 calendar year, auditors could not identify any complaints received via the Department's 800 number. Auditors reviewed PRMS and identified the last complaint received for the AV Stations via the 800 number was in May 2021. The last complaint received for other units within the Department via the 800 number was in June 2021.

The Department and the AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

Contacting the Department by telephone is a common form of requesting assistance for AV community members. When the Department provides this resource to voice concerns to a supervisor, and no one answers the telephone, the Department appears unwilling to address the community's concerns.

It is recommended that the Department ensure the 800 number for making public complaints is either answered by a supervisor or allows the caller to leave a message that will be returned by a supervisor within the next day.

**Objective No. 2(d) – AV Station Phones**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaint Intake, Paragraph 125 and 126 (October 2019), Section 3A and 3B states:

A. ***At all times**, LASD's telephone and internet systems allow for acceptance of personnel complaints via telephone, fax, and email.*

B. *Requests to make a personnel complaint are referred to a supervisor without unnecessary delay.*

Procedures

Auditors had an unrelated party, unassociated with the AV Stations, call the public telephone number on each station's website. The calls were made over several weeks on random dates of their choosing, including weekdays and weekends, covering each of the three shifts. They contacted the front desk, requested to make a personnel complaint, and awaited being transferred to a supervisor. If they reached the supervisor, they asked for the supervisor's name and then politely ended the call, indicating the situation had been resolved. If they got a voicemail recording, they left a message indicating they would like to file a personnel complaint and provided a callback number. Calls included both English and Spanish speaking callers. The unrelated party logged the dates and times of each call, language used, desk personnel reached, voicemail messages left and if returned, and the supervisor's name they were put in contact with. The unrelated party made ten completed calls between the two Stations.

Auditors reviewed the unrelated party logs and the call recordings on the Department's NICE System[6]. Auditors evaluated the station's telephone calls to determine whether the party was forwarded to and successfully spoke to a supervisor without unnecessary delay when the party requested to make a complaint.

Findings

Lancaster Station failed to meet the criteria for this objective. All five calls (0%) received by desk personnel were appropriately transferred to the Lancaster Station Watch Commander line. However, all five calls went to voicemail where messages were left and have yet to be returned.

This finding was referred to NPD, the Office of Constitutional Policing(OCP), and the AV DOJ Compliance Unit (Compliance Unit), who collectively rectified the issue by eliminating the ability to leave a voice message on the Watch Commander's telephone line. Now, when a call to the Watch Commander goes unanswered, the call is automatically transferred back to the Station Desk Operations, which is staffed 24 hours daily. Auditors were informed by the MT that this new process was utilized in the past, but was not effective, so the voice message option was instituted. AV Station management should internally audit the new process to determine its effectiveness, and make changes as needed.

[6] The NICE system is an online audio storage system used to archive incoming and outgoing calls (with additional capabilities).

Three (60%) of the five calls placed to Palmdale Station successfully reached a supervisor willing to accept the complaint, or the message was returned by a supervisor willing to take a complaint without unnecessary delay. The remaining two calls did not meet the criteria for this objective. During one complaint call test, a message was left for the Watch Commander; however, a return call was never received. During another complaint call test, the caller was Spanish speaking. The call taker was Spanish speaking. The caller left a message with the call taker for a supervisor. The Spanish speaking Watch Commander returned the call and left a voicemail message in English. Therefore, it was determined that the caller might not have the ability to understand the message left by the Watch Commander and subsequently, could not make a complaint.

In total, three of the 10 complaint calls were accepted for a compliance rate of 30%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

Contacting the AV Stations by telephone is a common form of requesting assistance from community members. When the Department provides this as a resource to voice concerns to a supervisor, and the call is not returned, the Department appears unwilling to address the community's concerns.

It is recommended the Department reinforce existing policies with the Watch Commanders to ensure they are making concerted efforts to return telephone calls to complainants and document the return call in the Watch Commander's Log for accountability and any necessary follow-up. The Watch Commanders should make a log entry every shift indicating they retrieved all messages left on the Watch Commander's phone line. This log entry should detail the number of messages retrieved and the details of each message.

It is also recommended that the Station Operations Lieutenant conduct a weekly internal audit of the Watch Commander's log to identify phone complaints and determine whether they were accepted and processed. Any complaints found not to have been accepted should result in documented corrective action. The documentation of the weekly internal audit should be reviewed and approved by the Station Unit Commander.

## Objective No. 2(e) – Prompt Initiation of Complaint

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaint Intake, Paragraph 125 and 126 (October 2019), Section 3B states:

> *B. Requests to make a personnel complaint are referred to a supervisor without unnecessary delay.*

Procedures

The WCSCR investigations may reveal instances where a complainant relays that they previously unsuccessfully tried to file a complaint. This can cause a delay in the initiation of the investigation. Auditors evaluated WCSCR investigation materials and related audio/video files to determine if there was any indication that the initiation of the complaint was delayed due to the Department's actions.

Findings

Fifteen (83%) of the 18 investigations conducted by Lancaster Station indicated that initiation of the complaint was prompt. Three investigations did not meet the criteria for this objective.

In one investigation (L-3), the R/P had a phone conversation with a Watch Commander on June 23, 2022, which should have initiated a WCSCR. The R/P expressed in that conversation that money and checks were missing from her vehicle after a traffic stop. An email regarding the complaint was forwarded to the Department on June 28, 2022, from the Los Angeles County Office of the Inspector General. However, the Station did not initiate the WCSCR until July 13, 2022. Auditors determined that an additional WCSCR should have been initiated by Lancaster Station regarding the Watch Commander's failure to document the individual's complaint at the time of the initial call on June 23, 2022.

In investigation (L-4), the R/P submitted the written complaint to Lancaster Station; however, the WCSCR was not initiated until 15 days later.

In investigation (L-19), the R/P submitted an email to the Division Chief on August 15, 2022, which read, "...my concerns about what I believe to be retaliation from the Captain of Lancaster." The R/P also submitted other emails to the Chief regarding this matter. The words expressed in the initial email should have initiated a WCSCR. The WCSCR was not initiated until August 23, 2022, when a lieutenant from the Division contacted the R/P regarding the emails.

Thirteen (76%) of the 17 investigations conducted by Palmdale Station indicated that the initiation of the complaint was prompt. Four investigations did not meet the criteria for this objective.

In one investigation (P-6), the R/P spoke with a supervisor regarding alleged misconduct by the deputies that arrested him. However, a WCSCR was not initiated by the supervisor. The WCSCR was initiated 10 days later when the R/P called the Station and spoke with the Watch Commander regarding the allegations. Auditors determined that an additional WCSCR should have been initiated by Lancaster Station regarding the supervisor's failure to document the individual's complaint.

In three investigations (P-9, P-14, P-17), the Watch Commander failed to initiate the WCSCR when the misconduct allegations were made during a post UOF interview. In each investigation, the WCSCR was initiated several weeks/months after the allegations were made.

In total, 28 of the 35 investigations indicated that the initiation of the complaint was prompt for a compliance rate of 80%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

To preserve the details of the complaint and show the Department's willingness to address the community's concerns, Department supervisors must not delay in initiating complaints. As details may be distorted or forgotten over time, it is recommended that the AV Stations take immediate action to initiate complaints to ensure that details remain fresh, and evidence does not become stale. In addition, immediate attention to complaints demonstrates the Department's responsibility to the public and its employees.

It is recommended that all Department supervisors are re-briefed on their responsibility to initiate a WCSCR when a complaint is made. Supervisors should also be reminded that documented corrective action will be taken when they fail to adhere to the requirements regarding prompt initiation and accepting complaints.

## Objective No. 2(f) – Discouraging or Inhibiting a Complaint

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Public Access to Complaint Information, Paragraph 125 and 126 (October 2019), Section 3F states:

> F. ***In 95% of cases*** *when an employee is found to have refused to accept a personnel complaint, discouraged the filing of a complaint, or provided false or misleading information about filing a complaint, appropriate corrective action is taken, to potentially include discipline up to and including termination.*

Procedures

Auditors evaluated WCSCR investigation materials and related audio/video files, to determine if there were cases where an employee was found to have refused to accept a personnel complaint, discouraged the filing of a complaint, provided false or misleading information about filing a complaint, and if appropriate corrective action was taken in those cases. This included investigations where the "Discouraging a Complaint" box was checked and investigations where discouraging was evident in the investigation, but the box was not checked.

Findings

Sixteen (89%) of the 18 investigations conducted by Lancaster Station were properly accepted. Employees did not refuse to accept a complaint, discourage the filing of a complaint, or provide false or misleading information about a complaint. Two investigations did not meet the criteria for this objective.

Two investigations (L-4, L-12) were identified where an employee was found to have refused to accept a personnel complaint, discouraged the filing of a complaint, or provided false or misleading information about filing a complaint. In those investigations, the "Discouraging a Complaint" box was checked. There was no further documentation provided by the investigator that addressed the R/P's concern.

In the investigation (L-4), the R/P alleged they were discouraged from making a complaint because on July 7, 2022, the Watch Commander did not contact her regarding a message that was left with desk personnel regarding a request for complaint information. Subsequently, on July 11, 2022, the R/P made a complaint in-person at the Station that resulted in the initiation of a WCSCR. The investigator made several attempts to contact the R/P regarding this complaint; however, no contact was made with the R/P. During the investigation, Department complaint information was provided to the R/P via email by the Unit Commander of Lancaster Station. Auditors determined that an additional WCSCR should have been initiated by Lancaster Station regarding the Watch Commander's failure to contact the R/P.

In the investigation (L-12), the R/P alleged they were discouraged from making a complaint. On January 11, 2022, the R/P came into the station to speak with the Watch Commander regarding a traffic citation received from deputies on that same date. The citing deputies spoke with the R/P in the lobby of the station, and when the R/P asked to speak with the Watch Commander, the deputies stated the Watch Commander was busy. Subsequently, on August 25, 2022, the R/P made a complaint in-person at the Station that resulted in the initiation of a WCSCR. Upon the review of BWC footage for the investigation, auditors noted a conversation between the deputies and the R/P was captured; however, there was no BWC footage that captured the R/P's request to speak with the Watch Commander. Auditors determined that the deputies did not activate their BWC immediately upon contact with the R/P in the lobby of the Station.

One investigation (L-15) had the "Discouraging a Complaint" box checked during the complaint intake. The investigator asked the R/P about being discouraged from making a complaint. The R/P stated they misunderstood the question and stated they thought the question was regarding filing a criminal complaint against their neighbor. They did not encounter any personnel who tried to dissuade them from filing a service complaint.

Sixteen (94%) of the 17 investigations conducted by Palmdale Station were properly accepted. Employees did not refuse to accept a complaint, discourage the filing of a complaint, or provide false or misleading information about a complaint. One investigation did not meet the criteria for this objective.

One investigation (P-18) was identified where an employee was found to have refused to accept a personnel complaint, discouraged the filing of a complaint, or provided false or misleading information about filing a complaint. During the investigation, there was no evidence to show that the investigator addressed the R/P checking this box or why the R/P's response to this check box was changed to "No." There was no further documentation provided by the investigator that addressed the R/P's concern.

In total, 32 of the 35 investigations indicated the R/P was not discouraged or inhibited from making a complaint for a compliance rate of 91%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Auditors noted that the three deficient investigations for this objective did not document any corrective action for the personnel that did not adhere to policy requirements.

Recommendations

Pursuant to the compliance metrics, Lancaster Station Unit Order 69 and Palmdale Station Unit Order 14-06 states Department members who discourage or inhibit an individual from making a complaint or provide misleading information about the filing of a complaint shall be grounds for discipline. It is recommended that Department supervisors reinforce the complaint intake protocols with Department personnel during briefings and related training. These opportunities allow for Department personnel to ask clarifying questions, if any, regarding accepting public complaints.

It is also recommended that the management review process document corrective action for personnel that discourage or inhibit individuals from making complaints. This corrective action should be progressive for repetitive deficiencies.

**Objective No. 2(g) – Field Supervisors**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaint Intake, Paragraph 125 and 126 (October 2019), Section 3C and 3E states:

> C. *Absent reasonable justification, when a civilian seeks to make a personnel complaint in person, LASD personnel make themselves available in person at the station or in the field.*
>
> E. *A supervisor who determines a public complaint does not constitute a personnel or service complaint records the complaint and rationale for that decision either in a supervisor's report or entry in the Watch Commander's log.*

Procedures

When field supervisors determine a public complaint does not constitute a personnel or service complaint, the rationale for that decision is required to be entered into either the Watch Commander's Log, or the Mobile Digital Computer (MDC) log utilizing clearance code 777. The narrative in the MDC and the Watch Commander's Log for these incidents should begin with the wording, "Non-Complaint Incident." If a WCSCR is filed later, there may be indications that the original supervisor should have filed the WCSCR at the time of the incident.

Auditors reviewed AV Station Watch Commander's Logs and the supervisor MDC logs during the time of these incidents to determine if the required entries were made.

Additionally, auditors reviewed the on-scene sergeant or lieutenant's BWC for these incidents to see if there should have been a complaint initiated.

Auditors identified AV Station supervisor entries of clearance code 777 and Watch Commander's Logs for the entire audit period. Auditors evaluated supervisor 777 clearance codes and the Watch Commander's Logs, to determine if supervisors made entries containing appropriate rationale when a member of the public initiated a complaint to a supervisor, but it was determined that a WCSCR was not required. Also, auditors reviewed the on-scene sergeant or lieutenant's BWC for these incidents to see if there should have been a complaint initiated.

Additionally, auditors evaluated WCSCR investigations to determine if information in the complaint indicated a supervisor was present in the field when the incident occurred, and there were indications that a WCSCR should have been initiated, but the field supervisor did not do so. Auditors reviewed the on-scene sergeant or lieutenant's BWC for these incidents to see if there should have been a complaint initiated.

Findings

Auditors identified 12 supervisor 777 clearance code entries for Lancaster Station. A review of the narratives for the entries did not indicate that an individual wanted to make a complaint. Five entries indicated assisting an individual with a stranded vehicle, and one entry each for the following reasons:

- assisting deputies with an injured/sick inmate.
- assisting deputies with a stolen vehicle suspect.
- assisting a store manager with customer's towed vehicle.
- assisting with a noise complaint.
- assisting a citizen with a road rage incident.
- assisting with a disturbance at a school.
- working at the station front desk.

Auditors identified three supervisor 777 clearance code entries for Palmdale Station. A review of the narratives for the entries did not indicate that a citizen wanted to make a complaint. The three entries indicated assisting a citizen with a stranded vehicle, assisting a citizen in a domestic dispute, and assisting a citizen with a family member welfare check.

No Lancaster or Palmdale Station MDC entry included the wording "Non-Complaint Incident."
The Watch Commander's Logs for Lancaster and Palmdale Stations did not document any complaint related entries for field supervisors.

In twenty-three WCSCR investigations, no supervisor was present at the scene of the incident involving the complaint. Therefore, they were not applicable to this objective.

In three WCSCR investigations (L-6, L-14, P-11), a supervisor was present at the scene, but no complaints were made or alluded to in the presence of the supervisor. Therefore, they were not applicable to this objective.

In one investigation (L-3), the supervisor present at the scene was the subject of the complaint and did not initiate a WCSCR because the complaint was made to the deputy outside of the supervisor's presence. This investigation was not applicable to this objective. However, auditors determined that the deputy should have informed the supervisor of the complaint made by the individual.

In 10 investigations (L-4, L-5, L-11, L-13, L-17, P-6, P-13, P-14, P-16, P-18), auditors determined that a supervisor(s) was present at the scene or at the Station, in contact with the complainant, and a complaint was made that should have resulted in the initiation of a WCSCR, but did not. n most of the investigations, a sergeant was at the scene and should have taken the complaint. The complaint was taken at a later time by a Watch Commander.

Of the five applicable investigations for Lancaster Station, none (0%) met the criteria for this objective.

Of the five applicable investigations for Palmdale Station, none (0%) met the criteria for this objective.

In total, none of the 10 investigations indicated that field supervisors initiated a WCSCR when a complaint was made for a compliance rate of 0%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

Department supervisors must take care to evaluate the service provided. This requires that supervisors know that a community member does not have to verbally state the phrase "I want to make a complaint" or something similar for the supervisor to acknowledge that a complaint is being made and subsequently initiate a WCSCR. This also requires supervisors to concisely document detailed rationale in the Watch Commander's Log if they determine a complaint will not be taken.

It is recommended that Department supervisors are responsive and make themselves available to community members who wish to make a complaint against Department personnel. It is also recommended that the management review process document corrective action for supervisors that do not initiate a WCSCR when a complaint is brought to their attention. This corrective action should be progressive for repetitive deficiencies.

Also, it is recommended that the Technology and Support Division create an exclusive clearance code for field supervisor responses regarding a public complaint. This code should replace the 777 clearance code for field supervisor response because it will provide the Department with a better way to track the public's request for a supervisor to review and potentially identify if public complaints were requested in the field.

**Objective No. 2(h) – Misconduct Not Resulting in a WCSCR**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 128, 130, 131 (partial) & 140 (partial) (October 2019), Section 3C states:

> *C. For **at least 95%** of public complaints, each significant allegation of misconduct is identified, investigated and appropriately adjudicated, or the error is corrected during the management review.*

Public complaints can be discovered in different Department investigations or documentation, not all resulting in the initiation of a WCSCR investigation. Those areas include UOF investigations, civil claims, and lawsuits.

Procedures

Auditors identified all reported UOF incidents that occurred during the audit period. Auditors obtained a statistically valid random sample of 37 incidents for a sample population from this period. Auditors reviewed the documentation in the related UOF investigation, including video of supervisory interviews with the subject of the use of force. This was used to determine whether complaints were made, and if so, were they documented on a WCSCR. The sample population comprised 20 investigations for Lancaster Station and 17 investigations for Palmdale Station.

Auditors reviewed the eight civil claims and two lawsuits filed during the audit period to determine whether allegations of misconduct went unaddressed and should have been documented in a WCSCR. There were four civil claims and one lawsuit for each AV Station.

Although Watch Commanders are not required to log complaints in the Watch Commander's Logs, auditors reviewed the logs for the audit period to confirm that any log entry documenting an allegation of misconduct was given the appropriate level of review, resulting in a WCSCR.

Findings

Two of the 20 UOF investigations for Lancaster Station contained an allegation of misconduct by the subject of the UOF. The two investigations did not (0%) document the allegation on a WCSCR. In one investigation, it was alleged the subject's head was pushed to the ground during the incident. The deputy's reported UOF differed from the allegations; therefore, a WCSCR should have been initiated. The UOF investigation, which reviewed BWC footage, determined that the deputy was cupping the suspect's head. Auditors also noted that a supervisor was present at the scene when the subject made the allegation.

In the other investigation, it was alleged that the subject was kicked and kneed by the deputies. The deputies' reported UOF differed from the allegations; therefore, a WCSCR should have been initiated. The UOF investigation, which reviewed BWC footage, determined that the suspect was not kicked or kneed by the deputies.

One of the 17 UOF investigations for Palmdale Station contained an allegation of misconduct by the subject of the UOF. The investigation did not (0%) document the allegations on a WCSCR. In the investigation, it was alleged that the subject was hit by the deputies' car, assaulted, choked, and sustained a foot injury by deputies. The deputies' reported UOF differed from the allegations; therefore, a WCSCR should have been initiated. The UOF investigation, which reviewed BWC footage, determined that the alleged actions did not occur.

Two of the 4 civil claims for Lancaster Station contained allegations of misconduct. Two WCSCRs (100%) were initiated for these two claims. One complaint alleged torture, improper arrest, and retaliation. The other complaint alleged injury caused by deputies intentionally running over foot.

None of the civil claims for Palmdale Station contained allegations of misconduct.

The one lawsuit filed against Lancaster Station contained allegations of misconduct. A WCSCR (100%) was initiated for this lawsuit. The complaint alleged excessive force resulting in shoulder and neck injury.

The lawsuit for Palmdale Station did not contain allegations of misconduct.

Lancaster Station had no complaint related entries in the Watch Commander's Log for the audit period.

For Palmdale Station, auditors identified 35 complaint-related entries in the Watch Commander's log. Six entries were service and/or personnel complaints. 29 entries were "non-complaint incident" calls.

- Of the six entries related to a service and/or personnel complaint, four were regarding complaints made by individuals determined to be repetitious complainants[7]; therefore, a WCSCR was not required or initiated. Two entries were complaints that should have initiated a WCSCR; however, no WCSCR was initiated. One complainant stated their dissatisfaction with the Department's service and treatment by personnel. The other complainant stated they felt harassed by deputies.

- Of the 29 "non-complaint incidents" (not related to a field supervisor), auditors determined 10 entries were appropriately classified, and a WCSCR should not have been initiated. The other 19 log entries were not appropriately classified, and the rationale did not articulate why the entry was not a complaint. In addition to reviewing the supervisor's documented rationale, auditors also reviewed any available audio and/or video evidence. It was determined that the 19 log entries were service and/or personnel complaints that should have been documented on a WCSCR. Of the 19 log entries, five were response time allegations, five were policy/procedure allegations, five were neglect of duty allegations, three were discourtesy allegations, and one alleged improper tactics.

- None (0%) of the 21 allegations of misconduct documented in the Palmdale Station's Watch Commander's log met the criteria for this objective. A WCSCR was not initiated when a service and/or personnel complaint was made.

Based upon the evaluations conducted for this objective, Lancaster Station met the criteria for this objective in three (60%) of the five circumstances in which they should have initiated a WCSCR for an allegation of misconduct.

Palmdale Station did not meet the criteria for this objective. They did not initiate a WCSCR for any (0%) of the 22 allegations of misconduct.

In total, three of the 27 circumstances indicated that supervisors initiated a WCSCR for an allegation of misconduct for a compliance rate of 11%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

[7] In rare instances, Division Chiefs or higher may identify members of the public who make excessive, repeated and baseless complaints. In only those cases approved by the Division Chief, an SCR need not be taken.

## Recommendations

The AV Stations are required to accept all personnel complaints for review and investigation. Therefore, supervisors shall remain mindful that complaints can come through different avenues. It is recommended that supervisors thoroughly review all documentation related to citizen interactions for complaints and document those complaints on a WCSCR. Any AV Station member which fails to initiate a complaint when required, shall receive documented corrective action. It is also recommended the AV DOJ Compliance Unit develop training procedures for supervisors detailing the Department's requirements and expectations for identifying and accepting public complaints.

## Objective No. 3 – Investigations

This objective included evaluating specified investigatory requirements for public complaint investigations, including two qualitative and quantitative evaluations detailed in the compliance metrics.

| Objective No. | Audit Objectives | LAN | PLM | AV Total | Compliance Findings | Compliance Metrics % |
|---|---|---|---|---|---|---|
| **3** | **INVESTIGATIONS** | | | | | |
| 3(a) | *Interviews Conducted Separately* | 81% | 76% | 79% | | |
| 3(b) | *Interview Complainant in Person* | 64% | 100% | 84% | | |
| 3(c) | *Additional Interviews Conducted as Needed* | N/A | 100% | 100% | | |
| 3(d) | *Involved Parties' Statement Requirements* | 100% | 82% | 90% | | |
| 3(e) | *Identify Everyone Involved* | 100% | 82% | 91% | | |
| 3(f) | *Limited English Proficiency* | UTD | UTD | UTD | | |
| 3(g) | *Deputy Statement Given Preference* | 94% | 100% | 97% | | |
| 3(h) | *Statement Discarded Due to Criminal History* | 100% | 100% | 100% | | |
| 3(i) | *Material Inconsistency* | 0% | 100% | 50% | | |
| 3(j) | *Overall Qualitative and Quantitative Evaluation Outcome (Objectives 3(a)–3(i))* | 50% | 53% | 51% | Not in Compliance | 85% |
| 3(k) | *Uninvolved Investigator* | 100% | 100% | 100% | In Compliance | 90% |
| 3(l) | *Collect All Evidence* | 94% | 100% | 97% | In Compliance | 95% |
| 3(m) | *Record Entire Interviews* | 88% | 94% | 90% | Not in Compliance | 92% |
| 3(n) | *Timely Investigation* | 72% | 53% | 63% | N/A | N/A |
| 3(o) | *Overall Thoroughness and Reliability Outcome (Objectives 3(a)-3(i) and 3(k)-3(n))* | 28% | 35% | 31% | Not in Compliance | 92% |

**Objective No. 3(a) – Interviews Conducted Separately**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3B (1) states:

1. *All interviews are conducted separately.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether all interviews (complainants, involved employees, and all witnesses including deputies) were conducted separately.

Findings

Two investigations (L-1, L-4) conducted by Lancaster Station were not applicable to this objective because interviews of multiple individuals were not required. The investigations were service complaints made by one R/P; did not identify an involved party (I/P); did not identify any involved or witness deputies; and did not identify any civilian witnesses. An interview of the R/P was conducted in L-1. An interview was not conducted in L-4 because the R/P never responded to the investigator's calls or messages.

Thirteen (81%) of the 16 applicable investigations conducted by Lancaster Station conducted interviews separately. Three investigations (L-6, L-11, L-17) did not meet the criteria for this objective.

In two investigations (L-6, L-11), auditors could not determine if the interviews were conducted separately, and it was not indicated in the investigation. In (L-17), two witnesses were in the same room during telephone interviews.

Thirteen (76%) of the 17 investigations conducted by Palmdale Station conducted interviews separately. Four investigations (P-1, P-6, P-7, P-12), did not meet the criteria for this objective.

In (P-6), the civilian witnesses were in the same room during their telephone interviews. In (P-7), auditors could not determine if the interviews were conducted separately, and it was not indicated in the investigation. In (P-1, P-12), the R/P and I/P interviews were conducted in the same room.

In total, 26 of the 33 investigations conducted interviews separately for a compliance rate of 79%. The investigations that did not meet the criteria for this objective did not properly document if the interviews were conducted separately. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

To ensure compliance metrics are met, all investigative interviews must be conducted separately and documented within the investigation. This will allow the reporting and involved parties, witnesses, and involved deputies the opportunity to speak freely and honestly about the details of the complaint and provide critical information.

It is recommended the AV DOJ Compliance Unit create a standardized complaint investigation checklist as a tool to manage the WCSCR investigative process. This checklist should detail the requirements of the compliance metrics and should require that separate interviews are documented in the investigation. Additional Department policy requirements should be added as necessary. This checklist should be available to both AV Stations and required with each WCSCR investigation. It should remain attached to the investigation package and be evaluated during the management review and oversight process.

**Objective No. 3(b) – Interview Complainant in Person**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3B (2) states:

> 2. *Each complainant is interviewed in person, when practical, and the investigation identifies the reason when it is not.*

Based upon discussion with the MT and per an agreement between the Parties[8], if a complainant's recorded intake interview provides a sufficiently detailed account of the incident, that intake interview can be relied on for the investigation.

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether complainant interviews were conducted in person or if a reason was provided when they were not conducted in person.

Findings

Four investigations (L-3, L-4, L-6, L-12) conducted by Lancaster Station were not applicable to this objective because interviews with the complainant were not conducted. The investigations document that attempts were made to contact the complainants; however, the attempts were not successful.

[8] Collectively, the Parties, are the DOJ and the LASD.

Nine (64%) of the 14 applicable investigations conducted by Lancaster Station contained in-person interviews with the complainant when it was practical. In these nine investigations (L-2, L-5, L-8, L-9, L-11, L-14, L-16, L-17, L-18), the investigators conducted thorough complaint intake interviews in person or by telephone. Therefore, there was no need to conduct an additional interview with the complainant. Auditors determined that these investigations met the criteria for this objective.

Five investigations (L-1, L-7, L-13, L-15, L-19) did not meet the criteria for this objective. In four investigations (L-1, L-7, L-15, L-19), the interview of the complainant was conducted by telephone, and the investigation did not document why it was not practical to have the interview in person. In one investigation (L-13), the complainant was never interviewed, and an appropriate explanation was not provided for why an interview was not conducted. The investigator used the written complaint for the complainant's statement.

All (100%) of the 17 investigations conducted by Palmdale Station contained in-person interviews with the complainant when practical. Six investigations (P-5, P-6, P-9, P-14, P-17, P-18), contained in-person interviews with the complainant, and in one investigation (P-4), the complainant declined the offer of an in-person interview. In 10 investigations (P-1, P-2, P-3, P-7, P-10, P-11, P-12, P-13, P-15, P-16), the investigators conducted thorough complaint intake interviews in-person or by telephone. Therefore, there was no need to conduct an additional interview with the complainant. Auditors determined that these investigations met the criteria for this objective.

In total, 26 of the 31 investigations conducted interviews separately for a compliance rate of 84%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

When conducting WCSCR investigations, the interview with the complainant must be conducted in person. Meeting with the complainant in person allows the complainant to feel they are being "heard" and at the same time, promotes the Department's efforts to fully engage with the complainant when collecting the necessary details to complete the investigation. However, in accordance with the compliance metrics, if this is not practical, the supervisor conducting the interview must document why the interview was not conducted in person. It is recommended the reason is also documented on the complaint investigation checklist recommended in Objective 3(a).

**Objective No. 3(c) – Additional Interviews Conducted as Needed**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3B (3) states:

3. *Investigators conduct additional interviews as necessary to reach reliable and complete findings.*

Procedures

Auditors evaluated the WCSCR investigation materials along with the associated audio/video files to determine if additional interviews were necessary to reach reliable and complete findings, and whether investigators conducted such interviews when deemed necessary.

Findings

None of the 18 Lancaster Station investigations needed additional interviews to reach reliable and complete findings.

One of the 17 investigations conducted by Palmdale Station required an additional interview to reach reliable and complete findings. In investigation (P-6), the investigator conducted a follow-up phone interview with the R/P to clarify information regarding alleged monetary theft. During the course of the investigation, conflicting information was given regarding the amount of money that the R/P had in his possession at the time of arrest. Different amounts were stated to the investigator by the R/P, and two civilian witnesses. The investigator conducted the follow-up interview with the R/P in an attempt to gain clarification of the amount of cash in his possession.

This one (100%) applicable investigation conducted additional interviews when it was necessary.

In total, one applicable investigation conducted additional interviews for a compliance rate of 100%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

To ensure that WCSCR investigations are thorough and complete, it is recommended that additional interviews be conducted and documented to ensure that all the necessary information is collected and supported by sufficient and reliable sources. Investigators should make concerted efforts to determine if findings could be better supported by conducting additional interviews with the complainant, witnesses, and Department personnel to capture additional details or gain clarification.

**Objective No. 3(d) – Involved Parties' Statement Requirements**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3B (4) states:

> 4. *All witnesses, including deputies who were involved in or witnessed the incident, provide a written statement or are interviewed in person. Non-Department witnesses may be interviewed by phone, if practical*.

Procedures

Auditors evaluated the WCSCR investigation materials, including related audio/video files, to determine documentation regarding whether all deputies were involved or acted as witnesses had provided written statements or undergone in-person interviews. Auditors also checked if all non-department witnesses had submitted written statements, participated in face-to-face interviews, or were interviewed via phone when deemed feasible and documented.

Findings

Two investigations (L-1, L-4) conducted by Lancaster Station were not applicable to this objective because the investigations did not identify any deputies who were involved or acted as witnesses and did not identify any civilian witnesses.

All (100%) of the 16 applicable investigations conducted by Lancaster Station contained interviews or written statements for the involved parties.

Fourteen (82%) of the 17 investigations conducted by Palmdale Station contained interviews or written statements for the involved parties. Three investigations (P-4, P-14, P-18) did not meet the criteria for this objective.

In (P-4), the involved employee did not provide a written statement and was not interviewed. The investigator reviewed the involved employee's BWC video and used it to determine what occurred during the incident.

In (P-14), the complaint was made during a UOF incident. The R/P's complaint was regarding force and discourtesy. According to the related UOF investigation report, it was determined three employees were not present for the force but were present for the post force escort to the patrol vehicle. The WCSCR investigation noted the R/P initially stated he was dragged to the patrol vehicle, then later stated he walked to the patrol vehicle and fell to the ground because he was walking on thorns. The R/P stated the deputies laughed at him when he was dragged through some thorns. Evidence from BWC shows deputies smiling/laughing; however, it is unknown if it is directed to the R/P. Due to the allegations, auditors determined that the three employees should have been considered witnesses in the WCSCR investigation and either provided a written statement or an interview.

In (P-18), the R/P's 17 year old daughter was not identified as a civilian witness, although she was present during one of the incidents that led to the complaint. This witness should have been identified as an involved party and subsequently interviewed.

In total, 30 of the 33 investigations contained interviews or written statements of the involved parties for a compliance rate of 90%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

Written statements and interviews from all involved parties are evidence that solicit the necessary details to aid the investigation. The independent account of every witness and involved member should be documented and analyzed. This will ensure that a complete picture of what occurred during the incident is captured. In order to sustain and improve the thoroughness of investigations, it is recommended that Department supervisors seek to identify all involved parties to afford each person the opportunity to provide necessary information.

**Objective No. 3(e) – Identify Everyone Involved**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 5 states:

5. *Personnel complaint investigators:*
    a. *Seek to identify all persons, including deputies, who were at the scene that gave rise to a misconduct allegation;*
    b. *Note in the investigative report the identities of all deputies and witnesses who were at the scene but assert they did not witness and were not involved in the incident; and,*
    c. *Conduct further investigation of any such assertions that appear unsupported by the evidence.*

Procedures

Auditors evaluated the WCSCR investigation materials, and related audio/video files, to determine whether investigators identified and documented all persons at the incident scene. Auditors verified that investigators included all deputies and witnesses at the scene, but asserted they did not witness and were not involved in the incident. If such assertions appeared unsupported by the evidence, auditors evaluated if the investigator conducted further investigation into the assertion(s).

Findings

All (100%) of the 18 investigations conducted by Lancaster Station identified everyone at the scene.

Fourteen (82%) of the 17 investigations conducted by Palmdale Station identified everyone at the scene. Three investigations (P-1, P-3, P-18) did not meet the criteria for this objective.

In (P-1), the investigator did not identify the suspect of the initial call for service who was present at the scene as a witness to the WCSCR allegations made by the R/P and the I/P.

In (P-3), the investigation noted that witnesses were at the scene of the incident that was the basis for the WCSCR complaint: therefore, they should have been identified as witnesses to the complaint that was made by the R/P.

In (P-18), the R/P's 17 year old daughter was not identified as a civilian witness, although she was present during one of the incidents that led to the complaint.

In total, 32 of the 35 investigations conducted interviews separately for a compliance rate of 91%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

It is recommended that investigators make a concerted effort to identify everyone involved in the WCSCR related incident. Department supervisors must reiterate, through training and briefings, that every member has a responsibility to be honest when providing details about their involvement or lack thereof, during an investigation. It is recommended that the proper identification of all persons at the incident scene are documented on the complaint investigation checklist recommended in Objective 3(a).

**Objective No. 3(f) – Limited English Proficiency**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 6 states:

> 6. *When a personnel complaint investigation requires an interpreter, an interpreter not involved in the underlying complaint is used to take statements or conduct interviews of any Limited English Proficiency complainant or witness.*

Procedures

Auditors evaluated the WCSCR investigation materials, including audio/video recordings, to determine if Limited English Proficiency (LEP) complainants or witnesses needed interpreter support during statements or interviews. In cases where interpretation was necessary, auditors determined if the interpreter was uninvolved in the underlying complaint.

Findings

None of the 35 Lancaster and Palmdale Stations' investigations required an interpreter. Therefore, auditors are unable to determine compliance with this metric.

**Objective No. 3(g) – Deputy Statement Given Preference**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 7 states:

> 7. *Personnel complaint investigations do not give automatic preference for a deputy's statement over a non-deputy's statement.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether automatic preference was given to a deputy's statement over a non-deputy's statement.

The evaluation determined in cases where there are opposing statements on both the deputy's side and the complainant's side, and there is no evidence proving or disproving the allegation(s), that the Department found in favor of the deputy in lieu of an "unable to determine" disposition or other less favorable disposition.

Findings

Seventeen (94%) of the 18 investigations conducted by Lancaster Station refrained from giving automatic preference to deputy statements over non-deputy statements. One investigation (L-2) did not meet the criteria for this objective.

In (L-2), deputies searched the R/P's vehicle during a stop for a traffic violation. Consent was not asked or given to search the vehicle. The investigator reviewed the evidence related to the complaint. The investigator overlooked the lack of consent to search the vehicle. Therefore, the credibility determination made was not based on the evidence. The investigator gave more preference to the deputy's statement that consent was given to search the vehicle even though the R/P stated that he did not give consent to search his vehicle. The BWC evidence showed that consent was only given to search his person.

All (100%) of the 17 investigations conducted by Palmdale Station refrained from giving automatic preference to deputy statements over non-deputy statements.

In total, 34 of the 35 investigations refrained from giving automatic preference to deputy statements over non-deputy statements for a compliance rate of 97%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

In keeping with the principles of a thorough, complete investigation, the investigator should not give automatic preference for the deputy's statement over the non-deputy. Investigations should demonstrate the use of all necessary documentation, including witness statements, a review of BWC, or other recording devices as the basis to arrive at conclusions. The adjudication should reflect as such.

It is recommended that Field Operations Support Services (FOSS) revise the Service Comment Review investigation format, which is documented on a SH-AD-711 to include the following statement, "Department supervisors shall conduct complaint investigations fairly and impartially to avoid the appearance of bias for deputy personnel." This

statement should be added directly under the “Involved Employee Statement” and under the “Employee Witness Statement” sections of the investigation.

**Objective No. 3(h) – Statement Discarded Due to Criminal History**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 8 states:

> 8. *Personnel complaint investigations do not disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether the witness’ statements were disregarded because the witness had some connection to the complainant or because of the witness’ criminal history.

Findings

None of the 35 investigations conducted by Lancaster and Palmdale Stations contained indications witness statements were disregarded because the witness had some connection to the complainant or because of the witness’s criminal history.

In total, 35 of the 35 investigations refrained from disregarding witness statements because the witness had some connection to the complainant or because of the witness’s criminal history, for a compliance rate of 100%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

To uphold the fairness and integrity of the public complaints process, it is imperative to treat all statements made by the complainants as valid and unbiased, regardless of the individual’s criminal record, if applicable. It is recommended that supervisors continue to ensure investigations are conducted objectively and without any bias that may influence the decision-making of the investigator.

**Objective No. 3(i) – Material Inconsistency**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3B (9) states:

> 9. *When a personnel complaint investigation contains material inconsistencies between witness statements, efforts to resolve those inconsistencies are documented.*

Based upon discussion and direction from the MT, auditors expanded the audit procedures to identify material inconsistencies in all statements and evidence, not just witness statements, which is documented in the compliance metrics. These inconsistencies may include conflicting statements between the R/P, I/P, and involved employee(s), inconsistencies between BWC footage and investigative documentation, as well as conflicting witness statements.

Procedures

Auditors evaluated the WCSCR investigation materials, and related audio/video files, to determine if the investigation contained material inconsistencies if efforts to resolve those inconsistencies were documented.

Findings

Seventeen of the 18 investigations conducted by Lancaster Station did not contain material inconsistencies, and therefore they were not applicable to this objective.

One investigation (L-2) conducted by Lancaster Station did contain material inconsistencies. This investigation (0%) did not meet the criteria for this objective because the investigator failed to make an effort to resolve the inconsistency between the deputies' statements, the R/P's statement and the BWC evidence.

In (L-2), deputies searched the R/P's vehicle during a stop for a traffic violation. Consent was not asked or given to search the vehicle. The investigator reviewed the evidence related to the complaint. The investigator overlooked the lack of consent to search the vehicle. The investigator gave more preference to the deputy's statement that consent was given to search the vehicle even though the R/P stated that he did not give consent to search his vehicle. The BWC evidence showed that consent was only given to search his person.

One of the 17 investigations conducted by Palmdale Station contained material inconsistencies. In investigation (P-6), there were material inconsistencies between the R/P and civilian witness statements. This investigation (100%) met the criteria for this objective because the investigator conducted a follow-up phone interview with the R/P in an attempt to resolve the inconsistency.

In total, one of the two applicable investigations documented that an effort was made to resolve the material inconsistency for a compliance rate of 50%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

It is recommended that investigators make an effort to resolve all material inconsistencies that is documented within the complaint investigation, and that Unit Commanders document corrective action taken when investigators fail to adhere to the requirements for a complete and thorough investigation.

**Objective No. 3(j) – Overall Qualitative and Quantitative Evaluation Outcome**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3B states:

> B. ***At least 85%*** *of AV's public personnel complaint investigations meet the investigative requirements identified in the SA. This will involve a qualitative and quantitative evaluation of the following SA requirements:*
>
> 1. *All interviews are conducted separately.*
> 2. *Each complainant is interviewed in person, when practical, and the investigation identifies the reason when it is not.*
> 3. *Investigators conduct additional interviews as necessary to reach reliable and complete findings.*
> 4. *All witnesses, including deputies who were involved in or witnessed the incident, provide a written statement or are interviewed in person. Non-Department witnesses may be interviewed by phone, if practical.*
> 5. *Personnel complaint investigators:*
>    a. *Seek to identify all persons, including deputies, who were at the scene that gave rise to a misconduct allegation;*
>    b. *Note in the investigative report the identities of all deputies and witnesses who were at the scene but assert they did not witness and were not involved in the incident; and,*
>    c. *Conduct further investigation of any such assertions that appear unsupported by the evidence.*

6. *When a personnel complaint investigation requires an interpreter, an interpreter not involved in the underlying complaint is used to take statements or conduct interviews of any Limited English Proficiency complainant or witness.*
7. *Personnel complaint investigations do not give automatic preference for a deputy's statement over a non-deputy's statement.*
8. *Personnel complaint investigations do not disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history.*
9. *When a personnel complaint investigation contains material inconsistencies between witness statements, efforts to resolve those inconsistencies are documented.*

Procedures

Auditors performed a qualitative and quantitative analysis for the nine identified criteria per the provided compliance metrics (Audit Objectives 3a – 3i). Any investigation errors identified in Objectives 3(a) – 3(i) were counted (quantitative), and the impact on the reliability of the investigation, adjudication, and/or recordation was evaluated (qualitative). Errors identified in the analysis that management identified and addressed in the review process were not counted as a deficiency unless the error was repetitive. A determination was made as to the percentage of investigations that meet the investigative requirements identified in Objectives 3(a) – 3(i).

Additionally, information about patterns of the same investigator being responsible for repeated errors was evaluated per the compliance metrics.

Findings

Nine (50%) of the 18 investigations conducted by Lancaster Station met the quantitative analysis metrics for objectives 3(a) – 3(i). Nine investigations (L-1, L-2, L-6, L-7, L-11, L-13, L-15, L-17, L-19) contained errors and did not meet the metrics.

Seventeen (94%) of the 18 investigations conducted by Lancaster Station met the qualitative analysis metrics for objectives 3(a) – 3(i). One investigation (L-2) contained significant deficiencies that impacted the investigation’s reliability, adjudication, and recordation and did not meet the metrics.

Nine (53%) of the 17 investigations conducted by Palmdale Station met the quantitative analysis metrics for objectives 3(a) – 3(i). Eight investigations (P-1, P-3, P-4, P-6, P-7, P-12, P-14, P-18) contained errors and did not meet the metrics.

All (100%) of the 17 investigations conducted by Palmdale Station met the qualitative analysis metrics for objectives 3(a) – 3(i). None of the investigations contained significant deficiencies that impacted the investigation's reliability, adjudication, and recordation.

In total, 18 of the 35 investigations met the quantitative and qualitative analysis metrics for objectives 3(a) – 3(i) for a compliance rate of 51%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with this metric.

Recommendations

To address the identified issues and enhance the WCSCR investigative process, it is recommended to create a training program through the Training Bureau for Department personnel to revisit the WCSCR investigative requirements. This training should be given at the Department's Sergeant Supervisory School and as refresher training for lieutenants. It should also be required as a biannual refresher course. It is imperative the Department ensures investigators are conducting WCSCR investigations according to the established requirements.

**Objective No. 3(k) – Uninvolved Investigator**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3C states:

> C. ***At least 90%*** *of AV's public personnel complaint investigations are conducted by a supervisor who was not involved in the incident and who did not authorize the conduct that led to the complaint unless sufficient justification is documented in the investigation.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine if there were any investigations where the investigating supervisor was involved in the incident and/or authorized the conduct that led to the personnel complaint. In such cases, auditors will determine whether there was adequate documented justification for investigating the incident.

Auditors used Manual of Policy and Procedures (MPP), Section 3-04/000.05, Assignment of Subsequent Inquiry/Investigation, which states:

> *A supervisor who investigated, documented, or was directly involved in any incident shall not be assigned to conduct any subsequent inquiry/investigation (e.g., Watch Commander Service Comment Report review, civil claim review, lawsuit review, force review, administrative investigation) related to the same incident.*
>
> *If no other supervisor is available to conduct a subsequent inquiry/investigation, the concerned unit commander shall notify and confer with his division chief, who shall be responsible for deciding how to accomplish the inquiry/investigation. In cases where the involved supervisor is directed to complete a subsequent inquiry/investigation, the supervisor shall document the reason(s) why he/she was directed to conduct the inquiry/investigation and the name of the manager who directed it.*

Findings

All (100%) of the 35 investigations conducted by Lancaster and Palmdale Stations were conducted by a supervisor who was not involved in the incident and did not authorize the conduct that led to the complaint.

The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

Consideration of a different perspective by an uninvolved supervisor can aid the investigation and determine critical details not otherwise identified by an involved investigator. However, in some cases, if the investigator is involved in the incident, the justification for that supervisor conducting the investigation must be fully documented. Even so, it is recommended the Department recognize the importance of utilizing investigators who can exercise complete impartiality to eliminate the appearance of bias or influence while conducting investigations.

**Objective No. 3(l) – Collect All Evidence**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Management Oversight and Adjudication, Paragraphs 128, 130, 131(partial) & 140(partial), (October 2019), Section 3D states:

> *D. **For at least 95%** of AV's public personnel complaints, it is apparent that all relevant evidence was considered and credibility determinations made based upon that evidence.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine if all relevant evidence was collected and recorded. Additionally, auditors determined if the evidence was considered, and credibility determinations were made based on that evidence.

Findings

Seventeen (94%) of the 18 investigations conducted by Lancaster Station considered all relevant evidence and credibility determinations were made based on that evidence. One investigation (L-2) did not meet the criteria for this objective.

In (L-2), deputies searched the R/P's vehicle during a stop for a traffic violation. Consent was not asked or given to search the vehicle. The investigator reviewed the evidence related to the complaint. The investigator overlooked the lack of consent to search the vehicle. Therefore, the credibility determination made was not based on the evidence. The investigator gave more preference to the deputy's statement that consent was given to search the vehicle even though the R/P stated that he did not give consent to search his vehicle. The BWC evidence showed that consent was only given to search his person.

All (100%) of the 17 investigations conducted by Palmdale Station considered all relevant evidence and credibility determinations were made based on that evidence.

In total, 34 of the 35 investigations considered all relevant evidence and credibility determinations were made based on evidence for a compliance rate of 97%. The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

While conducting WCSCR investigations, the investigator must ensure that all evidence collected is sufficient and relevant to formulate logical conclusions. It is recommended that the collection, organization, and review of all evidence is documented on the complaint investigation checklist recommended in Objective 3(a).

**Objective No. 3(m) – Record Entire Interview**

Criteria

Antelope Valley Monitoring Team Monitor's Second Audit of Community Complaints, December 2020, Recommendation No. 8 states:

> *The Parties should adopt a compliance standard that at least 92% of complainant interviews must be recorded in their entirety, or the reason for not doing so must be documented in the investigation.*

The Department reportedly has agreed to adopt the recommendation as to compliance metrics.

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether all complainant interviews were recorded in their entirety or the reason for not doing so was documented in the investigation.

Findings

Two investigations (L-4, L-6) conducted by Lancaster Station were not applicable to this objective because the R/P was not interviewed during the investigation. The R/Ps were unable to be contacted.

Fourteen (88%) of the 16 applicable investigations conducted by Lancaster Station contained fully recorded interviews. Two investigations (L-7, L-11) did not meet the criteria for this objective. In investigation (L-7), the recording abruptly stopped, and the reason why was not documented. In the investigation (L-11), the R/P interview was not recorded.

Sixteen (94%) of the 17 investigations conducted by Palmdale Station contained fully recorded interviews. One investigation (P-7) did not meet the criteria for this objective. The R/P's interview was not recorded.

In total, 30 of the 33 investigations contained interviews that were fully recorded for a compliance rate of 90%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

It is imperative the Department personnel make concerted efforts to utilize BWC and other recording devices available, as such evidence will aid in formulating conclusions when conducting investigations. It is recommended that the Department conduct recurrent briefings with investigators regarding recording of complainant interviews in their entirety and documenting the reason in their investigation for not recording the interview.

**Objective No. 3(n) – Timely Investigation**

Criteria

*There is no applicable AV Agreement Compliance Metrics for this objective.*

Although there are no compliance metrics for this objective, the timeliness of an investigation is an integral part of determining the investigation's reliability due to the one-year statute for imposing discipline in cases of misconduct[9]. The Service Comment Report (SCR) Handbook is currently being revised and has a proposed 60-day timeline to submit to the Division and a 90-day timeline to the Discovery Unit, but no timeframe for investigators[10]. Unit Commanders would need the investigation completed in time to review, adjudicate, and forward it to the Division within the 60-day timeframe.

Procedures

Auditors evaluated the WCSCR investigation to determine if the complaint intake date and submission date to the Unit Commander were reasonable. Unit Commanders require the investigation to be concluded promptly to enable them to review, adjudicate, and forward it to the Division within the 60-day timeframe.

Findings

Thirteen (72%) of the 18 investigations conducted by Lancaster Station were completed timely. Five investigations (L-4, L-6, L-7, L-11, L-12) did not meet the criteria for this objective.

[9] 3304(d)(1) GC: Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct.
[10] Proposed draft SCR Handbook, revised 08/01/2022.

Nine (53%) of the 17 investigations conducted by Palmdale Station were completed timely. Eight investigations (P-1, P-3, P-5, P-7, P-12, P-13, P-16, P-18) did not meet the criteria for this objective.

In total, 22 of the 35 investigations were completed in a timely manner for a compliance rate of 63%. The AV stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Detailed below are the number of days for investigation and the number of days for the adjudication of the WCSCR investigations in the audit population:

| Investigation No. | # of Days to Conduct Investigation | # of Days for Unit Commander Adjudication |
|---|---|---|
| **L-1** | 4 | 98 |
| **L-2** | 7 | 102 |
| **L-3** | 30 | 125 |
| **L-4** | 91 | 187 |
| **L-5** | 38 | 141 |
| **L-6** | 142 | 264 |
| **L-7** | 117 | 122 |
| **L-8** | 12 | 98 |
| **L-9** | 37 | 94 |
| **L-11** | 178 | 263 |
| **L-12** | 205 | 306 |
| **L-13** | 16 | 192 |
| **L-14** | 35 | 178 |
| **L-15** | 37 | 236 |
| **L-16** | 35 | 235 |
| **L-17** | 51 | 238 |
| **L-18** | 21 | 22 |
| **L-19** | 34 | 34 |
| **P-1** | 121 | 170 |
| **P-2** | 1 | 58 |
| **P-3** | 78 | 95 |
| **P-4** | 31 | 86 |
| **P-5** | 76 | 93 |

| Investigation No. | # of Days to Conduct Investigation | # of Days for Unit Commander Adjudication |
|---|---|---|
| **P-6** | 22 | 195 |
| **P-7** | 256 | 323 |
| **P-9** | 42 | 59 |
| **P-10** | 32 | 58 |
| **P-11** | 13 | 52 |
| **P-12** | 322 | 338 |
| **P-13** | 63 | 64 |
| **P-14** | 1 | 56 |
| **P-15** | 55 | 141 |
| **P-16** | 238 | 269 |
| **P-17** | 1 | 34 |
| **P-18** | 100 | 127 |

Recommendations

Department supervisors must remain cognizant of impending deadlines to maintain the integrity of the investigation and to ensure all related parties can recall pertinent details of the WCSCR. It is recommended that the Department implement the revised timeline in the proposed draft SCR Handbook. This may help ensure that investigations are thorough and complete prior to submission to the Unit Commander. It is also recommended that the AV Stations implement a database for tracking the timeliness of WCSCR investigations. This database should include the capability of alerting management of the status of the investigation and pending due date.

**Objective No. 3(o) – Overall Thoroughness and Reliability Outcome**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 131 (partial), 133, 135, 136 & 137 (October 2019), Section 3A states:

> A. ***At least 92%*** *of AV's public personnel complaint investigations, when viewed as a whole, are as thorough as necessary to reach reliable and complete findings.*

Procedures

Auditors conducted a qualitative and quantitative analysis of WCSCR investigations to determine if investigations, when viewed as a whole, were thorough as necessary to reach reliable and complete findings. Any investigation errors identified in Objective 3 (a-i and k-n), affecting thoroughness, were counted (quantitative), and the negative impact on the investigation's likelihood of reaching reliable and complete findings was evaluated (qualitative). Errors identified in the analysis that were also identified by management, and addressed in the review process, were not counted as a deficiency unless the errors were repetitive.

A determination was made as to the number of investigations that lacked thoroughness, thus causing the investigation to be unreliable. These investigations were not thorough enough to reach reliable and complete findings, affecting the outcome and adjudication.

Additionally, information about any patterns of the same investigator being responsible for multiple errors was evaluated per the compliance metrics.

Findings

Seven (39%) of the 18 investigations conducted by Lancaster Station met the quantitative analysis metrics for objectives 3(a) – 3(i) and 3(k) – 3(n). Eleven investigations (L-1, L-2, L-4, L-6, L-7, L-11, L-12, L-13, L-15, L-17, L-19) contained errors and did not meet the metrics.

Eleven (61%) of the 18 investigations conducted by Lancaster Station met the qualitative analysis metrics for objectives 3(a) – 3(i) and 3(k) – 3(n). One investigation (L-2) contained significant deficiencies that impacted the reliability, adjudication, and recordation of the investigation, and did not meet the metrics. Six investigations (L-3, L-4, L-5, L-11, L13, L-17) contained complaints made during incidents in which a WCSCR should have been initiated but was not. This finding was not investigated during the WCSCR investigation that was initiated later by a Watch Commander, which impacted the reliability and adjudication of the investigation. These investigations did not meet the metrics.

Six (35%) of the 17 investigations conducted by Palmdale Station met the quantitative analysis metrics for objectives 3(a) – 3(i) and 3(k) – 3(n). Eleven investigations (P-1, P-3, P-4, P-5, P-6, P-7, P-12, P-13, P-14, P-16, P-18) contained errors and did not meet the metrics.

Twelve (71%) of the 17 investigations conducted by Palmdale Station met the qualitative analysis metrics for objectives 3(a) – 3(i) and 3(k) – 3(n). Five investigations (P-6, P-13, P-14, P-16, P-18) contained complaints made during incidents in which a WCSCR should have been initiated but was not. This finding was not investigated during the WCSCR investigation that was initiated later by a Watch Commander, which impacted the reliability and adjudication of the investigation. These investigations did not meet the metrics.

In total, 11 of the 35 investigations met the quantitative and qualitative analysis metrics for objectives 3(a) – 3(i) and 3(k) – 3(n) for a compliance rate of 31%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with this metric.

Recommendations

Sound conclusions at the completion of the investigation rely heavily on the thoroughness of the investigator. Investigators should allow periodic management reviews to demonstrate the Department has adopted a comprehensive framework for conducting WCSCR investigations. It is recommended that Department management periodically review investigations throughout the process, to ensure that they are thorough and comprehensive. In addition, Unit Commanders should thoroughly review the completed investigations for deficiencies that affect the reliability of the investigation and take corrective action. This review should be documented in the database recommended in Objective 3(n), and available upon request to AAB's Audit Follow-Up Team for evaluation.

## Objective No. 4 – Management Review and Oversight

This objective included evaluating whether the management review and oversight of WCSCR investigations were in compliance with the compliance metrics.

| Objective No. | Audit Objectives | LAN | PLM | AV Total | Compliance Findings | Compliance Metrics % |
|---|---|---|---|---|---|---|
| **4** | **MANAGEMENT REVIEW AND OVERSIGHT** | | | | | |
| 4(a) | *WCSCR Versus Administrative Investigation* | 100% | 100% | 100% | In Compliance | 95% |
| 4(b) | *Service Versus Personnel Complaints* | 94% | 100% | 97% | In Compliance | 95% |
| 4(c) | *Identify all Substantive Allegations in a Complaint* | 61% | 71% | 66% | Not in Compliance | 95% |
| 4(d) | *Preponderance of Evidence* | 61% | 71% | 66% | Not in Compliance | 95% |
| 4(e) | *Timeliness of Adjudication* | 11% | 35% | 23% | N/A | N/A |
| 4(f) | *Recordation of Critical Information* | 17% | 76% | 46% | Not in Compliance | 95% |
| 4(g) | *Recordation of Non-Critical Information* | 94% | 88% | 91% | In Compliance | 80% |
| 4(h) | *Recordation of WCSCR Investigation Information in PRMS* | 94% | 94% | 94% | N/A | N/A |

## Objective No. 4(a) – WCSCR Versus Administrative Investigation

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, IAB Referral, Paragraph 132 (October 2019), Section 2A 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 consistent with the Administrative Investigations Handbook…]*
>
> A. ***At least 95%*** *of the complaints in an audit sample are handled in accordance with this SA provision.*

Procedures

The Unit Commander is responsible for determining whether a public complaint should remain a WCSCR investigation, which excludes the imposition of discipline, or if it should be an administrative or criminal investigation, both of which can result in discipline.

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether the allegations of misconduct were appropriately referred to the Internal Affairs Bureau (IAB) or Internal Criminal Investigations Bureau (ICIB) for further investigation.

Auditors used the factors outlined in the Administrative Investigations Handbook, which states:

> ***Administrative Investigations***
>
> *While most investigations will be conducted at the unit level, there may be situations that require assignment to the Internal Affairs Bureau. The criteria for requesting an investigation by the Internal Affairs Bureau may include, but are not limited to, incidents when:*
>
> - *Witnesses are spread over a large geographic area,*
> - *The nature of the allegations involve incidents of high media attention,*
> - *The subject(s) are supervisory personnel,*
> - *Allegations, if founded, may result in discharge,**
> - *Allegations concern sexual harassment,* (+)*
> - *Allegations concern racial discrimination,* (+)*
> - *Allegations concern gender discrimination or hostile work environment,* (+)*
> - *Family/Domestic violence issues. *(++)*
> - *Workplace Violence. *(+++)*
>
> ***Criminal Investigations***
>
> *If the allegations involved are criminal in nature, the unit commander shall notify the division chief, who may request a criminal investigation. If the incident will be investigated criminally, there should be no discussion regarding the incident with the subject.*

Additionally, auditors used the factors outlined in MPP, Section 3-04/010.25, Personnel Complaints which 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.*

Auditors also used the factors outlined in the SCR Handbook, which states:

> *Once the unit level [SCR] inquiry has taken place, if the unit commander determines that the complaint, if found true, may result in formal discipline, then the unit commander may initiate an administrative investigation.*

Findings

In (L-3), improper detention, search, or arrest, and criminal conduct was alleged. Regarding the criminal conduct, the R/P alleged that money and checks were missing from a bag in her vehicle after a traffic stop. In the WCSCR investigation, BWC evidence showed that the bag did not contain any money or checks, and nothing was removed from the bag by any of the deputies on scene. Therefore, this WCSCR was not investigated criminally.

In (L-13), improper detention, search, or arrest and force was alleged. Regarding the force, the R/P alleged excessive force was used when deputies put him into the patrol vehicle upon arrest. An administrative investigation was not conducted for this allegation because the force used was reported and investigated. This was not an unreported force incident. The force investigation determined that the force used was reasonable, minimal and within Department policy, and that the deputies' conduct was reasonable.

In (L-19), discrimination and retaliation were alleged. Regarding the retaliation, the R/P alleged the Lancaster Station Unit Commander removed her from the station advisory committee for being an outspoken supporter of the black community. In the WCSCR investigation, the NPD could not substantiate or prove the R/P's allegations; therefore, an administrative investigation was not initiated for this WCSCR. The R/P and the Station Unit Commander participated in a conflict resolution meeting to resolve the WCSCR investigation. The meeting was mediated by the NPD Commander.

In (P-6), improper detention, search, or arrest, neglect of duty, and criminal conduct was alleged. Regarding the criminal conduct, the R/P alleged missing money following the R/P's release from jail. When the Watch Commander initiated the WCSCR, the alleged missing money was documented on the WCSCR; however, the corresponding personnel complaint classification was not indicated. The WC should have checked the "Criminal Conduct" box on the WCSCR. The WCSCR investigation was conducted and findings were determined regarding an allegation of improper detention, search, or arrest. An IAB Administrative Investigation was initiated for this WCSCR regarding the allegation of criminal conduct and neglect of duty. The administrative investigation was completed on October 4, 2023.

In (P-11), force was alleged. The R/P alleged unnecessary force was used on her son. An administrative investigation was not conducted for this allegation because the force used was reported and investigated. This was not an unreported force incident. The force investigation determined that the force used was minimal, and that the deputies' conduct was reasonable.

In (P-14), discourtesy and force were alleged. Regarding the force, the R/P alleged deputies were not justified to use force on him and were discourteous while helping him to a patrol vehicle. An administrative investigation was not conducted for this allegation because the force used was reported and investigated. This was not an unreported force incident. The force investigation determined that the force was objectively reasonable and within policy, and that the deputies' conduct was reasonable.

In (P-17), improper detention, search, or arrest and force was alleged. Regarding the force, the R/P alleged excessive force was used against her. An administrative investigation was not conducted for this allegation because the force used was reported and investigated. This was not an unreported force incident. The force investigation found that the R/P's statement was refuted by the deputies' statements, reports and BWC footage. The investigation determined that the force used was objectively reasonable and within policy, and that the deputies' conduct was reasonable.

Based upon the above findings, and the other 28 WCSCR investigations, all (100%) of the 35 investigations conducted by Lancaster and Palmdale Stations were assigned to the appropriate entity for investigation.

The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

Based on the correct determinations made as to whether a public complaint should remain a WCSCR Investigation or an Administrative or Criminal Investigation, it is recommended that Unit Commanders continue thoroughly dissecting all aspects of the complaints to categorize the alleged incidents appropriately. Unit Commanders should have an open line of communication with the supervisors conducting the incident reviews to foster best practices while meeting the agreed-upon compliance measures. This communication should be documented in the database recommended in Objective 3(n), and available upon request to AAB's Audit Follow-Up Team for evaluation.

**Objective No. 4(b) – Service Versus Personnel Complaints**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 128, 130, 131 (partial) & 140 (partial) (October 2019), Section 3B states:

> B. ***At least 95%*** *of public complaints are classified properly as a service and/or personnel complaint at intake, resolution, and adjudication, or corrected during the management review.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine if they were properly classified as personnel and/or service complaints at intake, resolution, and adjudication or corrected during the management review. The SCR Handbook classifies complaints as follows:

- Service Complaint: an external communication of dissatisfaction with Department service, procedure, or practice, not involving employee misconduct.

- Personnel Complaint: an external allegation of misconduct, either a violation of law or Department policy, against any member of the Department.

Findings

Seventeen (94%) of the 18 investigations conducted by Lancaster Station were properly classified. One investigation (L-4) was inappropriately classified as a service complaint when it should have been classified as a neglect of duty personnel complaint. The R/P alleged that Station personnel failed to make complaint informational material available upon request.

Fifteen of the investigations conducted by Lancaster Station were properly classified as personnel complaints. One investigation was properly classified as a service complaint, and one investigation was properly classified as a dual complaint. The service complaint was regarding deputy response time to make a burglary report, and the dual complaint was regarding a traffic citation and subsequent transport to court in handcuffs.

Investigation (L-9) inaccurately documented the complaint as a service complaint at intake and on the Results of Service Comment Review form. However, the complaint type was changed during the investigation and documented on a WCSCR Modification Log. The investigation was conducted as a personnel complaint and recorded in PRMS as a personnel complaint.

All (100%) of the 17 investigations conducted by Palmdale Station were properly classified.

Fifteen of the investigations conducted by Lancaster Station were properly classified as personnel complaints and two investigations were properly classified as service complaints. The service complaints were regarding dispatch location of a traffic collision, and a citation given for riding a bicycle on the sidewalk.

Thirty-four (97%) of the 35 investigations conducted by Lancaster and Palmdale Stations were classified properly.

The AV Stations met the criteria for this objective and therefore, are in compliance with the metric.

Recommendations

Attentiveness should be given regarding proper classification of public complaints during the intake, resolution, adjudication, and management review levels. It is recommended that if changes to the classification of the complaint are necessary at any time during the process, members should be prompt in completing the WCSCR Modification Log.

**Objective No. 4(c) – Identify all Substantive Allegations in a Complaint**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Paragraph 128, 130, 131 (partial) & 140 (partial) (October 2019), Section 3C states:

> *D. For **at least 95%** of public complaints, each significant allegation of misconduct is identified, investigated and appropriately adjudicated, or the error is corrected during the management review.*

Procedures

Auditors evaluated the WCSCR investigation materials and related audio/video files to determine whether each significant allegation was appropriately identified, investigated, and adjudicated or whether the error was corrected during the management review. Any unaddressed allegations were reviewed and summarized by auditors.

Findings

Eleven (61%) of the 18 investigations conducted by Lancaster Station identified, investigated, and appropriately adjudicated each significant allegation in the WCSCR complaint. Seven investigations did not meet the criteria for this objective.

In (L-2), deputies searched the R/P's vehicle during a traffic stop. Consent was not asked or given to search the vehicle. The investigator reviewed the evidence related to the complaint. The investigator overlooked the lack of consent to search the vehicle even though BWC evidence showed that consent was only given to search the R/P's person. Credibility determinations were not based on the evidence, and the investigator gave more preference to the deputy's statement over the R/P's statement. The investigator's findings that "Asking the R/P for specific permission to search his vehicle may have alleviated any confusion between the two of them, but it appears reasonable the deputies had consent to search the vehicle at the time" was not appropriate. Also, the investigator's "Conduct Appears Reasonable" disposition was not appropriate. The disposition of the complaint should have been "Employee Conduct Should Have Been Different." The lack of proper investigation and adjudication of this allegation impacted the investigation's reliability, adjudication, and recordation.

In (L-3), the supervisor present at the scene was the subject of the complaint and did not initiate a WCSCR because the complaint was made to the deputy outside of the supervisor's presence. However, auditors determined that the deputy should have informed a supervisor of the complaint made by the individual. The investigation should have documented this as a finding, so that proper corrective action could have been taken with the deputy that failed to report the complaint.

In five investigations (L-4, L-5, L-11, L-13, L-17), auditors determined that a supervisor(s) was present at the scene or at the Station, in contact with the complainant, and a complaint was made that should have resulted in the initiation of a WCSCR but did not. In the investigations, a sergeant was at the scene and should have taken the complaint. The complaint was taken at a later time by a Watch Commander. The investigation should have documented this as a finding, so that proper corrective action could have been taken regarding the failure to initiate the complaint.

Twelve (71%) of the 17 investigations conducted by Palmdale Station identified, investigated, and appropriately adjudicated each significant allegation in the WCSCR complaint. Five investigations did not meet the criteria for this objective.

In five investigations (P-6, P-13, P-14, P-16, P-18), auditors determined that a supervisor(s) was present at the scene or at the Station, in contact with the complainant, and a complaint was made that should have resulted in the initiation of a WCSCR but did not. In the investigations, a sergeant was at the scene and should have taken the complaint. The complaint was taken at a later time by a Watch Commander. The investigation should have documented this as a finding, so that proper corrective action could have been taken regarding the failure to initiate the complaint.

Also noted in (P-6), the R/P alleged improper detention, search, or arrest, neglect of duty, and missing money following the R/P's release from jail. When the Watch Commander initiated the WCSCR, the alleged missing money was documented on the WCSCR; however, the corresponding personnel complaint classification was not indicated. The WC should have checked the "Criminal Conduct" box on the WCSCR. The WCSCR investigation was conducted and findings were determined regarding an allegation of improper detention, search, or arrest. An IAB Administrative Investigation was initiated for this WCSCR regarding the allegation of criminal conduct and neglect of duty. The administrative investigation was completed on October 4, 2023. Therefore, auditors determined that the substantive allegation of criminal conduct was identified and investigated, although the WCSCR was not accurately completed at intake by the Watch Commander.

In total, 23 of the 35 investigations identified, investigated and adjudicated each significant allegation for a compliance rate of 66%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

It is recommended that the management review process is more attentive to the complaint and evidence presented during the investigation to ensure that all substantive allegations are documented and investigated as required. Any investigation that does not address all substantive allegations should be returned to the investigator for correction and documented on the investigation checklist recommended in Objective 3(a). Division Commanders should take documented corrective action when a Unit Commander fails to properly review an investigation which results in unaddressed allegations.

## Objective No. 4(d) – Preponderance of Evidence

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Management Oversight and Adjudication, Paragraphs 128, 130, 131(partial) &140(partial), (October 2019), Section 3E states:

> *E. For **at least 95%** of public complaints, each significant allegation is adjudicated using the preponderance of evidence standard.*

Procedures

Auditors will evaluate the WCSCR investigation materials, and where applicable, including related audio/video files, to determine if each significant allegation of misconduct is adjudicated using a preponderance of evidence standard, based on the definition:

- ***Preponderance of Evidence:*** the weight of credible evidence, when viewed as a whole, more likely than not supports the determination[11].

Findings

Eleven (61%) of the 18 investigations conducted by Lancaster Station were adjudicated using a preponderance of evidence standard. Seven investigations (L-2, L-3, L-4, L-5, L-11, L-13, L-17) did not meet the criteria for this objective.

As noted in the results for Objective 4(c), the seven investigations that did not meet the criteria for this objective did not investigate and adjudicate each significant allegation. Therefore, the adjudication reached by the Unit Commander was not based on the evidence.

Twelve (71%) of the 17 investigations conducted by Palmdale Station were adjudicated using a preponderance of evidence standard. Five investigations (P-6, P-13, P-14, P-16, P-18) did not meet the criteria for this objective.

As noted in the results for Objective 4(c), the five investigations that did not meet the criteria for this objective did not investigate and adjudicate each significant allegation. Therefore, the adjudication reached by the Unit Commander was not based on evidence.

[11] Published definition from proposed draft SCR Handbook, revised 08/01/2022.

In total, 23 of the 35 investigations adjudicated each significant allegation using the preponderance of the evidence standard for a compliance rate of 66%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

It is recommended that Unit Commanders thoroughly review WCSCR investigations in order to adjudicate the investigation based upon the preponderance of the evidence standard. Division Commanders should take documented corrective action when a Unit Commander fails to properly review an investigation.

**Objective No. 4(e) – Timeliness of Adjudication**

Criteria

*There is no applicable AV Agreement Compliance Metrics for this objective.*

The SCR Handbook is currently being revised and has a proposed 60-day timeline to submit WCSCR investigations to Division[12].

Procedures

The timeliness of an investigation's adjudication is an important part of the accountability process. Any delays in adjudication affect entry into PRMS, which is an integral part of LASD's early intervention system. Auditors will examine the WCSCR investigation for the complaint intake date and the Unit Commander adjudication date to determine whether it was adjudicated in time to forward it to Division within the 60-day timeframe.

Findings

Two (11%) of the 18 investigations conducted by Lancaster Station were adjudicated timely. Sixteen investigations did not meet the criteria for this objective.

Six (35%) of the 17 investigations conducted by Palmdale Station were adjudicated timely. Eleven investigations did not meet the criteria for this objective.

In total, eight of the 35 investigations were adjudicated in a timely manner for a compliance rate of 23%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

[12] Proposed draft SCR Handbook, revised 08/01/2022.

Recommendations

Department supervisors must remain cognizant of impending deadlines to maintain the integrity of the investigation and to ensure all related parties can recall pertinent details of the WCSCR. It is recommended the Department implement the revised timeline in the proposed draft SCR Handbook. This may help ensure that investigations are thorough and complete prior to submission to the Unit Commander.

**Objective No. 4(f) – Recordation of Critical Information**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Management Oversight and Adjudication, Paragraphs 128, 130, 131(partial) & 140(partial), (October 2019), Section 3F states:

> *F. **In at least 95%** of public complaints, critical information[13] is recorded accurately in the Service Comment Review packet.*

Procedures

Auditors examined the information in the WCSCR investigation packet to determine if critical information (see below) was accurately recorded on the Results of Service Comment Review Form.

- Critical information: includes all accused employees, allegations of significant misconduct, disposition of each allegation, and any corrective action recommended or taken.

Based upon discussion and direction from the MT, auditors evaluated the accurate recordation of critical information on the Results of Service Comment Review form, not within the Service Comment Review packet, which is documented in the compliance metrics.

Findings

Three (17%) of the 18 investigations conducted by Lancaster Station accurately recorded the critical information from the investigation on the Results of Service Comment Review form. Fifteen investigations did not meet the criteria for this objective.

[13] "Critical information" includes all accused employees, allegations of significant misconduct, disposition of each allegation and any corrective action recommended or taken.

In investigations L-2 through L-17, nothing was indicated in the “Approved Disposition” box on the Results of Service Comment Review forms. One of the five check boxes should have been selected on each form to indicate approval of the recommended disposition or the initiation of other investigations.

Investigation (L-2) recorded a disposition that was unsupported by the evidence.

Investigation (L-4) recorded the complaint as a service complaint although it was a personnel complaint. Auditors determined that the disposition was inaccurate because the complaint was classified incorrectly.

Investigation (L-8) inaccurately documented the complaint as a service complaint on one of the Results of Service Comment Review forms; however, the investigation was conducted as a personnel complaint and recorded in PRMS as a personnel complaint.

Investigation (L-9) inaccurately documented the complaint as a service complaint on the two Results of Service Comment Review forms; however, the investigation was conducted as a personnel complaint and recorded in PRMS as a personnel complaint.

Thirteen (76%) of the 17 investigations conducted by Palmdale Station accurately recorded the critical information from the investigation on the Results of Service Comment Review form. Four investigations did not meet the criteria for this objective.

In four investigations (P-4, P-5, P-12, P-13), the employee’s name and employee number were not documented on the Results of Service Comment Review form. Auditors noticed that when the WCSCR investigation had one involved employee, the name and employee number of the employee was not documented on the Results of Service Comment Review form. For proper recordation and to meet the requirement of the compliance metrics, the employee’s name and employee number must be documented on the Results of Service Comment form.

In total, 16 of the 35 investigations accurately recorded the critical information from the investigation on the Results of Service Comment Review form, for a compliance rate of 46%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

All critical information contained in the complaint should be thoroughly analyzed and reported accurately to ensure investigators give proper consideration to all the necessary details when making decisions in the investigative process. This affirms the Department's continued efforts to show its commitment toward full transparency. It is recommended all levels of personnel responsible for processing complaints, from initial intake to final disposition, take onus of all critical information obtained in the WCSCR. Unit Commanders should take documented corrective action when inaccuracies are not corrected.

**Objective No. 4(g) – Recordation of Non-Critical Information**

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Management Oversight and Adjudication, Paragraphs 128, 130, 131(partial) & 140(partial), (October 2019), Section 3G states:

> G. ***In at least 80%*** *of public complaints, non-critical information is recorded accurately on the Results of Service Comment Review form.*

Procedures

Auditors examined the information in the WCSCR investigation packet to determine if non-critical information (see below) was accurately recorded on the Results of Service Comment Review form.

- Non-Critical information: All information except all accused employees, allegations of significant misconduct, disposition of each allegation, and any corrective action recommended or taken.

Findings

Seventeen (94%) of the 18 investigations conducted by Lancaster Station accurately recorded the non-critical information from the investigation on the Results of Service Comment Review form. One investigation did not meet the criteria for this objective.

Investigation (L-8) did not document the employee number of the member that conducted the WCSCR investigation.

Fifteen (88%) of the 17 investigations conducted by Palmdale Station accurately recorded the non-critical information from the investigation on the Results of Service Comment Review form. Two investigations did not meet the criteria for this objective.

Investigation (P-1) did not document the "Date Completed Review Form Provided To Involved Employees" on three Results of Service Comment Review forms. Investigation (P-6) did not document the date for the initiation of the unit level administrative investigation on one Results of Service Comment Review forms.

In total, 32 of the 35 investigations accurately recorded the non-critical information from the investigation packet on the Results of Service Comment Review form, for a compliance rate of 91%. The AV Stations did not meet the criteria for this objective and therefore, are not in compliance with the metric.

Recommendations

It is recommended specific guidelines be put in place for unit level operations staff tasked with reviewing and distributing the completed WCSCR packets. Additional training on how to accurately transcribe all "non-critical information" on the Results of Service Comment Review form would assist in correcting errors currently found on completed packets. It is also recommended a second level of review be implemented once the form is completed by station operations staff.

Lastly, it is recommended that the Results of Service Comment Review form indicate who completed the form up to the final approval stages. A first and second level signature line should be added to the Results of Service Comment Review form to establish accountability. By implementing these changes, errors presently found in PRMS will be corrected to ensure the Department and the employees' personnel records are reflected accordingly.

**Objective No. 4(h) – Recordation of WCSCR Investigation Information in PRMS**

Criteria

*There is no applicable AV Agreement Compliance Metrics for this objective.*

The accurate entry of the Results of Service Comment Review form into PRMS is crucial to maintaining the Department's early intervention system.

Procedures

Auditors examined PRMS to determine if the WCSCR module contained accurately recorded information from the Results of Service Comment Review form including all accused employees, allegations of significant misconduct, disposition of each allegation, and any corrective action recommended or taken.

Findings

Seventeen (94%) of the 18 investigations conducted by Lancaster Station accurately entered the information on the Results of Service Comment Review form into PRMS. One investigation did not meet the criteria for this objective.

In the investigation (L-9), one deputy had two allegations (Neglect of Duty and Discourtesy) based on the WCSCR complaint. The Unit Commander determined a different disposition for each allegation. For the “Neglect of Duty” allegation, the disposition was, “Conduct Should Have Been Different” and for the “Discourtesy” allegation, the disposition was, “Conduct Could Have Been Better.” However, only one Results of Service Comment Review form was prepared for the deputy which captured what was considered to be the most severe disposition (Conduct Should Have Been Different). The Discovery Unit recorded this disposition in PRMS on the deputy’s profile. The auditors promptly notified the Discovery Unit that only one of the two dispositions was captured in PRMS. Auditors were informed by Discovery Unit that PRMS has a limited capability to record only one disposition per employee for the WCSCR investigation.

Sixteen (94%) of the 17 investigations conducted by Palmdale Station accurately entered the information on the Results of Service Comment Review form into PRMS. One investigation did not meet the criteria for this objective.

In the investigation (P-6), the Results of Service Comment Review form for one of the involved deputies documents the Review Disposition as "Appears Employee Conduct Could Have Been Better." However, PRMS documents it as "Conduct Was Reasonable." Auditors notified Discovery Unit of this error. A subsequent check of this record in PRMS showed the error has been corrected to, “Appears Employee Conduct Could Have Been Better.”

In total, 33 of the 35 investigations accurately entered the information on the Results of Service Comment Review form into PRMS for a compliance rate of 94%. The Department did not meet the criteria for this objective.

Recommendations

It is recommended that WCSCR investigators prepare a Results of Service Comment Review form for each allegation made against each employee. It is also recommended that FOSS revise the Results of Service Comment Review form to include fields for the employee’s name; employee number; allegation; page number and total pages; the revisions recommended for Objective 4(g), and the risk management case number used in the digital evidence management system, known as Evidence.com.

Additionally, it is recommended that the Technology and Support Division must modify PRMS, so that it has the capability to record multiple allegations and related dispositions for all employees involved in WCSCR investigations. The need for this system enhancement is paramount in the Department's continued efforts to bring transparency and accountability to the Public Complaints process and to accurately reflect the performance of its personnel.

It is also recommended that standardized procedures are established within the Discovery Unit to reconcile discrepancies. These procedures should include regular internal oversight and verification to maintain data integrity. The development and implementation of quality assurance measures within the Discovery Unit to flag and address inconsistencies in data entry, particularly related to the review dispositions of the investigations, would provide the internal controls necessary to address and correct any issues that may arise. Comprehensive training for PRMS users should also be provided to ensure a full understanding of the importance of accurate data entry. Their active involvement is critical to maintaining the integrity of the data.

## CONCLUSION

The AAB considers the results of this audit to be a helpful management tool for all Department personnel. Auditors performed analyses and assessments of the objectives. The appropriate areas of concern were identified as in need of improvement. The evidence collected strongly suggests room for improvement in personnel compliance with the Department policy, Stations' Unit Orders, Field Operations Directives, and the stipulations set forth in the AV Agreement concerning public complaints. This underscores the importance of addressing and rectifying these compliance gaps to ensure a more effective and aligned operational framework within the Department.

## RECOMMENDATIONS

The purpose of this report is to provide a detailed summary of the recommendations aimed at improving compliance with the AV Agreement within the AV Stations. The proposed revisions focus on enhancing the policies and procedures related to the availability, acceptance, intake, investigation, and adjudication of public complaints. When Department policies and procedures are not adhered to, it may result in an increased risk or an inability to comply. The AAB considers the results of this audit to be a helpful management tool and therefore, makes the following recommendations:

### Objective No. 1 – Availability of Complaint Information

a) It is recommended the AV Stations continuously inspect the complaint materials at the specified facilities and be proactive in restocking them when they are not available or posted. The inspections should be documented with a Watch Commander's Log entry. The entry should be titled "Public Complaint Material Inspection."

   It is also recommended that each AV Stations' DOJ Liaison Sergeant create a standardized document (separate from the Watch Commander's Log) to document the inspections with detailed information on inspection results. Each AV Stations' unit orders should be updated to reflect the new inspection requirements.

b) To ensure that the Department continues to maintain open communication with the AV community through multiple outlets, AV Stations must further their efforts to provide the public with complaint information. In order to enhance transparency and keep the AV community informed, it is recommended that the AV Stations advise the community of the complaint process and the availability of complaint materials at each CAC meeting and any other relevant gatherings including Town Hall meetings. This communication should be added to every meeting agenda and meeting minutes.

c) For Objectives 1c and 1d, it is recommended that the Technology and Support Division revise the Department's website, AV Stations' websites, and LASD.org to reflect:

- the "I'm not a robot" box availability in Spanish.
- the automatic display of the complaint form in Spanish.

**Objective No. 2 – Accepting Public Complaints**

a) The AV Stations must ensure they accept and investigate every mail-in complaint received from PSD. If the Department offers mail-in complaints as an option for the community to inform the Department of issues which warrant a WCSCR, the AV Stations must ensure that they are accepting complaints as required. It is recommended that any AV Station member who fails to accept a complaint receive documented corrective action. In addition, the AV Stations should make an inquiry with PSD to revisit their existing protocols to ensure that complaint forms are properly received and routed to the appropriate station or unit.

b) It is recommended that the AV Stations create a standardized procedure for the receipt and processing of email complaints received from PSD. This procedure should include documentation of receipt and assignment of the responsible member. This will ensure the tracking of the complaint intake, followed by initiation of the WCSCR. The receipt of the complaint should be entered into the Watch Commander's Log, and the entry should be titled "Email Complaint." It is also recommended that any AV Station member who fails to accept a complaint receive documented corrective action.

c) It is recommended that the Department ensure the 800 number for making public complaints is either answered by a supervisor or allows the caller to leave a message that will be returned by a supervisor within the next day.

d) It is recommended the Department reinforce existing policies with the Watch Commanders to ensure they are making concerted efforts to return telephone calls to complainants and document the return call in the Watch Commander's Log for accountability and any necessary follow-up. The Watch Commanders should make a log entry every shift indicating they retrieved all messages left on the Watch Commander's phone line. This log entry should detail the number of messages retrieved and the details of each message. It is also recommended that the Station Operations Lieutenant conduct a weekly internal audit of the Watch Commander's log to identify phone complaints and determine whether they were accepted and processed. Any complaints found not to have been accepted should result in documented corrective action. The documentation of the weekly internal audit should be reviewed and approved by the Station Unit Commander.

e) It is recommended that all Department supervisors are re-briefed on their responsibility to initiate a WCSCR when a complaint is made. Supervisors should also be reminded that documented corrective action will be taken when they fail to adhere to the requirements regarding prompt initiation and accepting complaints.

f) Pursuant to the compliance metrics, Lancaster Station Unit Order 69 and Palmdale Station Unit Order 14-06 states Department members who discourage or inhibit an individual from making a complaint or provide misleading information about the filing of a complaint shall be grounds for discipline. It is recommended that Department supervisors reinforce the complaint intake protocols with Department personnel during briefings and related training. These opportunities allow for Department personnel to ask clarifying questions, if any, regarding accepting public complaints. It is also recommended that the management review process document corrective action for personnel that discourage or inhibit individuals from making complaints. This corrective action should be progressive for repetitive deficiencies.

g) It is recommended that Department supervisors are responsive and make themselves available to community members who wish to make a complaint against Department personnel. It is also recommended that the management review process document corrective action for supervisors that do not initiate a WCSCR when a complaint is brought to their attention. This corrective action should be progressive for repetitive deficiencies.

   Also, it is recommended that the Technology and Support Division create an exclusive clearance code for field supervisor responses regarding a public complaint. This code should replace the 777 clearance code for field supervisor response because it will provide the Department with a better way to track the public's request for a supervisor to review and potentially identify if public complaints were requested in the field.

h) The AV Stations are required to accept all personnel complaints for review and investigation. Therefore, supervisors shall remain mindful that complaints can come through different avenues. It is recommended that supervisors thoroughly review all documentation related to citizen interactions for complaints and document those complaints on a WCSCR. Any AV Station member which fails to initiate a complaint when required, shall receive documented corrective action. It is also recommended the AV DOJ Compliance Unit develop training procedures for supervisors detailing the Department’s requirements and expectations for identifying and accepting public complaints.

## Objective No. 3 – Investigations

a) It is recommended the AV DOJ Compliance Unit create a standardized complaint investigation checklist as a tool to manage the WCSCR investigative process. This checklist should detail the requirements of the compliance metrics and should require that separate interviews are documented in the investigation. Additional Department policy requirements should be added as necessary. This checklist should be available to both AV Stations and required with each WCSCR investigation. It should remain attached to the investigation package and be evaluated during the management review and oversight process.

b) When conducting WCSCR investigations, the interview with the complainant must be conducted in person. Meeting with the complainant in person allows the complainant to feel they are being "heard" and at the same time, promotes the Department's efforts to fully engage with the complainant when collecting the necessary details to complete the investigation. However, in accordance with the compliance metrics, if this is not practical, the supervisor conducting the interview must document why the interview was not conducted in person. It is recommended the reason is also documented on the complaint investigation checklist recommended in Objective 3(a).

c) To ensure that WCSCR investigations are thorough and complete, it is recommended that additional interviews be conducted and documented to ensure that all the necessary information is collected and supported by sufficient and reliable sources. Investigators should make concerted efforts to determine if findings could be better supported by conducting additional interviews with the complainant, witnesses, and Department personnel to capture additional details or gain clarification.

d) Written statements and interviews from all involved parties are evidence that solicit the necessary details to aid the investigation. The independent account of every witness and involved member should be documented and analyzed. This will ensure that a complete picture of what occurred during the incident is captured. In order to sustain and improve the thoroughness of investigations, it is recommended that Department supervisors seek to identify all involved parties to afford each person the opportunity to provide necessary information.

e) It is recommended that investigators make a concerted effort to identify everyone involved in the WCSCR related incident. Department supervisors must reiterate, through training and briefings, that every member has a responsibility to be honest when providing details about their involvement or lack thereof, during an investigation. It is recommended that the proper identification of all persons at the incident scene are documented on the complaint investigation checklist recommended in Objective 3(a).

f) No recommendation at this time.

g) It is recommended that Field Operations Support Services (FOSS) revise the Service Comment Review investigation format, which is documented on a SH-AD-711 to include the following statement, “Department supervisors shall conduct complaint investigations fairly and impartially to avoid the appearance of bias for deputy personnel.” This statement should be added directly under the “Involved Employee Statement” and under the “Employee Witness Statement” sections of the investigation.

h) To uphold the fairness and integrity of the public complaints process, it is imperative to treat all statements made by the complainants as valid and unbiased, regardless of the individual’s criminal record, if applicable. It is recommended that supervisors continue to ensure investigations are conducted objectively and without any bias that may influence the decision-making of the investigator.

i) It is recommended that investigators make an effort to resolve all material inconsistencies that is documented within the complaint investigation, and that Unit Commanders document corrective action taken when investigators fail to adhere to the requirements for a complete and thorough investigation.

j) To address the identified issues and enhance the WCSCR investigative process, it is recommended to create a training program through the Training Bureau for Department personnel to revisit the WCSCR investigative requirements. This training should be given at the Department’s Sergeant Supervisory School and as refresher training for lieutenants. It should also be required as a biannual refresher course. It is imperative the Department ensures investigators are conducting WCSCR investigations according to the established requirements.

k) Consideration of a different perspective by an uninvolved supervisor can aid the investigation and determine critical details not otherwise identified by an involved investigator. However, in some cases, if the investigator is involved in the incident, the justification for that supervisor conducting the investigation must be fully documented. Even so, it is recommended the Department recognize the importance of utilizing investigators who can exercise complete impartiality to eliminate the appearance of bias or influence while conducting investigations.

l) While conducting WCSCR investigations, the investigator must ensure that all evidence collected is sufficient and relevant to formulate logical conclusions. It is recommended that the collection, organization, and review of all evidence is documented on the complaint investigation checklist recommended in Objective 3(a).

m) It is imperative the Department personnel make concerted efforts to utilize BWC and other recording devices available, as such evidence will aid in formulating conclusions when conducting investigations. It is recommended that the Department conduct recurrent briefings with investigators regarding recording of complainant interviews in their entirety and documenting the reason in their investigation for not recording the interview.

n) Department supervisors must remain cognizant of impending deadlines to maintain the integrity of the investigation and to ensure all related parties can recall pertinent details of the WCSCR. It is recommended that the Department implement the revised timeline in the proposed draft SCR Handbook. This may help ensure that investigations are thorough and complete prior to submission to the Unit Commander. It is also recommended that the AV Stations implement a database for tracking the timeliness of WCSCR investigations. This database should include the capability of alerting management of the status of the investigation and pending due date.

o) Sound conclusions at the completion of the investigation rely heavily on the thoroughness of the investigator. Investigators should allow periodic management reviews to demonstrate the Department has adopted a comprehensive framework for conducting WCSCR investigations. It is recommended that Department management periodically review investigations throughout the process, to ensure that they are thorough and comprehensive. This review should be documented in the database recommended in Objective 3(n), and available upon request to AAB's Audit Follow-Up Team for evaluation.

**Objective No. 4 – Management Review and Oversight**

a) Based on the correct determinations made as to whether a public complaint should remain a WCSCR Investigation or an Administrative or Criminal Investigation, it is recommended that Unit Commanders continue thoroughly dissecting all aspects of the complaints to categorize the alleged incidents appropriately. Unit Commanders should have an open line of communication with the supervisors conducting the incident reviews to foster best practices while meeting the agreed-upon compliance measures. This communication should be documented in the database recommended in Objective 3(n), and available upon request to AAB's Audit Follow-Up Team for evaluation.

b) Attentiveness should be given regarding proper classification of public complaints during the intake, resolution, adjudication, and management review levels. It is recommended that if changes to the classification of the complaint are necessary at any time during the process, members should be prompt in completing the WCSCR Modification Log.

c) It is recommended that the management review process is more attentive to the complaint and evidence presented during the investigation to ensure that all substantive allegations are documented and investigated as required. Any investigation that does not address all substantive allegations should be returned to the investigator for correction and documented on the investigation checklist recommended in Objective 3(a). Division Commanders should take documented corrective action when a Unit Commander fails to properly review an investigation which results in unaddressed allegations.

d) It is recommended that Unit Commanders thoroughly review WCSCR investigations in order to adjudicate the investigation based upon the preponderance of the evidence standard. Division Commanders should take documented corrective action when a Unit Commander fails to properly review an investigation.

e) Department supervisors must remain cognizant of impending deadlines to maintain the integrity of the investigation and to ensure all related parties can recall pertinent details of the WCSCR. It is recommended the Department implement the revised timeline in the proposed draft SCR Handbook. This may help ensure that investigations are thorough and complete prior to submission to the Unit Commander.

f) All critical information contained in the complaint should be thoroughly analyzed and reported accurately to ensure investigators give proper consideration to all the necessary details when making decisions in the investigative process. This affirms the Department's continued efforts to show its commitment toward full transparency. It is recommended all levels of personnel responsible for processing complaints, from initial intake to final disposition, take onus of all critical information obtained in the WCSCR. Unit Commanders should take documented corrective action when inaccuracies are not corrected.

g) It is recommended specific guidelines be put in place for unit level operations staff tasked with reviewing and distributing the completed WCSCR packets. Additional training on how to accurately transcribe all "non-critical information" on the Results of Service Comment Review form would assist in correcting errors currently found on completed packets. It is also recommended a second level of review be implemented once the form is completed by station operations staff. Lastly, it is recommended that the Results of Service Comment Review form indicate who completed the form up to the final approval stages. A first and second level signature line should be added to the Results of Service Comment Review form to establish accountability. By implementing these changes, errors presently found in PRMS will be corrected to ensure the Department and the employees' personnel records are reflected accordingly.

h) It is recommended that WCSCR investigators prepare a Results of Service Comment Review form for each allegation made against each employee. It is also recommended that FOSS revise the Results of Service Comment Review form to include fields for the employee's name; employee number; allegation; page number and total pages; the revisions recommended for Objective 4(g), and the risk management case number in the digital evidence management system, known as Evidence.com.

   Additionally, it is recommended that the Technology and Support Division must modify PRMS, so that it has the capability to record multiple allegations and related dispositions for all employees involved in WCSCR investigations. The need for this system enhancement is paramount in the Department's continued efforts to bring transparency and accountability to the Public Complaints process and to accurately reflect the performance of its personnel.

   It is also recommended that standardized procedures are established within the Discovery Unit to reconcile discrepancies. These procedures should include regular internal oversight and verification to maintain data integrity. The development and implementation of quality assurance measures within the Discovery Unit to flag and address inconsistencies in data entry, particularly related to the review dispositions of the investigations, would provide the internal controls necessary to address and correct any issues that may arise. Comprehensive training for PRMS users should also be provided to ensure a full understanding of the importance of accurate data entry. Their active involvement is critical to maintaining the integrity of the data.

## FOLLOW-UP PROCEDURES

Within 60 days of issuing the final audit report to the involved executives and bureaus, the AAB will conduct a follow-up of recommendations provided in this report. The follow-up aims to verify the auditee's progress toward necessary improvements and ensure that any issues identified during the audit process are effectively addressed. Verification of corrective action will involve assessing new directives, revised unit orders, and/or any relevant documentation. The AAB will work with the auditee, understanding the implementation of audit recommendations may be lengthy and require a collaborative effort with other Department resources.

## DEPARTMENT APPLICATIONS

- Performance Recording and Monitoring System (PRMS), Service Comment Module
- Station/Bureau Administration Portal (SBAP) Risk Management Tracker
- Automated Dispatch Systems (CAD)
- NICE System
- Mobile Digital Computer (MDC)
- Digital Evidence Management System

## REFERENCES

- United States Department of Justice – Los Angeles County Sheriff's Department Antelope Valley Settlement Agreement, Case Number CV 15-03174 (April 2015)
- Antelope Valley Settlement Agreement Compliance Metrics (October 2019)
- Service Comment Report Handbook (June 2011)
- Service Comment Report Handbook (Draft: August 2022)
- Administrative Investigations Handbook (2015)
- Manual of Policy and Procedures Section:
    - 3-04/010.25, Personnel Complaints (October 2014)

**Views of Responsible Officials**

On February 23, 2024, the Lancaster Station command staff submitted an informal response to the AAB in which they concurred with the audit findings. On February 24, 2024, the Palmdale Station command staff submitted an informal response to the AAB concurring with the audit findings. The AAB presented the final audit report to the Division Director, Office of Constitutional Policing.

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