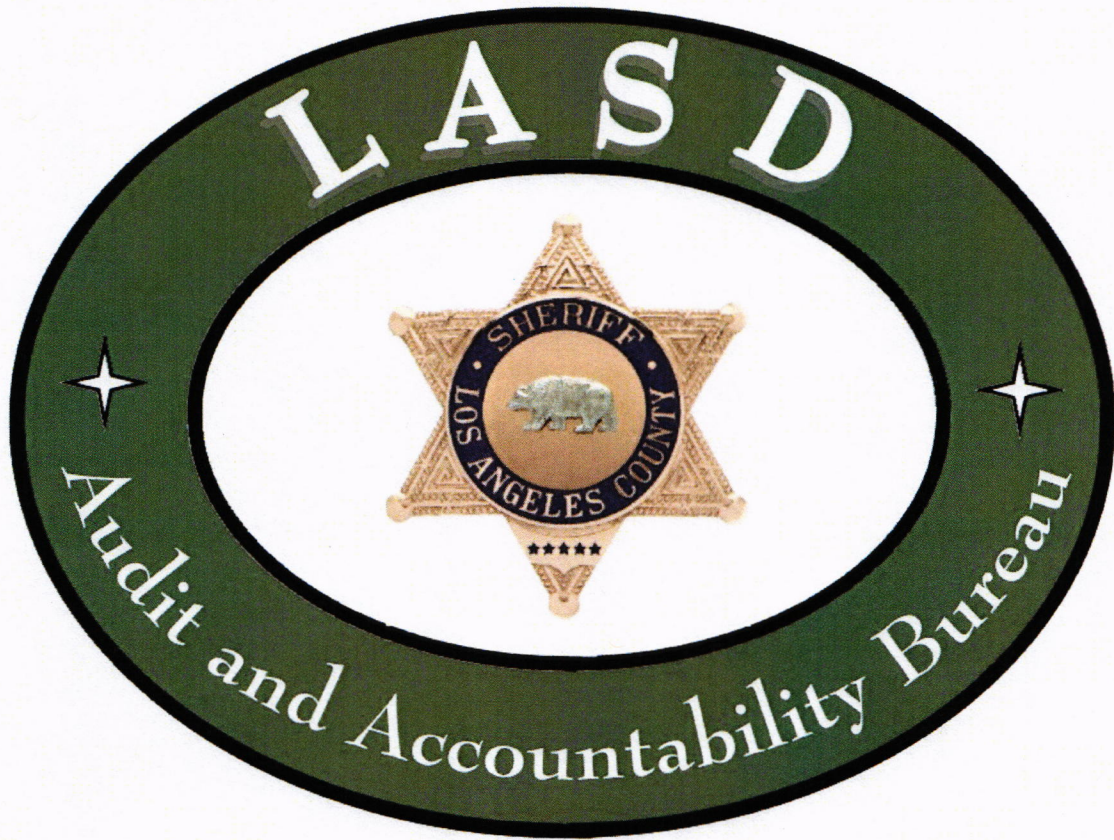


LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



PUBLIC COMMENTS AUDIT
PALMDALE SHERIFF'S STATION
2017-12-A

JIM McDONNELL
SHERIFF

May 23, 2018

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

PUBLIC COMMENTS AUDIT – PALMDALE SHERIFF'S STATION
Project No. 2017-12-A
AUDIT REPORT

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Public Comments Audit – Palmdale Sheriff's Station under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (LASD or Department) complied with policies and procedures regarding the intake, classification, and investigation of service and personnel complaints documented on Watch Commander's Service Comment Reports (SCR).¹ The SCR is a form completed to document external commendations, service complaints, and/or personnel complaints.

The AAB also evaluated the Department's compliance with provisions of the United States Department of Justice (DOJ) Antelope Valley Settlement Agreement (AV Agreement)² specific to complaints against Department members.³ The AV Agreement requires the Department to conduct a semiannual randomized audit of the complaint intake, classification, and investigation. This audit includes a qualitative assessment as to whether complaints were accepted and classified consistent with Department policy, the complaint investigations were complete, and the dispositions were consistent with sufficient evidence.

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

BACKGROUND

The Department classifies public complaints into two categories: service complaints and personnel complaints.⁵ Service complaints are external communications of dissatisfaction with Department service, procedure or practice, response time, traffic citation, and those not involving employee misconduct. Personnel complaints are external allegations of misconduct against a Department member, either a violation of law or Departmental policy, to include but not limited to: discourtesy, dishonesty,

¹ MPP §3-04/010.05, Procedures for Department Service Reviews, December 2013.

² United States Department of Justice – Los Angeles County Sheriff's Department, Settlement Agreement Number CV 15-03174, April 2015.

³ The AV Agreement, Section IX, Personnel Complaint Review, April 2015.

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

⁵ MPP §3-04/010.00, Department Service Reviews, December 2013.

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unreasonable force, improper tactics, improper detention, search or arrest, neglect of duty, operation of vehicle, off-duty conduct, harassment, or discrimination.

Public trust is vital to the Department’s mission, and rests on Departmental responsiveness to community needs and expectations. To foster public confidence in the Department and to promote constructive communication, public comments must be received with equal professional interest and courtesy, and given appropriate supervisory attention.⁶

On April 28, 2015, the County of Los Angeles (County) and the Department entered into the AV Agreement with the DOJ regarding police services in the Antelope Valley area which includes the cities of Lancaster and Palmdale, and the surrounding unincorporated Los Angeles County areas. In the AV Agreement, the County and the Department agreed to ensure all allegations of personnel misconduct are received, and fully and fairly investigated. The County and Department also agreed that all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent.

California Penal Code Section 13012 requires law enforcement agencies to collect and report to the California Department of Justice on citizens’ complaints alleging racial or identity profiling based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.

PRIOR AUDIT

The AAB completed one prior Public Comments Audit, Project Number 2015-4-A, published on August 30, 2016. This audit reviewed public complaints against Department members at Lancaster and Palmdale Sheriff’s Stations.

The prior audit included ten recommendations. Six of the recommendations pertained to the procedural handling of SCRs and supervisory responsibilities. Two recommendations addressed necessary revisions to Departmental policy regarding SCRs. The remaining two recommendations addressed the need for additional training for personnel handling SCRs. The Antelope Valley Department of Justice Compliance Unit (AV/DOJ Compliance Unit) reported eight of the ten recommendations have been implemented which are reflected in the revised Service Comment Report manual which is pending publication.

On January 1, 2018, the Professional Standards and Training Division issued an informational document indicating the SCR form, the *Result of Service Comment*

⁶ MPP §3-04/000.00, Personnel Investigations, April 1996.

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Review form, and the Service Comment Report Handbook (SCR Handbook) have been revised and will be published in the near future.⁷ The publication date is pending.

METHODOLOGY

Scope

This audit encompassed five main objectives and included a review of completed SCR packets from Palmdale Sheriff’s Station. For the purposes of this audit, a SCR packet was considered completed when approved and signed by the division commander.

The Department’s Manual of Policy and Procedures (MPP), the SCR Handbook, North Patrol Division Order Number 13-01, *Unit Commanders Responsibilities for Discrimination Complaints*, Palmdale Sheriff’s Station Unit Order Number 14-06, *Supplemental Supervisory Responsibilities*, and the AV Agreement were used in the analysis of this audit.

The documentation (SCR packet) reviewed for the audit was obtained by auditors from Palmdale Sheriff’s Station and the Department’s Risk Management Bureau’s Discovery Unit. The SCR packets were comprised of completed SCR forms, *Result of Service Comment Review* forms, associated memoranda and reports, audio and video recordings, photographs, and correspondences addressed to the complainant.

In order to measure the Department’s compliance with the provisions of the AV Agreement, auditors conducted a qualitative assessment as necessary throughout the audit. This included an assessment of all available documentation for each SCR packet to determine whether the complaints were received, classified, and fully investigated, up to the adjudication of the complaint, in compliance with the applicable criteria.⁸

Audit Time Period

The audit time period was from April 1, 2016, through June 30, 2016, to ensure the evaluated SCR packets were completed.

Audit Population

All documented service and personnel complaints generated by the public against Department members assigned to Palmdale Sheriff’s Station, which were fully

⁷ The Department’s “SCR Handbook, Handling Public Complaints” June 2011, is a supplement to the Department’s MPP and provides standardized procedures on the receiving, handling, and investigating of public complaints.

⁸ AV Agreement, XI. Monitoring, B. Compliance Reviews and Audits, paragraph 149, April 2015, states compliance reviews and audits will contain both qualitative and quantitative elements as necessary for reliability and comprehensiveness.

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investigated with final approval by a commander at the division level, were included in the population. Twenty-four SCR packets were identified from the data sources and investigated by supervisors at Palmdale Sheriff’s Station.

The SCR population from the service area of Palmdale Sheriff’s Station was identified through the Performance Recording and Monitoring System (PRMS), Service Comment Module.⁹ The population was reconciled with a list provided by the AV/DOJ Compliance Unit. The population was also cross referenced with entries in the Station/Bureau Administration Portal (SBAP).¹⁰ External commendations documented on SCR forms were not included in the audit.

Patrol station watch commanders are responsible for documenting on the Watch Commander’s log when a public complaint is received. This includes documenting in the log anytime a SCR form is completed. The Watch Commander’s log is stored as an electronic record in SBAP.

SUMMARY OF AUDIT FINDINGS

The management and staff at Palmdale Sheriff’s Station were accommodating and cooperative in providing the necessary information and in validating the findings.

Palmdale Sheriff’s Station achieved excellent results in the following areas:

- Website Complaint Form Accessibility
- Uninvolved Supervisor Conducting Investigation
- Complainant Interviewed
- Availability of Audio/Video Recordings

Palmdale Sheriff’s Station achieved varied results in the remaining objectives, which did not meet the standard. The results of the audit are summarized in Table No. 1 on the following page.

⁹ The PRMS provides systematic recording of data relevant to incidents involving uses of force, shootings, and commendations/complaints involving Department personnel. The Service Comment Module contains information on personnel and service complaints.

¹⁰ The SBAP is a data entry system designed to collect and track data related to risk management incidents at patrol stations. The system includes data on use of force, traffic collisions, public comments, pursuits, administrative investigations, and employee injuries and lawsuits/claims.

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Table No. 1 - Summary of Audit Findings

Objective No.	Audit Objectives	Met the Standard
1	COMPLAINT INTAKE	
1(a)	<i>Complaint Form Availability</i>	33%
1(b)	<i>Website Complaint Form Accessibility</i>	100%
1(c)	<i>Discouraging Complainant</i>	92%
2	COMPLAINT CLASSIFICATION	
2(a)	<i>Proper Classification During Intake</i>	96%
2(b)	<i>Proper Classification After Investigation</i>	96%
3	DISCRIMINATION COMPLAINT REQUIREMENTS	
3(a)	<i>Discrimination Acknowledgment Letter</i>	25%
3(b)	<i>Conflict Resolution Meeting</i>	75%
4	INVESTIGATION	
4(a)	<i>Uninvolved Supervisor Conducting Investigation</i>	100%
4(b)	<i>Thorough Complaint Investigation</i>	96%
4(c)	<i>Complainant Interviewed</i>	100%
4(d)	<i>Availability of Audio/Video Recordings</i>	100%
4(e)	<i>Adjudication of a Service Comment Report</i>	88%
5	TIMELINESS	
5(a)	<i>SCR Packet to Division</i>	0%
5(b)	<i>SCR Packet Received by Discovery Unit</i>	4%

Objective No. 1 – Complaint Intake

Objective No. 1(a) – Complaint Form Availability

Criteria

Manual of Policy and Procedures, Section 3-04/010.35, Public Accessibility to Information about the Complaint Process (October 2014), states:

Each Bureau, Station and facility shall maintain a supply of the Department forms SH-CR-596 and SH-CR-596A (Spanish version). These forms, entitled "Procedures for Public Complaints," explain how the Department conducts complaint inquiries...

Additionally, the Professional Standards Division is responsible for furnishing the County Chief Administrative Officer with a supply of pre-addressed "business

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reply mail" public complaint forms for distribution to non-Sheriff's County facilities. The forms may also be maintained at contract city offices at the discretion of the contract city. Each mail-in form has a copy of "Procedures For Public Complaints" attached to it. These forms facilitate the public's ability to lodge complaints by enabling a person who is hesitant to visit a Sheriff's facility to mail his complaint.¹¹

Antelope Valley Settlement Agreement, Subsection A., Complaint Intake, paragraph 124 (April 2015), states:

LASD shall continue to make personnel complaint forms and informational materials, including brochures and posters, available at appropriate County or municipal properties in the Antelope Valley, including, at a minimum, LASD stations, courts, county libraries, and LASD websites, and make them available to community groups upon request.

Audit Procedures

Auditors identified three locations within Palmdale Sheriff Station’s jurisdiction which require complaint forms according to the AV Agreement. They are Palmdale Sheriff’s Station, Acton/Agua Dulce Library, and Littlerock Library.

Auditors conducted unannounced site visits at these locations to determine whether the public complaint forms were available to the public, in both English and Spanish.

Findings

One of the three (33%) locations, Palmdale Sheriff’s Station, met the standard for this objective. Neither of the two County libraries had Spanish language complaint forms available.

During the validation of findings with Palmdale Sheriff’s Station, auditors were advised the responsibility of furnishing public complaint forms at the County library was recently transferred to Palmdale Sheriff’s Station by the AV/DOJ Compliance Unit. This matter is further discussed in the Other Related Matters section of this report.

¹¹ The SCR Handbook and MPP §3-04/010.35 specifically prohibit counter distribution of public complaint forms.

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Objective No. 1(b) – Website Complaint Form Accessibility

Criteria

Antelope Valley Settlement Agreement, Subsection A., Complaint Intake, paragraph 124 (April 2015), states:

LASD shall continue to make personnel complaint forms and informational materials, including brochures and posters, available at appropriate County or municipal properties in the Antelope Valley, including, at a minimum, LASD stations, courts, county libraries, and LASD websites, and make them available to community groups upon request.

Audit Procedures

Auditors visited the public websites of the Department and Palmdale Sheriff’s Station to determine whether there was access to the Department’s complaint procedures, and whether the form was available.

Findings

Both (100%) the Department’s public website and Palmdale Sheriff’s Station’s website met the standard for this objective. Auditors were able to locate complaint forms and informational materials on both websites.

Objective No. 1(c) – Discouraging Complainant

Criteria

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint, shall be grounds for discipline.

Antelope Valley Settlement Agreement, Subsection A., Complaint Intake, paragraph 126 (April 2015), states:

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint, shall be grounds for discipline, up to and including termination.

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Audit Procedures

Auditors reviewed SCR packets to determine whether a Department member discouraged the complainant from bringing the matter to the attention of the Department. Auditors reviewed the SCR packets to determine if discouragement was reported on the intake form, as well as examining source documentation for further indications of discouragement. Written complaints submitted by the reporting party were examined and all audio/video files for each SCR packet were thoroughly reviewed.

Findings

Twenty-two of the 24 (92%) SCR packets met the standard for this objective. In one SCR packet, the discouraging check box was marked “Yes.” However, this was not addressed during the watch commander’s review. It is unclear if this was a reporting error or an uninvestigated claim. In another SCR packet, the complainant claimed he was discouraged. The statement was not further addressed in the SCR packet with either the reporting party or the involved employee.

Objective No. 2 – Complaint Classification

Objective No. 2(a) – Proper Classification During Intake

Criteria

Manual of Policy and Procedures, Section 3-04/010.00, Department Service Reviews (December 2013), states:

The Department will accept and review any comment from any member of the public concerning Departmental service or individual performance...

- *Service Complaint: an external communication of dissatisfaction with Department service, procedure or practice, not involving employee misconduct; and*
- *Personnel Complaint: an external allegation of misconduct, either a violation of law or Department policy, against any member of the Department.*

Manual of Policy and Procedures, Section 3-04/010.25, Personnel Complaints (October 2014), states:

The Watch Commander shall also check the fact page of the Service Comment form and ensure that it is filled out completely and correctly. He shall confirm that the proper categories are marked reflecting the nature of the complaint...

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Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), states:

The Watch Commander shall place a mark in the appropriate box indicating the nature of the comment, and shall mark the appropriate sub-category(s) as accurately as possible. The Watch Commander shall write a brief synopsis of the commendation or complaint in the "Synopsis of Contact/Event" section.

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:

Supervisors shall ensure that that [sic] all personnel complaint allegations are accurately classified at all investigative stages, from intake through resolution and shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant.

Antelope Valley Settlement Agreement, Subsection B., Complaint Classification, paragraph 128 (April 2015), states:

LASD will ensure that personnel complaints are not misclassified as service complaints.

Audit Procedures

Auditors reviewed SCR packets to determine whether the complaint was appropriately classified as a personnel complaint, service complaint, or personnel and service complaint during the initial intake.

Complaint forms and all audio/video files for each SCR packet were examined. Auditors also evaluated each SCR packet narrative written by the investigating watch commander for inclusion of any potential complaint categories directly or indirectly referenced by the reporting party.¹²

Findings

Twenty-three of the 24 (96%) SCR packets met the standard for this objective. Nineteen SCR packets were classified as personnel complaints. One SCR packet was classified as a service complaint. Four SCR packets were classified as personnel and service complaints. The SCR packet not meeting the standard was misclassified solely as a service complaint. The complainant in this SCR packet also alleged the involved

¹² The reporting party is the person who submits a complaint to the Department.

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employee mishandled an investigation (neglect of duty), and therefore it should have been classified as a personnel complaint in addition to the service complaint.

Objective No. 2(b) – Proper Classification After Investigation

Criteria

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:

Supervisors shall ensure that that [sic] all personnel complaint allegations are accurately classified at all investigative stages, from intake through resolution and shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant.

Antelope Valley Settlement Agreement, Subsection B., Complaint Classification, paragraph 130 (April 2015), states:

Antelope Valley unit commanders shall be responsible for appropriately classifying each allegation and personnel complaint raised at the outset or during the investigation/review of a complaint. LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant.

Audit Procedures

Auditors reviewed SCR packets to determine whether the complaint was appropriately classified as a personnel complaint, service complaint, or personnel and service complaint after additional information was received which may have affected the initial classification of the complaint.

Findings

Twenty-three of the 24 (96%) SCR packets met the standard for this objective. In the one SCR packet not meeting the standard, the reviewing supervisor did not reclassify the complaint classification from a service complaint to a personnel and service complaint.

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Objective No. 3 – Discrimination Complaint Requirements

Objective No. 3(a) – Discrimination Acknowledgment Letter

Criteria

North Patrol Division, Division Order Number 13-01, Unit Commander Responsibilities for Discrimination Complaints (August 2013), states:

The unit commander's staff shall mail an acknowledgement letter to the reporting party, acknowledging that the complaint was received by the Unit. The letter shall contain the following verbiage, "The Department takes discrimination complaints seriously. Please be assured I will be personally involved in the review of your complaint."

Audit Procedures

For the purposes of this objective, only discrimination complaints were examined for the required verbiage in the acknowledgement letter. Auditors examined the SCR packets to identify allegations of racial, gender orientation, sexual orientation, religious, and physical and/or mental disability discrimination on the SCR intake form and documentation within the narrative of the SCR packet. Four of the 24 SCR packets contained an allegation of discrimination, and were therefore reviewed for this objective.

Findings

One of the four (25%) SCR packets met the standard for this objective. The remaining three acknowledgement letters did not contain the required verbiage.

Objective No. 3(b) – Conflict Resolution Meeting

Criteria

North Patrol Division, Division Order Number 13-01, Unit Commander Responsibilities for Discrimination Complaints (August 2013), states:

The unit commander shall make every effort to facilitate a Conflict Resolution session between the reporting party and the involved personnel. The objective of the Conflict Resolution session is to facilitate constructive discussion regarding the discrimination complaint. Although Conflict Resolution does not guarantee an agreement of opinions will be reached, the process aims to facilitate a dialogue regarding concerns giving rise to a complaint. The process often times

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expands awareness of the situation which, in turn, increases public satisfaction and trust.

Audit Procedures

For the purposes of this objective, only discrimination complaints were examined for the unit commander’s conflict resolution responsibilities. Auditors reviewed the SCR documentation to determine whether the unit commander personally facilitated a conflict resolution meeting with the complainant only for discrimination complaints. Four of the 24 SCR packets contained an allegation of discrimination, and were therefore reviewed for this objective.

Findings

Three of the four (75%) SCR packets met the standard for this objective. The SCR packet not meeting the standard was generated subsequent to an alleged use of force investigation. The discrimination allegation in this SCR packet was addressed in the narrative of the memorandum, but none of the protocols for handling a discrimination complaint were followed in accordance with the North Patrol Division Order.

Objective No. 4 – Investigation

Objective No. 4(a) – Uninvolved Supervisor Conducting Investigation

Criteria

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:¹³

Any involved supervisor who is party to the complaint, or any supervisor who authorized the conduct that led to a complaint, shall not conduct the complaint investigation.

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Procedures (July 2014), states:

Any involved supervisor, or any supervisor who authorized the conduct that led to a complaint, shall not conduct the complaint investigation.

¹³ Palmdale Sheriff’s Station, Unit Order Number 14-06, July 2014 and May 2016, were both used because the audit time period was covered under both versions.

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Antelope Valley Settlement Agreement, Subsection C., Investigations, paragraph 133 (April 2015), states:

LASD will not permit any involved supervisor, or any supervisor who authorized the conduct that led to the complaint, to conduct a complaint investigation.

Audit Procedures

Auditors reviewed the SCR packets to determine whether an involved supervisor, or any supervisor who authorized the conduct that led to the complaint, conducted the complaint investigation. Seven of the 24 SCR packets documented an involved supervisor as part of the complaint, and were therefore reviewed for this objective.

Findings

All seven (100%) SCR packets met the standard for this objective.

Objective No. 4(b) – Thorough Complaint Investigation

Criteria

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:¹⁴

Supervisors shall ensure that all allegations of personnel misconduct are documented and are fully and fairly investigated...

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Procedures (July 2014), states:

Supervisors shall ensure that all allegations of personnel misconduct are received and fully and fairly investigated...

Antelope Valley Settlement Agreement, Subsection C., Investigations, paragraph 131 (April 2015), states:

All investigations of Antelope Valley personnel complaints, including reviews, shall be as thorough as necessary to reach reliable and complete findings. In each investigation, LASD shall consider all relevant evidence, including

¹⁴ Palmdale Sheriff’s Station, Unit Order Number 14-06, July 2014 and May 2016, were both used because the audit time period was covered under both versions. The verbiage under “Complaints” was updated from “received” to “documented” during the audit time period.

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circumstantial, direct and physical evidence, as appropriate, and make credibility determinations based upon that evidence.

Audit Procedures

Auditors reviewed the SCR packets to determine whether the complaint reviews were thoroughly investigated. Auditors reviewed source documentation narratives, interviews, correspondence, and audio/video files. Auditors conducted a qualitative assessment of these documents as to whether supervisors documented and considered all relevant evidence as appropriate. This included determining whether or not all potential parties were contacted, interviews were recorded, and all involved Department personnel were identified and interviewed. Auditors reviewed documentation and determined if the SCR packets contained a thorough investigation, in compliance with Department policy and criteria.

Findings

Twenty-three of the 24 (96%) SCR packets met the standard for this objective. In the SCR packet not meeting the standard, an individual who was present during the incident leading to the complaint should have been identified as a witness. An attempt to interview this person was not conducted.

Objective No. 4(c) – Complainant Interviewed

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), states:

The Watch Commander of the Unit shall initiate a service review by immediately interviewing any member of the public who, whether in person or by telephone, offers a comment. It is the Watch Commander’s or Supervising Lieutenant’s responsibility to hear every commendation or complaint, even if another Unit’s personnel are involved, and to immediately complete a Watch Commander’s Service Comment Report form.

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:

Supervisors shall interview each complainant in person, if practical and will conduct additional interviews as necessary to reach reliable and complete findings.

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Antelope Valley Settlement Agreement, Subsection C., Investigations, paragraph 136 (April 2015), states:

The SCR complaint investigator shall interview each complainant in person, if practical.

Audit Procedures

Auditors reviewed SCR packets to determine whether the reporting party or involved party was interviewed in person or telephonically by the supervisor/watch commander.¹⁵ One SCR packet was generated from a mail-in complaint form in which the complainant did not respond to multiple attempts to be contacted for an interview by U.S. mail, electronic mail, and telephone calls. This SCR packet was excluded from this objective; therefore, 23 SCR packets were reviewed for this objective.

Findings

All 23 (100%) SCR packets met the standard for the objective. In seven of the SCR packets, a supervisor conducted an in-person interview. The remaining 16 SCR packets included telephonic interviews.

Objective No. 4(d) – Availability of Audio/Video Recordings

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), states:

During telephonic comments or complaints, the Watch Commander shall field the call on a taped line if equipment is in place to do so...

Palmdale Sheriff’s Station, Unit Order Number 14-06, Supplemental Supervisory Responsibilities (May 2016), states:

Interviews shall be recorded in their entirety, absent documented extraordinary circumstances.

¹⁵ A reporting party may not necessarily be the same person as an involved party, such as in the case of a third party complaint.

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Service Comment Report Handbook, Section II, Subsection B, Preparing for and Conducting the Interview with the Reporting Party and Non-Department Witness(es) (June 2011), states:

*The **Watch Commander** should use tape-recording equipment to record the interviews. If the interviews are not taped, the Watch Commander shall include in the Watch Commander’s Service Comment Review Memo the reason why they were not taped. Also, the Watch Commander should go over the contents of the interviews with the reporting party and witness to confirm that their statements were correctly received, whether tape-recorded or not.*

Audit Procedures

Auditors reviewed SCR packets to determine whether audio/video recordings of the interviews were available. One SCR packet was not included in the population for this objective. It was excluded because the complainant mailed the complaint form, and the complainant did not respond to multiple attempts by U.S. mail, electronic mail, and telephone calls to be contacted for an interview. Therefore, 23 SCR packets were reviewed for this objective.

Findings

All 23 (100%) SCR packets met the standard for this objective.

Objective No. 4(e) – Adjudication of a Service Comment Report

Criteria

Service Comment Report Handbook, Section III, Adjudication of an SCR (June 2011), states:

*...Service reviews should be concise yet need to include sufficient information in order for the **Unit Commander** to make an appropriate assessment. The review should be objective and each allegation should be thoroughly addressed. During the adjudication stage, it is the responsibility of the Unit Commander to ensure that the recommended disposition is supported by the statements and evidence...*

C. Adjudication of an SCR:

*If the complaint is handled as a service review, then the **Unit Commander** is responsible for approving the recommended review disposition. The service review must contain sufficient information in order for the Unit*

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Commander to make a final determination and that determination must be supported by the information contained in the review...

*...The **Unit Commander** should use neutral and objective criteria, weigh evidence appropriately to distinguish strong evidence from questionable or less material evidence, and not indulge in presumptions that bias the findings...*

- 2). **REVIEW DISPOSITION:**
- c). **Review Completed - Service Only - No Further Action:** *(Used only when a complaint is categorized as a “Service Complaint.”)*
 - d). **Employee Conduct Appears Reasonable:** *(Review indicated the employee’s actions appear to be in compliance with procedures, policies, guidelines or training.)*
 - e). **Appears Employee Conduct Could Have Been Better:** *(The employee’s actions were in compliance with procedures, policies, and guidelines. The complaint could have been minimized if the employee had employed tactical communication principles or common sense.)*
 - f). **Employee Conduct Should Have Been Different:** *(The employee’s actions were not in compliance with established procedures, policies, guidelines or training. **Watch Commander** will take appropriate action.)*
 - g). **Unable to Make a Determination:** *(The review revealed insufficient information to assess the employee's alleged conduct or to identify the employees involved.)*
 - h). **Resolved - Conflict Resolution Meeting:** *(A conflict resolution meeting with the reporting party and involved employee(s) was held. The meeting adequately addressed all concerns and no further actions are deemed necessary.)*

Antelope Valley Settlement Agreement, Subsection C., Investigations, paragraph 131 (April 2015), states:

...There will be no automatic preference for a deputy’s statement over a non-deputy’s statement, nor will LASD disregard a witness’ statement merely

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because the witness has some connection to the complainant or because of any criminal history. LASD shall make efforts to resolve material inconsistencies between witness statements.

Audit Procedures

The adjudication of a SCR is documented on the *Result of Service Comment Review* form and is evidenced by the unit commander’s signature attesting he/she agreed with the recommended disposition made by the supervisor completing the investigation. Auditors reviewed the SCR packets to determine whether the disposition of a SCR packet was supported by sufficient information and relevant evidence contained in the review. This included assessing whether automatic preference for a deputy’s statement was given over a non-deputy’s statement.

Findings

Twenty-one of the 24 (88%) SCR packets met the standard for this objective. In one SCR packet not meeting the standard, the disposition was approved as “Employee Conduct Appears Reasonable.” This complaint involved a Department member and the complainant with no independent witnesses to corroborate either statement. Based on the criteria, it should have been categorized as “Unable to Make a Determination.”¹⁶ The second SCR packet’s investigation was incomplete because the reviewing supervisor failed to pursue an interview with a known witness. The third SCR packet should have been reclassified from a service complaint to a personnel and service complaint.

Table No. 2 represents the dispositions for the SCRs reviewed. The total number does not equal the number of SCRs in the audit because multiple Department members may have been involved in a single complaint requiring a separate disposition for each member.

Table No. 2 - Result of Service Comment Review

Review Disposition	Number of Disposition
Review Completed – Service Only	8
Employee Conduct Appears Reasonable	28
Appears Employee Conduct Could Have Been Better	3
Employee Conduct Should Have Been Different	3
Unable to Make a Determination	2
Resolved – Conflict Resolution Meeting	2
Unit Level Administrative Investigation Initiated	2

¹⁶ AV Agreement, Subsection C. Investigations, paragraph 131, April 2015, states, “There will be no automatic preference for a deputy’s statement over a non-deputy’s statement...”

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Objective No. 5 – Timeliness

Objective No. 5(a) – SCR Packet to Division

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), states:

NOTE: Watch Commander Service Comment Reports shall be completed within 30 calendar days and forwarded to Division.

Service Comment Report Handbook, Section III, Subsection A(1), Due Dates (June 2011), states:

Service reviews shall be completed within 30 calendar days and forwarded to Division.

Audit Procedures

Auditors reviewed SCR packets for the complaint intake date and the date the unit commander signed the SCR packet to determine whether the SCR packet was completed within 30 calendar days.

Findings

None of the 24 (0%) SCR packets met the standard for this objective.

Objective No. 5(b) – SCR Packet Received by Discovery Unit

Criteria

Manual of Policy and Procedures, Section 3-04/010.05, Procedures for Department Service Reviews (December 2013), states:

Unit commanders shall ensure that the Service Comment Report is completed and forwarded to the Discovery Unit within 60 days of receipt of the initial complaint.

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Service Comment Report Handbook, Section III, Subsection A(1), Due Dates (June 2011), states:

The completed SCR package shall be forwarded to the Discovery Unit within 60 calendar days...

Audit Procedures

Auditors reviewed the SCR packets for the complaint intake date and PRMS for the received date at the Discovery Unit to determine whether SCR packets were forwarded to the Discovery Unit within 60 days. Auditors used the Discovery Unit’s “received date” to determine when the SCR packets were forwarded by the unit commanders.

Findings

One of the 24 (4%) SCR packets met the standard for this objective. The remaining 23 SCR packets were not received at the Discovery Unit within 60 days.

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives measurable against the MPP, Division and Station Unit Orders, or the AV Agreement.

Public Complaint Forms Availability

The AV Agreement conflicts with MPP Section 3-04/010.35, *Public Accessibility to Information about the Complaint Process*, which states, “The forms shall not be maintained at public counters at Station, jails, etc., except at Station area store front sites, which have no on-site Watch Commander.” The AV Agreement requires the Department to have public complaint forms available at “LASD stations.” Palmdale Sheriff’s Station adhered to the AV Agreement by having the forms available to the public on the lobby counter.

This MPP section also states the Professional Standards Division¹⁷ is responsible for furnishing the County Chief Administrative Officer¹⁸ with public complaint forms for distribution to non-Sheriff’s County facilities. This is in conflict with the arrangement between Palmdale Sheriff’s Station and the AV/DOJ Compliance Unit as to which unit is responsible for supplying the public complaint forms to the County libraries.

¹⁷ Professional Standards Division is now referred to as the Professional Standards and Training Division.

¹⁸ The County Chief Administrative Officer’s position was renamed the County Chief Executive Officer on July 20, 2007.

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Unit Commander Notification on Discrimination Complaints

Although there is no stated requirement to record the date and time of the unit commander notification during alleged discrimination complaints, North Patrol Division, Division Order Number 13-01, *Unit Commanders Responsibilities for Discrimination Complaints*, states the unit commander shall be notified “without delay.” In order to measure compliance with this order, a timeframe for the unit commander notification should be established and documented.

CONCLUSION

During the course of this audit, auditors assessed the policies, procedures, and practices related to public comments, and identified areas in need of improvement. Auditors noted North Patrol Division Headquarters and Palmdale Sheriff’s Station have incorporated provisions of the AV Agreement into their division and unit orders with the intent of achieving compliance with the AV Agreement.

RECOMMENDATIONS

The resulting recommendations coincide with the findings and conclusion from the objectives and other related matters. They are intended to provide Department management with a tool to correct deficiencies and improve performance.

1. It is recommended the Department address the conflict between MPP Section 3-04/010.35, *Public Accessibility to Information about the Complaint Process*, the requirements of the AV Agreement, and current practice regarding the availability of complaint forms at non-Sheriff’s County facilities. (Objective No. 1 and Other Related Matters)
2. It is recommended the Department review and revise North Patrol Division, Division Order Number 13-01, *Unit Commanders Responsibilities for Discrimination Complaints*, to clarify that conflict resolution be offered to the involved party in instances of a third party complaint where the reporting party was not involved. (Objective No. 3)
3. It is recommended the Department evaluate whether the current policy contained in MPP Section 3-04/010.05, *Procedures for Department Service Reviews*, related to the timeframes of SCR investigations is feasible. (Objective No. 5)
4. For complaints alleging discrimination, it is recommended the Department review and revise North Patrol Division Headquarters, Division Order Number 13-01, *Unit Commanders Responsibilities for Discrimination Complaints*, for the Unit

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Commander Notification “without delay,” to provide clarification on a timeframe for the notification, and to include direction on documenting when the notification occurred. (Other Related Matters)

Views of Responsible Officials

On May 22, 2018, North Patrol Division Command Staff submitted a formal response to AAB concurring with the audit findings. A copy of the audit report was provided to the Office of Inspector General.

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This audit was submitted on this 23rd day of May, 2018, by the Audit and Accountability Bureau.

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