

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



DEPARTMENT ELECTRONIC COMMUNICATIONS
(E-MAIL) AUDIT – SPECIAL OPERATIONS DIVISION
2017-11-A

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SHERIFF

October 26, 2017

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

**DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT –
SPECIAL OPERATIONS DIVISION
Project No. 2017-11-A
AUDIT REPORT**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Department Electronic Communications (e-mail) Audit – Special Operations Division under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) employees complied with e-mail policies and procedures¹ as they pertain to the Policy of Equality.²

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.³ The AAB has 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.⁴ 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 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 Manual of Policy and Procedures, Section 3-07/210.10, System Use, December 2013, provides the complete definition and requirements of the Department's e-mail policies.

² Manual of Policy and Procedures, Sections 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 right of employees to be free from discrimination, harassment, and retaliation.

³ United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards 2011 Revision.

⁴ E-mails are electronic communications sent, received, drafted, stored and deleted, including any and all attachments.

DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – SPECIAL OPERATIONS DIVISION
Project No. 2017-11-A

PRIOR AUDITS

This was the second Department E-mail Audit conducted by the AAB. A 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 Advisors.

METHODOLOGY

Scope

This audit encompassed one objective:

- E-mail System⁵ 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 (IT) systems, including overall access and administration of electronic data communications on the Sheriff's Data Network (SDN). Upon the request by AAB auditors, DSB retrieved the e-mails and provided them to the AAB. To facilitate AAB's request for e-mails, the DSB created an Active Directory (AD) security group to include the auditors.⁶ All of the requested e-mails were extracted from the server by the DSB and placed into Personal Storage Table files for inclusion in the AD Security Group folder. The files received were then examined by auditors to determine compliance with the Department's policies.

⁵ The e-mail system is the Department's e-mail program utilizing Microsoft Outlook.

⁶ The AD security group is a shared network file setup by the DSB allowing auditors to retrieve e-mail files and maintain confidentiality over the sensitive files.

DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – SPECIAL OPERATIONS DIVISION
Project No. 2017-11-A

Audit Time Period

The time period for this audit was from July 1, 2017, through July 31, 2017. Auditors examined one randomly identified 24-hour period.⁷

Audit Population

Auditors identified the population utilizing the Employee Information System (EIS).⁸ A total of 902 personnel assigned to the Special Operations Division were identified for the audit time period.⁹ The 902 personnel were distinguished into the following four groupings: 3 executives and 6 sworn management personnel,¹⁰ 527 full-time sworn personnel, 242 reserve deputies, and 124 professional staff.

Three executive personnel and six sworn management personnel were selected. A stratified sampling was applied to the remaining groupings, rendering the following samples: 81 full-time sworn, 69 reserve deputies, and 55 professional staff.¹¹ A total of 214 personnel were evaluated.

SUMMARY OF AUDIT FINDINGS

Overall, the Department did excellent in the area of policy compliance.

Table No. 1: Summary of Audit Findings

Objective No.	Objective	Met the Standard
1	E-MAIL SYSTEM USE	
1	<i>Determine if the e-mails complied with the Department's Policy.</i>	100%

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⁷ The DSB advised auditors that more than one million e-mails cross the SDN monthly. Thus, AAB determined the retrieval of e-mails from a single 24-hour period would provide a manageable population for review.

⁸ The EIS was built by Data Systems Bureau in 1996. It provides current and historical personnel information and organizational staffing compliments including Personnel, Assignments, Residence, and Emergency contact information. The data is updated weekly by the Los Angeles County Enterprise Human Resources System (eHR).

⁹ The Special Operations Division is comprised of the personnel assigned to Special Operations Division Headquarters, Emergency Operations Bureau, the Department's Operations Center, Reserve Forces Detail, Special Enforcement Bureau, Aero Bureau, Metrolink Bureau, Transit Services Bureau, and Criminal Intelligence Bureau.

¹⁰ The three executives include a Division Chief and two Commanders. Six Captains were selected for evaluation.

¹¹ Using a statistical one-tail test with a 95% confidence level and a 4% error rate, statistically valid samples were identified.

DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – SPECIAL OPERATIONS DIVISION
Project No. 2017-11-A

Objective No. 1 – E-mail System Use

Criteria

Manual of Policy and Procedures, Section 3-07/210.10, System Use, December 2013, 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), 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. . . .

To facilitate measuring e-mail compliance with listed MPP sections, the Office of the Undersheriff provided AAB with a list of 122 derogatory terms.¹²

Audit Procedures

Upon receiving the e-mails from the DSB, 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 Policy of Equality by inappropriate language in the workplace or workplace settings. The e-mails addressed to or from the Office of the Los Angeles County Counsel, the Chief of Professional Standards and Training Division, the Captain of Internal Affairs Bureau, and the Captain

¹² 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.

DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – SPECIAL OPERATIONS DIVISION
Project No. 2017-11-A

of Internal Criminal Investigations Bureau were excluded from review due to attorney-client privilege.¹³ 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 Unit¹⁴ and complete a Policy of Equality Report Form (POE Report Form).¹⁵ The original POE Report Form would be forwarded to the Intake Specialist Unit.

Findings

All 214 (100%) of the personnel examined met the standard for this objective. While examining e-mails, auditors discovered an employee received an e-mail which contained a derogatory term. Auditors immediately reported the e-mail to their team lieutenant who provided the information to the Intake Specialist Unit. The Intake Specialist Unit concluded that the e-mail originated from a non-Department member and had been immediately deleted without being forwarded by the employee. Therefore, the employee had not violated the Policy of Equality and the POE Report Form was not required. To document the potential violation reported by AAB, the Intake Specialist Unit provided auditors with a reference number for an Ombudsperson Log entry.¹⁶

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives that are measurable against Department policies or procedures.

E-mail Policy

The Manual of Policy and Procedures provides guidelines for authorized persons utilizing Department e-mail. Although the policy generally identifies what is expected of

¹³ Due to attorney-client privilege, the emails to or from the Office of the Los Angeles County Counsel were excluded by the DSB before being provided to AAB. Additionally, the emails 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 by the DSB before being provided to AAB due to the confidentiality required during administrative investigations.

¹⁴ 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.

¹⁵ The POE Report Form (POE-001) is used to report a potential violation of the Policy of Equality to the Intake Specialist Unit.

¹⁶ The Office of the Ombudsperson functions as a specialized resource for all Department members concerning the Policy of Equality and associated procedures. The Ombudsperson Unit responds to all inquiries, concerning the Policy of Equality and provides information to Department members about their rights, responsibilities, complaint, and investigation procedures. Subsequently, the Ombudsperson Unit will generate a corresponding Ombudsperson Log number to record the incident.

**DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – SPECIAL
OPERATIONS DIVISION
Project No. 2017-11-A**

Department members, they do not specifically encompass all the elements that constitute violation of policy.

CONCLUSION

Based on the findings of this audit, the personnel assigned to the Special Operations Division are in compliance with the policies and procedures as it pertains to the use of electronic communications, the Policy of Equality, and supervisory responsibilities. At the direction of the Sheriff, AAB will continue to conduct random e-mail audits.

RECOMMENDATION

The resulting recommendation coincides with the findings and conclusion from all objectives and other related matters. It is intended to provide Department management with a tool to correct deficiencies and improve performance.

1. The Department's 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.
(Objective No. 1)

VIEWS OF RESPONSIBLE OFFICIALS

On October 26, 2017, the Office of the Assistant Sheriff submitted a formal response to AAB expressing agreement with the results of this audit. A copy of the audit report was provided to the Office of Inspector General (OIG) to offer them an opportunity to comment. The OIG did not provide any feedback.

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**DEPARTMENT ELECTRONIC COMMUNICATIONS (E-MAIL) AUDIT – SPECIAL
OPERATIONS DIVISION
Project No. 2017-11-A**

This audit was submitted on this 26th day of October, 2017, by the Audit and Accountability Bureau.

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