INTRADEPARTMENTAL CORRESPONDENCE

March 13, 2024
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: COMPLAINT FORM 01.28.00 INVESTIGATIONS AUDIT (AD NO. 23-003)

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Complaint Form 01.28.00 Investigations Audit.

DISCUSSION

Audit Division conducted the Complaint Form 01.28.00 Investigations Audit to evaluate compliance with Department policies and procedures.

If additional information regarding this special review is required, please contact Police Administrator Sharon Sargent, Commanding Officer, Audit Division, at (213) 486-8480.

Respectfully,

DOMINIC H. CHOI
Chief of Police

Attachment

COMPLAINT FORM 01.28.00 INVESTIGATIONS AUDIT
Conducted by
Audit Division
2023

OVERVIEW

In accordance with the 2023 Los Angeles Police Department (Department) Annual Audit Plan, Audit Division (AD) conducted an audit of complaint investigations. The purpose of this audit was to determine if Department policies and procedures related to complaint investigations were followed.

Table No. 1 summarizes a comparison of the 2017 and 2023 findings.

Table No. 1 – Summary of the Compliance Rate Comparison

Objective No.	Audit Objectives	2017		2023	
		Number Meeting Standards/ Evaluated	Percent Meeting Standards	Number Meeting Standards/ Evaluated	Percent Meeting Standards
1	Interviews Conducted Individually	57/58	98%	70/70	100%
2	Accuracy of Summarized Statements	55/56	98%	70/70	100%
3	Department Notification of Resolution to Complainant	55/58	95%	61/61	100%

BACKGROUND

The Department takes complaints generated by either the Department or members of the public to investigate allegations of misconduct made against the Department's employees. A single complaint may include more than one allegation and may be against one or more Department employees.

The Department imposes disciplinary action on employees who violate Department policies due to misconduct or failure to perform the duties of their position(s). The type and severity of imposed discipline depend on the nature of the sustained allegations and the accused employee's work and disciplinary history.

PRIOR AUDITS

The last complaint investigation audit was conducted in 2017. Auditors assessed both Internal Affairs Group (IAG) and Chain of Command (COC) complaint investigations. Auditors encompassed eight objectives with 16 areas tested. Overall, the Department met the audit objectives with compliance rates ranging from 95 percent to 100 percent. No recommendations were made.

SCOPE AND METHODOLOGY

Auditors used the Complaint Management System (CMS) to obtain a population of 985 complaint investigations that were closed from May 1, 2023, through July 31, 2023. The population and sampling methodologies were tailored to each audit objective.

The population consisted of 308 investigations conducted by Professional Standards Bureau (PSB) and 677 investigations conducted by COC. Auditors selected a stratified statistically valid random sample of 70 investigations comprised of 22 PSB investigations and 48 COC investigations.[1]

Auditors excluded from the population Department-initiated complaints alleging minor misconduct such as Failure to Appear and Failure to Qualify due to the low associated risks. Auditors also excluded non-disciplinary complaints that were resolved through the Alternative Complaint Resolution process and disciplinary complaint investigations that were dispositioned with the classification of Insufficient Evidence to Adjudicate since these investigations are resolved without the involvement of an investigating officer.

DETAILED FINDINGS

Objective No. 1 – Interviews Conducted Individually

Criteria

Department Manual Section 3/815.01, *General Investigation Guidelines*, dated Quarter 1, 2023, states:

> *"The interviews of all complainants, involved Department employees, and witnesses shall be conducted individually (no group interviews) and shall be recorded . . . ."*

Audit Procedures

Auditors reviewed 70 complaint investigations to determine if the supervisors and complaint investigators interviewed all complainants, witnesses, and involved Department employees individually. The Department met the standard for this objective if all involved parties were interviewed individually.

Findings

All involved parties (100 percent) identified in the 70 complaint investigations were interviewed individually.

---

[1] Auditors used a one-tail test with a 95 percent confidence level, five percent error rate, and 95 percent proportion of success for a sample selection based on the prior audit's compliance rates.

Objective No. 2 – Accuracy of Summarized Statements

Criteria

Complaint Investigations: A Guide for Supervisors, Section 5, *Conducting Interviews*, page 45, *Writing the Statement*, dated May 2015, states:

> *"Unlike verbatim transcriptions, summaries have the potential for bias, whether intentional or not. The biggest challenge will be writing an objective, accurate summarized account of the subject's statements. The statements should be free of opinion or biases from the investigator. Additionally, be cognizant to avoid the omission of information."*

Audit Procedures

Auditors reviewed 70 complaint investigation files.[2] Auditors examined all statements in the files' forms and reports. Then, the auditors compared the summarized statements with the corresponding video and audio recordings to determine whether the statements were objective, accurately summarized, and pertinent information was not omitted. The Department met the standard for this objective if all summarized statements documented in the files, forms, and reports were objective, accurate, and pertinent information was not omitted.

Findings

Each statement (100 percent) documented in the 70 complaint investigation files was objectively and accurately summarized, and pertinent information was not omitted.

Objective No. 3 – Department Notification of Resolution to Complainant

Criteria

Department Manual Section 3/825.30, *Notification of Investigation Results to Complainant-Commanding Officer's Responsibility*, dated Quarter 1, 2023, states:

> *"Commanding officers adjudicating complaints shall prepare an undated reply letter on Department letterhead addressed to the complainant."*

Audit Procedures

Auditors reviewed 70 complaint investigation files to determine if a copy of the reply letter addressed to the complainant was included. Auditors excluded nine files that did not require a reply letter to the complainant. In eight instances, the Department was the complainant. In one instance, the complaint was filed anonymously. Thus, 61 of the complaint investigations audited

---

[2] The complaint investigation file is comprised of: Complaint Form, Form 01.28.00; Complaint Adjudication Form, Form 01.28.05; Letter of Transmittal; and complaint investigation report.

required a reply letter. The Department met the standard for this objective if a copy of the reply letter was prepared and addressed to the complainant.

Findings

Sixty-one (100 percent) reply letters were prepared and addressed to the complainants.

OTHER RELATED MATTER

While conducting the audit, auditors noted the following inconsistencies:

1. Audit Division found the following discrepancies between the *Department Manual* provisions and guidelines in the Complaint Form, Form 01.28.00.

   The *Department Manual*, Section 3/818, allows a complaint to be classified as demonstrably false (DF) when ". . . the complainant demonstrates an irrational thought process and/or has established a pattern of making chronic or false complaints . . . ."[3] This provision does not require a complainant to meet concurrently both conditions. Either one or both conditions would be enough to clearly prove that the complainant's allegation did not occur.

   The Complaint Form, Form 01.28.00, contains Non-Disciplinary classification boxes including a DF box with guidelines that allow the intake supervisor to classify the complainant's statement as DF. The guidelines state that "the complainant . . . demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints." According to the guidelines, the complainant shall meet both conditions to classify the complainant's statement as DF (See Recommendation No. 1).

2. Auditors found that 61 reply letters addressed to the complainants did not include a reference to the Office of the Inspector General's role, address, telephone and fax number, and website address as required by the *Department Manual* (See Recommendation No. 2).[4]

RECOMMENDATIONS

1 It is recommended that the Department amend the Demonstrably False box's guidelines on the Complaint Form, Form 01.28.00, for consistency with the *Department Manual* (See Other Related Matters No. 1).[5]

[3] The Department Manual, Section 3/818, "*Non-Disciplinary Complaints*," dated Quarter 1, 2023.
[4] The Department Manual, Section 3/825.30, "*Notification of Investigation Results to Complainant-Commanding Officer's Responsibility*," dated Quarter 1, 2023, states ". . . [t]he reply letter shall, at a minimum, include: . . . [r]eference to the Office of the Inspector General's role, address, telephone and fax numbers, and website address."
[5] The Department Manual, Section 3/818, "*Non-Disciplinary Complaints*," dated Quarter 1, 2023.

2 It is recommended that the Department remind commanding officers adjudicating complaints to include reference to the Office of the Inspector General's role, address, telephone and fax number in a reply letter addressed to the complainant (See Other Related Matters No. 2).

MANAGEMENT RESPONSE

The audit report was provided to the Director, Office of Operations, and the Deputy Chief, Professional Standards Bureau, who were in general agreement with the audit findings.