

**LOS ANGELES POLICE COMMISSION**

*Review of the Department's  
Complaint, Form 1.28, Investigations  
Audit, Phase II*



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE DEPARTMENT'S COMPLAINT, FORM 1.28, INVESTIGATIONS  
AUDIT, PHASE II (FISCAL YEAR 2006/2007)**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Department's Complaint, Form 1.28, Investigations Audit, Phase II (Audit) performed by Audit Division. The Audit was completed in the third quarter of Fiscal Year (FY) 2006/2007 and received by the OIG on April 3, 2007.<sup>1</sup> The OIG assessed the Audit's completeness, findings, and quality.

**BACKGROUND ON AUDIT DIVISION'S AUDIT**

This was the fourth Complaint Investigations Audit conducted by Audit Division. In order to increase the efficiency and effectiveness of the audit process, Audit Division performed their audit in two separate phases. Phase I evaluated various procedural controls over the complaint investigations process including the proper selection of supervisory officers for deployment to this function; proper initial assignment of complaints for investigation; and proper management of the 24-hour toll free telephone complaint hotline; among others. That audit report was issued in the second quarter of FY 2006/2007.<sup>2</sup> Phase II evaluated the overall quality of the complaint investigations and assessed the Los Angeles Police Department's (LAPD or Department) compliance with Consent Decree Paragraphs 74(h), 75(i, ii, iii), 77, 78, 80(a-g), 81(a-c), 82, 84, 85, 86, 90, 91, 101, and 129(b, c, d). Table No.1, on the next page, provides a description of the Audit's objectives used to assess adherence to those paragraphs as well as the compliance percentages reported by Audit Division.

Audit Division selected a sample of complaint investigations processed by Chain of Command (COC) and Internal Affairs Group (IAG) that were completed during the month of October 2006. A random sample of 34 COC and 46 IAG investigations were reviewed to assess compliance with 26 objectives/subobjectives (see Table No. 1).<sup>3</sup> All Failure to Appear, Failure to Qualify, and Preventable Traffic Collision investigations were excluded from the sample population due to the lower risk associated with these complaints.

Greater detail on Audit Division's methodology and findings can be found in Audit Division's Audit Report.

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<sup>1</sup> Generally, the OIG attempts to issue its reviews within three months of receiving the Department's audit, but due to a special request from the Police Commission to oversee a high-profile investigation, which superceded our regularly scheduled audits/reviews, there was a slight delay in issuing this review.

<sup>2</sup> The OIG found that Audit Division's Complaint, Form 1.28, Investigations Audit, Phase I, to be complete, performed in a quality manner and the results well supported.

<sup>3</sup> The OIG noted that for the prior audit (FY 2005/2006) Audit Division randomly selected 136 complaint investigations (including 67 completed by COC and 69 completed by IAG) from two separate populations. Although Audit Division reported that the same sampling methodology was utilized for their 2006/2007 Audit, a random sample was selected from the combined COC and IAG populations resulting in a significantly smaller sample size (136 last year versus 80 this year) even though the population generally remained the same from last year. It should be noted that we found Audit Division's current test sample to be representative of the population.

**TABLE NO. 1  
COMPLIANCE PERCENTAGES REPORTED BY AUDIT DIVISION**

| OBJECTIVE/SUB-OBJECTIVE                                       | CD¶ | DESCRIPTION OF AUDIT OBJECTIVE | FY 2005/06 COMPLIANCE  | FY 2006/07 COMPLIANCE |              |
|---|-----|--------------------------------|--|-----------------------|--------------|
| <b>Filing of Complaints</b>                                   |     |                                |  |                       |              |
| 1   |     | 74 (h)                         | PROHIBITION FROM ASKING OR REQUIRING COMPLAINANT TO SIGN A WAIVER  | 100% (136/136)        | 100% (80/80) |
| 2   | (a) | 75(i)                          | NO INDICATION OF FAILURE TO INFORM A CIVILIAN INDICATING A DESIRE TO FILE A COMPLAINT OF THE MEANS IN WHICH IT MAY BE FILED              | 98% (133/136)         | 100% (80/80) |
|   | (b) | 75(ii)                         | NO INDICATION OF ATTEMPTS TO DISSUADE A CIVILIAN FROM FILING A COMPLAINT   | 98% (133/136)         | 100% (80/80) |
|   | (c) | 75(iii)                        | NO INDICATION OF FAILURE TO ACCEPT A COMPLAINT BY AN OFFICER AUTHORIZED TO DO SO   | 98% (133/136)         | 100% (80/80) |
| 3   |     | 77                             | NOTIFICATION TO THE DEPARTMENT OF OFFICERS ARRESTED, CRIMINALLY CHARGED, OR NAMED AS A PARTY IN ANY CIVIL SUIT INVOLVING ON-DUTY CONDUCT | Compliant             | Compliant    |
| 4   |     | 78                             | REQUIREMENT TO REPORT MISCONDUCT   | 98% (133/136)         | 100% (80/80) |
| <b>Internal Affairs Group Investigations</b>                  |     |                                |  |                       |              |
| 5   | (a) | 80(a)                          | TAPE RECORDING/VIDEOTAPING OF INTERVIEWS   | N/A*                  | 98% (45/46)  |
|   | (b) | 80(b)                          | CANVASSING AND INTERVIEWING OF WITNESSES/COMPLAINANTS  | 94% (65/69)           | 100% (46/46) |
|   | (c) | 80(c)                          | PROHIBITING GROUP INTERVIEWS   | 99% (68/69)           | 100% (46/46) |
|   | (d) | 80(d)                          | NOTIFICATION OF THE INVOLVED OFFICERS AND THEIR SUPERVISORS  | 100% (69/69)          | 100% (46/46) |
|   | (e) | 80(e)                          | INTERVIEW OF ALL SUPERVISORS   | 100% (69/69)          | 98% (45/46)  |
|   | (f) | 80(f)                          | COLLECTION AND PRESERVATION OF EVIDENCE  | N/A*                  | 91% (42/46)  |
|   | (g) | 80(g)                          | IDENTIFY AND REPORT ALL INCONSISTENCIES  | 100% (69/69)          | 98% (45/46)  |
| <b>Chain of Command Investigations</b>                        |     |                                |  |                       |              |
| 6   | (a) | 81                             | PROHIBITION OF GROUP INTERVIEWS  | 97% (65/67)           | 100% (34/34) |
|   | (b) | 81                             | INTERVIEW OF ALL SUPERVISORS   | 97% (65/67)           | 100% (34/34) |
|   | (c) | 81                             | COLLECTION AND PRESERVATION OF EVIDENCE  | 97% (65/67)           | 97% (33/34)  |
| <b>Internal Affairs Group/Chain of Command Investigations</b> |     |                                |  |                       |              |
| 7   |     | 82                             | ADDITIONAL MISCONDUCT INVESTIGATIONS INITIATED   | 99% (135/136)         | 98% (78/80)  |
| 8   |     | 84                             | APPLYING APPROPRIATE STANDARDS WHEN MAKING CREDIBILITY DETERMINATIONS  | 99% (71/72)           | 100% (80/80) |
| 9   |     | 85                             | ADJUDICATION OF INVESTIGATIONS USING PREPONDERANCE OF EVIDENCE STANDARD  | 98% (96/98)           | 95% (76/80)  |
| 10  |     | 86                             | INVESTIGATION OF WITHDRAWN, ANONYMOUSLY FILED, THIRD-PARTY COMPLAINTS  | 100% (136/136)        | 100% (24/24) |
| 11  |     | 90                             | DEPARTMENT MANAGER'S REVIEW OF ALL COMPLAINT INVESTIGATIONS  | 100% (29/29)          | 99% (79/80)  |
| 12  |     | 91                             | DEPARTMENT NOTIFICATION OF RESOLUTION TO COMPLAINANT   | 98% (107/109)         | 100% (61/61) |
| 13  |     | 101                            | DEPARTMENT REFERRAL TO CRIMINAL PROSECUTORIAL AUTHORITIES OF ALL INCIDENTS INVOLVING OFFICERS WITH FACTS INDICATING CRIMINAL CONDUCT     | 100% (9/9)            | 100% (80/80) |
| 14  |     | 129(b)                         | COMPLETENESS OF THE INVESTIGATION FILE   | 96% (130/136)         | 100% (80/80) |
| 15  |     | 129(c)                         | COMPARISON OF THE OFFICER, COMPLAINANT, AND WITNESS STATEMENTS   | 96% (130/136)         | 95% (76/80)  |
| 16  |     | 129(d)                         | OVERALL ADEQUACY OF THE INVESTIGATION  | N/A**                 | 91% (73/80)  |

\*Audit Division reported missing tapes under 80(a) for the prior audit and 80(f) for the current audit, thus preventing any direct comparison.

\*\*Audit Division did not assess compliance for 129(d) for FY 2005/2006 audit.

## **REVIEW METHODOLOGY**

The OIG assessed the completeness, findings, and quality of Audit Division's Audit by reviewing the final Audit Report, Audit Work Plan, Audit workpapers, and Microsoft Access database used to compile and analyze their audit results.<sup>4</sup> The OIG randomly selected a sample of 23 complaint investigations, ten from COC and 13 from IAG.

On July 19, 2007, the OIG met with Audit Division management to discuss the results of this review.

## **REVIEW RESULTS**

### **COMPLETENESS**

To assess the Audit's completeness, the OIG reviewed Audit Division's Audit Report and supporting workpapers to ensure all applicable Consent Decree mandates were assessed and Audit Division selected a sample from a complete population.

Based on the OIG's review, the Audit sufficiently identified and assessed the requirements specified in the Consent Decree. Specifically, the Audit established objectives to evaluate and report on Paragraphs 74(h), 75(i, ii, iii), 77, 78, 80(a-g), 81(a-c), 82, 84, 85, 86, 90, 91, 101, and 129(b, c, d). Additionally, the OIG determined that Audit Division's sample was taken from a complete population.<sup>5</sup>

### **FINDINGS**

The OIG assessed the findings for the 23 randomly selected complaint investigations. The OIG performed this testwork in order to provide assurance that Audit Division adequately identified and reported significant issues. Based on the OIG's review, overall, Audit Division presented the audit findings in a logical manner and the narrative of the report supported all findings. Additionally, Audit Division generally identified and reported issues relevant to the ongoing operations of the Department. However, the OIG identified additional issues that the OIG believes Audit Division should have also reported. These additional issues are presented on the following pages, by Complaint Form (CF) number.

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<sup>4</sup> The OIG's review of supporting workpapers was based on a randomly selected one-tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus precision of seven percent, with samples selected from the COC and IAG populations.

<sup>5</sup> The OIG requested a listing of all complaint investigations completed during the month of October 2006 and, after eliminating all Failure To Appear, Failure To Qualify, and Preventable Traffic Collisions, arrived at the same population identified by Audit Division.

## **CF 05-5132**

This complaint investigation identified ten allegations. According to the investigation file, the investigation was initiated after IAG received a letter from Los Angeles County District Attorney's Office (LACDA) that alleged improprieties by two detectives (accused officers). The LACDA received this information via a letter from an attorney for a Confidential Informant (CI), Mr. X, who provided information and assistance to the two detectives. Specifically, Mr. X alleged the two accused officers dissuaded him from providing pertinent information to the LACDA; tampered with the judicial process; failed to adequately provide for Mr. X's safety; and jeopardized their credibility in future judicial proceedings. Mr. X also alleged that he provided information as an informant that led to an arrest of more than one drug dealer, but only one arrest was documented in his Letter of Accomplishment that was submitted to the Court for consideration. All allegations were adjudicated as "Unfounded."

### Overall Adequacy of the Investigation - Objective 16, Consent Decree ¶129(d)

The OIG's review of the investigation file disclosed the following issues relating to the use of Mr. X as an informant that were not adequately addressed in the investigation:

- The investigation file concluded that when the accused officers first used Mr. X, which resulted in the arrest of a drug dealer, he was a Source of Information (SOI)<sup>6</sup> and the Commanding Officer relied on these facts to adjudicate allegation nos. 3 and 4<sup>7</sup> as "Unfounded." However, based on a review of the investigation, the OIG does not believe that conclusion is supported.<sup>8</sup> According to the paraphrased statement of one of the accused officers, Mr. X expressed an interest to work with law enforcement and did so in order to obtain consideration on a pending case. The accused officer's statement further indicated that in late 2004, Mr. X contacted and met with both accused officers and provided information about a drug dealer. Mr. X confirmed this statement but added that he made telephone calls to the drug dealer to set-up drug buys in the presence of the accused officers. Based on these statements, his actions do not appear to have been based on good "citizenship" but rather were self-serving. Accordingly, per both the "letter" and "spirit" of the Informant Manual, the OIG believes Mr. X was acting in the capacity of a CI and not an SOI well before the time that he was certified and "packaged" as a CI in 2005.

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<sup>6</sup> The LAPD Informant Manual generally states that an SOI exists when the person is motivated by good citizenship and their role in the information sharing process is passive rather than active.

<sup>7</sup> Allegation nos. 3 and 4 assert that the accused officers used Mr. X as an informant without following Department procedures.

<sup>8</sup> The LAPD Informant Manual generally states that a CI exists and requires an informant control package when a person is directed by an officer to secure information on criminal activity; requests to be compensated; or requests a letter of consideration or contract to "work off" a case (even if the person is only used one time).

- The investigation disclosed a lack of follow-up efforts to identify two additional officers who allegedly drove Mr. X many miles away on the night of his arrest prior to being booked so that he could point out the residence of a drug dealer. As follow-up efforts could have helped to either confirm or refute Mr. X's allegations, the OIG believes the investigating officer should have attempted to identify and interview these officers.

#### Additional Misconduct Investigations Initiated – Objective 7, Consent Decree ¶82

The OIG identified an additional allegation that was not framed or addressed by the investigation. Specifically, Mr. X indicated, on tape, that one of the accused officers told him that the aforementioned drug dealer about whom he provided information was also working for them [LAPD] as a CI. This assertion, that an officer disclosed the identity of a CI to Mr. X, a known felon, should have been framed as an additional allegation and addressed by the investigation as it relates to the safety of another CI.

#### Comparison of the Officer, Complainant, and Witness Statements - Objective 15, Consent Decree ¶129(c)

The OIG noted a completeness and accuracy concern with the paraphrased statement of Mr. X. Specifically, Mr. X stated in his tape-recorded interview that he had a few (3-5) telephone conversations with the accused officers a few months before he was packaged as a CI, giving information about a drug dealer. This information was not paraphrased. This information would have been important to paraphrase, as it would support that Mr. X was being utilized as a CI rather than an SOI. Additionally, Mr. X stated on tape that the accused officers never explained anything to him about the process of becoming an authorized informant or having him approved as an informant, but was "led to believe [he] was [an informant] and [he] started working for them." However, this was paraphrased as "Mr. X admitted that no offer relative to his status as an informant had been discussed with him," which appears to misrepresent what he said on tape.

#### Identify and Report all Inconsistencies - Objective 5g, Consent Decree ¶80(g)

The OIG noted that the following significant inconsistency was not highlighted in the investigation. Specifically, the paraphrased statement of one of the accused officers indicates that on the night of Mr. X's arrest, Mr. X "voluntarily expressed a desire and interest to work for law enforcement, and expressed an interest to work for credit or consideration on his pending case." This statement is inconsistent with the paraphrased statement of this accused officer's supervisor who was also present after Mr. X was arrested and when he was being "debriefed." The supervisor indicated that Mr. X said that his desire to cooperate was to take his dealer off the street so that he could get away from his bad habit and straighten out his life and further said that Mr. X did not want anything in return.

Manager's Review of all Complaint Investigations - Objective 11, Consent Decree ¶90

The OIG noted there was a training need that was not identified for one of the accused officers. Specifically, one of the accused officers indicated, on tape, that Mr. X was being utilized as an SOI and not a CI. It was the accused officer's understanding that for an individual to be considered a CI, they must be used more than one time, which is inconsistent with the Informant Manual, which indicates that a CI can be used "on one or many occasions." The accused officer further indicated that Mr. X's interest to work with law enforcement was based on his desire to work for credit or consideration on a pending case; thus, the accused officer's understanding would be consistent with the policy definition of a CI, not an SOI.<sup>9</sup> The accused officer's lack of knowledge of the Informant Manual's provisions for managing CIs is important to note, as the Department's appropriate use of CIs is an important underpinning of the Consent Decree.<sup>10</sup>

**CF 05-6491**

The complaint investigation identified three allegations. According to the investigative file, the complainant alleged that one of the accused officers failed to return his wallet, while the other accused officer unnecessarily pulled him up by the handcuffs and struck him in the back causing injury. The complainant stated that while at the scene of a traffic accident, he was asked by an officer for his driver's license. As his license was in his wallet, he handed over his wallet while he was being treated by a rescue ambulance. He indicated that his wallet, containing three \$50 bills totaling \$150, was never returned to him. Because of his injuries, the complainant was transported to a hospital where the police officers were advised by the rescue ambulance staff that the complainant appeared to be intoxicated. The complainant overheard the exchange between the rescue ambulance staff and the police officers and, fearing that he would be arrested, removed his medical bindings and fled from the hospital, apparently because he did not want to be arrested. The officers initiated a foot pursuit, which resulted in locating the complainant in the backyard of a nearby residence where allegedly one of the accused officers pulled him up by the handcuffs and struck him in the back. He was taken into custody without further incident. All of the allegations were adjudicated as "Unfounded."

Overall Adequacy of the Investigation - Objective 16, Consent Decree ¶129(d)

Although, for this investigation, Audit Division already held the Department out of compliance for Objective 16, the OIG identified an apparent inconsistency, which was not addressed that also affected the quality of the investigation. Specifically, there was an apparent inconsistency between the Arrest Report and a tape-recorded statement made by a public witness. According to the Arrest Report, the arresting officer indicated that a sergeant provided him with the

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<sup>9</sup> The Informant Manual indicates that when an individual requests to be "compensated" for information or tasks performed, such as for consideration in a pending case, and is considered an active rather than a passive participant, then the individual should be considered a CI.

<sup>10</sup> The Consent Decree has devoted an entire section (Section V) on CIs. Also, in June 2003 the LAPD subsequently published an Informant Manual expanding and clarifying the Consent Decree requirements for maintaining and documenting the use of informants.

complainant's driver's license, which could support the complainant's statement that he provided his wallet to the sergeant. Conversely, a public witness, who was on a ride-along with this sergeant, stated on tape that he was always in close proximity to both this sergeant and the complainant while at the accident scene and did not observe the sergeant with the complainant's driver's license. This apparent inconsistency is important as it relates to the allegation that this sergeant never returned the complainant's wallet, which was adjudicated as "Unfounded." As the sergeant was not interviewed, this apparent inconsistency was never addressed.

#### **CF 06-0584**

This complaint investigation identified two allegations. According to the investigative file, the Department alleged that an unknown Department employee inappropriately used another Department employee's computer to access inappropriate web-sites causing sexually explicit pop-ups to appear. An officer was at her assigned desktop computer when a sexually explicit pop-up of a female appeared on her computer accompanied by an audible greeting in a female voice. The officer immediately commented on the message aloud, questioning why the message continued to appear on her monitor. The Department responded by initiating a complaint investigation and cited an unknown person as the accused officer and listed the reporting officer along with three other officers as witnesses. Both allegations were adjudicated as "Sustained - Unknown Employee."

#### Identify and Report all Inconsistencies - Objective 5(g), Consent Decree ¶80(g)

The investigation file contains a significant inconsistency, which was not addressed during the investigation. Specifically, the complaint face sheet summary indicates that the officer recognized the message that appeared on her computer on the day the complaint was generated as one that she had received numerous times before, starting about ten days earlier; and the summary further indicates that she questioned why the message continued to appear on her monitor. Conversely, both her paraphrased and her tape-recorded statements indicate that she had never seen these messages before but had left her computer "logged on" while at lunch that day. This inconsistency as to whether these sexually explicit pop-up messages appeared once or multiple times was never addressed by the investigation.

#### **CF 05-4936**

This complaint investigation identified two allegations. According to the investigation file, two units responded to a domestic violence radio call, which resulted in the battery arrests of the complainant's boyfriend (for battery against the complainant) and the complainant (for battery against the complainant's mother). The complainant alleged that an officer used unauthorized force when he pushed the complainant into the police vehicle and repeatedly referred to her as a "bitch." Both allegations were adjudicated as "Unfounded."

Overall Adequacy of the Investigation - Objective 16, Consent Decree ¶129(d)

For this investigation, Audit Division already held the Department out of compliance for this objective. However, the OIG also noted that the investigation did not address that the complainant indicated multiple times that the accused officer put her handcuffs on too tight which made her wrists turn "purple and pink" and that they were swollen. During the interview, the complainant requested that the investigating officer take photographs of her wrists. Based on a review of the investigation, it does not appear any photographs were taken of the complainant's wrists, and the investigating officer did not clarify this area of concern with the complainant nor ask whether she requested the accused officer to loosen her handcuffs.

**Additional Matters**

The OIG reviewed an additional complaint investigation that was not part of our random sample because of the multiple findings identified by Audit Division.

Specifically, the complaint investigation identified 30 allegations.<sup>11</sup> According to the investigation file, three plain-clothes officers entered a retail service business with guns drawn during a search for guns and narcotics based on information received from a CI. One of these accused officers had been assigned to manage this CI. The officers allegedly did not immediately identify themselves as LAPD officers nor did they display their badges. All of the allegations were adjudicated as either "Exonerated," "Unfounded," or "Insufficient Evidence to Adjudicate." The OIG noted the following issue in addition to the five issues already identified by Audit Division:

Identify and Report all Inconsistencies - Objective 5g, Consent Decree ¶80(g)

An apparent inconsistency in the accused officers' statements was not clarified by the investigating officer. Specifically, two accused officers indicated that the CI was at the scene and gave a signal that narcotic transactions were occurring in the business; yet, another accused officer indicated that the CI provided the information earlier in the day and did not indicate that the CI was present when they entered the business with guns drawn. As this relates to the allegations of how the officers entered the business, the OIG believes that the investigating officer should have asked follow-up questions to resolve this apparent inconsistency. A review of the investigation file revealed that within minutes of entering the business, the officers realized that they had acted on incorrect information, and no narcotics or guns were located. A review of the related CI package found that there was no documentation regarding the incorrect information provided by the CI in this incident or documentation that the CI was even used on this particular day.<sup>12</sup> Therefore, the OIG believes this inconsistency should have been highlighted and addressed by the investigation.

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<sup>11</sup> CF 05-3886

<sup>12</sup> There was also no assessment of whether this CI should be considered "undesirable" for use by the Department.

## QUALITY

To assess the Audit quality, the OIG evaluated the quality of the Audit and the Audit Report.

Based on the OIG's review, the Audit was properly planned, performed, and supervised. The Audit Work Plan, which documented their methodology, indicated that Audit Division addressed all of the required Consent Decree mandates in the planning of their Audit. In addition, the Audit Report properly delineated the Audit's objectives, scope, methodology, findings, and recommendations. Additionally, the Audit Report was issued in a timely manner (within a year of Audit Division's prior audit) and used a fair and unbiased tone. Furthermore, the Audit Report presented its assessment of the Audit's objectives in a clear and concise manner. That being said, the OIG did identify three noteworthy concerns, as follows:

- Audit Division's file-review evaluation document matrix does not include a question to specifically address whether all allegations were framed by the investigating officer, which relates to the overall adequacy of the investigation. In the OIG's previous audits of complaint investigations, concerns were identified with this area. As such, the OIG suggests that Audit Division include a question to specifically address this area.
- Audit Division assessed Consent Decree Paragraphs 75(i, ii, iii) and 78 based on their evaluation of complaints actually taken and processed through the system.<sup>13</sup> While the OIG commends Audit Division for performing this assessment on the complaint investigations they evaluated, a review of complaint investigation files would not, by itself, provide a full assessment of these mandates. Rather, the Department's "sting" audits may provide a more accurate test of these specific mandates and users of Audit Division's Audit Report should recognize that testing of this area was limited.
- For Objective 5e, Consent Decree Paragraph 80(e) (Interview of All Supervisors in IAG Investigations), Audit Division erroneously overstated the compliance percentage by six percentage points by not excluding "Not Applicable" and "Unable to Determine" answers in their compliance calculation. Audit Division indicated that 45 of the 46 IAG investigations were compliant and one IAG investigation was non-compliant (98%); however, the OIG noted that for 33 of the 46 IAG investigations, supervisors were not on scene during the alleged incident so their performance could not be evaluated; thus the compliance percentages should have been reported as 92% (12/13).

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<sup>13</sup> Paragraph 75 (i, ii, iii) requires the Department to initiate an investigation against any officer who allegedly fails to inform any civilian the means by which to file a complaint, allegedly attempts to dissuade a civilian from filing a complaint or allegedly refuses to accept a complaint when authorized to do so. Paragraph 78 requires that officers report, without delay, any conduct by other officers that reasonably appears to constitute (a) excessive force, (b) false arrest or filing of false charges, (c) unlawful search and seizure, (d) discrimination, (e) intentional failure to complete forms, (f) an act of retaliation, and (g) giving false information.

### **Other Related Non-Consent Decree Matters**

Although not required by the Consent Decree, the OIG noted that Audit Division does not assess whether the allegations in complaint investigations were properly classified and reflected in the accused employees' Training Evaluation and Management Systems II (TEAMS II) record. Given that TEAMS II is a new system and this information is relied upon by supervisors and managers within the Department to assess an employee's complaint history, the OIG suggests that Audit Division include this type of assessment in its next Audit.

### **CONCLUSION**

The OIG's review found that, overall, the Audit performed by Audit Division was complete. Regarding the Audit's quality/findings, the OIG identified additional findings related to the investigation adequacy (Consent Decree Paragraph 129(d)) and the reporting of inconsistencies (Consent Decree Paragraph 80(g)) that the OIG believes should have been identified/reported by Audit Division. Additionally, regarding Audit Division's assessment of investigation adequacy, the OIG noted that Audit Division's matrix did not include a question to specifically address whether all allegations were framed by the investigating officer. As previous OIG audits have identified complaint investigations with concerns in this area, the OIG suggests that Audit Division include a question to their matrix for future audits. Finally, regarding Audit Division's assessment of Consent Decree Paragraph 80(e) (Interview of All Supervisors in Internal Affairs Group (IAG) Investigations), the OIG noted that Audit Division erroneously indicated that 45 of the 46 IAG investigations were compliant and one IAG investigation was non-compliant (98%); however, the OIG noted that for 33 of the 46 IAG investigations, supervisors were not on scene during the alleged incident so their performance could not be evaluated; thus the compliance percentages should have been reported as 92%.<sup>14</sup>

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<sup>14</sup> It should also be noted that Audit Division reported additional allegations not framed within the investigation under Consent Decree Paragraph 82 – Additional Misconduct Investigations Initiated; however, the OIG opines that in interpreting the strict definition provided in the Consent Decree, these issues more appropriately relate to the requirements set forth in Consent Decree Paragraph 129(d) – Adequacy of Investigation.