

**LOS ANGELES POLICE COMMISSION**

**COMPLAINT INVESTIGATIONS**

**AUDIT**

**(FISCAL YEAR 2007/2008)**



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

ANDRÉ BIROTTE, JR.  
Inspector General

February 7, 2008

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**EXECUTIVE SUMMARY**  
**OFFICE OF THE INSPECTOR GENERAL**  
**COMPLAINT INVESTIGATIONS AUDIT - FISCAL YEAR 2007/2008**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 136(ii), has completed its annual Complaint Investigations Audit (Audit). Paragraph 136(ii) requires the OIG to conduct a regular and periodic audit of complaint investigations. The Paragraph further requires the OIG to assess the quality of investigations and/or the outcome of investigations. For this Audit, the OIG chose to assess investigation quality, focusing on the following three areas:

- 1) the adequacy of the investigation;
- 2) the accuracy and completeness of paraphrased (summaries of recorded interviews) statements within the investigation;<sup>1</sup> and,
- 3) the proper “framing” of significant allegations.

The OIG believes these areas are essential to maintaining the integrity of the complaint investigation process because they can directly impact the adjudication of a particular complaint as well as the ability for the Department to effectively track complaints of misconduct.

This Audit is not intended to provide an assessment of Department-wide adherence to mandates specified in the Consent Decree. The Los Angeles Police Department’s (LAPD or Department) Audit Division performs that type of assessment annually. Instead, this Audit provides a global assessment of the quality of investigations. To determine whether a particular concern was reportable, the OIG evaluated the totality of the circumstances. In some instances, other noteworthy concerns were identified that did not necessarily fit into the above-mentioned Audit objectives. Those concerns were also reported.

**AUDIT METHODOLOGY**

In previous OIG complaint investigations audits, the OIG selected a sample of “high-risk” complaints investigated by Internal Affairs Group (IAG). Typically, “high-risk” complaint investigations involve allegations of “unauthorized force,” “racial profiling,” “theft,” “unlawful search,” “domestic violence,” and “dishonesty.” However, this year, after evaluating the findings from our last two complaint investigations audits, the OIG noted that many of the reported findings related to complaint investigations involving at least one allegation of excessive force (“unauthorized force”). Therefore, this Audit focused on evaluating complaint investigations that were investigated by IAG and contained at least one allegation of excessive force.

To select a sample of complaint investigations, the OIG requested a listing from IAG of all complaint investigations initiated after January 1, 2005, and closed in May and June 2007, involving at least one allegation of excessive force. The OIG also created our own listing, using the Department’s Complaint Management System, for reconciliation purposes. After reconciling the listings, the OIG identified 154 IAG complaint investigations. From this population, the OIG selected a random sample of 60 investigations. Due to the sheer volume of recorded statements of complainant, accused employee, and witness interviews, the OIG elected to listen only to the

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<sup>1</sup> The accuracy and completeness of paraphrased statements and the proper “framing” of allegations also relates to the adequacy of an investigation; however, because these have been areas of concern in the past, the OIG separated them into their own category.

recorded interviews of the complainants and public witnesses to assess the accuracy and completeness of the applicable paraphrased statements. The OIG assessed a total of 114 complainant and public witness interviews (found on 92 tapes).

### **SUMMARY OF RESULTS**

Of the 60 IAG complaint investigations evaluated, 29 had one or more investigation quality concerns related to either pertinent information obtained in recorded interviews not being paraphrased within an investigation, not addressing or framing an allegation, and/or not completing a key investigative step. Some of the more prevalent concerns identified included the following:

- Pertinent information obtained during a recorded interview of a complainant and/or witness that should have been considered to adjudicate an allegation was either omitted from, or misrepresented in, their paraphrased statement.
- Additional allegations made during the recorded interview of a complainant/witness were not always paraphrased in the investigation and as a result, the allegation was never framed or addressed in the investigation and the Commanding Officer never adjudicated it.
- Efforts to identify and/or interview accused and witnessing officers were not always employed by IAG investigators; however, in certain investigations, these efforts appeared necessary to thoroughly investigate the framed allegations.
- Investigators did not always ask all necessary questions during interviews of a complainant or witness to thoroughly assess one or more allegations.

On January 14, 2008, the OIG met with the Commanding Officer of IAG and the Officer-In-Charge of IAG Review and Evaluation Section. At that time, IAG indicated agreement with a majority of the findings presented in this Report, but did have a few disagreements. The disagreements were largely related to the OIG's assessment as to the significance/impact the finding had on the ultimate adjudication of the allegation(s).

**OFFICE OF THE INSPECTOR GENERAL  
FISCAL YEAR 2007/2008  
COMPLAINT INVESTIGATIONS AUDIT**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 136(ii), has completed its annual Complaint Investigations Audit (Audit).<sup>1</sup> Paragraph 136(ii) requires the OIG to conduct a regular and periodic audit of complaint investigations. The Paragraph further requires the OIG to evaluate the quality of investigations and/or the outcome of investigations. For this Audit, the OIG chose to evaluate investigation quality, focusing on the following three areas:

- 1) the adequacy of the investigation;
- 2) the accuracy and completeness of paraphrased (summaries of recorded interviews) statements within the investigation;<sup>2</sup> and,
- 3) the proper “framing” of significant allegations.

The OIG believes these areas are essential to maintaining the integrity of the complaint investigation process because they can directly impact the adjudication of a particular complaint as well as the ability of the Department to effectively track complaints of misconduct.

This Audit is not intended to provide an assessment of Department-wide adherence to mandates specified in the Consent Decree. The Los Angeles Police Department’s (LAPD or Department) Audit Division performs that type of assessment annually. Instead, this Audit provides a global assessment of the quality of investigations. To determine whether a particular concern was reportable, the OIG evaluated the totality of the circumstances.<sup>3</sup> In some instances, other noteworthy concerns were identified that did not necessarily fit into the above-mentioned Audit objectives. Those concerns were also reported.

**SCOPE AND METHODOLOGY**

In previous OIG complaint investigations audits, the OIG selected a sample of “high-risk” complaints investigated by Internal Affairs Group (IAG). Typically, “high-risk” complaint investigations involve allegations of “unauthorized force,” “racial profiling,” “theft,” “unlawful search,” “domestic violence,” and “dishonesty.” However, this year, after analyzing the findings from our last two complaint investigations audits, the OIG noted that many of the reported findings related to complaint investigations involving at least one allegation of excessive force (“unauthorized force”). Therefore, this Audit focused on evaluating complaint investigations that were investigated by IAG and contained at least one allegation of excessive force.

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<sup>1</sup> In 2005, this Paragraph was amended to afford the OIG flexibility in determining the best manner to assess complaint investigations, which serves to maximize the OIG’s resources and enhance the overall effectiveness of the Audit.

<sup>2</sup> The accuracy and completeness of paraphrased statements and the proper “framing” of allegations also relate to the adequacy of an investigation; however, because these have been areas of concern in the past, the OIG separated them into their own category.

<sup>3</sup> For example, the OIG considered an investigation to have an “adequacy of investigation” concern if a deficiency could be significant enough to call into question the final adjudication of one or more allegations contained in the complaint investigation.

To select a sample of complaint investigations, the OIG requested a listing from IAG of all complaint investigations initiated after January 1, 2005, and closed in May and June 2007, involving at least one allegation of excessive force. The OIG also created our own listing, using the Department's Complaint Management System, for reconciliation purposes. After reconciling the listings, the OIG identified 154 IAG complaint investigations. From this population, the OIG selected a random sample of 60 investigations.<sup>4</sup> Due to the sheer volume of recorded statements of complainant, accused employee, and witness interviews, the OIG elected to listen only to the recorded interviews of the complainants and public witnesses to evaluate the accuracy and completeness of paraphrased statements. A total of 114 complainant and public witness interviews (found on 92 tapes) were evaluated.<sup>5</sup>

An evaluation document (commonly referred to as a "matrix") with multiple questions was used to evaluate the quality of each investigation. At times, less significant issues were identified that were deemed "not reportable." Those issues were separately communicated to IAG management and not included in this report.

## **SUMMARY OF RESULTS**

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- Pertinent information obtained during a recorded interview of a complainant and/or witness that should have been considered to adjudicate an allegation was either omitted from, or misrepresented in, their paraphrased statement.
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<sup>4</sup> The OIG's sample 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 four percent.

<sup>5</sup> At times, recordings of Department witnesses and/or accused employees were listened to if additional information, with respect to their paraphrased statements, was needed. Any significant omissions and/or inconsistencies identified with those paraphrased statements were also reported.

On January 14, 2008, the OIG met with the Commanding Officer of IAG and the Officer-In-Charge of IAG Review and Evaluation Section. At that time, IAG indicated agreement with a majority of the findings presented in this Report, but did have a few disagreements.<sup>6</sup> The disagreements were largely related to the OIG's assessment as to the significance/impact the finding had on the ultimate adjudication of the allegation(s).

## **DETAILED FINDINGS**<sup>7</sup>

### **CF No. 06-5059**

This complaint resulted from an incident in which two officers responded to a "battery" radio call at a fast food restaurant. The manager of the restaurant alleged that a female patron pushed her and was disturbing the restaurant's customers. According to the officers, they detained the suspect (complainant) to complete their investigation, but since there was not enough evidence to arrest her for battery, the complainant was released without incident. According to the complainant, the officers detained her without cause, put handcuffs on her too tight, and pushed her when placing her in the rear seat of their police vehicle. The allegations were adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

#### ***Paraphrased Statement***

The complainant's paraphrased statement indicated that, "[the complainant] admitted she did not advise [the accused officer] that the handcuffs were too tight;" however, based on the recorded interview of the complainant, the Area supervisor did not ask the complainant this question and the complainant did not make this statement. The paraphrased statement, as written, was the primary reason the Commanding Officer adjudicated the allegation of handcuffing the complainant too tight as "unfounded." Additionally, during the complainant's interview, she repeatedly stated that she had red bruises and markings on her wrists and apparently showed the investigator her injuries; yet her paraphrased statement and the investigation did not contain any documentation regarding the injuries to her wrists. Moreover, the investigation did not contain any photographs of her injuries.

#### ***Adequacy of the Investigation***

The OIG's review of the complainant's recorded interview identified several concerns with the conduct of the Area supervisor who originally took the complaint. Specifically, during the complainant's recorded interview, the Area supervisor's tone and demeanor towards the

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<sup>6</sup> The issuance of this report was extended from December 31st to enable the OIG to have an exit meeting to discuss the findings of this report with IAG.

<sup>7</sup> In this Audit Report, for each complaint investigation, the OIG will provide minimal background information on the incident and the adjudication of the framed allegations, enough to put our concerns in context. Since a complaint investigation may have multiple allegations and a Commanding Officer takes into account various evidence collected in an investigation to support his/her adjudications, the OIG did not delineate the rationale used to adjudicate each allegation. However, if a concern with the quality of the investigation caused the OIG to believe the ultimate adjudication of one or more allegations could have been impacted, the concern was reported in this Audit Report.

complainant and a witness appeared rude and unprofessional. During the interview, the Area supervisor repeatedly yells at one witness to stand back while he is interviewing the complainant. Moreover, when the complainant repeatedly expressed that she felt uncomfortable being interviewed in front of this witness, the Area supervisor continued with the interview and did not change the interview location. Additionally, throughout the interview, the Area supervisor “cut off” the complainant as she attempted to explain her complaint. For example, at one point the complainant referred to a prior incident in which she told the accused officer that someone tried to stab her and the accused officer did not help her. But the Area supervisor interrupted her and stated he did not want to discuss the prior incident. The complainant indicated that she wanted to discuss the prior incident because she knew the accused officer and she believed he might have been treating her poorly because of the prior incident. Moreover, she stated that this other incident was pertinent as it related to the accused officer’s character. Yet this information was not paraphrased and the Area supervisor did not obtain any additional information on the prior incident. Toward the end of the interview, it appeared that the Area supervisor got frustrated and annoyed with the complainant. The complainant then told the Area supervisor that he had “a bad temper” and asked him if he was “on drugs.” At this point, the Area supervisor abruptly ended the interview but came back on tape and stated the complainant was “way out there on Planet Zipton.”<sup>8</sup> Additionally, during an interview of a witness, the Area supervisor referred to the complainant as being “touched” (an apparent reference to someone being mentally ill). The complaint face sheet generated by the Area supervisor indicated that the complainant was uncooperative and “415,” but based on a review of the recorded interview; the OIG questions that assessment.

The IAG investigator assigned to the investigation did not identify a concern with the Area supervisor’s conduct during the interviews of the complainant and witness on the night of the incident. The OIG is concerned that an IAG investigator who presumably would have listened to these interviews when paraphrasing the complainant’s and witness’ statements, neglected to address the Area supervisor’s conduct in this investigation.

Finally, as indicated earlier, the investigation did not contain any photographs of the complainants injuries.

*On September 10, 2007, the OIG sent Intradepartmental Correspondence to the Commanding Officer of IAG requesting him to review this investigation. The Commanding Officer of IAG opined that the Area supervisor’s behavior during these interviews did not amount to misconduct but he did indicate that additional training on conducting interviews was needed and would be provided to the supervisor.*

#### **CF No. 06-5682**

This complaint resulted from an incident in which officers broke up a loud party that the complainant attended. The complainant alleged several officers used excessive force on him and

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<sup>8</sup> There was no indication that the complainant or any witnesses were present when the supervisor made this statement on the recording.

made inappropriate comments towards him when they broke up the party. The complainant stated that the officers were using force on his friend (a witness), but when he questioned their actions, he was also taken down to the ground and struck by at least five officers and one officer stepped on his face, causing a scar. The complainant stated that he did not resist the officers and the force was unnecessary. The complainant was not arrested, but his friend (a witness) was arrested for assault on a police officer. A few hours after the incident, the complainant went to the Area police station to file his complaint. An Area supervisor interviewed the complainant. The complainant's friend was also interviewed. No officers reported using force on the complainant during this incident. The accused officers were never identified in the investigation, and all allegations were adjudicated as "unfounded" against unknown officers.

The following concerns were identified based on a review of this investigation:

***Paraphrased Statements/Unframed Allegations***

The OIG noted the following concerns while comparing the complainant's and witness' paraphrased statements to their recorded interviews.

- The complainant, during his recorded interview, informed the Area supervisor that he recognized two of the officers who used excessive force on him. On the recording, the complainant apparently pointed to these officers who were in the hallway of the Area police station and the Area supervisor acknowledged that he knew the officers the complainant was referring to. However, this information was not paraphrased and the investigation did not identify any accused officers and no officers were interviewed. The complainant also indicated that the officers told him to "get the [profanity omitted] away" and refused to provide their serial numbers. This information also was not paraphrased.
- The complainant's friend (a witness), during his recorded interview, indicated that the complainant is very small, and he wondered why it took "so many" officers to take the complainant down. Additionally, the witness indicated that he was only three to four feet away from the complainant when he was taken down, but had difficulty seeing what was happening to the complainant because several officers were surrounding the complainant when the complainant was on the ground. These statements were not paraphrased. Instead, the investigator indicated the following, "[the witness'] interview contradicted [the complainant's statement]. [The witness] stated that the officers did not stand on [the complainant's] face or place a baton in his back."

The basis for "unfounding" the allegations was that the "witness was in the vicinity of the incident, had a clear and unobstructed view, and he did not see or hear the alleged acts occur." However, the complainant indicated that the discourteous remarks by one officer took place when he was being placed in the police vehicle, which would have been further away from the witness. Additionally, the witness stated that he could not see what was happening to the complainant after he was taken to the ground. The paraphrased statement, as written, erroneously inferred that the witness refuted the complainant's allegations.

As indicated above, the complainant indicated that the officers also told the complainant to “get the [profanity omitted] away” and refused to provide their serial numbers. These allegations were not framed or addressed in the investigation. Moreover, regarding the complainant, it appears, based on the complainant’s injuries and the witness’ statement, there may have been an unreported use of force on the complainant, but the investigator did not frame an allegation or address this concern as part of the investigation.

### ***Adequacy of the Investigation***

During the complainant’s recorded interview, the Area supervisor took a photograph of a half-inch scar on the complainant’s face that he alleged was a result of excessive force; however, the investigation did not contain this photograph or indicate whether attempts were made to locate the photograph. In addition, there were no Daily Field Activities Reports (DFARs) or communication printouts collected by the investigator to help identify the involved officers. Furthermore, as indicated above, the complainant (while at the Area police station) identified at least two of the officers involved in the incident, but the investigator did not attempt to identify or interview them, and in the Area supervisor’s interview of the complainant’s friend, no questions were asked in an attempt to identify the officers who detained the complainant. Based on the totality of the investigation, the OIG does not believe that the investigator made genuine attempts to identify the accused officers.

*On August 20, 2007, the OIG sent a 15.2 to the Commanding Officer of IAG highlighting our concerns and requesting a supplemental investigation because the case was still within the statute of limitations.<sup>9</sup> Based on the Commanding Officer’s review, he agreed that the investigation, including the paraphrased statements, could have been more thorough; however, the Commanding Officer did not believe that the overall adjudication of the allegations would have dramatically changed. Therefore, the Commanding Officer believed that the OIG’s concerns would be addressed through directed training of the involved investigating officers and a supplemental investigation was not initiated by IAG.*

### **CF No. 05-3551**

This complaint resulted from an incident in which two officers responded to a loud party radio call. The officers detained one suspect for interfering with their investigation and they placed this suspect in their police vehicle. The officers went back to the party to try and locate the owner of the residence but they ended up detaining an additional suspect. At this time, neighbors from across the street walked over to observe the officers with the suspect who was ultimately arrested. According to the officers, the neighbors were not responding to their requests to back up and give them more room. One officer indicated that he had to spray his Oleoresin Capsicum (“OC”) into the air to keep the neighbors and partygoers back. Additional officers then responded to the location and at that time, two of the neighbors were arrested due to their interference during the investigation. During this time, the first suspect who was placed in the police vehicle escaped as the officers left the suspect unattended. The two co-complainants who

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<sup>9</sup> The Peace Officers Bill of Rights prescribes that, generally, “no discipline can be imposed beyond one year of the date the alleged incident occurred. Hence, the OIG did not make requests for supplemental investigations in cases that were “beyond statute,” i.e., beyond the applicable statute of limitations date.

were arrested were brothers-in-law and both alleged that excessive force was used during their arrest. One complainant alleged that two officers pushed him into a fence, which resulted in scratches and an injury to his leg. The other co-complainant alleged that five or six unknown officers “slammed” him onto the hood of a parked vehicle and his arms were forced behind his back and at this point, he heard a “pop” which resulted in an injury to his elbow. The co-complainant further alleged that he reported his injury and showed his swollen elbow to an officer during his booking process, but the officer told him that if he complained about the injury, he would need a medical evaluation, which would delay the process of being bailed out of jail. Therefore, the co-complainant elected not to say anything about his injury until after he was bailed out of jail. According to the co-complainant, the next morning, after being bailed out of jail, he went to a hospital and a doctor indicated that his elbow was possibly fractured. The arrest report related to this incident did not indicate that the officers observed or used any force on the complainant or the co-complainant during the incident and the officers who were interviewed denied that they used or witnessed any type of force utilized on the complainant or co-complainant.

The allegations of excessive force were adjudicated as “unfounded.” The Department framed an allegation against one officer for failing to obtain medical treatment for the co-complainant or report a use of force. These allegations were adjudicated as “unfounded.” The Department also framed a neglect of duty allegation against the first two responding officers due to the escape of the prisoner. This allegation was adjudicated as “sustained.”

The following concerns were identified based on a review of this investigation:

***Paraphrased Statements***

Based on a review of the complainant’s and co-complainant’s recorded interviews and interviews of the complainant’s wife and brother-in-law (who were also the co-complainant’s sister and brother), at least two additional family members were present when the excessive force was alleged to have taken place. This information was not paraphrased and the investigation did not contain any evidence that attempts were made to interview these family members.

***Adequacy of the Investigation***

There were several officers interviewed by the investigator, but they all stated that they did not take the co-complainant into custody or recall witnessing this portion of the incident. This may be due to the officers being interviewed 12 to 18 months after the incident.<sup>10</sup> However, since the investigation did not contain a communication printout of this incident or the Daily Field Activities Reports for officers assigned to the Area police station, it is unknown whether the investigator interviewed all the officers who may have been involved and/or witnesses to the incident. The OIG believes this information should have also been collected, especially since the involved officers were never identified. Additionally, during the recorded interview of one complainant, he pointed out scratches and a welt on his leg as a

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<sup>10</sup> Typically, an investigation is completed within a year but at times, as in this case, a complaint deadline may be tolled (extended) pending a filing decision by the Los Angeles County District Attorney’s office.

result of the incident and the investigator confirmed that there were injuries to the complainant's leg, however, there were no photographs of the injuries included in the investigation. Finally, during the recorded interview of the co-complainant (three days after the incident), the investigator indicated that the co-complainant's arm was in a splint/cast and the co-complainant stated he was going to see a specialist regarding his elbow later that day, but there was no documentation within the investigation to indicate that the investigator attempted to re-contact the co-complainant to obtain the results of this medical visit. To thoroughly evaluate the excessive force allegations, photographs of injuries and the specialist's evaluation of the elbow would have been important to obtain.

### *Unframed Allegation*

During the recorded interview of the co-complainant it is clear that he questioned the basis for his arrest. Specifically, the co-complainant stated that he was not initially detained or arrested; only his brother-in-law (the complainant) was arrested. The co-complainant further explained that an hour after the arrest of his brother-in-law, an officer came over to his sister to discuss the reason why the complainant (her husband) was arrested. Although the officer requested to speak to his sister alone, the co-complainant (who was not detained at this point) insisted on remaining and listening to the explanation. According to the co-complainant, the officer did not like his insistence and as a result, the officer told his sister that she would have to wait until her husband called her from jail. The officer walked away, but then five to six officers allegedly approached the co-complainant, slammed him into a vehicle, handcuffed him, and arrested him. The related arrest report indicated that the co-complainant was arrested immediately after the incident, not an hour later, as reported by the co-complainant. The adult detention logs indicated that the complainant arrived at the Area police station at 2120 hours, and the co-complainant did not arrive until 2320 hours, which may support the co-complainant's version of events. Given these statements and concerns, the OIG believes an allegation of false arrest should have also been framed.

### **06-0714**

This complaint resulted from an incident in which a vehicle being pursued by police collided into a tree that was adjacent to the complainant's residence. The vehicle contained two suspects. When the two suspects exited the vehicle, one (the passenger) was immediately taken into custody. For the other suspect (the driver), the complainant indicated that she observed an officer take the suspect to the ground, place him in handcuffs, and then repeatedly (eight to ten times) strike the handcuffed suspect's face with his right fist. The complainant also alleged that another officer used discourteous language toward the other suspect (the passenger). The accused officers indicated that the suspect (the driver) resisted being taken into custody and one of the accused officers acknowledged hitting him (two-three times) in the face. Once the suspect ceased his resistance, he was handcuffed. As one officer reported using force on the suspect, a separate use of force investigation was also initiated. That investigation found the use of force "in-policy." The excessive force and discourtesy allegations were adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Paraphrased Statements***

The recorded interviews conducted during the use of force investigation were paraphrased and used in the complaint investigation. However, the OIG noted that the pertinent statements were either omitted or inaccurately paraphrased, which gave the impression that the suspect's (the driver) injuries were mainly attributable to the collision and being taken to the ground.<sup>11</sup>

- The suspect (the driver), in his recorded interview, stated that he did not hit the steering wheel or windshield and that the windshield would have broken if he did. This information was not paraphrased in the complaint investigation and the use of force investigation indicated the he could not recall hitting the steering wheel or windshield. Additionally, the suspect stated that one officer pulled him out of the vehicle and he blacked out after hitting the ground, but believed during this time, he got the “[profanity omitted] beat” out of him. Although the suspect’s paraphrased statement indicated that he was thrown to the ground and blacked out, it did not indicate that he believed that an officer beat him during this time because of the extent of his injuries. In light of the fact that the Commanding Officer adjudicated the complaint as “unfounded,” believing, in large part, that the suspect contradicted the statement of the complainant by indicating there was no excessive force utilized during the arrest, this information would have been pertinent to paraphrase.
- The passenger (a witness) in the vehicle, during his recorded interview, stated he was very “dazed” after the accident and he was not sure if the driver had blood on his face right after the accident, but the driver did have lots of blood on his face after the police encounter. However, the passenger’s paraphrased statement indicated that the driver “was injured in the traffic collision and had blood on his face.” Furthermore, the passenger stated that the partner officer told him, “not [to] move or he would [profanity omitted] shoot him” and “shut up, shut the [profanity omitted] up.” These statements were omitted from the passenger’s paraphrased statement, which merely indicated one officer told him to “shut up.” The Commanding Officer, believing that the passenger stated the officers did not use profanity when dealing with him, adjudicated the complainant’s (a witness) discourtesy allegation as “unfounded.” However, since the passenger and the complainant both heard the partner officer use profanity when dealing with the passenger, the OIG believes this information should have been paraphrased and the discourtesy allegations, at a minimum, should have been adjudicated as “not resolved” or possibly “sustained.”

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<sup>11</sup> The related arrest report indicated that both officers observed blood coming from the suspect’s mouth and nose when he exited the vehicle, but during the partner officer’s recorded interview (during the complaint investigation), he indicated he was not sure when the suspect obtained his injuries.

*On August 28, 2007, the OIG sent a 15.2 to the Commanding Officer of IAG highlighting our concerns because the case was still within statute. While the Commanding Officer of IAG agreed that we identified several valid deficiencies in the investigation, he did not believe that they would have materially affected the overall adjudication of the allegations. Therefore, a supplemental investigation was not initiated by IAG.*

**CF No. 06-3709**

This complaint resulted from an incident in which officers initiated a traffic stop of a vehicle for an expired registration tag. The traffic stop occurred outside the home of the complainant's grandmother. The officers detained the driver of the vehicle for further investigation, and the passengers walked into the home of their grandmother. Then, one passenger (the complainant) returned to ascertain what the officers were doing with the driver, his cousin. One officer requested the complainant to stand on a nearby curb to keep a safe distance. There was an exchange of words between the complainant and the officer and during this time, according to the officer, the complainant threatened to kill him. Therefore, the complainant was arrested for making criminal threats towards the officer. The complainant and his family denied that any threats were made and alleged the accused officer falsely arrested the complainant because he "mouthed off" to the officer. The complainant and the driver of the vehicle alleged that officers at the scene also made discourteous remarks. The driver also alleged that one officer unnecessarily brought him to the ground and unknown officers jumped on his back after he was brought to the ground. The accused officer stated that the driver voluntarily laid on the ground after she grabbed his arm and she denied that any force was used. The allegation of false arrest was adjudicated as "exonerated." The allegations of discourtesy were adjudicated as "not-resolved." The allegation of unnecessarily taking the driver to the ground was adjudicated as "exonerated," and the allegation of officers jumping on the driver's back was adjudicated as "not-resolved."

The following concerns were identified based on a review of this investigation:

***Paraphrased Statements***

During the recorded interview of the complainant's mother, she stated that five to ten people were present when the encounter between the complainant and the accused officer took place. The complainant, in his recorded interview, stated that all his family members, including his grandmother, as well as his neighbors saw the confrontation. This information was not included in their paraphrased statements. Additionally, both the complainant's aunt and his mother, in their recorded interview, stated that they never heard the complainant make a threatening comment toward the accused officer. However, the aunt's statement was not paraphrased.

***Adequacy of the Investigation***

As stated above, the complainant and two family members stated there were a number of additional witnesses to this incident. Yet, neither the investigation nor the investigator's Chronological Record contained any evidence that the neighborhood was canvassed or that the investigator attempted to identify additional family members who might have been

witnesses to the incident. Additionally, the OIG believes the interviews of the complainant's mother and aunt should have been more in-depth, covering the complainant's actions during the encounter with the accused officer, to properly assess the false arrest allegation, especially since the arrest report also indicated that the complainant was not complying with the accused officer's orders.

### **CF No. 06-2030**

This complaint resulted from an incident in which the accused officers initiated a traffic stop of a person who was driving a vehicle with expired registration tags. The officers indicated that the suspect (complainant) stepped out of the vehicle, and at that time they saw an off-white substance (that they believed to be narcotics) drop to the ground. The officers indicated that the complainant resisted their attempts to take him into custody and that the complainant eventually attempted to take one officer's firearm. The complainant and his family alleged that the officers used excessive force on the complainant, made discourteous comments, and confiscated their camera (containing film with two photographs of the officers using force on the complainant) and failed to return it. Because the complainant was hospitalized as a result of sustaining a lip laceration, a bruised lung and fractured ribs, this incident was classified as a categorical use of force and the use of force was investigated by Force Investigation Division. Due to the allegations of misconduct, IAG also conducted the complaint investigation. The allegations of excessive force, discourtesy and theft of the family's camera were adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

#### ***Paraphrased Statements/Unframed Allegations***

Based on a comparison between the complainant's and some of the witnesses' recorded interviews, paraphrasing of statement concerns were identified, as follows:

- In the recorded interview of the complainant's son, he stated that he took two photographs of the officers "grabbing" his father. However, his paraphrased statement indicated that he tried to take photographs of the incident, but an accused officer took the camera away. The claim that two photographs were taken of the incident would have been important to paraphrase because the investigator only framed an allegation that the accused officer took the camera (which was later found in the complainant's impounded vehicle but without any film), not on the potential destruction of evidence (taking film out of the camera that contained two photographs of the use of force incident). The transcribed statement of the neighbor (in the categorical use of force investigation) indicated that she heard the complainant's family say that they were going to take pictures of what the officers were doing. This information was not paraphrased or included in the complaint investigation, but appeared to support the statement of the complainant's son.<sup>12</sup> The allegation of destruction/tampering of evidence (the camera's film) was never framed or addressed in this investigation, but based on our review of the recorded statements, the OIG believes it should have been.

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<sup>12</sup> As mentioned below, the complaint investigation did not include all the evidence collected in the use of force investigation.

- The complainant's wife, in her recorded interview, stated that the officers asked her husband to get his identification, but when he started to get it for them, the officers' sprayed Oleoresin Capsicum ("OC") on him for no reason. Additionally, she stated that the officers called her and her son "stupid," and one officer asked her if her "husband got any [profanity omitted] AIDS," as her husband was bleeding from the injuries he sustained from the use of force. These allegations of excessive force and discourtesy were not paraphrased or framed/addressed during the investigation.

### *Adequacy of the Investigation*

The complaint investigation did not include all the evidence collected in the categorical use of force investigation. Part of the Commanding Officer's rationale for adjudicating the excessive force allegations as "unfounded" was that there "was no physical evidence of injury to [the complainant's] head." However, the categorical use of force investigation contained a Medical Record for Person in Custody document, completed in connection with the medical examination of the complainant at a jail dispensary, which indicated there was "swelling to the left side of his head and lip, and a hematoma behind his left ear." Given that a significant amount of evidence was collected in the categorical use of force investigation, the OIG believes the categorical use of force investigation should have also been reviewed and pertinent information related to the complainant's allegations should have been included as an addendum to the complaint investigation. This additional step would have helped to ensure the complaint investigation was comprehensive and that the rationale to adjudicate the allegations was well founded.

### **CF No. 06-2749**

This complaint resulted from an incident in which a Department supervisor received an anonymous tip that narcotics were being sold from one of two apartments at a particular location. The supervisor requested four officers in his unit to respond to the location and conduct a preliminary investigation. According to the officers, upon arrival, one officer smelled marijuana emanating from inside one apartment.<sup>13</sup> According to the complainant, the officers searched her home and her son's vehicle without consent; and the officers kicked in her neighbor's door, threw him to the ground and forced him to sign a consent to search waiver<sup>14</sup> to search his apartment. The complainant also alleged that her handcuffs were not removed in a timely manner. The allegations related to searching the complainant's apartment and failing to remove her handcuffs were adjudicated as "unfounded." The allegation of searching the vehicle of the complainant's son without cause was adjudicated as "not resolved." The allegations regarding the complainant's neighbor were all adjudicated as "insufficient evidence to adjudicate" because the neighbor refused to participate in the investigation.

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<sup>13</sup> The officers later learned that the complainant was legally authorized to grow and possess marijuana in her residence for medicinal purposes.

<sup>14</sup> The involved officers were not able to locate a copy of this waiver but they indicated the neighbor signed it.

The following concerns were identified based on a review of this investigation:

***Paraphrased Statement/Unframed Allegation***

During the recorded interview of the complainant's son, he indicated that when the officers escorted him up the stairs (to his mother's apartment), he looked into his neighbor's apartment and saw his neighbor handcuffed. This information was not paraphrased, but it was pertinent as the involved officers denied that the neighbor was handcuffed or lying on the ground during the search of his apartment. The complainant's son also stated that the officers destroyed his mother's marijuana plants that she was allowed to grow/possess for medicinal purposes. This information was not paraphrased nor was this allegation framed in the investigation.

***Adequacy of the Investigation***

During the complainant's recorded interview, she stated that she was the apartment manager of both apartments and she had to fix the neighbor's door after the incident. Given that the officers stated they had consent from the neighbor to search his residence but the complainant alleged otherwise, the investigator should have attempted to request a copy of any receipts the complainant may have had as a result of fixing the neighbor's door and considered taking a photograph of the door. Additionally, the extent of the search of the complainant's apartment was not fully addressed in her interview or those of the accused officers. Since the officers stated they smelled marijuana and as a result, entered the complainant's residence to determine the legitimacy of her license to have marijuana, the extent of any search they performed (after obtaining the license) would have been pertinent to the investigation. Furthermore, the complainant, in her recorded interview, stated that prior to her going outside of her apartment and encountering the officers for the first time, someone (she later determined to be an officer) knocked on her door and asked for a "dime bag." She told the person to leave, as she did not sell drugs. However, because she did not hear the person go down the stairs, she went outside and knocked on her neighbor's door to ask him to get rid of the person. When she exited her residence, she heard someone say, "go, go, go" and the undercover officers then entered her residence without consent. The complainant stated she could identify all the officers at her residence, including the officer who originally knocked on her door and requested a "dime bag," further stating that officer searched her neighbor's apartment. Three officers indicated they did not perform a door knock, but one officer indicated they did in fact door knock the complainant's residence. The OIG believes that this warranted further investigation. Moreover, the investigation only included the interviews of the initial officers present at the scene and the responding supervisor. Given that both the complainant and her daughter indicated more than 15 officers were present, the investigator should have obtained incident printouts to identify and interview any additional Department witnesses who may have responded to this incident.

**CF No. 05-4615**

This complaint resulted from an incident in which two officers initiated a traffic stop of a vehicle with an inoperable taillight and headlamp. The officers requested the driver and occupants to exit the vehicle. The driver (complainant) was cited for driving without a license and proof of

insurance. He was warned for the inoperable taillight and headlamp, and the vehicle was impounded. The complainant and one passenger (the other passenger was not interviewed) alleged that the officers used excessive force (i.e., escorted to the ground and pushed down to the ground while handcuffed) on the complainant, unnecessarily broke the complainant's glasses, and made discourteous remarks throughout the traffic stop. Additionally, the complainant's girlfriend (who was not present during the traffic stop) alleged that when she went to the Area police station to make a complaint, the front desk officers failed to provide a Spanish translator to interview her boyfriend and his sister (who was a passenger in the vehicle). The allegations of excessive force and unbecoming conduct were adjudicated as "unfounded" and the discourtesy allegations were adjudicated as "not resolved." The additional allegation related to the failure to provide a Spanish translator at the Area police station was adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Paraphrased Statements***

The paraphrased statement of the complainant contained inaccuracies and omissions. Specifically, the investigator indicated, "the complainant later changed his story, stating that [an accused officer] did not throw him down to the ground, but [the accused officer] actually escorted [the complainant] to the sidewalk and told him to get down." This paraphrased statement was used by the Commanding Officer to challenge the credibility of the complainant. However, based on the OIG's review of the complainant's recorded interview, he never stated the accused officer threw him to the ground. The IAG Spanish-speaking investigator/translator was inaccurate when he translated the complainant's statement.<sup>15</sup> The complainant, throughout his interview, stated that the officer commanded him to lie down on the ground but because the accused officer was holding onto his arm, this prevented the complainant from being able to comply. The complainant also alleged that the partner officer pushed him to the ground twice (from a standing position) while he was handcuffed, but this information was not paraphrased. Additionally, an investigator's note stated that the complainant "did not hear" officers use profane language, yet the complainant's recorded interview revealed that he was not asked any questions regarding these allegations. In an interview of the complainant's girlfriend; however, the complainant can be heard in the background stating that he heard the officers use profane language during the incident. His statements in that interview were not paraphrased in the investigation.

The paraphrased statement of the complainant's girlfriend did not accurately reflect significant components of her interview. Specifically, her paraphrased statement indicated that she went to the Area police station to file a personnel complaint, but because the front desk officer would not provide a Spanish translator, she "left the station without reporting the allegations." Yet, this is not an accurate depiction of what was said during her recorded interview. On tape, she indicated that she informed the front desk officer that she wanted to file a complaint and after she spent twenty minutes telling him the allegations, she requested a Spanish translator to enable her boyfriend and his sister to discuss their allegations directly

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<sup>15</sup> For recorded interviews conducted in Spanish, the OIG utilized its Department certified Spanish speakers to evaluate the accuracy and completeness of paraphrased statements.

to an investigator. This information should have been paraphrased because in addition to the allegation of not providing a Spanish translator, an allegation of failing to take a complaint should have also been framed. The next day, the complainant called the Department's Complaint Hotline to initiate the complaint.

### ***Unframed Allegations***

During their interviews, the complainant and his sister stated when they were initially detained, the officers pointed their firearms at them and that they (along with the other passenger) were handcuffed. The officers indicated that they handcuffed the complainant for his own safety (so he would not slip and fall again) but they were not asked whether they handcuffed the complainant's sister or the other passenger. The OIG believes additional allegations related to officers unnecessarily handcuffing and pointing their weapons at the complainant, his sister, and the other passenger should have been framed and addressed during the investigation. Furthermore, as noted above, allegations of unnecessarily pushing the complainant to the ground while handcuffed and the failure to initiate a complaint should have also been framed and addressed during the investigation.

### ***Adequacy of the Investigation***

There was another person (a passenger) present during the incident who was not interviewed. The investigation does not document any attempts to contact this individual who (according to the complainant's girlfriend) traveled back to Mexico after the incident.<sup>16</sup> However, given the allegations, the OIG questions why there were no documented attempts to obtain this witness' contact information (e.g., a telephone number or address). Additionally, the complainant and his girlfriend stated that the complainant had bruises on his arms and an Area supervisor took photographs of the bruises. This Area supervisor confirmed that photographs were taken, but the IAG investigator could not locate them.<sup>17</sup> Because this evidence could not be located, the OIG believes that the investigator should have interviewed the Area supervisor regarding whether he observed any injuries on the complainant when the photographs were taken.

### ***Other Concern***

The Commanding Officer indicated that his rationale to adjudicate the excessive force allegations as "unfounded" was primarily due to the complainant contradicting himself by first stating one accused officer placed her knee on top of his neck and then later stating it was his head. However, given that the neck and head could be the same general area, this did not appear to be a significant contradiction.<sup>18</sup>

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<sup>16</sup> The complainant's girlfriend provided this information somewhat early in the investigation (two months after the incident) during her formal IAG investigation interview.

<sup>17</sup> An investigator's note indicated that the Area supervisor stated that the photographs were attached to the Complaint of Misconduct Form when it was submitted to his chain of command (at the Area station) for approval and submission to IAG.

<sup>18</sup> The investigator did not attempt to further clarify this area.

**CF No. 05-3884**

This complaint resulted from an incident that transpired after a traffic stop of a driver and three passengers. The traffic stop occurred in front of the complainant's residence and the complainant indicated that he did not know the occupants inside the vehicle that was stopped. When the driver and passengers exited the vehicle, a passenger grabbed his waistband and began to flee. One officer chased after the suspect, recovered a firearm, and apprehended that suspect. The other officer remained with the driver and two other passengers. After one officer made a radio broadcast for backup, other officers began to arrive and it was at this point that the complainant's brother, who was riding his bicycle down the street, was detained. The officers indicated that they believed the complainant's brother might have been following the passenger who fled so that he could recover any contraband that was discarded. The accused officers indicated that the complainant's brother ignored their requests to get off his bicycle, then took an aggressive stance and attempted to strike one officer. The complainant and a neighbor both indicated that they did not know the individuals detained from the traffic stop and that the complainant's brother was merely returning from a convenience store down the street and was unnecessarily detained and searched. They also indicated that officers used excessive force (i.e., multiple punches, a takedown and kicks) on the complainant's brother as he was not resisting or being aggressive toward the officers. They also alleged that one officer used excessive force on the complainant (i.e., as he laid in a prone position to be handcuffed, an officer intentionally dropped his knee onto the complainant's back). The officers indicated that the complainant and the neighbor were detained for interfering with their investigation and that no force was utilized. Regarding the complainant's brother, the officers indicated that an officer struck the complainant's brother once in the face because he attempted to punch the officer. Additionally, the complainant and the neighbor alleged that the officers were discourteous to the neighbor's girlfriend. Finally, the complainant alleged that officers put his money on the ground during a pat-down search but after he was released, the money was missing. The complainant's brother was arrested for assault on a police officer. These allegations were all adjudicated as either "unfounded" and "exonerated."

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

The OIG believes that the investigator should have attempted to interview the occupants of the vehicle who were initially detained. Although the investigator indicated that these individuals were not in a position to observe the alleged acts, during the interview of the neighbor, he indicated these individuals were in a position to possibly witness the alleged acts. Additionally, an investigator's note indicated that the investigator attempted to canvass the scene, but that due to a pit bull loose in the area, he had to discontinue his canvassing. The note further indicated that the a mail carrier advised that the dog was "always loose." The OIG does not believe that the inability to canvass was sufficiently justified. At a minimum, the investigator could have requested Los Angeles Animal Services to assist him while he re-canvassed the area.

***Paraphrased Statements/Unframed Allegations***

During the complainant's and his neighbor's recorded interview, they questioned the legality of detaining the complainant's brother, which led to all of them being detained, handcuffed, and searched. Both the complainant and his neighbor stated that they did not know the individuals who were stopped by the officers. The complainant further stated that the officers who initiated the traffic stop knew that the complainant's brother was not affiliated with the occupants of the vehicle, as they saw him exit his residence and ride his bicycle to the convenience store down their street. This information was not paraphrased in the investigation and the allegation of false detention of the complainant's brother was not framed or addressed during the investigation. Additionally, they alleged that the officers unjustifiably pointed their weapons at them and had them lay in a prone position, but these allegations also were not framed or addressed during the investigation.

**CF No. 06-5520**

This complaint resulted from an incident in which officers detained a suspect (the complainant) to conduct a burglary from a motor vehicle investigation. The officers observed the complainant asleep in a vehicle with its door ajar. The officers woke the complainant and assisted him out of the vehicle. The officers then conducted a pat-down search as part of their investigation. During the pat-down search, the officers found a box-cutter in the complainant's pocket and placed it on the ground. The officers stated that the suspect attempted to grab it and as a result of this movement, they handcuffed the complainant without incident. The complainant indicated that he erroneously believed that the officers threw his cellular phone to the ground and when he turned to ask the officers why they threw his cellular phone, an officer pushed him into a wall. The accused officer and his partner indicated that the complainant was not pushed into the wall. The complainant was ultimately cited for having an open container of alcohol (an infraction) in his vehicle and released at the scene. The allegation of excessive force was adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

During the recorded interview of the complainant and the complainant's sister, it is evident that the complainant's mother was at the location and was present either during or immediately after the alleged incident, but the investigation does not indicate the complainant's mother was interviewed.<sup>19</sup>

***Unframed Allegation***

During the recorded interview of the complainant, which was performed at the scene of the incident, the complainant requested the Area supervisor (who was interviewing him about his complaint) to remove his handcuffs. The complainant stated he would drop the complaint if

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<sup>19</sup> Two public witnesses (the complainant's sister and a neighbor) were identified and reported as being interviewed during the investigation; however, they were not present when the complainant was allegedly pushed against the wall.

the handcuffs were removed and the accused officer was “talked to” for his actions. The complainant indicated he had been in the handcuffs for at least an hour. The investigation did not provide any evidence that, at this point, the complainant posed a threat to himself or the officers and he sounded calm during the recorded interview. Also, by this time, he was no longer a burglary suspect, thus, the OIG believes the investigation should have framed an allegation that the complainant remained handcuffed an unreasonable amount of time.

**CF No. 06-3708**

This complaint resulted from an incident involving an in-custody death of a suspect in which officers attempted to restrain the suspect who was under the influence of cocaine. The force used by the involved officers included the use of a close-contact taser, a takedown, and bodyweight on the suspect. After the suspect was taken down and handcuffed, he became unresponsive and died. The Los Angeles County Medical Examiner attributed the suspect's death to "cocaine intoxication with delirium needing restraint and other undetermined factors." The complainant, a neighbor, alleged that officers used excessive force and smothered the suspect to death. She also alleged that officers used discourteous language while dealing with the suspect. The allegations of excessive force and discourtesy against unknown officers were adjudicated as “unfounded.”

The following concerns were identified based on a review of this investigation:

***Paraphrased Statement***

The complainant, in her recorded interview, stated that her granddaughter also observed (from a window inside her house) the officers take the suspect into custody. This statement was not included in her paraphrased statement. As there appeared to have been another witness to this incident, this was pertinent information that should have been paraphrased.

***Adequacy of the Investigation***

The Force Investigation Division investigator (who initially interviewed the complainant during the use of force investigation) did not follow-up with the complainant to find out the age/identity of her granddaughter or attempt to interview her. Moreover, the complaint investigation contained no evidence to indicate that the IAG investigator (who was assigned to investigate the complainant’s allegations) attempted to interview the granddaughter. Additionally, the allegation of excessive force was framed against unknown officers, but since the use of force investigation identified the officers who used bodyweight on the suspect, those officers should have been identified as the accused officers and allegations should have been framed and investigated against them.

**CF No. 06-2180**

This complaint resulted from an incident in which the accused officers detained a suspect (the complainant) on suspicion of “driving under the influence.” The complainant indicated that during the booking process (at Jail Division), the arresting officers used excessive force by handcuffing his wrists too tight and pushing him into a door. These allegations were adjudicated as “not resolved” against the two officers.

The following concern was identified based on a review of this investigation:

***Adequacy of the Investigation***

The accused officers were not interviewed as part of the investigation; only their arrest report was used to support their version of events because the Commanding Officer felt their interviews were not necessary to adjudicate the allegations. Given that the arrest report did not provide a description of the entire contact between the accused officers and the complainant while at Jail Division, the OIG believes the accused officers should have been interviewed and given the opportunity to explain their version of the events in detail.

**CF No. 06-0399**

This complaint resulted from an incident in which LAPD officers and mall security personnel escorted the complainant from a local mall and arrested him for trespassing. The complainant alleged that one officer stepped on the back of his heels while being escorted out of the mall. The complainant also alleged that when he began to write down this officer's badge number, the officer slammed his head onto a bench (causing injury) and then other officers grabbed and placed his arms behind his back and handcuffed him too tight. The complainant indicated that he was not resisting the officers. Video surveillance at the mall captured and recorded the incident. The allegations were adjudicated as "unfounded."

The following concerns were identified based on a review of the investigation:

***Adequacy of the Investigation/Unframed Allegation***

Based on a review of the videotaped incident, recorded interviews of mall security personnel and one public witness, and a statement from one witnessing officer, it appeared that a use of force investigation should have been initiated (per Department policy), as the complainant was injured (bleeding at the scene from an injury to his lip) and the officers reported that they used bodyweight and firm grips. The arrest report indicated that a use of force investigation was initiated by the involved officers' supervisor, but according to TEAMS II and Use of Force Review Division, a use of force investigation did not take place. As a use of force investigation, initiated immediately after the incident, may have identified additional independent witnesses to this altercation, the OIG is concerned that one was not initiated. A neglect of duty allegation should have been framed for the failure to complete the use of force investigation and the complaint investigation should have addressed this area of concern. The only independent public witness interviewed stated that officers tackled the complainant onto the bench when he attempted to write down one officer's badge number, which corresponded with the complainant's version of events. Moreover, based on the OIG's review of mall surveillance footage of this incident, it appeared that the complainant may have been writing down an officer's badge number prior to the use of force, but due to the quality of the video footage, it is difficult to confirm. Given that the complainant alleged that an officer used force on the complainant after he attempted to write down the officer's badge number (which the officer denied), attempts should have been made to analyze the video footage in greater detail.

**CF No. 06-006089**

This complaint resulted from an earlier incident in which officers responded to a residence after the complainant's mother called the police because her mentally ill son attempted to hit her. The complainant and his family indicated that officers responded, took the complainant down to the ground, subdued him and transported him to a local medical center for a mental evaluation that resulted in a 72-hour hold being placed on him. Approximately a year and four months later, when different officers responded to another "battery suspect" radio call at the same residence, the complainant reported an allegation of excessive force from the prior incident. The accused officers were not identified, and the allegation of excessive force was adjudicated as "unfounded" against unknown officers.

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

For this investigation, the OIG believes additional steps should have been taken to identify the accused officers. Although the investigator obtained Daily Field Activities Reports for officers assigned to the nearby Area police station on the day of the alleged incident and contacted Use of Force Review Division regarding whether there was a reported use of force related to this incident, no documentation related to this alleged incident was located. Thus, the investigation did not result in the identification of any accused officers. However, since the complainant, his mother and brother all indicated that officers had responded to a radio call, the OIG would have preferred that the investigator request Communications Division to search for radio calls generated from the complainant's residence on or near the date of the alleged incident. Furthermore, the investigator could have requested the complainant to provide his medical records related to this incident as another avenue to verify the date of the alleged incident and the extent of any injuries.

**CF No. 07-000132**

This complaint resulted from an incident in which there was an observation post set up by narcotics enforcement officers to monitor and arrest people engaging in narcotics activity. The complainant was arrested for selling narcotics, and the person who purchased the narcotics was arrested a block away. The complainant was found "guilty" of selling narcotics and sentenced to four years in State prison. Two months after the complainant's conviction, he submitted a letter to the Department and alleged that during this arrest, the arresting officers tackled him and fractured his ribs, left shoulder, and neck. The arresting officers indicated that they arrested the complainant without incident, which means the officers did not report that any force was used when they took the complainant into custody. The excessive force allegations were adjudicated as "unfounded."

The following concern was identified based on a review of this investigation:

***Adequacy of the Investigation***

To complete this investigation, the investigator obtained the court case summary and interviewed a supervisor who observed the complainant being arrested, but stated that the

accused officers did not use any force on the complainant. There was no attempt to interview the complainant; but since he may have had additional information (e.g., medical reports and details on his detainment, arrest, and the alleged force used), the OIG believes an attempt at an interview was warranted.<sup>20</sup>

### **CF No. 06-2933**

This complaint resulted from an incident in which the complainant had a verbal dispute with her ex-husband's wife during a custody exchange of the complainant's son. The accused officer intervened and asked the complainant to leave the police station. The complainant alleged that the officer was discourteous in the manner he requested her to leave the station, unnecessarily grabbed her arm while escorting her out of the station, and inappropriately pointed the light of his taser at her buttocks and the back of her legs. The discourtesy and excessive force allegations were adjudicated as "unfounded" and the inappropriate pointing of the taser allegation was adjudicated as "exonerated."

The following concerns were identified based on a review of this investigation:

#### ***Paraphrased Statement/Unframed Allegation***

The complainant, during her recorded interview, also alleged that the accused officer did not allow her daughter (who was sick and a minor) to use the restroom after repeated requests. This allegation was not paraphrased, framed, or addressed in the investigation.

#### ***Adequacy of the Investigation***

Based on a review of the investigation, there was another unidentified officer present when the alleged acts occurred, but the investigator determined it was not necessary to identify him due to the statements provided by the accused officer, the female who originally had the dispute with the complainant, and a responding supervisor. However, the OIG disagrees with this rationale since the responding supervisor and the female witness did not observe the portion of the incident when the inappropriate pointing of the taser light was alleged to have occurred.

### **CF No. 06-4455**

This complaint resulted from an incident in which officers responded to a "man assaulting a woman" radio call. The officers apprehended the suspect (complainant) who was holding his ex-girlfriend against her will. When the complainant arrived at the Area police station, he reported to a supervisor that the arresting officers unnecessarily threw him to the ground and stepped on his leg. The officers indicated that the complainant attempted to escape from the officers, ran three feet, and fell to the ground after slipping on loose gravel. The involved officers were not interviewed but the arrest report indicated that they did not use force during this incident. The allegations of excessive force were adjudicated as "unfounded."

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<sup>20</sup> This investigation was already reviewed by the OIG's Complaint Section and similar concerns were identified in their review of this investigation. As such, the OIG Complaint Section sent Intradepartmental Correspondence to the Commanding Officer of IAG requesting a review of this investigation.

The following concerns was identified based on a review of this investigation:

***Adequacy of the Investigation/Paraphrased Statement***

Although the ex-girlfriend's paraphrased statement indicated she did not see the accused officers "slam" the complainant to the ground or step on his leg, this was not an accurate portrayal of what she stated during her recorded interview. Specifically, on tape, the ex-girlfriend indicated she did not see the complainant fall, but when the complainant attempted to run from the officers, the officers used force and pushed the complainant down. The ex-girlfriend also stated that she was not watching the entire time because she was scared of the complainant. This information was not paraphrased. In addition, during the interview of the ex-girlfriend, she was never asked whether she saw an officer step on the complainant; therefore, the investigator should have asked more questions to clarify this area of concern. The investigation indicated that the accused officers were not interviewed because the ex-girlfriend "refuted" the complainant's allegations. However, based on the OIG's review, that assessment was not accurate.

**CF No. 06-3003**

This complaint resulted from an incident in which officers arrested a suspect (the complainant) for possession of rock cocaine (for sales). Specifically, in their arrest report, the officers indicated they observed the complainant with two other people and they recognized one person in the group (not the complainant) as a narcotics user they had dealt with in the past. The arrest report indicated that the officers observed the complainant retrieve something from his pocket and give it to the known narcotics user, and that the complainant received US currency in return. The arrest report did not provide the name of the known narcotics user who was not arrested.<sup>21</sup> The complainant, in a letter sent to the Department, alleged that the officers made false statements in their arrest report and one officer, while under oath at the complainant's preliminary hearing, stated, "they never did witness [the complainant] sell or give drugs to anyone." The complainant stated this was corroborated by the fact that no one else was identified or arrested by the officers. The complainant also alleged that the officers used excessive force while taking him into custody. These allegations were all adjudicated as "insufficient evidence to adjudicate." According to the investigation, the complainant was convicted and incarcerated in the Los Angeles County jail for this incident.

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

The complaint investigator was never able to contact the complainant for an interview. The complainant originally sent his letter from jail, but was subsequently released and the investigator was unable to locate a valid address for him. No interviews of the officers were conducted, and no witnesses to the incident were identified. However, given that the complainant alleged that one officer's preliminary hearing testimony (in which the officer stated he did not observe a hand-to-hand transaction) significantly conflicted with

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<sup>21</sup> The arrest report also does not provide any additional information as to why this individual was not arrested.

information included in the arrest report (that he did observe the hand-to hand transaction), at a minimum, transcripts of the preliminary hearing should have been obtained and compared to the arrest report. Additionally, the accused officers should have been interviewed, and attempts should have been made to identify and interview the two suspects/witnesses who were allegedly present when the complainant was arrested.

#### **CF No. 06-3940**

This complaint resulted from an incident in which officers responded to an “assault with a deadly weapon” radio call. Upon arrival, the officers conducted a high-risk stop of the suspect (complainant), in which he laid on the ground, was handcuffed, and was then placed into the officers’ police vehicle. The complainant alleged that during this time, both officers twisted his arms while walking him to the police vehicle, which caused him to fall to the ground and scrape his knee. The complainant was arrested for public intoxication. The allegations were adjudicated as “exonerated.”

The following concerns were identified based on a review of this investigation:

#### ***Adequacy of the Investigation***

The OIG believes the IAG investigator should have re-interviewed the complainant’s mother. Immediately after the incident, an Area supervisor interviewed and recorded the complainant. However, interviews of the complainant’s mother and brother were not recorded because they did not want to go to the station (as it was very late). Therefore, the Area supervisor summarized their statements, which indicated that the complainant’s mother was inside her home and observed her son being escorted to the officers’ police vehicle. Her statement, as summarized by the Area supervisor, indicated that she did not see the officers twist her son’s arm but she saw her son fall to the ground on his “own accord,” further indicating that her son was intoxicated. The summarized statement of the complainant’s brother indicated that he did not observe the portion of the incident in which the alleged acts occurred. However, during the complainant’s recorded interview, he indicated that his mother was concerned with the way that the officers were treating him. Accordingly, the OIG believes the complaint investigator should have attempted to re-interview the complainant’s mother.<sup>22</sup> Since the mother’s summarized statement indicated she saw her son fall to the ground on his “own accord,” the investigator could have followed up with the mother to determine whether she ever heard her son complain of pain to the officers and her proximity to the officers and her son. Additionally, the complainant stated that his mother’s boyfriend was also present at the scene, but the investigation does not indicate whether attempts were made to locate and interview him and there was no indication that the scene of the incident was canvassed. Finally, the accused officers were not interviewed. Although the officers arrested the complainant, they completed a short form arrest report that did not contain a narrative of what occurred; thus, the officers’ statements should have been obtained. Based on the totality of the investigation, it appeared additional investigative steps were necessary.

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<sup>22</sup> The investigator did indicate that he re-contacted the complainant’s mother to determine the whereabouts of her son, but at that time, she was leaving for work and she was not re-interviewed regarding the incident.

**CF No. 06-2586**

This complaint resulted from an incident in which officers working a prostitution task force detained a suspect (the complainant) who was sitting in his vehicle observing the female officers posing as prostitutes. Based on an employee's report completed after the incident, the officers believed the complainant was possibly engaging in self-gratification or attempting to verify whether the prostitutes were part of a law enforcement task force, therefore, one officer walked up to the vehicle to investigate. The report indicated that upon approach, the complainant "ducked down" in his vehicle and attempted to lie down toward the back seat of his vehicle. Two other officers then assisted the officer with the investigation and requested that the complainant exit his vehicle. When the officers attempted to handcuff the complainant to conduct their investigation, the complainant tried to re-enter his vehicle. Fearing the complainant was attempting to escape or possibly arm himself, the officers took the complainant to the ground, which resulted in the complainant sustaining a half-inch laceration above his left eye. The complainant received medical treatment at the scene and was released because the officers did not have enough evidence to support that a crime had occurred.

The complainant, with the assistance of an attorney, later submitted a claim for damages that alleged the officers used excessive force and illegally detained/searched the complainant. All allegations were adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

Although there was videotaped footage of the use of force, it was of such poor quality, the OIG could not confirm if the complainant was resisting or trying to escape prior to being taken down to the ground. Therefore, the OIG believes a request should have been made to the Department's Scientific Investigation Division to enhance the video footage for additional clarity, but based on our review of the investigation, this did not occur. Additionally, the IAG investigator did not interview the initial officers who made contact with the complainant, but this investigative step appeared warranted to thoroughly evaluate the circumstances surrounding the detainment of the complainant.<sup>23</sup> Finally, the investigation did not document that attempts were made to interview the complainant, but given that he may have had additional details on his actions prior to the detainment, an interview appeared warranted.

The Commanding Officer's rationale to adjudicate the allegations as "unfounded" indicated that "clearly those accused officers were justified in initiating the detention of the [complainant]. And the use of force investigation offers a level of irrefutable facts that completely serve to abdicate the officers of wrong doing as it pertains to the use of force allegation." Based on a review of the investigation, the OIG does not believe this statement is supported and as noted above, additional investigative steps should have been performed.

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<sup>23</sup> The investigation included a statement from a ride-along witness stating that the complainant appeared to back up and was taken to the ground, but the involved officer's employee report stated that the complainant stepped forward towards his vehicle in an attempt to re-enter his vehicle when the complainant was taken down to the ground.

**CF No. 06-3154**

This complaint resulted from an incident in which officers served an arrest warrant for a robbery suspect. The officers knocked on the door of a residence and the suspect's mother (the complainant) opened the door. The officers requested that the complainant come outside while they attempted to apprehend her son, but the complainant requested that she be afforded the time to put on some clothes and shoes. Due to officer safety concerns, one officer grabbed the complainant by the arm and escorted her outside the residence. The complainant alleged that the officer unnecessarily removed her from her residence, twisted her arm behind her back, and hit her on her back and rib cage when she was escorted outside. The complainant also alleged that one officer used profane language during the incident. The complainant's son was arrested without incident. The allegations were adjudicated as "exonerated" and "unfounded."

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

The investigation indicated (in an investigator's note) that the complainant ignored the investigator's requests for her medical records; however, the investigation and the investigator's Chronological Record did not document any details of when these requests were made or how they were made (e.g., by telephone or a certified letter). During the recorded interview of the accused officer who escorted the complainant outside, he stated that another employee told him the complainant came to the station, the day after the incident, with a cast on her arm. This information was not paraphrased in the officer's statement and the complainant was not questioned about the extent of her injuries during her recorded interview.

**CF No. 06-5537**

This complaint resulted from an incident in which the complainant was arrested for an outstanding arrest warrant. While in the police vehicle, he alleged that he saw an officer use excessive force on his friend. The complainant stated that the officer spoke in a discourteous manner towards his friend and when his friend made a discourteous remark back to the officer, the officer ran up to his friend, took him down to the ground and choked him. The complainant's friend also stated that the officer took him down after the officer spoke in a discourteous manner and he replied discourteously to the officer. The accused officer stated that the complainant's friend was interfering with his investigation and when he attempted to detain him, he resisted. The complainant's friend was arrested for obstructing the officer from performing his duty. The allegations against the accused officer were adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

The IAG investigator should have attempted to re-interview the complainant's friend to try and identify a female who was also present when the alleged acts occurred. Based on the recorded interviews of the complainant and his friend, this female lived in the neighborhood. Also, there was a tape recording of the complainant and his friend discussing the use of force

while seated in the back of the police vehicle. The investigation indicated that it was difficult to understand their conversation, but the “portions of the conversation overheard were consistent with the accused officer’s version of events.” However, in listening to the recording, the complainant’s friend stated that the officer took him down to the ground for making a discourteous remark to the officer, which contradicted the accused officer’s version of events. The investigation indicated that “because [the complainant’s friend] refuted all allegations made by [the complainant], [the] investigation did not merit further investigation” and the accused officer was never interviewed. Based on a review of this investigation, the OIG does not believe this assessment was supported and the accused officer should have been interviewed.

### **CF No. 05-0452**

This complaint resulted from an incident in which officers responded to a “battery suspect” radio call. Upon arrival, the officer learned there was a dispute between the children of two women. The officers attempted to detain the suspect (who was a minor). The officers indicated the suspect resisted and struck one officer’s left shoulder with his fist. The minor continued to resist and therefore, the officers took the minor to the ground and eventually they were able to handcuff him. The minor was arrested for battery on a police officer. The minor’s mother (the complainant) alleged that the officers used excessive force (striking her handcuffed son in the face) during the initial take down and failed to properly care for her handcuffed son. The complainant alleged that the officers handcuffed her son and stood him up, but because her son was weak, he fell, face first, to the ground. The complainant also alleged that the officers falsely arrested her son and filed a false arrest report. Furthermore, the complainant alleged that the responding Area supervisor failed to take action after being notified of misconduct and was discourteous when he took her cellular phone (when she was talking to her son’s social worker) and turned it off. All allegations, except the one involving discourtesy, were adjudicated as “unfounded.” The discourtesy allegation related to turning off the cellular phone was adjudicated as “not resolved.”

The following concerns were identified based on a review of this investigation:

#### ***Paraphrased Statements***

The paraphrased statement of two witnesses contained inaccuracies and/or omissions that appear to be pertinent to the investigation, as follows:

- One witness’ paraphrased statement indicated that he did not observe the accused officer strike the minor, but based on his recorded interview, he was not present to observe this portion of the incident and this pertinent information was not disclosed within the investigation. Additionally, the witness’ paraphrased statement indicated that he did not see the minor fall to the ground after he was handcuffed and stood up, but based on his recorded interview, the investigator never asked this question and the witness did not make this statement.

- Another witness, in her recorded interview (conducted in Spanish), stated that she was outside her business, three to five feet away from where the struggle took place, yet her paraphrased statement indicated she observed the incident from inside her business and the paraphrased statement did not indicate how close she was to the incident. This information would have been important to paraphrase as this witness also supported the complainant's allegation that one officer struck the minor three times on the side of his head. Additionally, this witness stated that after the minor was initially taken to the ground, a male officer placed his knee on the side of the minor's face; but the witnesses paraphrased statement indicated that she stated this officer placed his knee on the minor's back. Finally, this witness, in her recorded interview, stated that after the minor was handcuffed and stood up, he "kinda fell down" and the officers picked him up. However, the investigator did not ask follow-up questions to determine whether the handcuffed minor fell to the ground and struck his head as alleged by his mother, the complainant.

#### ***Adequacy of the Investigation***

Based on a review of the investigation, it appeared that additional investigative steps were necessary to fully address the complainant's allegations related to the officers failing to care for her handcuffed son and a responding Area supervisor failing to take a complaint and inappropriately turning off her cellular phone. The witnesses should have been asked questions to determine whether the minor fell to the ground while handcuffed. Additionally, the witnesses were never asked whether the responding Area supervisor failed to take the mother's complaint or turned off her cellular phone while she was conversing with her son's social worker. To properly assess these allegations, the investigator should have re-interviewed these witnesses and asked questions pertaining to these allegations.

#### **CF No. 06-1046**

This complaint resulted from an incident in which a suspect (the complainant) was arrested for spousal abuse. The involved officers witnessed the abuse outside an Area police station. According to the related arrest report, the officers attempted to take the complainant into custody, but the complainant resisted and attempted to strike an officer with his elbows. Therefore, one officer utilized a knee strike to the complainant's stomach and then the officers took the suspect to the ground (in which the complainant's face struck the sidewalk) and through the use of their combined bodyweight, the officers were able to take the complainant into custody. Approximately two weeks later, the complainant contacted the Department's Complaint Hotline and alleged that the officers lied in court, made false statements in the arrest report, and falsely arrested him. The complainant also stated he was severely beaten and injured during his arrest. A hotline supervisor completed a complaint face sheet, but the face sheet did not contain any additional details regarding the complainant's allegations. The allegations were framed against five involved officers and all were adjudicated as "unfounded."

The following concern was identified based on a review of this investigation:

***Paraphrased Statements***

The complainant's recorded interview was not captured on the tape referenced in the investigation. Although the OIG requested two copies of the referenced tape from the Department's Scientific Investigation Division, neither copy contained the complainant's interview. Therefore, the OIG was unable to determine whether all of the complainant's allegations were properly addressed by the investigation or verify whether all pertinent information from his interview was documented in his paraphrased statement. The IAG investigator indicated that he paraphrased the complainant's statement from the recorded interview but the summary appeared to merely re-iterate very brief allegation information documented on the initial complainant face sheet completed by the Department Complaint Hotline personnel. For these reasons, the OIG questions whether the IAG investigator actually listened to a recorded interview of the complainant as stated in the investigation.<sup>24</sup>

**CF No. 05-4461**

This complaint resulted from an incident in which two officers stopped a man for traffic violations. The officers subsequently discovered that the man (the suspect) had a suspended license and was on active parole. The officers asked the suspect to exit his vehicle, but when they began to handcuff him, an altercation between the officers and the suspect occurred. The officers used a baton and other force on the suspect that resulted in injuries to his head and shins. Due to the suspect's head injuries, Force Investigation Division initiated a categorical use of force investigation. A witness (complainant), who was a neighbor, initiated a complaint approximately one month later. The complainant alleged excessive force was used against the suspect and the suspect, when interviewed, also alleged that one officer unnecessarily struck him with a baton and the partner officer unnecessarily choked him. Based on a review of the use of force investigation, the Department found the force used by the involved officers "in policy." The complaint investigation relied on evidence collected during the use of force investigation and no additional canvassing or interviews were conducted. The allegations framed in the associated complainant investigation were all adjudicated as either "unfounded" or "exonerated."

The following concerns were identified based on a review of the investigation:

***Adequacy of the Investigation/Unframed Allegations***

The complaint investigation did not include all pertinent evidence collected during the use of force investigation. For instance, the suspect's transcribed interview from the night of the incident was not included in the investigation. However, based on the OIG's review of that transcribed interview, the suspect also alleged that an officer told him during the struggle, "that's [profanity omitted] right. You are going to die." Even though the original Force Investigation Division investigator did not initiate a complaint face sheet, the complaint investigation still should have framed and addressed this discourtesy allegation.

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<sup>24</sup> The Commanding Officer adjudicated the excessive force allegations as "unfounded" because the complainant's statement was very brief and only indicated that he believed the officers used excessive force without providing any additional details.

Additionally, based on this transcribed interview, the suspect alleged that the officers lied when they said he was speeding and that his vehicle had an inoperable taillight. Therefore, an additional allegation should have been framed against the officers for stopping the suspect without reasonable suspicion.

**CF No. 06-006087**

This complaint resulted from an incident in which a suspect (the complainant) was arrested during a “drug buy” operation for selling narcotics. The complainant alleged that while he was at an Area police station, an unknown officer made discourteous comments, twisted his arm, and placed handcuffs on him too tight, resulting in pain. The complainant stated that he never resisted the officer. This officer then transported the complainant to the Los Angeles County jail. The investigation did not result in the identification of an accused officer and therefore, the allegations were adjudicated as “insufficient evidence to adjudicate” against an unknown officer.

The following concerns were identified based on a review of this investigation:

***Paraphrased Statement/Unframed Allegation***

Although it is difficult to hear the complainant during his recorded interview (apparently due to the recorder being too far away), he made an additional allegation that was not paraphrased or framed in the investigation. Specifically, on tape, the complainant stated that after a dispensary doctor evaluated him, an unknown female officer pulled his arm and caused pain while placing him in handcuffs. This statement was not paraphrased and the additional allegation was not framed or addressed by the investigation.

***Adequacy of the Investigation***

Based on a review of the investigation, better attempts could have been made to identify the involved officers. Specifically, the investigating officer should have attempted to re-interview the complainant. Since the complainant was originally interviewed at 0345 hours and could not always be heard during his recorded interview, a re-interview appeared to have been necessary.<sup>25</sup> At that time, the investigator could have shown the complainant a photographic line-up that contained photographs of the two officers (a male and a female officer) who were believed to be the transporting officers based on documentation in the associated arrest and booking reports.

**CF No. 07-000573**

This complaint resulted from an incident in which officers arrested a robbery suspect and handcuffed and detained two of his cousins. The following day, the father of one cousin contacted an Area police station and reported that his son (a minor) was unnecessarily handcuffed and kicked by an officer during the incident.<sup>26</sup> Because the father and his family mistrusted the police, they declined to participate any further with the investigation. The accused

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<sup>25</sup> Although the complainant was listed as a transient on the complaint face sheet, at the time of his original interview, he had temporary housing and he provided the address to his apartment. The investigation and investigator’s Chronological Record did not indicate that the investigator attempted to re-interview the complainant.

<sup>26</sup> The father was not present during the incident involving his son.

officers were not identified, and the allegation was adjudicated as “insufficient evidence to adjudicate” against unknown officers.

The following concerns were identified based on a review of this investigation:

***Adequacy of the Investigation***

Although the father (complainant) did not want his son to participate in the investigation, the son was at the residence of his cousin’s family and according to the complaint face sheet, members of this family were also present during the incident. Since the complainant declined to participate with the investigation due to a mistrust of the police, attempts should have been made to contact the cousin and his family members, for an interview, to ensure the complainant’s allegations were thoroughly investigated. Additionally, no officers were interviewed as the investigation indicated there were six officers at the scene and there was limited information as to the accused officer. But, given the circumstances, the OIG believes the investigator should have interviewed these officers.

**CF No. 06-1375**

This complaint resulted from an incident in which two officers responded to a radio call related to a man (the complainant) creating a disturbance at a hotel. The complainant was placed under a private person’s arrest for trespassing. According to the complainant, when he was taken into custody, the officers placed the handcuffs on him too tight (causing injury to his wrists) and then one officer inappropriately twisted his hand to move him forward. The complainant also alleged that the officers threw him, headfirst, into a wall at the Area police station. The allegations were adjudicated as “unfounded.”

The following concerns were identified based on a review of this investigation:

***Paraphrased Statement/Unframed Allegation***

The complainant, during his recorded interview, indicated that he believed one officer intentionally hurt his wrists because he is gay and was at a hotel known to have gay clientele. The complainant further indicated that one officer told his partner officer to handcuff him so that “he feels bad” and feels it. These statements were not paraphrased and there was no allegation framed for “discrimination.” Additionally, the complainant, during his recorded interview, stated that he complained about the handcuffs being too tight throughout his arrest and that he mentioned his complaint to the officers that fingerprinted him when he was booked. However, this statement was not paraphrased. Instead, the investigation indicated that the complainant waited until the day after his arrest before complaining about any injury to his wrists.<sup>27</sup> As the Commanding Officer, in part, questioned the complainant’s credibility by stating that he waited until the next day to complain about any injury to his wrists, these additional statements should have been paraphrased.

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<sup>27</sup> The investigator was possibly referring to an adult detention log for the night of the incident that indicated a supervisor asked the complainant if he had any complaints and he stated, “no.”

**CF No. 05-5792**

This complaint resulted from an incident in which three officers arrested a person who was driving under the influence of alcohol. During this person's arrest, the complainant (an independent public witness) alleged that an officer hit the passive arrestee on his upper back with a collapsible baton. However, when formally interviewed, the complainant did not indicate that his upper back was hit, instead, he alleged that an officer punched him on the left side of his ribcage, and he was not resisting. The involved officers stated the arrestee was taken into custody without incident (e.g., the officers did not use force on the suspect while taking him into custody). The allegation against the accused officer was adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Paraphrased Statement/Unframed Allegation***

The arrestee, during his recorded interview, stated that the officers were laughing at him because he did not speak English, and one officer told him, "Do not scream little [derogatory word omitted]." This statement was not paraphrased nor was an allegation framed in the investigation.

**CF No. 05-4367**

This complaint resulted from an incident in which officers detained the complainant for a domestic violence investigation. The involved officers, an LAPD officer and two Los Angeles Unified School District Police officers, found there was inconclusive evidence of a crime. However, the complainant was arrested for an outstanding warrant. The complainant alleged that during his detainment, he was transferred from the Los Angeles Unified School District Police vehicle to the LAPD vehicle. At this point, the officers unnecessarily pushed his head down onto the police vehicle, pulled up his handcuffed arms, and kicked his ankle, resulting in fractures to his wrist, ankle, and shoulder and a ruptured eardrum. The complainant also alleged that the LAPD officer and unknown responding officers were discourteous towards him. These allegations were adjudicated as "unfounded."

The following concerns were identified based on a review of this investigation:

***Other Concerns***

Based on a review of this investigation, the OIG disagrees with the manner in which the Commanding Officer "unfounded" the allegations in this complaint. Specifically, the Commanding Officer vehemently challenged the complainant's credibility because the investigation indicated that one of the officers the complainant believed used excessive force had left the scene before the alleged acts occurred. Even though the investigation indicated that the officer the complainant described as using excessive force had already left the scene, the complainant was never shown a package of photographs (that included pictures of the involved officers) to help ensure that the correct accused officer was identified. The acts of being handcuffed and pushed down onto the police vehicle did occur per the officers and the complainant, and a use of force investigation took place. Therefore, it seemed unnecessary to fully discredit the complainant without attempting to clarify this inconsistency through the

use of photographs. Also, the investigation revealed that key evidence (e.g., the complainant's x-rays from the hospital and color digital photographs) that the Department had in its possession was destroyed/lost.<sup>28</sup> Part of the rationale for adjudicating some of the allegations as "unfounded" was that there was no evidence of physical injuries. However, given there were black and white photographs in the investigation of the complainant with a cast/splint on both his arm and foot, and given the lack of color photographs (which would assist in assessing whether the complainant had any redness and/or bruising on his head or neck from being pushed down onto the vehicle), the OIG questions the rationale used to adjudicate certain allegations as "unfounded."<sup>29</sup>

## **ADDITIONAL MATTERS**

### **Tape/Digital Recording Number References**

For some of the 60 investigations, the OIG noted that one or more paraphrased statement(s) included in the investigation, in which the associated interview was recorded, did not include a referenced tape/digital recording number(s). Therefore, the OIG reviewed the investigators' Chronological Records and/or followed-up with IAG to obtain the recording reference numbers needed to obtain and listen to the recorded interviews. For four investigations,<sup>30</sup> the OIG was still unable to locate the tape/digital recording reference numbers. Given the need to collect and preserve information associated with complaint investigations, it appears that the requirement to document tape/digital recording reference numbers of interviews should be re-emphasized to investigators and reviewing supervisors.

### **Documenting Delays in the Completion of Complaint Investigations**

Certain investigations took a long time to complete and the reason for the delay was not always documented. Given that the delay in completing certain investigative steps (e.g., conducting interviews or canvassing an area for witnesses) can impact the outcome of an investigation, investigators should be required to document the reasons for any lengthy delays in completing a complainant investigation.

## **RECOMMENDATIONS**

The OIG recommends that the Department:

- 1) Provide additional training to IAG investigators and reviewing supervisors to re-emphasize the following:
  - a) All efforts should be made to interview accused and witnessing officers, especially in complaint investigations where additional evidence appears necessary to properly

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<sup>28</sup> The complainant's x-rays were erroneously booked as "non-evidence" and as such, they were destroyed by the Department a few months after the complainant's arrest.

<sup>29</sup> The OIG also believes the discourtesy allegation should also have been adjudicated as "not resolved," as the complainant's uncle confirmed that the alleged remarks were made to the complainant during this incident.

<sup>30</sup> CF Nos. 05-6245, 06-2933, 06-3136, 06-3635.

adjudicate an allegation. In instances where interviews were not conducted, a rationale should be documented in the investigation.

- b) All reasonable efforts should be made to identify unknown officers in cases where witnesses may not be able to make an identification.
- c) Paraphrased statements should be accurate and complete.
- d) New allegations that stem from interviews should be framed and investigated.
- e) Tape/digital recording reference numbers (if applicable) of interviews should always be documented within a complaint investigation.

2) Require investigators to document the reason for any lengthy delays in completing a complaint investigation.

### **PRIOR RECOMMENDATIONS**

The OIG's prior complaint investigations audit for Fiscal Year 2006/2007 recommended that the following be re-emphasized to IAG supervisors:

- Document the rationale for not presenting a complaint investigation to the District Attorney (if applicable).
- Document complaint referrals to other agencies (if applicable).
- Test tape-recorders prior to interviews of complainants, witnesses, and accused employees to ensure the interviews are audible.
- Document the rationale for not interviewing accused officers in complaint investigations (if applicable).

The OIG followed up with IAG on the status of these recommendations and it appears that no training was conducted to the appropriate staff to re-emphasize these requirements and some of these same concerns were identified in this Audit. However, the OIG has learned that the necessary training will take place during the IAG training day scheduled for February 2008. The OIG considers these recommendations to be "In Progress."

It was also recommended that the Department require investigating officers to document whether or not the involved officers recorded an alleged incident, especially if the incident involved a traffic or pedestrian stop. However, based on a review of the investigations in this Audit, this recommendation also has not been implemented, as many investigations did not document whether or not the involved officers recorded the alleged incident. Therefore, the OIG considers this recommendation to be "In Progress."

Finally, the OIG's prior complaint investigations audit for Fiscal Year 2005/2006 questioned the standard verbiage used in the Department's notification letters to complainants. Specifically, the OIG disagreed with the verbiage used in letters reporting allegations adjudicated as "unfounded." The letters stated, "*Your allegation that an officer ... .. was classified as Unfounded. This means that the investigation indicated that the act complained of did not occur.*" This verbiage could have improperly implied to a complainant that he/she was lying about the alleged incident.

Instead, it was recommended that the letter indicate that the allegation was adjudicated as “unfounded” based on the “preponderance of evidence” to more accurately reflect the basis for the adjudication. Based on discussions with IAG management, it appeared that this recommendation would have been implemented during 2007. However, during this Audit, the OIG noted that of the 45 complaint investigations that had an “unfounded allegation,” only one letter contained the new verbiage (as recommended by the OIG). Internal Affairs Group management indicated that going forward they will ensure that the Department’s notification letters to complainants contain this verbiage. The OIG also considers this recommendation to be “In Progress.”