

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



**DEPARTMENT ELECTRONIC COMMUNICATIONS
(E-MAIL) AUDIT
COUNTYWIDE SERVICES DIVISION
No. 2018-8-A**

**JIM McDONNELL
SHERIFF**

August 1, 2018

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau**

**DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT –
COUNTYWIDE SERVICES DIVISION**

**Project No. 2018-8-A
AUDIT REPORT**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Department Electronic Communications (e-mail) Audit – Countywide Services Division under the authority of the Sheriff of Los Angeles County.¹ The audit was performed to determine how employees of the Los Angeles County Sheriff's Department (Department) complied with e-mail policies and procedures² as they pertain to the Policy of Equality.³

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.⁴ The AAB determined that the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

On May 1, 2016, the Sheriff of Los Angeles County responded to media reports that a Department executive used a government e-mail account in an inappropriate manner. In a public service announcement using social media, the Sheriff discussed inappropriate and unprofessional e-mail communications, as they relate to the Department's efforts to fortify public trust and enhance internal and external accountability and transparency.⁵ In doing so, the Sheriff announced his intention to implement a system of random audits of Department e-mails, and expressed that his executive staff would be included. The AAB performed an audit of Department e-mail correspondences to determine if employees utilized e-mail in accordance with the Department's policies, procedures, organizational missions, and Core Values, as well as to ensure supervisory oversight.

¹ The Countywide Services Division is comprised of the personnel assigned to Countywide Services Division Headquarters, Community Outreach, Community Partnerships Bureau, Community College Bureau, County Services Bureau and Parks Bureau.

² MPP §3-07/210.10, System Use, December 2013, provides the complete definition and requirements of the Department's e-mail policies.

³ MPP §3-01/121.00 through 3-01/122.25, provide the complete definition and requirements of the Department's Policy of Equality. This policy is intended to protect the rights of employees to be free from discrimination, harassment, and retaliation.

⁴ United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards 2011 Revision.

⁵ E-mails are electronic communications sent, received, drafted, stored and deleted, including any and all attachments.

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PRIOR AUDITS

There were four prior Department E-mail Audits conducted by the AAB. The first Department E-mail Audit (Project No. 2017-10-A) examining the Executive Offices was concluded and published on August 10, 2017. The first audit resulted in the following recommendation:

The Department policies regarding electronic communications and the Policy of Equality are comprehensive and address risk related to both topics. The prevalence of electronic communications inherently links potential violations of the Policy of Equality to misuse of the Department's e-mail policy. Therefore, it is recommended that policy be amended to cross-reference the related policies where applicable.

Status: The proposed amendments to the policies based on the recommendation are currently being reviewed by Professional Standards and Training Division as well as the Department's Constitutional Policing Advisor.

The second Department E-mail Audit (Project No. 2017-11-A) examining the Special Operations Division was concluded and published on October 26, 2017. The second audit resulted in the following recommendation:

The Department policies including the Policy of Equality are comprehensive in addressing the supervisors and managers duty to report potential violations. However, the expected actions by any Department employee in receipt of an inappropriate e-mail, is not clearly defined. Therefore, it is recommended that policy clearly define the actions required by an employee receiving an inappropriate e-mail generated from a non-Department source.

Status: The recommendation was reviewed by Department management who concluded existing Department policy sufficiently addressed what is required of an employee when receiving an inappropriate e-mail generated from a non-Department source. Therefore, the recommendation was not implemented.

The third Department E-mail Audit (Project No. 2017-15-A) examining the North Patrol Division was concluded and published on December 28, 2017. The third audit resulted in the recommendation on the following page:

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All Department members are required to conduct themselves in accordance with the Policy of Equality. By reviewing this policy, personnel will remain versed on its contents and requirements with respect to electronic communication. Therefore, it is recommended that personnel continue to be briefed on the Policy of Equality.

Status: The recommendation has been implemented by the Department.

The fourth Department E-mail Audit (Project No. 2018-1-A) examining the Technology and Support Division was concluded and published on May 2, 2018. The fourth audit resulted in the following recommendation:

All Department members are required to conduct themselves in accordance with the MPP Section 3-07/210.10, System Use. Therefore, it is recommended that personnel continue to be briefed on this policy to ensure they are knowledgeable on Department requirements with respect to electronic communication.

Status: The recommendation has been implemented by the Department.

METHODOLOGY

Scope

This audit encompassed one objective:

- E-mail System⁶ Use – To determine if Department members' e-mails are consistent with Department policies and procedures.

Auditors reviewed the Department's Manual of Policies and Procedures (MPP) in the analysis of this audit. The Data Systems Bureau (DSB) manages the Department's Information Technology systems, including overall access and administration of electronic data communications on the Sheriff's Data Network (SDN). Auditors utilized Electronic Discovery (eDiscovery) to retrieve the e-mails which are stored in secure Personal Storage Table folders.⁷ The files retrieved were then examined by auditors to determine compliance with the Department's policies.

⁶ The e-mail system is the Department's e-mail program utilizing Microsoft Outlook.

⁷ The eDiscovery is a component accessible on the Department's Intranet that allows the retrieval of electronic data from the SDN.

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Audit Time Period

The time period for this audit was from April 1, 2018, through April 30, 2018. Auditors examined three randomly identified 24-hour periods.⁸ Prior audits were evaluated utilizing a single 24-hour period. For this audit, the time period was expanded to include two additional 24-hour periods with the intent of capturing a larger volume of e-mails for a more comprehensive review.

Audit Population

Auditors identified the population utilizing the Enterprise Human Resources System (eHR).⁹ A total of 1,100 personnel assigned to the Countywide Services Division were identified for the audit time period. The 1,100 personnel were distinguished into the following groupings: seven executives and management personnel, 528 full-time sworn personnel, 453 uniformed non-sworn personnel and 112 professional staff members. The executives included a Division Chief and a Commander. The management personnel included four Captains and a Director.

All seven executives and management personnel assigned to the Countywide Services Division were selected. A stratified sampling was applied to the remaining groupings, rendering the following samples: 81 full-time sworn, 79 uniformed non-sworn and 52 professional staff.¹⁰ A total of 219 personnel were audited.

SUMMARY OF AUDIT FINDINGS

The Countywide Services Division met the standard by achieving a 100% compliance rate.

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⁸ The DSB provided AAB with access to eDiscovery for faster turnaround of retrieving emails. The AAB expanded the retrieval of e-mails to multiple 24-hour periods to capture a greater population for review.

⁹ The eHR is a countywide system which supports the human resources and payroll management functions. The system maintains detailed employee records with the capability to provide reports detailing the employees by unit of assignment.

¹⁰ Using a statistical one-tail test with a 95% confidence level and a 4% error rate, statistically valid samples were identified.

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Objective No. 1 – E-mail System Use

Criteria

Manual of Policy and Procedures, Section 3-07/210.10, System Use, (December 2013), partially states:

Authorized persons are expected to use electronic communications and network systems with a high degree of professional and personal courtesy. Authorized persons must ensure that the tone and content of electronic communications are business-like and exclude inflammatory remarks or inappropriate language. If it is an issue that could cause embarrassment, it does not belong on e-mail.

Manual of Policy and Procedures, Section 3-01/121.40, Policy of Equality - Examples of Conduct that may violate this Policy and Scope of Coverage, (December 2013), partially states:

SCOPE OF COVERAGE

Location: This Policy prohibits discrimination, harassment, retaliation, and inappropriate conduct toward others in the workplace or in other work-related settings . . .

Communication System/Equipment: This Policy also applies to the use of any Departmental communication system or equipment, including but not limited to, electronic mail, internet, intranet, JDIC, telephone lines, computers, facsimile machines, voice mail, radio, and mobile digital terminals. Employees will be disciplined in accordance with this Policy for using any Departmental communication system or equipment to deliver, display, store, publish, circulate, or solicit material in violation of this Policy.

To facilitate measuring e-mail compliance with the listed MPP sections, the Office of the Undersheriff provided AAB with a list of 122 derogatory terms.¹¹

¹¹ The list provided to AAB by the Office of the Undersheriff included terms identified by a subject matter expert taking into account the Policy of Equality. The list is not all-inclusive and does not include benign terms which could be used in a derogatory context.

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Audit Procedures

Upon retrieval of the e-mails, auditors performed a search to locate terms from the predetermined list in the title, narrative, and attachments of the e-mails. E-mails were further examined for content to determine if the identified terms were used in a manner which constituted a potential violation of the MPP by inappropriate language in the workplace or workplace settings.

In addition, auditors reviewed e-mails with attachments that were sent and forwarded by Department personnel to determine if the attachments contained terms or images which would constitute a violation of policy. Due to attorney-client privilege, the e-mails addressed to or from the Office of the Los Angeles County Counsel were excluded in the retrieval of e-mail files. Additionally, the e-mails to or from the Chief of Professional Standards and Training Division, the Captain of Internal Affairs Bureau, and the Captain of Internal Criminal Investigations Bureau were excluded due to the confidentiality required during administrative investigations.

Supervisors and managers, including the management at AAB, have an affirmative duty to report potential violations of the Policy of Equality. Should auditors discover a potential violation(s) of Department policies and procedures, they would immediately notify the team lieutenant who would report the violation to the Intake Specialist Unit¹² and complete a Policy of Equality Report Form (POE Report Form).¹³ The original POE Report Form would be forwarded to the Intake Specialist Unit.

Findings

All 219 (100%) personnel examined met the standard for this objective.

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¹² The Intake Specialist Unit is responsible for receiving employees' complaints of violations of the Policy of Equality. Its primary role is to initially evaluate the substance of equity-based complaints and determine the proper path for the investigation and/or disposition of those complaints.

¹³ The POE Report Form (POE-001) is used to report a potential violation of the Policy of Equality to the Intake Specialist Unit.

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CONCLUSION

During the course of the audit, auditors assessed the Department's compliance with policies and procedures as it pertains to the use of electronic communications, the Policy of Equality, and supervisory responsibilities. The evidence presented provides a reasonable assurance that personnel within Countywide Services Division are adhering to Department e-mail policies and procedures. As a result, there were no recommendations made for this audit.

At the direction of the Sheriff, AAB will continue to conduct random e-mail audits.

VIEWS OF RESPONSIBLE OFFICIALS

On July 24, 2018, the Office of the Assistant Sheriff – Countywide Operations, submitted a formal response to AAB expressing general concurrence with the results of this audit. A copy of the audit report was provided to the Office of Inspector General.

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This audit was submitted on this 1st day of August, 2018, by the Audit and Accountability Bureau.

Original signature on file at AAB

RHEA BARAWID
Project Manager
Law Enforcement Auditor
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

ERNEST O. BILLE
Lieutenant
Audit and Accountability Bureau
Los Angeles County Sheriff's Department

Original signature on file at AAB

FAYE A. ADRAGNA
Captain
Audit and Accountability Bureau
Los Angeles County Sheriff's Department