

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

AUDIT AND ACCOUNTABILITY BUREAU



Part III of Public Complaints Audit

Investigation of Complaints

Management Review and Oversight

Antelope Valley Stations

Project No. 2024-6-A



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

**Part III of Public Complaints Audit:
Investigation and Management Review and Oversight of Public Complaints
Antelope Valley Stations
Project No. 2024-6-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 Justice¹ (DOJ) Antelope Valley (AV) Settlement Agreement (Agreement).

The Public Complaints Audit was conducted in three separate audits (Part I, II, and III) to provide timely feedback to Lancaster and Palmdale Patrol Stations (AV Stations). Each of the three audits addressed the requirements of the AV Agreement.

OBJECTIVE, SCOPE, AND METHODOLOGY

Audit Scope and Criteria

This audit, designated as Part III, focused on assessing the investigation of complaints, management review, and oversight procedures related to the AV Stations. Parts I and II will assess other critical AV Agreement requirements.

This will be a recurring audit. The AAB will evaluate all the objectives in each recurring audit, which will be conducted as indicated in Table 1 below.

Table 1 – Part III Projected Due Dates and Audit Time Period

Project No.	Projected Due Date	Population Time Period
Project No. 2024 – 6 – A	March 8, 2024	October 1, 2023, to December 31, 2023
Project No. 2024 – 17 – A	May 9, 2024	October 1, 2023, to December 31, 2023
Project No. 2024 – 35 – A	July 9, 2024	January 1, 2024, to March 30, 2024

¹ 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.

The Department's compliance was measured against the AV Agreement Compliance Metrics (compliance metrics) provided by the AV DOJ Compliance Unit, along with additional direction provided by the AV Monitoring Team (MT).

Audit Population and Sampling

For Part III of this audit, the population consisted of all Watch Commander's Service Comment Report (WCSCR) investigations for complaints received by the AV Stations from October 1, 2023, to October 31, 2023. These WCSCR investigations should have been completed from December 1, 2023, to December 31, 2023. For this audit, the WCSCR investigations were considered completed when reviewed and approved by the North Patrol Division. However, as of January 31, 2024, none of the WCSCR investigations had been completed. As a result, the AV Stations did not comply with the AV Agreement.

To provide an overview of how well AV Stations managed the investigation, management review, and oversight of public complaints involving the AV Stations, AAB extended the audit period from January 1, 2023, through December 31, 2023, to identify completed WCSCR investigations.

As of January 31, 2024, three (3%) of the 105 WCSCR investigations investigated by Lancaster Station were completed and 21 (23%) of the 90 WCSCR investigations investigated by Palmdale Station were completed, for a total of 24 completed WCSCR investigations. The auditors reviewed the three completed investigations for Lancaster Station. For Palmdale Station, the auditors selected and evaluated the three most current, completed WCSCR investigations. A total of six completed WCSCR investigations were evaluated for the AV Stations.

As of March 1, 2024, the WCSCR investigations generated at the AV Stations from October 1, 2023, to December 31, 2023, have not been completed. Twenty WCSCRs were generated for this time period for Lancaster Station and 17 were generated for Palmdale Station.

AUDIT OBJECTIVES

The audit consisted of two main objectives with a total of 19 sub-objectives. However, the auditors noted there are no applicable compliance metrics for sub-objective 2(d), "Timeliness of Adjudication". As a result, 18 of the 19 sub-objectives are applicable to the compliance metrics.

The auditors evaluated the AV Stations separately for each objective and combined the results to determine if the Department complied with the compliance metrics.

Summary of Findings

The auditors noted the following findings during the audit:

Sub-Objectives that Met the Compliance Metrics

The auditors observed the AV Stations met the compliance metrics for seven [Objective 1(d), 1(g), 1(h), 1(i), 2(e), 2(g), and 2(h)] of the 18 sub-objectives. The AAB would like to acknowledge the concerted efforts made by the AV Stations in implementing the practices required by the AV Agreement for these sub-objectives. The auditors recommend the AV Stations continue implementing these required policies to institute meaningful and positive changes within the AV community. The AAB will re-evaluate these objectives in each recurring audit to determine if compliance was sustained.

In addition, the auditors observed two [Objectives 1(f) and 2(a)] of the 18 sub-objectives resulted in "N/A"² because the corresponding criteria did not apply to the WCSCR investigations being reviewed for the audit period. The criteria for Objective 1(f) required using an uninvolved interpreter. However, none of the WCSCR investigations reviewed necessitated an interpreter. The criteria for Objective 2(a) required the investigator not to discard a witness' statement due to criminal history or because of a connection to the complainant. However, there were no civilian witnesses identified or interviewed in the WCSCR investigations reviewed.

Sub-Objectives that Did Not Meet the Compliance Metrics

The auditors observed the AV Stations failed to meet the compliance metrics for nine [Objective 1(a), 1(b), 1(c), 1(e), 1(j), 1(k), 2(b), 2(c), and 2(f)] of the 18 sub-objectives. The AV Stations are mandated to meet or exceed those agreed upon compliance metrics. Five of the nine sub-objectives that did not meet the compliance metrics were tied to a single WCSCR investigation examined at Palmdale Station. (See P-3³ for details on the findings).

Although there is no applicable compliance metrics for sub-objective 2(d), "Timeliness of Adjudication", the auditors evaluated if the WCSCR investigations were adjudicated timely. The auditors noted none (0%) of the six WCSCR investigations were adjudicated timely. This report details the findings for this objective.

The AAB will re-evaluate these objectives in each recurring audit to measure improvement. In addition, the recurring audits will ensure timely recommendations are provided to the AV Stations to allow for prompt implementation of corrective actions for the objectives that continue to be out of compliance.

² N/A means Not Applicable.

³ P refers to Palmdale Station. The number represents the sample being referred to of the three WCSCR investigations reviewed for Palmdale Station.

Table 2 below indicates the audit results based on the AV Stations' compliance and the compliance metrics.

Table 2 – Summary of Compliance Metrics Findings

Objective No.	Audit Objectives	Compliance Metrics %	Lancaster %	Palmdale %	AV Total
1	INVESTIGATION OF COMPLAINTS				
1(a)	<i>Identify Everyone at the Scene of the WCSCR-Related Incident</i>	85%	33%	67%	50%
1(b)	<i>Interviews Conducted Separately</i>	85%	100%	67%	83%
1(c)	<i>Interview Complainant in Person</i>	85%	100%	0%	50%
1(d)	<i>Witness Interview Requirements</i>	85%	100%	100%	100%
1(e)	<i>Additional Interviews Conducted as Needed</i>	85%	100%	67%	83%
1(f)	<i>Limited English Proficiency</i>	85%	N/A	N/A	N/A
1(g)	<i>Material Inconsistency Identified and Explained When</i>	85%	100%	100%	100%
1(h)	<i>Record Entire Interviews</i>	92%	100%	100%	100%
1(i)	<i>Uninvolved Investigator</i>	90%	100%	100%	100%
1(j)	<i>Collect All Evidence</i>	95%	100%	67%	83%
1(k)	<i>Thoroughness of Investigation</i>	92%	100%	67%	83%
2	MANAGEMENT REVIEW AND OVERSIGHT				
2(a)	<i>Statement Discarded Due to Criminal History</i>	85%	N/A	N/A	N/A
2(b)	<i>Deputy Statement Given Preference</i>	85%	100%	67%	83%
2(c)	<i>Preponderance of Evidence</i>	95%	100%	67%	83%
2(d)	<i>Timeliness of Adjudication</i>	N/A	0%	0%	0%
2(e)	<i>Recordation of Critical Information on the Results of Service Comment Review Form</i>	95%	100%	100%	100%
2(f)	<i>Recordation of Non-Critical Information on the Results of Service Comment Review Form</i>	80%	33%	67%	50%
2(g)	<i>Recordation of Critical WCSCR Investigation Information in the Performance Recording and Monitoring System (PRMS)</i>	95%	100%	100%	100%
2(h)	<i>Recordation of Non-Critical WCSCR Investigation Information in PRMS</i>	80%	100%	100%	100%

DETAILED FINDINGS

This report will provide detailed information for those sub-objectives which did not meet the AV compliance metrics.

Objective No. 1 – Investigation of Complaints

This objective evaluated the investigation of public complaints.

Objective No. 1(a) – Identify Everyone at the Scene of the WCSCR-Related Incident

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (5) states:

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.*

Findings

The auditors evaluated whether everyone at the scene of the WCSCR-related incident was identified.

Of the six WCSCR investigations reviewed, three (50%) investigations met the criteria for this objective. The remaining three (50%) investigations did not meet the criteria for this objective because not all potential deputy and/or civilian witnesses at the scene were identified. Specifically:

L-1⁴: A potential civilian witness at the scene was not identified. Per Body-Worn Camera (BWC) footage, this potential witness can be seen, at the incident, standing by the complainant's mother who was identified as a potential witness.

⁴ L refers to Lancaster Station. The number represents the sample being referred to of the three WCSCR investigation reviewed for Lancaster Station.

L-2: A potential deputy witness and two potential civilian witnesses at the scene were not identified. Per surveillance footage, these potential witnesses can be seen at the incident. L-1 and L-2 were conducted by different supervisors and the complaints did not involve the same Department personnel. No patterns were noted.

P-2: A potential deputy witness at the scene was not identified. Per BWC footage, the deputy can be seen at the incident standing by the complainant's vehicle next to one of the involved deputies.

Recommendations

It is recommended investigators make a concerted effort to identify everyone involved in the WCSCR related incident. Department supervisors must reiterate, through training and briefings, every member has a responsibility to be honest when providing details about their involvement or lack thereof, during an investigation.

It is also recommended the proper identification of all persons at the incident scene be documented on a complaint investigation checklist. The checklist shall be created by the AV DOJ Compliance Unit and utilized during the WCSCRs investigation. This checklist should detail the requirements of the AV Agreement and the compliance metrics. Additionally, Department policy requirements should be added as necessary. This checklist should be available to both AV Stations and required for each WCSCR investigation. It should remain attached to the investigation package and be evaluated during the management review and oversight process.

Objective No. 1(b) – Interviews Conducted Separately

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (1) states:

- 1. All interviews are conducted separately.*

Findings

The auditors evaluated whether all interviews were conducted separately.

Of the six WCSCR investigations reviewed, five (83%) investigations met the criteria for this objective. The remaining (17%) investigation did not meet the criteria for this objective because there was not enough evidence to determine if a witness deputy was interviewed separately. Specifically:

P-2: The investigating supervisor included a statement in the SCR Review of what a deputy witnessed during the incident. However, nothing is documented to support the interview was conducted separately from any other parties at the incident.

Recommendations

It is recommended all investigative interviews be conducted separately. 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 also recommended the investigators document the interviews that were conducted separately.

Objective No. 1(c) – Interview Complainant in Person

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 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.*

Findings

The auditors evaluated if the complainant was interviewed in person, if practical, or if the investigator identified the reason when it was not practical.

Of the six WCSCR investigations reviewed, three (50%) investigations met the criteria for this objective. The remaining three (50%) investigations did not meet the criteria for this objective because a justification was not documented as to why the complainant interviews were not conducted in person. Specifically:

P-1, P-2, and P-3: The investigating supervisor interviewed the complainant via telephone and did not document in the SCR Review a reason as to why the interview was not conducted in person. P-1, P-2, and P-3 were conducted by different supervisors and the complaints did not involve the same Department personnel. No patterns were noted.

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 1(a).

Objective No. 1(e) – Additional Interviews Conducted as Needed

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (3) states:

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

Findings

The auditors evaluated whether the investigators conducted additional interviews as necessary to reach reliable and complete findings.

Of the six WCSCR investigations reviewed, five (83%) investigations met the criteria for this objective. The remaining (17%) investigation did not meet the criteria for this objective because additional interviews that were necessary to reach reliable and complete findings were not conducted. Specifically:

P-3: The complainant alleged the involved personnel was not fulfilling his duties as the Palmdale Station East County Area Resident Deputy (Resident Deputy). According to the complainant, the involved personnel had not attended a Town Council meeting, which is part of his duties as the Resident Deputy, in two years. In addition, the involved personnel did not return phone calls and it appeared his other duties as the Explorer Advisor affected his ability to fulfill his duties as the Resident Deputy. Community members had concerns about the involved personnel not attending the Town Council meetings which resulted in the complainant making the complaint.

To conduct a thorough and complete investigation, additional interviews should have been conducted. In the complainant's initial interview, the investigator did not question or obtain information from the complainant regarding the community members who allegedly were making the complaint. They could have been potential civilian witnesses and should have been identified and interviewed. Statements from the community members could have influenced the results of the SCR Review. In addition, the investigator did not contact the involved personnel's supervisor which could have assisted in determining if the allegation the involved personnel's duties as the Explorer Advisor interfered with his duties as the Resident Deputy. This also could have influenced the results of the SCR Review.

Recommendation

To ensure WCSCR investigations are thorough and complete, it is recommended additional interviews be conducted to ensure 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. 1(j) – 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.*

Findings

The auditors evaluated whether all relevant evidence was considered, and credibility determinations were made based upon that evidence.

Of the six WCSCR investigations reviewed, five (83%) investigations met the criteria for this objective. The remaining (17%) investigation did not meet the criteria for this objective because not all available evidence was gathered and considered. Specifically:

P-3: All relevant evidence was not obtained because potential civilian witnesses and the involved personnel's supervisor were not interviewed. Interviewing these individuals could have assisted in collecting the necessary evidence needed in determining if the allegation the involved personnel was not fulfilling his duties as the Resident Deputy was accurate. As previously mentioned, this could have influenced the results of the SCR Review.

Recommendation

While conducting WCSCR investigations, the investigator must ensure all evidence is collected and 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 1(a).

Objective No. 1(k) – Thoroughness of Investigation

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 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.*

Findings

The auditors evaluated whether the complaint investigations, when viewed as a whole, are as thorough as necessary to reach reliable and complete findings.

Of the six WCSCR investigations reviewed, five (83%) investigations met the criteria for this objective. The remaining (17%) investigation did not meet the criteria for this objective because the investigation was not thorough enough to reach reliable and complete findings. Specifically:

P-3: The investigator did not conduct all the necessary interviews or collect all the available evidence needed to conduct a thorough investigation and reach a reliable conclusion for the investigation. As previously mentioned, interviewing the potential civilian witnesses and the involved personnel's supervisor could have assisted in collecting the necessary evidence needed in determining if the allegation the involved personnel was not fulfilling his duties as the Resident Deputy was accurate which could have influenced the results of the SCR Review.

Recommendation

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 Department management periodically review investigations, midstream, to ensure they appear to be comprehensive. This review should be documented in the database recommended in Objective 2(d), and available upon request to AAB's Audit Follow-Up Team for evaluation.

Objective No. 2 – Management Review and Oversight

This objective evaluated the management review and oversight of WCSCR investigations.

Objective No. 2(b) – Deputy Statement Given Preference

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (7) states:

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

Findings

The auditors evaluated whether the complaint investigations did not give automatic preference for a deputy's statement over a non-deputy's statement.

Of the six WCSCR investigations reviewed, five (83%) investigations met the criteria for this objective. The remaining (17%) investigation did not meet the criteria for this objective because it appears preference was given to the deputy statement. Specifically:

P-3: It appears the involved personnel's statement was given preference over the complainant's statement for each allegation as the investigation did not include further interviews with additional persons who could have provided critical information.

For example, the complainant alleged the involved personnel had not attended a Town Council meeting in two years. The involved personnel stated his understanding was if he needed to attend a meeting, the complainant would let him know. Based on this statement, the investigator concluded that although the allegation of not attending the meetings appeared to have some merit, there may have been some miscommunication between the complainant and the involved personnel regarding the expectations related to the attendance of the meetings by the involved personnel. However, not attending a town Council meeting for two years when you are the Resident Deputy, and the meetings are held every third Wednesday of the month and are available on Zoom does not appear reasonable.

In addition, the complainant alleged the involved personnel did not return calls. However, the investigator concluded there was no merit to the allegation because, according to the involved personnel, he always answers the complainant's calls or returns his calls. No additional information was obtained by the investigator to support either statement. However, potential civilian witnesses could have been interviewed to obtain additional information regarding this allegation.

Furthermore, the complainant alleged the involved personnel's duties as the Explorer Advisor are affecting the involved personnel's ability to attend the meetings. However, the investigator concluded there was no merit to the allegation because, according to the involved personnel, he could have had someone fill in when he needed to attend a meeting. No additional information was obtained by the investigator to support either statement. However, the involved personnel's supervisor could have been interviewed to obtain additional information regarding this allegation.

Recommendation

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, and the adjudication should reflect such.

It is recommended Field Operations Support Services revise the Service Comment Review investigation format, which is documented on the 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. 2(c) – 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.*

Findings

The auditors evaluated whether each significant allegation in the public complaint was adjudicated using the preponderance of evidence standard.

Of the six WCSCR investigations reviewed, five (83%) investigations met the criteria for this objective. The remaining (17%) investigation did not meet the criteria for this objective because not enough evidence was obtained to support the determination and outcome.

P-3: It does not appear each significant allegation was adjudicated using the preponderance of evidence standard. This standard is the weight of credible evidence, when viewed as a whole, more likely than not supports the determination.

The investigator did not conduct all the necessary interviews or collect all the available evidence needed to conduct a thorough investigation and reach a reliable conclusion for the investigation. The investigator only interviewed the complainant and the involved personnel and appeared to give preference to the involved personnel's statement over the complainant's statement for each allegation in the complaint.

Interviewing the potential civilian witnesses and the involved personnel's supervisor could have assisted in collecting additional evidence needed to ensure each allegation was adjudicated using the preponderance of evidence standard.

Recommendation

It is recommended the Department require supervisors to specifically address significant allegations in the complaint by considering the preponderance of the evidence standard. This will ensure the credible evidence obtained will more than likely support the determination and outcome.

Objective No. 2(d) – Timeliness of Adjudication

Criteria

The Service Comment Report (SCR) Handbook (June 2011) and the Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), indicate a 30-day timeline to submit the completed WCSCR investigation packet to Division and a 60-day timeline to submit the completed WCSCR investigation packet to the Discovery Unit. The 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.⁵

Per the AV Stations, the Stations require the investigator to complete the WCSCR investigation in 20 days and forward the investigation packet to the Unit Commander to be able to review and forward it to the Division within the 30-day timeline requirement. However, this is not always possible due to the workload and other work priorities.

In addition, the AV Stations are required by the Division to submit monthly status reports to the Division and the Assistant Sheriff on WCSCR investigations that are more than 60 days overdue. The data gathered for the monthly status report is obtained through the Station/Bureau Administration Portal's Risk Management Tracker.

⁵ Proposed draft SCR Handbook, revised 08/01/2022.

Findings

The auditors evaluated whether the WCSCR investigations were adjudicated timely.

None (0%) of the six WCSCR investigations reviewed met the criteria for this objective because they were submitted to the Division beyond the 30-day timeline requirement and to the Discovery Unit beyond the 60-day timeline requirement.

The WCSCR investigations were approved by the Unit Commander an average of 142 days beyond the 30-day timeline requirement. In addition, the WCSCR investigations were approved by the Division an average of 206 days beyond the 60-day timeline requirement. We also noted it took the investigators an average of 95 days to complete the WCSCR investigation from the report date. In addition, it took an average of 78 days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took an average of 93 days for the Division to approve the WCSCR investigations from the Unit Commander approval date. Specifically:

L-1: The WCSCR investigation was approved by the Unit Commander 135 days beyond the 30-day timeline requirement. In addition, the WCSCR investigation was approved by the Division 183 days beyond the 60-day timeline requirement. We also noted it took the investigator 162 days to complete the WCSCR investigation from the report date. In addition, it took three days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took 78 days for the Division to approve the WCSCR investigations from the Unit Commander approval date.

L-2: The WCSCR investigation was approved by the Unit Commander 216 days beyond the 30-day timeline requirement. In addition, the WCSCR investigation was approved by the Division 204 days beyond the 60-day timeline requirement. We also noted it took the investigator 139 days to complete the WCSCR investigation from the report date. In addition, it took 107 days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took 18 days for the Division to approve the WCSCR investigations from the Unit Commander approval date.

L-3: The WCSCR investigation was approved by the Unit Commander 209 days beyond the 30-day timeline requirement. In addition, the WCSCR investigation was approved by the Division 261 days beyond the 60-day timeline requirement. We also noted it took the investigator 152 days to complete the WCSCR investigation from the report date. In addition, it took 87 days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took 82 days for the Division to approve the WCSCR investigations from the Unit Commander approval date.

P-1: The WCSCR investigation was approved by the Unit Commander 73 days beyond the 30-day timeline requirement. In addition, the WCSCR investigation was approved by the Division 223 days beyond the 60-day timeline requirement. We also noted it took the investigator one day to complete the WCSCR investigation from the report date. In addition, it took 102 days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took 180 days for the Division to approve the WCSCR investigations from the Unit Commander approval date.

P-2: The WCSCR investigation was approved by the Unit Commander 87 days beyond the 30-day timeline requirement. In addition, the WCSCR investigation was approved by the Division 188 days beyond the 60-day timeline requirement. We also noted it took the investigator 21 days to complete the WCSCR investigation from the report date. In addition, it took 96 days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took 131 days for the Division to approve the WCSCR investigations from the Unit Commander approval date.

P-3: The WCSCR investigation was approved by the Unit Commander 134 days beyond the 30-day timeline requirement. In addition, the WCSCR investigation was approved by the Division 174 days beyond the 60-day timeline requirement. We also noted it took the investigator 93 days to complete the WCSCR investigation from the report date. In addition, it took 71 days for the Unit Commander to approve the WCSCR investigations from the SCR Review Completion date. Furthermore, it took 70 days for the Division to approve the WCSCR investigations from the Unit Commander approval date.

Recommendation

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 investigations are thorough and complete prior to submission to the Unit Commander. It is also recommended the AV Stations implement a database for tracking the timeliness of WCSCR investigations. This database should include the capability of alerting management to the status of the investigation and pending due date.

Objective No. 2(f) – Recordation of Non-Critical Information on the Results of Service Comment Review Form

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.*

Findings

The auditors evaluated if non-critical information was recorded accurately on the Results of Service Comment Review form.

Of the six WCSCR investigations reviewed, three (50%) investigations met the criteria for this objective. The remaining three (50%) investigations did not meet the criteria for this objective because non-critical information was not accurately recorded on the Results of Service Comment Review form. Specifically:

L-2: The completed review date per the SCR Review is July 19, 2023. However, the date the review was completed per the Result of Service Comment Review form is May 24, 2023. No reasoning for the variance was documented.

L-3: The completed review date per the SCR Review is March 27, 2023. However, the date the review was completed per the Result of Service Comment Review form is April 10, 2023. No reasoning for the variance was documented. L-2 and L-3 were conducted by different supervisors and the complaints did not involve the same Department personnel. However, the information on the Results of Service Comment Review form for L-2 and L-3 was provided by the same Department personnel. The corresponding information should be consistent on both the SCR Review and the Results of Service Comment Review form.

P-3: Per the SCR Review, the complaint was received on May 29, 2023. However, per the WCSCR form and Results of Service Comment Review form, the complaint was received date is June 22, 2023. No reasoning for the variance was documented. The corresponding information should be consistent on the SCR Review, the WCSCR form, and the Results of Service Comment Review form.

Recommendation

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 operations staff.

Lastly, it is recommended 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.

CONCLUSION

The AAB considers the results of this audit to be a helpful management tool for the AV Stations personnel. The evidence collected strongly suggests there is room for improvement in personnel compliance with Department policies, and the stipulations set forth in the AV Agreement and compliance metrics. This underscores the importance of addressing and rectifying these compliance gaps to ensure a more effective and aligned operational framework within the AV Stations.

RECOMMENDATIONS

The purpose of this report is to provide a detailed summary of the recommendations aimed at improving compliance with the AV Agreement. When Department policies and procedures are not adhered to, it may result in an increased risk or an inability to be compliant. The AAB makes the following recommendations:

Objective No. 1 – Investigation of Complaints

- a) **Identify Everyone at the Scene of the WCSCR-Related Incident:** It is recommended investigators make a concerted effort to identify everyone involved in the WCSCR related incident. Department supervisors must reiterate, through training and briefings, every member has a responsibility to be honest when providing details about their involvement or lack thereof, during an investigation.

It is also recommended the proper identification of all persons at the incident scene be documented on a complaint investigation checklist. The checklist shall be created by the AV DOJ Compliance Unit and utilized during the WCSCRs investigation. This checklist should detail the requirements of the AV Agreement and the compliance metrics. Additionally, Department policy requirements should be added as necessary. This checklist should be available to both AV Stations and required for each WCSCR investigation. It should remain attached to the investigation package and be evaluated during the management review and oversight process.

- b) **Interviews Conducted Separately:** It is recommended all investigative interviews be conducted separately. 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 also recommended the investigators document the interviews were conducted separately.

- c) **Interview Complainant in Person:** It is recommended when conducting WCSCR investigations, the interview with the complainant 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 1(a).
- e) **Additional Interviews Conducted as Needed:** It is recommended additional interviews be conducted to ensure 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.
- j) **Collect All Evidence:** It is recommended investigators ensure all evidence is collected and is sufficient and relevant to formulate logical conclusions. It is also recommended that the collection, organization, and review of all evidence is documented on the complaint investigation checklist recommended in Objective 1(a).
- k) **Thoroughness of Investigation:** It is recommended Department management periodically review investigations, midstream, to ensure they appear to be comprehensive. This review should be documented in the database recommended in Objective 2(d), and available upon request to AAB's Audit Follow-Up Team for evaluation.

Objective No. 2 – Management Review and Oversight

- b) **Deputy Statement Given Preference:** 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, and the adjudication should reflect such.

It is recommended Field Operations Support Services revise the Service Comment Review investigation format, which is documented on the 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.

- c) **Preponderance of Evidence:** It is recommended the Department require supervisors to specifically address significant allegations in the complaint by considering the preponderance of the evidence standard. This will ensure the credible evidence obtained will more than likely support the determination and outcome.
- d) **Timeliness of Adjudication:** 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 investigations are thorough and complete prior to submission to the Unit Commander. It is also recommended 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.
- f) **Recordation of Non-Critical Information on the Results of Service Comment Review Form:** 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 operations staff.

Lastly, it is recommended 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.

FOLLOW-UP INSPECTION

Upon completion of this audit, the AAB will conduct a follow-up inspection within 90 days after distributing the final audit report to the pertinent executives and bureaus. This follow-up inspection ensures management is responsive to the audit recommendations. The intent is to evaluate the implementation status of the recommendations and verify if the auditee has made the necessary improvements. Proof of corrective action will be assessed through the examination of new directives, amended unit orders, and various documentation, including but not limited to training records, APIS rosters, and recurrent briefings. 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

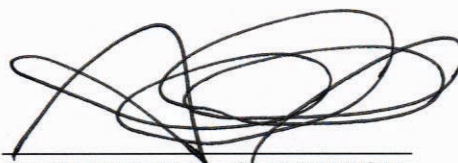
- Performance Recording and Monitoring System (PRMS)
- Station/Bureau Administration Portal (SBAP)
- LASD.Evidence.com

REFERENCES

- Administrative Investigations Handbook (October 2005)
- Antelope Valley Monitoring Team Monitor's Second Audit of Community Complaints (December 2020)
- Antelope Valley Settlement Agreement Compliance Metrics (October 2019)
- Manual of Policy and Procedures Sections:
 - 3-04/010.05, Procedures for Department Service Reviews (December 2013)
 - 3-04/010.25, Personnel Complaints (October 2014)
- Service Comment Report Handbook (June 2011)
- United States Department of Justice – Los Angeles County Sheriff's Department Antelope Valley Settlement Agreement, Case Number CV 15- 03174 (April 2015)

Views of Responsible Officials

On April 11, 2024, the AV Station command staff submitted a formal response to the AAB concurring with the audit results. The AAB presented the final audit report to the Division Director, Office of Constitutional Policing.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

GEOFFREY N. CHADWICK

Captain

Audit and Accountability Bureau

Los Angeles County Sheriff's Department