LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

AUDIT AND ACCOUNTABILITY BUREAU

Public Complaints Audit

Investigation and Management Review / Oversight of Public Complaints
Antelope Valley Stations
Project No. 2024-25-A

Robert G. Luna, Sheriff

2024

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. 2024-25-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[1] (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 Stations (AV Stations). Each of the three audits addressed different requirements of the 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 Agreement requirements.

The AAB evaluated all the objectives in each audit, which were conducted as indicated in Table No. 1 below.

Table No. 1 – Part III Projected Due Dates and Population 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. 2024-25-A	July 9, 2024	January 1, 2024, to March 31, 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 Agreement Compliance Metrics (compliance metrics) provided by the AV DOJ Compliance Unit (Compliance Unit), along with additional direction provided by the AV Monitoring Team (MT).

Audit Population and Sampling

To ensure the most recently initiated Watch Commander's Service Comment Report (WCSCR) investigations were reviewed for this Public Complaints Audit, the auditors evaluated the time period of January 1, 2024, to March 31, 2024. The population consisted of all WCSCR investigations for complaints investigated by the AV Stations during the audit time period. For this audit, the auditors reviewed all the completed WCSCR investigations. The WCSCR investigations were considered completed upon review and approval by the North Patrol Division (Division).

For the audit time period, a total of 63 WCSCR investigations pertaining to the AV Stations were identified through the Performance Recording and Monitoring System (PRMS),[2] Service Comment Module. Thirty-eight investigations pertained to Palmdale Station and 25 investigations pertained to Lancaster Station. Per the proposed draft Service Comment Report (SCR) Handbook[3], the Division has 90 days to approve a WCSCR investigation and submit it to the Discovery Unit. Based on this SCR Handbook provision, only 29 of the 63 investigations were required to have been completed by May 15, 2024, which was the date the audit population was extracted from PRMS. Of the 29 WCSCR investigations, 18 investigations pertained to Palmdale Station and 11 pertained to Lancaster Station.

As of May 15, 2024, four (22%) of the 18 WCSCR investigations for complaints investigated by Palmdale Station during the audit time period were completed. These four investigations were reviewed for this audit. However, the remaining 14 investigations were not completed. The 14 WCSCR investigations should have been completed between April 2024, to May 2024. As of July 1, 2024, two of the 14 WCSCR investigations were completed. The remaining 12 WCSCR investigations were with the Division pending approval.

As of May 15, 2024, the 11 WCSCR investigations for complaints investigated by Lancaster Station during the audit time period were not completed. As a result, Lancaster Station did not comply with the Agreement. The 11 WCSCR investigations should have been completed between April 2024, to May 2024. As of July 16, 2024, one of the 11 WCSCR investigations was completed. However, the remaining ten investigations were not completed. Five of the ten WCSCR investigations were with the investigator, two investigations were with Operations, and three investigations were with the Unit Commander.

[2] The PRMS is a web-based application that systematically records data relevant to incidents involving Uses of Force, Shootings, and Commendations/Complaints regarding Sheriff's Department personnel. In addition, PRMS tracks the progress of Administrative Investigations, Civil Claims & Lawsuits, Discovery Motions, Employee Commendations, Preventable Traffic Collisions, Custody Complaints, and Special Conditions that the Department handles.
[3] Proposed draft SCR Handbook, revised 08/01/2022.

AUDIT OBJECTIVES

This 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 were measured against the compliance metrics.

Summary of Findings

For the Public Complaints Audit, the AV Stations were evaluated separately for each sub-objective. The results are combined to determine if they complied with the compliance metrics. During the audit period, Lancaster Station did not complete any WCSCR investigations. As a result, Lancaster Station could not be evaluated for this audit, and received a 0% compliance rate for all sub-objectives. The auditors were able to evaluate Palmdale Station for this audit.

The combined compliance rate for the AV Stations was calculated as if a total of eight WCSCR investigations were reviewed. Four WCSCR investigations were reviewed for Palmdale Station and, for consistency, four were considered as potentially reviewable for Lancaster Station. Table No. 2 on the following page indicates the audit findings based on the AV Stations' compliance and the compliance metrics. The combined AV Total indicates the AV Stations did not meet the compliance metrics for any of the applicable sub-objectives.

Table No. 2 – Summary of Compliance Metrics Findings

Objective No.	Audit Objectives	Lancaster %	Palmdale %	AV Total	Compliance Metrics %
1	**INVESTIGATION OF COMPLAINTS**				
1(a)	*Identify Everyone at the Scene of the WCSCR-Related Incident*	0%	25%	13%	85%
1(b)	*Interviews Conducted Separately*	0%	100%	50%	85%
1(c)	*Interview Complainant In-Person*	0%	25%	13%	85%
1(d)	*Witness Interview Requirements*	0%	100%	50%	85%
1(e)[4]	*Additional Interviews Conducted as Needed*	0%	N/A[5]	N/A[5]	85%
1(f)	*Limited English Proficiency (LEP)*	0%	N/A[6]	N/A[6]	85%
1(g)[4]	*Material Inconsistency Identified and Explained When Possible*	0%	N/A[7]	N/A[7]	85%
1(h)	*Record Entire Interviews*	0%	75%	38%	92%
1(i)	*Uninvolved Investigator*	0%	100%	50%	90%
1(j)	*Collect All Evidence*	0%	75%	38%	95%
1(k)	*Thoroughness of Investigation*	0%	75%	38%	92%
2	**MANAGEMENT REVIEW AND OVERSIGHT**				
2(a)	*Statement Discarded Due to Criminal History*	0%	100%	50%	85%
2(b)	*Deputy Statement Given Preference*	0%	100%	50%	85%
2(c)	*Preponderance of Evidence*	0%	75%	38%	95%
2(d)	*Timeliness of Adjudication*	0%	25%[8] 50%[9]	13%[8] 25%[9]	N/A
2(e)[4]	*Recordation of Critical Information on the Results of Service Comment Review Form*	0%	75%	38%	95%
2(f)	*Recordation of Non-Critical Information on the Results of Service Comment Review Form*	0%	50%	25%	80%
2(g)	*Recordation of Critical WCSCR Investigation Information in PRMS*	0%	100%	50%	95%
2(h)	*Recordation of Non-Critical WCSCR Investigation Information in PRMS*	0%	100%	50%	80%

[4] The methodology used to audit the sub-objective in the first audit (2024-6-A) has changed from the methodology used in the second audit (2024-17-A) and this current audit.
[5] Not applicable. Additional interviews were not needed for the WCSCR investigations reviewed.
[6] Not applicable. No LEP complainant or witness was noted in the WCSCR investigations reviewed for the AV Stations.
[7] Not applicable. No material inconsistencies were noted in the WCSCR investigations reviewed for AV Stations.
[8] The compliance rate in which the investigations were submitted to the Division within the required timeframe.
[9] The compliance rate in which the investigations were submitted to the Discovery Unit within the required timeframe.

Detailed Findings

This report will provide detailed information on the findings noted during the audit for all sub-objectives.

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:

> 3. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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: …*
>
> 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

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 Body-Worn Camera (BWC)[10] recordings, nine audio recordings, and nine images) obtained from LASD.Evidence.com[11] to determine whether investigators identified and documented all persons at the scene of the incident.

[10] The BWC is a device worn by a Department member. The device captures/records video and audio of Department member's contact with the public and allows an event to be saved as a digital file.
[11] LASD.Evidence.com is the Department's digital evidence management system.

Specifically, the auditors reviewed the Reporting Party, Involved Employee, Civilian Witness, and Employee Witness information sections of the WCSCR and the Service Comment Review for each of the investigations reviewed and compared them to the corresponding BWC recordings, audio recordings, and images, as well as the narrative portion of the Service Comment Review to ensure all persons at the scene of the incident were identified.

The auditors also verified investigators identified all deputies and witnesses that were at the scene but asserted they did not witness and were not involved in the incident. If such assertions appeared unsupported by the evidence, the auditors evaluated if the investigator conducted further investigation into the assertion(s).

To meet the criteria for this sub-objective, all reporting parties, involved employees, and civilian and employee witnesses must be listed as such in the corresponding sections in the WCSCR and Service Comment Review. In addition, a detailed justification needs to be documented in the Service Comment Review as to why any individuals present at the scene of the incident could not be or were not identified.

Findings

For the combined AV Stations, one (13%) of the eight WCSCR investigations met the criteria for this objective because everyone at the scene was properly identified.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, out of the four WCSCR investigations reviewed, one (25%) investigation met the criteria for this objective because all individuals at the scene were properly identified. The remaining three (75%) investigations did not meet the criteria for this objective because not everyone present at the scene of the incident was identified.

Specifically:

P-2[12]: Deputy personnel responded to a public intoxication call for service. Per the BWC recordings, a deputy contacted the complainant who was intoxicated and had blood around her mouth. The deputy asked the complainant about the blood around her mouth and if she needed medical assistance. The complainant declined medical treatment and was unable to articulate what happened or why she was at the location. In addition, the security officer (informant), can be seen standing by the deputies as they are interacting with the complainant during the call for service. Ultimately, the deputies arrested her for public intoxication and transported her to Palmdale Station.

[12] P refers to Palmdale Station. The number represents the sample being referred to of the four WCSCR investigations reviewed for Palmdale Station.

While at Palmdale Station, the complainant alleged deputies punched her in the face. During the watch commander interview, the complainant stated the deputies punched her in the face and injured her wrists. The watch commander noted "injuries beneath her lips and loose teeth," but the complainant could not recall the details of her arrest. The watch commander conducted an investigation and determined there was no evidence the deputies used force on the complainant. The BWC recordings confirmed the complainant sustained her injuries prior to the deputies contacting the complainant.

Although the watch commander attempted to contact the informant, he was not listed as a witness on the Civilian Witness information section of the WCSCR and Service Comment Review.

In addition, the auditors identified another potential witness when reviewing the BWC recordings. A custody assistant (CA) was present when the deputies arrived and escorted the complainant into a sobering cell at Palmdale Station. Per BWC recordings, the CA can be heard asking what happened to the complainant's lip, confirming that the injuries were obtained prior to arriving at Palmdale Station. In addition, the CA witnessed the conduct of the deputies as the complainant was escorted to the cell and noted the complainant had injuries to her face. His statement could have supported the fact the complainant did not obtain injuries while at Palmdale Station. As a result, the CA should have been listed as a witness on the witness information section of the WCSCR and Service Comment Review.

P-3: During a family disturbance call for service, the complainant alleged a deputy was rude and disrespectful throughout the call for service, spoke to her foster child without permission, and had the child improperly removed from her home. Per the BWC recording, an additional deputy, two LASD Mental Evaluation Team members, as well as five of the complainant's children were present during the deputy's interaction with the complainant. They should have been listed as witnesses on the witness information section of the WCSCR and Service Comment Review.

P-4: During a keep the peace call for service, the complainant alleged the deputy stood by and did not intervene as two employees from a heating and air company damaged the complainant's home while removing a heater. Per the BWC recordings, an employee of the heating and air company was present at the time of the incident. He should have been listed as a witness on the witness information section of the WCSCR and Service Comment Review.

P-2, P-3, and P-4 were not conducted by the same supervisors, the WCSCR investigations did not involve the same deputies, and no pattern was noted.

Recommendations

It is recommended investigators make a concerted effort to identify everyone involved in the WCSCR-related incident. It is also recommended the proper identification of all individuals at the incident scene be documented on a complaint investigation checklist. This checklist should be created by the Compliance Unit and utilized during the WCSCR investigation. It should detail the requirements of the 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:

> 3. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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.*

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether all interviews (i.e., complainants, involved deputies, and civilian and deputy witnesses) were conducted separately.

Specifically, the auditors reviewed the five complainant interview recordings and the one civilian witness interview recording for each of the investigations reviewed and determined if any other involved individuals, including deputy witnesses, were present during the interview. The auditors also reviewed the six involved deputy statements and the three deputy witness statements obtained from the corresponding Service Comment Review for each of the investigations reviewed and verified the investigator documented in the Service Comment Review if the interviews were conducted separately.

To meet the criteria for this sub-objective, all interviews must be conducted separately and documented within the investigation. In addition, a detailed justification needs to be documented in the Service Comment Review for any instances where an interview was not conducted separately. The justification should include who the individual was and why their presence during the interview was justified.

Findings

For the combined AV Stations, four (50%) of the eight WCSCR investigations met the criteria for this objective because all interviews were conducted separately.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, all four (100%) WCSCR investigations reviewed met the criteria for this objective because all interviews were conducted separately.

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to conduct all investigative interviews separately and document it in the investigation. This allows complainants, involved deputies, and all witnesses including deputy witnesses, the opportunity to speak freely and honestly about the details of the complaint and provide critical information. In instances where an involved individual, including witnesses, is present during an interview, a detailed justification needs to be documented in the Service Comment Review. The justification should include who the individual was and why their presence during the interview was justified. It is also recommended the investigative interviews are documented on the complaint investigation checklist recommended in Objective 1(a).

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:

> 3. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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: …*
>
> 2. *Each complainant is interviewed in-person, when practical, and the investigation identifies the reason when it is not.*

The MT and DOJ have agreed the investigator may rely on the complainant's recorded intake interview provided it was thorough and addressed all the issues.

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether the complainant was interviewed in-person when practical, or if the investigator provided the reason when it was not practical.

Specifically, the auditors reviewed all five of the complainant interview recordings for each of the investigations reviewed and determined if each interview was conducted in-person. The auditors also reviewed the corresponding Service Comment Review for each of the investigations reviewed to determine if the investigator documented if the complainant was interviewed in-person when practical, or why it was not practical to interview the complainant in-person.

To meet the criteria for this sub-objective, all complainant interviews must be conducted in-person, when practical. If the investigator asks the complainant if the interview can be conducted in-person and the complainant declines, this serves as justification for not conducting an in-person interview. The investigator must document the reason why it was not practical to conduct an in-person interview in the Service Comment Review. Per the MT, it is not sufficient for an investigator to only state that it was "impractical" to interview the complainant in-person. Why the investigator considered it impractical to interview the complainant in-person needs to be documented in the Service Comment Review.

Findings

For the combined AV Stations, one (13%) of the eight WCSCR investigations met the criteria for this objective because the complainant was interviewed in-person.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, out of the four WCSCR investigations reviewed, one (25%) investigation met the criteria for this objective because the complainant was interviewed in-person. The remaining three (75%) investigations did not meet the criteria for this objective because of the lack of documented justification for not conducting in-person interviews.

Specifically:

P-1, P-3, and P-4: The investigator interviewed the complainant via telephone and documented in the Service Comment Review that it was impractical to conduct the interview in-person but did not document why it was impractical.

P-1 and P-4 were handled by the same supervisor, but the complaints P-1, P-3, and P-4 involved different deputies.

Recommendations

When conducting WCSCR investigations, the interview with the complainant must be conducted in-person. Meeting with the complainant in-person allows them to feel “heard” and promotes the Department’s efforts to fully engage 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 the reason it was impractical. In addition, the complainant should be asked if the interview can be conducted in-person and if they decline, this serves as justification for not conducting in-person interview. It is recommended the justification as to why an interview was not conducted in-person be documented on the complaint investigation checklist recommended in Objective 1(a).

Objective No. 1(d) – Witness Interview Requirements

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (4) states:

> 3. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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: …*
>
> 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*.

Per the MT, if a witness played a minor role in the complaint and BWC recording is available, there is considerable latitude regarding if the witness needed to be interviewed.

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether Department witnesses provided a written statement or were interviewed in-person, or whether non-department witnesses provided a written statement or were interviewed in-person or by phone.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed, including incident reports, supplemental reports, and booking packets to identify all witnesses. The auditors also reviewed all available BWC recordings. In addition, the auditors reviewed five complainant interview recordings and one civilian witness interview recording. Furthermore, the auditors reviewed six involved deputy statements and three deputy witness statements. The auditors verified if written statements or interview recordings were available for all Department and non-Department witnesses. If not, the auditors determined if the witness played a minor role in the complaint and BWC recording was available to support what occurred at the incident. Therefore, a statement or interview from that witness was not required.

To meet the criteria for this sub-objective, written statements or interview recordings must be available for all Department and non-department witnesses that played a major role in the complaint. For all witnesses that played a minor role in the complaint, a written statement or interview recording is not required if BWC recording is available to support what occurred at the incident. However, a detailed justification should be documented in the Service Comment Review explaining why these witnesses were considered to have played a minor role in the complaint and, therefore, a written statement or interview recording was not obtained.

Findings

During the review, the auditors noted for two of the four WCSCR investigations reviewed for Palmdale Station, written statements were not obtained, or interviews were not conducted for all witnesses. However, based on the review of all available materials, the auditors determined written statements or interviews were not required because BWC recording was available to support what occurred at the incident that resulted in a complaint.

For the combined AV Stations, four (50%) of the eight WCSCR investigations met the criteria for this objective because written statements or interview recordings were available for all Department and non-department witnesses that played a major role in the complaint. For witnesses that played a minor role in the complaint, BWC recording was available to support what occurred at the incident.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, all four (100%) WCSCR investigations reviewed met the criteria for this objective because written statements or interview recordings were available for all Department and non-department witnesses that played a major role in the complaint. For witnesses that played a minor role in the complaint, BWC recording was available to support what occurred at the incident.

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to obtain written statements or conduct interviews of all the Department and non-department witnesses. Written statements and interviews are evidence that solicit the necessary details to aid the investigation. The independent account of every witness should be documented and analyzed. This will ensure that a complete picture of what occurred during the incident is captured. To sustain and improve the thoroughness of investigations, it is recommended that Department supervisors seek to identify all witnesses to afford each person the opportunity to provide necessary information.

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. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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: …*
>
> 3. *Investigators conduct additional interviews as necessary to reach reliable and complete findings.*

Procedures

The methodology used to audit this sub-objective in the first audit (2024-6-A) has changed compared to the second audit (2024-17-A) and this current audit. The current methodology was also implemented in the latest Public Complaints Audit (2023-5-A) conducted in 2023.

In the first Public Complaints Audit (2024-6-A), the AV Stations complied with the Agreement if additional interviews were not required or if additional interviews were necessary and were conducted by the investigator. However, in the second audit (2024-17-A), this current audit, and the 2023 Public Complaints Audit (2023-5-A), compliance with the Agreement was determined based on whether additional interviews were necessary to reach reliable and complete findings and were conducted by the investigator. If no further interviews were necessary, the criteria did not apply.

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether it was necessary for the investigator to conduct additional interviews to reach reliable and complete findings for each of the reviewed.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed, including incident reports, supplemental reports, and booking packets to determine if it was documented that additional interviews were required and conducted. The auditors also reviewed all available BWC recordings, five complainant interview recordings, one civilian witness interview recording, as well as the six involved deputy statements and three deputy witness statements to determine if the investigator had conducted additional interviews with any of those individuals because further information was needed to reach reliable and complete findings.

To meet the criteria for this sub-objective, additional interviews deemed to be necessary must be conducted to ensure the investigations are thorough and complete, and the investigators reach reliable and supported findings.

Findings

For the AV Stations combined, the investigators did not need to conduct additional interviews to reach reliable and complete findings. As a result, the AV Station compliance rate is "N/A", as the criteria did not apply to this objective.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, it was not necessary for the investigator to conduct additional interviews to reach reliable and complete findings for each of the four WCSCR investigations reviewed. As a result, the compliance rate for Palmdale Station is "N/A", as the criteria did not apply to this objective.

Recommendations

Although for this audit the criteria did not apply to this sub-objective, Palmdale Station should always conduct and document the additional interviews needed to ensure that all the necessary information is collected and supported by sufficient and reliable sources. This would help ensure the investigations are thorough and complete. 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. It is also recommended the need for additional interviews is documented on the complaint investigation checklist recommended in Objective 1(a).

Objective No. 1(f) – Limited English Proficiency

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (6) states:

> 3. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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: …*
>
> 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.*

Per the MT, in cases involving witnesses, if the witness played a minor role in the complaint, there is considerable latitude regarding using an interpreter associated with the underlying complaint. However, an interpreter not involved in the underlying complaint shall be employed to obtain statements or interview any LEP complainant and all material witnesses.

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether an interpreter, not involved in the underlying complaint, was utilized to obtain a statement, or interview an LEP complainant or a material witness.

Specifically, the auditors reviewed the five complainant interview recordings and the one civilian witness interview recording for each of the investigation reviewed and determined if any of the complainants or witnesses needed an interpreter. If so, the auditors determined if an interpreter not involved in the underlying complaint was utilized to obtain a statement or interview all LEP complainants and material witnesses.

To meet the criteria for this sub-objective, an interpreter must be provided for all LEP complainants and witnesses. An interpreter not involved with the complaint must obtain a statement or interview all LEP complainants and material witnesses. For LEP witnesses that played a minor role in the complaint, a supervisor involved with the complaint may be used. However, a detailed justification needs to be documented in the Service Comment Review as to why a supervisor involved with the complaint was utilized.

Findings

For the AV Stations combined, no complainants or witnesses related to the WCSCR investigations reviewed required an interpreter. As a result, the AV Station compliance rate is “N/A”, as the criteria did not apply to this objective.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, an interpreter was not required by any of the complainants or witnesses for any of the four WCSCR investigations reviewed. As a result, the compliance rate for Palmdale Station is “N/A”, as the criteria did not apply to this objective.

Recommendations

Although for this audit the criteria did not apply to this sub-objective, Palmdale Station should ensure interpreters are always available to obtain a statement or interview all LEP complainants and witnesses. This will help ensure the complainants and witnesses understand the individual interviewing them and they can express themselves more freely and accurately. An interpreter not involved in the underlying complaint shall be utilized to obtain a statement or interview any LEP complainant and all material witnesses. In addition, a detailed justification needs to be documented in the Service Comment Review when a supervisor involved with the complaint was utilized to obtain a statement or interview witnesses that played a minor role in the complaint. It is also recommended the use of an interpreter is documented on the complaint investigation checklist recommended in Objective 1(a).

Objective No. 1(g) – Material Inconsistency Identified and Explained When Possible

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (9) states:

> 3. *LASD will be deemed in substantial outcomes compliance when: …*
>
> 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: …*
>
> 9. *When a personnel complaint investigation contains material inconsistencies between witness statements, efforts to resolve those inconsistencies are documented.*

Per the MT, all material inconsistencies are to be identified and not be limited to conflicting witness statements, as required by compliance metrics. These inconsistencies may include conflicting statements between the complainant, involved deputies, and/or witnesses, as well as conflicting information noted between BWC recordings and investigative documentation.

Procedures

The methodology used to audit this sub-objective in the first audit (2024-6-A) has changed compared to the second audit (2024-17-A) and this current audit.

In the first Public Complaints Audit (2024-6-A), the AV Stations complied with the Agreement if the investigator addressed each allegation in the Service Comment Review and documented inconsistencies between the complainants' and the involved deputies' account regarding the specific allegations made. Per the MT, different accounts of the allegations are not considered material inconsistencies.

Based on the discussion with the MT, the auditors changed the methodology used in the second audit (2024-17-A) and this current audit. The AV Stations now complied with the Agreement if the investigator identified material inconsistencies that may affect the outcome of the investigation. For example, per the MT, if the incident occurred outside and a witness stated it was raining and another witness stated it was not raining, then this would be a material inconsistency that needed to be identified and explained as it may have influenced the results of the investigation.

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether the investigations contained material inconsistencies and efforts to resolve any inconsistencies were documented.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed, including incident reports, supplemental reports, and booking packets. The auditors also reviewed all available BWC recordings. In addition, the auditors reviewed five complainant interview recordings and one civilian witness interview recording. Furthermore, the auditors reviewed six involved deputy statements and three deputy witness statements. The auditors verified when an investigation contains material inconsistencies between the complainant, involved deputies, and/or witness statements, as well as between the BWC recordings and investigative documentation, efforts to resolve those inconsistencies were documented.

To meet the criteria for this sub-objective, all material inconsistencies must be noted and efforts to resolve the inconsistencies documented in the Service Comment Review.

Findings

For the AV Stations combined, the supervising investigators as well as the auditors did not identify any material inconsistencies among the complainant, involved deputy, and/or witness statements for the WCSCR investigations reviewed. Material inconsistencies were also not noted among the BWC recordings or investigative documentation. As a result, the AV Station compliance rate is “N/A”, as the criteria did not apply to this objective.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, material inconsistencies were not identified among the complainant, involved deputy, and/or witness statements as well as among the BWC recordings and investigative documentation for each of the WCSCR investigations reviewed. As a result, the compliance rate for Palmdale Station is “N/A”, as the criteria did not apply to this objective.

Recommendations

Although for this audit the criteria did not apply to this sub-objective, Palmdale Station should always ensure any material inconsistencies are identified and documented in the Service Comment Review. This will help obtain a true representation of what occurred, assist in conducting a complete and thorough investigation, and reaching reliable and complete findings. It is also recommended any material inconsistencies are documented on the complaint investigation checklist recommended in Objective 1(a).

Objective No. 1(h) – Record Entire Interviews

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 recommended compliance standard.

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether complainant interviews were recorded in their entirety.

Specifically, the auditors reviewed the five complainant interview recordings for each of the investigations reviewed and determined if each interview was recorded in its entirety. For any interviews that were not recorded in their entirety, the auditors would review the Service Comment Review to determine if the investigator documented why the complainant's interview was not recorded in its entirety.

To meet the criteria for this sub-objective, all complainant interviews must be recorded in their entirety. If not, the investigator must provide a detailed justification in the Service Comment Review as to why the complainant interview was not recorded in its entirety.

Findings

For the AV Stations combined, three (38%) of the eight WCSCR investigations met the criteria for this objective because all complainant interviews were recorded in their entirety.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations reviewed, three (75%) investigations met the criteria for this objective because all complainant interviews were recorded in their entirety. The remaining one (25%) investigation did not meet the criteria for this objective because the complainant interview was not recorded in its entirety, and the reason for not doing so was not documented.

Specifically:

P-1: During an assault with a deadly weapon call for service, the complainant alleged the deputy was rude and used profanity. The complainant also stated the deputy arrested her without being read her Miranda rights or given the opportunity to present her side of the story. She also alleged the deputy denied her request to speak to a supervisor. The incident occurred in February 2020. However, the complainant called Palmdale Station to make the complaint in January 2024. The complainant stated she waited a long time to make the complaint because the incident did not sit well with her. She hoped the complaint would bring attention to the deputy's unprofessionalism and aid in his termination.

The auditors determined the investigator conducted a thorough interview and gathered all the required information to complete the WCSCR. During the telephone call interview, the investigator informed the complainant he was going to put the call on hold, but then the call ended. A justification as to why the call ended was not documented in the Service Comment Review. In addition, the auditors were unable to locate a follow-up call to the complainant.

Recommendations

It is imperative Department members make concerted efforts to record interviews in their entirety or provide a detailed justification in the Service Comment Review as to why the complainant interview was not recorded in its entirety. It is recommended the Department conduct recurrent briefings with investigators to emphasize the importance of recording complainant interviews in their entirety and documenting the reason in their investigation for not recording the interview in its entirety. It is also recommended the recording of interviews in their entirety be documented on the complaint investigation checklist recommended in Objective 1(a).

Objective No. 1(i) – Uninvolved Investigator

Criteria

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

3. *LASD will be deemed in substantial **outcomes compliance** when: ...*

    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.*

Per the MT, for complaints that are egregious, an uninvolved supervisor shall complete the investigation.

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether supervisors that were not involved in the incident and/or did not authorize the conduct that led to the complaint completed the investigations. For the WCSCR investigations when the investigating supervisor was involved in the incident, and/or authorized the conduct that led to the complaint, the auditors verified if sufficient documented justification was provided as to why the supervisor investigated the incident.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed, including incident reports, supplemental reports, and booking packets. The auditors also reviewed all available BWC recordings. In addition, the auditors reviewed the five complainant interview recordings and the one civilian witness interview recording. Furthermore, the auditors reviewed six involved deputy statements and three deputy witness statements. The auditors verified if the supervisor that completed the investigation was not involved in the incident in any way. If the supervisor was involved in the incident, the auditors verified if a documented reason was provided and if it was sufficient to justify the supervisor completing the investigation.

To meet the criteria for this sub-objective, complaints that are egregious cannot be completed by a supervisor involved in the incident. In other instances, a detailed justification must be documented in the Service Comment Review justifying why the supervisor involved in the incident completed the investigation.

Findings

For the AV Stations combined, four (50%) of the eight WCSCR investigations met the criteria for this objective because the investigating supervisor was not involved in the incident, and/or did not authorize the conduct that led to the complaint.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, all four (100%) of the WCSCR investigations met the criteria for this objective because the investigating supervisor who completed the investigation was not involved in the incident, and/or did not authorize the conduct that led to the complaint.

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to ensure supervisors who were not involved in the incident and/or did not authorize the conduct which led to the complaint, complete the investigations. This practice will ensure the investigations are completed in an objective, impartial manner, eliminating the appearance of bias. In addition, consideration of a different perspective by an uninvolved supervisor can aid the investigation and determine critical details not otherwise identified by an involved investigator. Instances where a supervising investigator who was involved in the incident and/or authorized the conduct which led to the complaint completes the investigation, a detailed justification needs to be documented as to why this was necessary. However, for complaints that are egregious, an uninvolved supervisor must complete the investigation. It is also recommended the use of an uninvolved supervisor be documented on the complaint investigation checklist recommended in Objective 1(a).

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:

3. *LASD will be deemed in substantial **outcomes compliance** when: …*

    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

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether all relevant evidence was considered, and credibility determinations were made based upon that evidence.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed, including incident reports, supplemental reports, and booking packets. The auditors also reviewed all available BWC recordings. In addition, the auditors reviewed the five complainant interview recordings and the one civilian witness interview recording. Furthermore, the auditors reviewed six involved deputy statements and three deputy witness statements. The auditors verified there was evidence to support each determination made.

To meet the criteria for this sub-objective, determinations must be made based on and supported by all relevant evidence.

Findings

For the AV Stations combined, three (38%) of the eight WCSCR investigations met the criteria for this objective because all relevant evidence was considered, and credibility determinations were made based upon that evidence.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations reviewed, three (75%) investigations met the criteria for this objective because all relevant evidence was considered, and credibility determinations were made based upon that evidence. The remaining one (25%) investigation did not meet the criteria for this objective because not all available evidence was gathered and considered.

Specifically:

P-2: During the intake interview, the complainant alleged the deputies punched her in the face and injured her wrists. The investigator did not obtain statements from the deputies or the employee witness regarding the alleged wrist injuries. The allegation regarding injuries to the complainant's wrists was not addressed in the WCSCR or Service Comment Review.

Recommendations

While conducting WCSCR investigations, the investigator must ensure all evidence collected is sufficient and relevant to formulate and support logical conclusions. All relevant BWC recordings and audio recordings must be reviewed to ensure all allegations are addressed on the WCSCR and the Service Comment Review. It is recommended the collection, organization, and review of all evidence be 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:

3. *LASD will be deemed in substantial* ***outcomes compliance*** *when:*

   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

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether the complaint investigations, when viewed as a whole, are as thorough as necessary to reach reliable and complete findings.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed, including incident reports, supplemental reports, and booking packets. The auditors also reviewed all available BWC recordings. In addition, the auditors reviewed five complainant interview recordings and one civilian witness interview recording. Furthermore, the auditors reviewed six involved deputy statements and three deputy witness statements. The auditors determined if the WCSCR investigations were thoroughly reviewed resulting in each allegation being addressed and appropriately adjudicated.

The auditors also assessed the appropriateness of any corrective action[13] taken when the disposition of the WCSCR investigation on the Result of Service Comment Review was classified as "Employee Conduct Should Have Been Different", which is a sustained complaint. However, based on the dispositions on the Result of Service Comment Reviews of the four WCSCR investigations reviewed as well as the auditor's own evaluation of the WCSCR investigation packets and corresponding BWC recordings and audio recordings, the auditors concluded none of the four WCSCR investigations reviewed for this audit were or should have been classified as such.

[13] Corrective action identifies the root cause in an incident, or a series of incidents, and describes what actions the Department has taken, or will take to mitigate the risk of a similar future incident.

To meet the criteria for this sub-objective, the WCSCR investigation packets as well as the corresponding supporting documentation and additional relevant materials must be thoroughly reviewed, and all allegations must be addressed and appropriately adjudicated.

Findings

For the AV Stations combined, three (38%) of the eight WCSCR investigations met the criteria for this objective because the complaint investigations were as thorough as necessary to reach reliable and complete findings.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations reviewed, three (75%) investigations met the criteria for this objective because the complaint investigations were as thorough as necessary to reach reliable and complete findings. The remaining one (25%) investigation did not meet the criteria for this objective because the investigation was not thorough enough.

Specifically:

P-2: The auditors noted, although the complainant declined medical assistance, the arresting deputies should have obtained a medical clearance. The auditors also noted the investigator did not seek immediate medical assistance for the complainant after hearing her statements and observing her injuries. This should have been prioritized by the investigator. In addition, the question on the Arrestee Medical Screening Form regarding if the arrestee appears to have any injuries or medical problems, was answered “No” by one of the arresting deputies. Furthermore, the allegation the deputies caused injuries to the complainant’s wrists was not addressed in the WCSCR or the Service Comment Review. The necessary evidence should have been collected to thoroughly investigate this allegation and reach a reliable conclusion.

Recommendations

Investigators must conduct a thorough investigation, considering all related evidence, including but not limited to booking paperwork, crime and supplemental reports, and BWC recordings. This will enable investigators to make informed decisions and recommendations based on facts and evidence. In addition, special care must be taken regarding investigating allegations of force and/or misconduct regarding Department members. Per Manual of Policy and Procedures, Section 3-10/108.00, Allegation of Misconduct (June 2012), the supervisor conducting the inquiry shall adhere to the investigative guidelines established for Service Comment Reports, which include thoroughly interviewing the complainant, recording the interview, collecting evidence, taking photographs, obtaining medical treatment, and documenting any alleged injuries.

Objective No. 2 – Management Review and Oversight

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

Objective No. 2(a) – Statement Discarded Due to Criminal History

Criteria

Antelope Valley Settlement Agreement Compliance Metrics, Personnel Complaints, Investigation, Paragraphs 131 (partial), 133, 134, 135, 136 & 137 (October 2019), Section 3B (8) states:

> 3. *LASD will be deemed in substantial **outcomes compliance** when: …*
>
> 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: …*
>
> 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

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether witness statements were disregarded merely because they had a connection to the complainant or due to criminal history.

Specifically, the auditors reviewed the five complainant interview recordings and one civilian witness interview recording. In addition, auditors reviewed six involved deputy statements and three deputy witness statements, as well as all available corresponding documentation and BWC recordings. The auditors verified the supervising investigators did not disregard a witness statement merely because the witness had a connection to the complainant or due to criminal history.

To meet the criteria for this sub-objective, objective and thorough investigations must be completed by reviewing all available evidence and not disregard a witness statement merely because the witness had a connection to the complainant or due to criminal history.

Findings

During the review, the auditors noted that for two of the four WCSCR investigations reviewed for Palmdale Station, there were no civilian witnesses. As a result, the two investigations were excluded from determining if witness statements were disregarded as the criteria did not apply. For consistency, two WCSCR investigations were considered for review from Lancaster Station. A total of four WCSCR investigations were reviewed for this objective.

For the AV Stations combined, two (50%) of the four WCSCR investigations met the criteria for this objective because witness statements were not disregarded merely because they had a connection to the complainant or due to any criminal history.

For Lancaster Station, out of the two WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, both (100%) of the two WCSCR investigations reviewed met the criteria for this objective because the witness statements were not disregarded merely because the witness has some connection to the complainant or due to any criminal history.

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the two WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to treat all statements made by witnesses as valid and unbiased, regardless of the individual's connection to the complainant or criminal record. To uphold the fairness and integrity of the public complaints process, it is imperative investigations are conducted objectively and without any bias that may influence the decision-making of the investigator.

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:

3. *LASD will be deemed in substantial **outcomes compliance** when: …*

   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: …*

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

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether automatic preference was given to a deputy's statement over a non-deputy's statement.

Specifically, auditors reviewed the five complainant interview recordings and one civilian witness interview recording. In addition, the auditors reviewed six involved deputy statements and three deputy witness statements, as well as all available corresponding documentation and BWC recordings. The auditors verified the supervising investigators were not partial to deputy statements and completed an objective and thorough investigation by reviewing all available evidence before making a determination.

To meet the criteria for this sub-objective, objective and thorough investigations must be completed by reviewing all available evidence and not giving automatic preference to deputy statements.

Findings

For the AV Stations combined, four (50%) of the eight WCSCR investigations met the criteria for this objective because automatic preference was not given to a deputy's statement over a non-deputy's statement.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, all four (100%) of the WCSCR investigations met the criteria for this objective because automatic preference was not given to a deputy's statement over a non-deputy's statement.

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to review all available statements and not give automatic preference to a deputy's statement over a non-deputy's statement. This allows for an objective review of all the complainant, involved deputy, and civilian and deputy witness statements, and a thorough and complete 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:

3. *LASD will be deemed in substantial **outcomes compliance** when: …*

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

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station as well as related audio/video files (i.e., 15 BWC recordings and nine audio recordings) obtained from LASD.Evidence.com to determine whether each significant allegation in the public complaint was adjudicated using the preponderance of evidence standard, which is the weight of credible evidence, when viewed as a whole, more likely than not, supports the determination.

Specifically, the auditors reviewed all documentation in the completed packets for each of the investigations reviewed and all available BWC recordings. The auditors also reviewed five complainant interview recordings and one civilian witness interview recording. In addition, the auditors reviewed six involved deputy statements and three deputy witness statements. The auditors verified that each allegation resulting from the auditor's review was addressed in the Service Comment Review and was appropriately adjudicated.

To meet the criteria for this sub-objective, all allegations had to be addressed in the Service Comment Review and adjudicated using the preponderance of evidence standard. A disposition must have been provided for each allegation.

Findings

For the AV Stations combined, three (38%) of the eight WCSCR investigations met the criteria for this objective because each significant allegation was adjudicated using the preponderance of evidence standard.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations reviewed, three (75%) investigations met the criteria for this objective because each significant allegation was adjudicated using the preponderance of evidence standard. The remaining one (25%) investigation did not meet the criteria for this objective because not all significant allegations were adjudicated using the preponderance of evidence standard.

Specifically:

P-2: The auditors noted that an additional allegation (complaint of pain to her wrists) made by the complainant was not investigated. A thorough review of all available evidence is necessary to ensure that all significant allegations are noted, investigated, and adjudicated using the preponderance of evidence standard. It was not noted by the Unit Commander, during their review and approval of this WCSCR investigation, that this allegation was not addressed. As a result, the WCSCR investigation was not properly reviewed. In addition, the Division Commanders did not take corrective action when the Unit Commander failed to properly review the investigation.

Recommendations

It is recommended Unit Commanders thoroughly review WCSCR investigations to adjudicate the investigations 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. 2(d) – Timeliness of Adjudication

Criteria

There are no applicable compliance metrics for sub-objective 2(d), “Timeliness of Adjudication." However, the current approved 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 to propose a 60-day timeline for submission to the Division and a 90-day timeline to the Discovery Unit. Per discussions with the MT, the auditors agreed to utilize the proposed draft SCR Handbook as the standard for evaluating the timeliness of WCSCR investigations for this audit.

Per the AV Stations, the investigator is required to complete the WCSCR investigation in 20 days and forward the investigation packet to the Unit Commander, who must then complete the review and forward the packet to the Division within 30 days.

In addition, the Division requires the AV Stations to submit monthly status reports to both the Division and the Assistant Sheriff for 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.

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station to determine whether the WCSCR investigations were adjudicated timely.

To determine whether each of the WCSCR investigations reviewed were submitted to Division within the 60-day requirement, the auditors calculated the number of days from the complaint report date to the Unit Commander’s approval date. The complaint report date was obtained from the WCSCR, and the Unit Commander’s approval date was obtained from the Results of Comment Review form.

To determine whether each of the WCSCR investigations reviewed were submitted to the Discovery Unit within the 90-day requirement, the auditors calculated the number of days from the complaint report date to the Division Commander’s approval date which was obtained from the Results of Comment Review form.

To meet the criteria for this sub-objective, the WCSCR investigations must be submitted to Division within the 60-day requirement, and to the Discovery Unit within the 90-day requirement.

The auditors also determined how long it took to review the WCSCR investigations at each level of review. After a complainant reports a complaint, a WCSCR is completed, and the investigator completes the Service Comment Review. To determine the amount of time the investigator took to complete the Service Comment Review, the auditors calculated the number of days from the complainant report date to the Service Comment Review completion date. The Service Comment Review completion date was obtained from the Service Comment Review.

The WCSCR investigation is then submitted to Operations for review. To determine the amount of time Operations Staff took to review each of the WCSCR investigations, the auditors calculated the number of days from the Service Comment Review completion date to the Operations staff review date which was obtained from the Incident Tracking Form.

The WCSCR investigation is then submitted to the Unit Commander for approval. To determine the amount of time the Unit Commander took to approve each of the WCSCR investigations, the auditors calculated the number of days from the Operations review date to the Unit Commander approval date which, as previously stated, was obtained from the Result of Service Comment Review form.

The WCSCR investigation is then submitted to the Division Aide for review. To determine the amount of time the Division Aide took to review each of the WCSCR investigations, the auditors calculated the number of days from the Unit Commander approval date to the Division Aide review date which was obtained from the Incident Tracking Form.

The WCSCR investigation is then submitted to the Division Commander for approval. To determine the amount of time the Division Commander took to approve each of the WCSCR investigations, the auditors calculated the number of days from the Division Aide review date to the Division Commander approval date which was obtained from Result of Service Comment Review form. Finally, the WCSCR investigation is then submitted to the Discovery Unit.

Findings

For the AV Stations combined, one (13%) of the eight WCSCR investigations met the criteria for this objective because the WCSCR investigation was submitted to the Division within the proposed 60-day timeline requirement. In addition, two (25%) of the WCSCR investigations were submitted to the Discovery Unit within the 90-day timeline requirement.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations reviewed, one (25%) investigation met the criteria for this objective because the WCSCR investigation was submitted to the Division within the proposed 60-day timeline. In contrast, the remaining three (75%) investigations did not meet the requirement. Additionally, two (50%) of the four WCSCR investigations were submitted to the Discovery Unit within the 90-day timeline requirement, while the other two (50%) were not.

The WCSCR investigations were approved with an average of nine days beyond the 60-day timeline requirement and an average of 13 days beyond the 90-day timeline requirement.

We also noted it took the investigators an average of eight days to complete the WCSCR investigation from the report date. Operations staff took an average of 45 days to review the investigations. The Unit Commander then completed their review in an average of 14 days.

The Division Aide took an average of 19 days to complete their review of the investigations. The Division then completed their review in an average of three days.

Significant delays were noted in the reviews conducted by Operations staff and the Division Aide.

During this audit, the following issues were noted:

P-1: The WCSCR investigation was approved by the Unit Commander 10 days beyond the 60-day timeline and by the Division 11 days beyond the 90-day timeline requirement.

We also noted it took the investigator 10 days to complete the WCSCR investigation from the date of the report. The Unit Commander took 60 days from the completion of the Service Comment Review to approve the WCSCR investigations, and the Division took 31 days from the Unit Commander's approval to finalize the WCSCR investigation.

P-2: The WCSCR investigation was approved by the Unit Commander 14 days beyond the 60-day timeline and by the Division 15 days beyond the 90-day timeline requirement.

We also noted it took the investigator six days to complete the WCSCR investigation from the date of the report. The Unit Commander took 68 days from the completion of the Service Comment Review to approve the WCSCR investigations, and the Division took 31 days from the Unit Commander's approval to finalize the WCSCR investigations.

P-3: The WCSCR investigation was approved by the Unit Commander four days beyond the 60-day timeline and the Division 14 days before the 90-day timeline requirement.

We also noted it took the investigator 16 days to complete the WCSCR investigation from the date of the report. The Unit Commander took 48 days from the completion of the Service Comment Review to approve the WCSCR investigations, and the Division took 12 days from the Unit Commander's approval to finalize the WCSCR investigation.
None of these three investigations were conducted by the same supervisor or involved the same deputies, and no patterns were identified.

Recommendations

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

In addition, it is recommended the AV Stations conduct an analysis to determine the main cause of the Operations and the Division Aide delays in completing the investigations in a timely manner. It is also recommended an internal tracker be developed to monitor the completion status of the WCSCR investigation at each level of review.

Objective No. 2(e) – Recordation of 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 3F states:

3. *LASD will be deemed in substantial **outcomes compliance** when: …*

   F. ***In at least 95%** of public complaints, critical information is recorded accurately in the Service Comment Review packet… Critical information includes all accused employees, allegations of significant misconduct, disposition of each allegation and any corrective action recommended or taken.*

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station, related audio/video files (i.e., 15 BWC recordings, nine audio recordings, and nine images) obtained from LASD.Evidence.com, as well as related files in the PRMS, Service Comment module to determine whether critical information was recorded accurately on the Results of Service Comment Review form.

Specifically, the auditors reviewed the critical information on the six Results of Service Comment Review forms and compared this information to the corresponding information in each of the investigation packets, BWC recordings, and audio recordings, as well as in PRMS to ensure all critical information was accurately recorded on the Results of Service Comment Review form. In addition, if there were any differences among the critical data recorded, the auditors determined which data was accurate.

During the first Public Complaints Audit (2024-6-A), the AV Stations complied with the Agreement if the critical information in the Service Comment Review packet matched the corresponding information on the Result of Service Comment Review form. However, after discussions with the MT, for the second audit (2024-17-A) and this current audit, compliance was determined based on the accuracy of the critical information recorded on the Results of Service Comment Review form. For example, per the MT, if the disposition of the review on the Result of Service Comment Review form was noted as “Employee Conduct Appears Reasonable” but, based on the auditors review of the WCSCR investigation packet and corresponding video/audio files, the auditors determined the disposition should have been “Appears Employee Conduct Could Have Been Better”, the disposition of the review was not accurate and, therefore, was inaccurately recorded on the Results of Service Comment Review form.

Findings

For the AV Stations combined, three (38%) of the eight WCSCR investigations met the criteria for this objective because all critical information was recorded accurately on the Results of Service Comment Review form.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations, three (75%) investigations met the criteria for this objective because all critical information was recorded accurately on the Results of Service Comment Review form. The remaining one (25%) investigation did not meet the criteria for this objective because critical information was not accurately recorded on the Results of Service Comment Review form.

Specifically:

P-2: Since the investigator did not address the allegation the deputies inflicted injuries to the complainant's wrists, no disposition was recorded on a Results of Service Comment Review form for this allegation.

The auditors also observed that in WCSCR investigations involving a single employee, the name and employee number is not documented on the Results of Service Comment Review form. Even though the involved employee's name and employee number is not on the form, their information can be traced to the form by referencing the WCSCR number. However, for proper recordation, the employee's name and employee number must be explicitly documented on the Results of Service Comment Review form.

Recommendations

All critical information in the complaint should be thoroughly analyzed and accurately reported to ensure investigators properly consider 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 and accountability. It is recommended all levels of personnel responsible for processing complaints, from initial intake to final disposition, take ownership of all critical information obtained in the WCSCR. Unit Commanders should take documented corrective actions when inaccuracies are not corrected. In addition, the employee's name and employee number must be explicitly documented on the Results of Service Comment Review form.

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:

3. *LASD will be deemed in substantial **outcomes compliance** when: …*

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

Procedures

The auditors evaluated the four WCSCR investigation packets obtained from Palmdale Station, related audio/video files (i.e., 15 BWC recordings, nine audio recordings, and nine images) obtained from LASD.Evidence.com, as well as related files in the PRMS, Service Comment module to determine whether non-critical information was recorded accurately on the Results of Service Comment Review form.

Specifically, the auditors reviewed the non-critical information on the six Results of Service Comment Review forms and compared this information to the corresponding information in each of the investigation packets, BWC recordings, and audio recordings, as well as in PRMS to ensure all non-critical information was accurately recorded on the Results of Service Comment Review form. In addition, if there were any differences among the non-critical data recorded, the auditors determined which data was accurate.

To meet the criteria for this sub-objective, the non-critical information in the Results of Service Comment Review form is to match with the corresponding information in the WCSCR investigation packets and PRMS.

Findings

For the AV Stations combined, two (25%) of the eight WCSCR investigations met the criteria for this objective because all non-critical information was recorded accurately on the Results of Service Comment Review form.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, of the four WCSCR investigations, two (50%) investigations met the criteria for this objective because all non-critical information was recorded accurately on the Results of Service Comment Review form. The remaining two (50%) investigations did not meet the criteria because non-critical information was not accurately recorded on the Results of Service Comment Review form.

Specifically:

P-2: The report date recorded on the Results of Service Comment Review form differed from the report date recorded on the WCSCR and in PRMS. According to the complaint intake video, the report date on the WCSCR and in PRMS is correct.

P-4: The Service Comment number recorded on the Results of Service Comment Review form differed from the Service Comment number recorded on the WCSCR and in PRMS. The Service Comment number on the WCSCR and in PRMS is correct.

P-2 and P-4 were conducted by different supervisors, the complaints did not involve the same deputies, and no patterns were noted.

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 accurately transcribing 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 should indicate who completed the form up to the final approval stages. Adding a first and second level signature line would help establish accountability and ensure accurate information in PRMS.

Objective No. 2(g) – Recordation of Critical WCSCR Investigation Information in PRMS

Criteria

Agreement Paragraph 142 states:

> *LASD-AV will ensure that PPI[14] data is accurate and hold responsible AV personnel accountable for inaccuracies in any data entered.*

Per discussions with the MT, the compliance metrics for this sub-objective is 95%.

Procedures

The auditors reviewed the Service Comment module of PRMS to determine if all critical information from the Results of Service Comment Review form was accurately recorded in PRMS. Specifically, the auditors reviewed the critical information on the six Result of Service Comment Review forms and ensured it matched the information in PRMS.

To meet the criteria for this sub-objective, the critical information in the Results of Service Comment Review form must match the corresponding information in PRMS.

Findings

For the AV Stations combined, four (50%) of the eight WCSCR investigations met the criteria for this objective because all critical information from the Results of Service Comment Review form was accurately recorded in PRMS.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, all four (100%) of the WCSCR investigations met the criteria for this objective because all critical information from the Results of Service Comment Review form was accurately recorded in PRMS.

[14] PRMS is formerly known as the Personal Performance Index (PPI).

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to accurately record all critical information obtained from the Results of Service Comment Review form into PRMS. Accurately recording all critical information onto the Results of Service Comment Review form would help ensure correct information is transcribed into PRMS.

Objective No. 2(h) – Recordation of Non-Critical WCSCR Investigation Information in PRMS

Criteria

Agreement Paragraph 142 states:

> *LASD-AV will ensure that PPI data is accurate and hold responsible AV personnel accountable for inaccuracies in any data entered.*

Per discussions with the MT, the compliance metrics for this sub-objective is 80%.

Procedures

The auditors reviewed the Service Comment module of PRMS to determine if all non-critical information from the Results of Service Comment Review form was accurately recorded in PRMS. Specifically, the auditors reviewed the non-critical information on the six Result of Service Comment Reviews and ensured it matched the information in PRMS.

To meet the criteria for this sub-objective, the non-critical information in the Results of Service Comment Review form must match the corresponding information in PRMS.

Findings

For the AV Stations combined, four (50%) of the eight WCSCR investigations met the criteria for this objective because all non-critical information from the Results of Service Comment Review form was accurately recorded in PRMS.

For Lancaster Station, out of the four WCSCR investigations reviewed, none met the criteria for this objective because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for this objective.

For Palmdale Station, all four (100%) of the WCSCR investigations met the criteria for this objective because all non-critical information from the Results of Service Comment Review form was accurately recorded in PRMS.

Recommendations

The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to accurately record all non-critical information obtained from the Results of Service Comment Review form into PRMS. Accurately recording all non-critical information onto the Results of Service Comment Review form would help ensure correct information is transcribed into PRMS.

CONCLUSION

For this audit, the AV Stations did not meet the compliance metrics for any of the applicable sub-objectives mainly because Lancaster Station did not complete any WCSCR investigations during the audit time period. As a result, Lancaster Station received a 0% compliance rate for all sub-objectives, which caused a 50% decrease in the AV Station's compliance rates. This also occurred in the second audit (2024-17-A). As a result, the compliance rates for each sub-objective have decreased since the first audit (2024-6-A). This underscores the importance of completing WCSCR investigations in a timely manner. The issues impacting the timely completion of the WCSCR investigations investigated by Lancaster Station should be identified and addressed.

For this audit, Palmdale Station obtained a compliance rate of 100% for seven sub-objectives. Based on the WCSCR investigations reviewed, Palmdale Station has effectively applied the procedures mandated by the Agreement for these sub-objectives. The audit also identified several areas where improvement by Palmdale Station is needed such as identifying everyone at the scene of the incident, conducting complainant interviews in-person, and adjudicating the WCSCR investigations timely. Palmdale Station received their lowest compliance rate of 25% for each of these sub-objectives. Identifying everyone at the scene and conducting interviews in-person will provide the investigator with the opportunity to collect the necessary details to complete a thorough investigation. In addition, the auditors strongly suggest Palmdale Station address the issues identified by the auditors in this report regarding the timely adjudication of investigations. Identifying what is causing the delay in the review of the WCSCR investigations by Operations staff and the Division Aide would be helpful in assisting management in correcting the underlying issues which are causing the delays.

The AAB believes addressing the findings and implementing the recommendations will help ensure prompt corrective actions for all sub-objectives which are out of compliance. This may improve the AV Station's overall compliance with the Department policies, the stipulations set forth in the Agreement, and the compliance metrics.

RECOMMENDATIONS

The main purpose of this report is to provide recommendations aimed at improving compliance with the Agreement, reducing risk for the Department, and building trust within the community. 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. It is also recommended the proper identification of all individuals at the incident scene be documented on a complaint investigation checklist. This checklist should be created by the Compliance Unit and utilized during the WCSCR investigation. It should detail the requirements of the 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:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to conduct all investigative interviews separately and document it in the investigation. This allows complainants, involved deputies, and all witnesses including deputy witnesses, the opportunity to speak freely and honestly about the details of the complaint and provide critical information. In instances where an involved individual, including witnesses, is present during an interview, a detailed justification needs to be documented in the Service Comment Review. The justification should include who the individual was and why their presence during the interview was justified. It is also recommended the investigative interviews are documented on the complaint investigation checklist recommended in Objective 1(a).

c) **Interview Complainant In-Person:** When conducting WCSCR investigations, the interview with the complainant must be conducted in-person. Meeting with the complainant in-person allows them to feel “heard” and promotes the Department’s efforts to fully engage 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 the reason it was impractical. In addition, the complainant should be asked if the interview can be conducted in-person and if they decline, this serves as justification for not conducting in-person interview. It is recommended the justification as to why an interview was not conducted in-person be documented on the complaint investigation checklist recommended in Objective 1(a).

d) **Witness Interview Requirements:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to obtain written statements or conduct interviews of all the Department and non-department witnesses. Written statements and interviews are evidence that solicit the necessary details to aid the investigation. The independent account of every witness should be documented and analyzed. This will ensure that a complete picture of what occurred during the incident is captured. To sustain and improve the thoroughness of investigations, it is recommended that Department supervisors seek to identify all witnesses to afford each person the opportunity to provide necessary information.

e) **Additional Interviews Conducted as Needed:** Although for this audit the criteria did not apply to this sub-objective, Palmdale Station should always conduct and document the additional interviews needed to ensure that all the necessary information is collected and supported by sufficient and reliable sources. This would help ensure the investigations are thorough and complete. 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. It is also recommended the need for additional interviews is documented on the complaint investigation checklist recommended in Objective 1(a).

f) **Limited English Proficiency:** Although for this audit the criteria did not apply to this sub-objective, Palmdale Station should ensure interpreters are always available to obtain a statement or interview all LEP complainants and witnesses. This will help ensure the complainants and witnesses understand the individual interviewing them and they can express themselves more freely and accurately. An interpreter not involved in the underlying complaint shall be utilized to obtain a statement or interview any LEP complainant and all material witnesses. In addition, a detailed justification needs to be documented in the Service Comment Review when a supervisor involved with the complaint was utilized to obtain a statement or interview witnesses that played a minor role in the complaint. It is also recommended the use of an interpreter is documented on the complaint investigation checklist recommended in Objective 1(a).

g) **Material Inconsistency Identified and Explained When Possible:** Although for this audit the criteria did not apply to this sub-objective, Palmdale Station should always ensure any material inconsistencies are identified and documented in the Service Comment Review. This will help obtain a true representation of what occurred, assist in conducting a complete and thorough investigation, and reaching reliable and complete findings. It is also recommended any material inconsistencies are documented on the complaint investigation checklist recommended in Objective 1(a).

h) **Record Entire Interviews:** It is imperative Department members make concerted efforts to record interviews in their entirety or provide a detailed justification in the Service Comment Review as to why the complainant interview was not recorded in its entirety. It is recommended the Department conduct recurrent briefings with investigators to emphasize the importance of recording complainant interviews in their entirety and documenting the reason in their investigation for not recording the interview in its entirety. It is also recommended the recording of interviews in their entirety be documented on the complaint investigation checklist recommended in Objective 1(a).

i) **Uninvolved Investigator:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to ensure supervisors who were not involved in the incident and/or did not authorize the conduct which led to the complaint, complete the investigations. This practice will ensure the investigations are completed in an objective, impartial manner, eliminating the appearance of bias. In addition, consideration of a different perspective by an uninvolved supervisor can aid the investigation and determine critical details not otherwise identified by an involved investigator. Instances where a supervising investigator who was involved in the incident and/or authorized the conduct which led to the complaint completes the investigation, a detailed justification needs to be documented as to why this was necessary. However, for complaints that are egregious, an uninvolved supervisor must complete the investigation. It is also recommended the use of an uninvolved supervisor be documented on the complaint investigation checklist recommended in Objective 1(a).

j) **Collect All Evidence:** While conducting WCSCR investigations, the investigator must ensure all evidence collected is sufficient and relevant to formulate and support logical conclusions. All relevant BWC recordings and audio recordings must be reviewed to ensure all allegations are addressed on the WCSCR and the Service Comment Review. It is recommended the collection, organization, and review of all evidence be documented on the complaint investigation checklist recommended in Objective 1(a).

k) **Thoroughness of Investigation:** Investigators must conduct a thorough investigation, considering all related evidence, including but not limited to booking paperwork, crime and supplemental reports, and BWC recordings. This will enable investigators to make informed decisions and recommendations based on facts and evidence. In addition, special care must be taken regarding investigating allegations of force and/or misconduct regarding Department members. Per Manual of Policy and Procedures, Section 3-10/108.00, Allegation of Misconduct (June 2012), the supervisor conducting the inquiry shall adhere to the investigative guidelines established for Service Comment Reports, which include thoroughly interviewing the complainant, recording the interview, collecting evidence, taking photographs, obtaining medical treatment, and documenting any alleged injuries.

Objective No. 2 – Management Review and Oversight

a) **Statement Discarded Due to Criminal History:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the two WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to treat all statements made by witnesses as valid and unbiased, regardless of the individual's connection to the complainant or criminal record. To uphold the fairness and integrity of the public complaints process, it is imperative investigations are conducted objectively and without any bias that may influence the decision-making of the investigator.

b) **Deputy Statement Given Preference:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to review all available statements and not give automatic preference to a deputy's statement over a non-deputy's statement. This allows for an objective review of all the complainant, involved deputy, and civilian and deputy witness statements, and a thorough and complete investigation.

c) **Preponderance of Evidence:** It is recommended Unit Commanders thoroughly review WCSCR investigations to adjudicate the investigations 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.

d) **Timeliness of Adjudication:** Department supervisors must remain cognizant of impending deadlines to maintain the integrity of the investigation and ensure all related parties can recall pertinent details of the WCSCR. It is recommended the Department implement the revised timelines in the proposed draft SCR Handbook. This may help ensure investigations are thorough and complete prior to submission to the Unit Commander as well as to the Division.

   In addition, it is recommended the AV Stations conduct an analysis to determine the main cause of the Operations and the Division Aide delays in completing the investigations in a timely manner. It is also recommended an internal tracker be developed to monitor the completion status of the WCSCR investigation at each level of review.

e) **Recordation of Critical Information on the Results of Service Comment Review Form:** All critical information in the complaint should be thoroughly analyzed and accurately reported to ensure investigators properly consider 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 and accountability. It is recommended all levels of personnel responsible for

processing complaints, from initial intake to final disposition, take ownership of all critical information obtained in the WCSCR. Unit Commanders should take documented corrective actions when inaccuracies are not corrected. In addition, the employee's name and employee number must be explicitly documented on the Results of Service Comment Review form.

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 accurately transcribing 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 should indicate who completed the form up to the final approval stages. Adding a first and second level signature line would help establish accountability and ensure accurate information in PRMS.

g) **Recordation of Critical WCSCR Investigation Information in PRMS:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to accurately record all critical information obtained from the Results of Service Comment Review form into PRMS. Accurately recording all critical information onto the Results of Service Comment Review form would help ensure correct information is transcribed into PRMS.

h) **Recordation of Non-Critical WCSCR Investigation Information in PRMS:** The AAB would like to acknowledge the concerted efforts made by Palmdale Station in implementing the practices required by the Agreement for this sub-objective in the four WCSCR investigations reviewed for Palmdale Station. The auditors recommend Palmdale Station continue to accurately record all non-critical information obtained from the Results of Service Comment Review form into PRMS. Accurately recording all non-critical information onto the Results of Service Comment Review form would help ensure correct information is transcribed into PRMS.

Follow-up Procedures

Within 30 days of distributing the final audit report to the Division and AV Stations, the AAB will conduct a follow-up of the recommendations and verify if the auditee has made necessary improvements. Verification of corrective action will be assessed by examining new directives, amended unit orders, and/or relevant documentation. The AAB will work with the auditee in understanding the implementation of audit recommendations, as it may be a lengthy process and require a collaborative effort with other Department resources.

Comprehensive Review

The AAB will conduct a comprehensive review of the findings noted during the three individual audits (2024-6-A, 2024-17-A, and 2024-25-A) conducted for the Public Complaints Audit Part III. The comprehensive review will provide an analysis of the AV Stations' performance for each sub-objective over the course of the three audits. The review will demonstrate the areas where the AV Stations met the compliance metrics and displayed continuous progression, as well as the areas requiring further enhancement. Data patterns and trends will also be identified.

This review will assist the AV Stations in optimizing Operations, mitigating risks, and progress toward fulfilling the requirements of the Agreement. The comprehensive review will be issued concurrently with this Public Complaints Audit.

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)
  - 3-10/108.00, Allegation of Misconduct (June 2012)
- Service Comment Report Handbook (June 2011)
- Proposed Draft Service Comment Report Handbook (August 2022)
- 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 June 27, 2024, Palmdale Station command staff submitted a response to the AAB concurring with all but one of the corresponding audit findings. On July 19, 2024, Lancaster Station agreed with the corresponding audit findings. The AAB presented the final audit report to the Division Director, Office of Constitutional Policing.

09/24/24

GEOFFREY N. CHADWICK DATE
Captain
Audit and Accountability Bureau
Los Angeles County Sheriff's Department