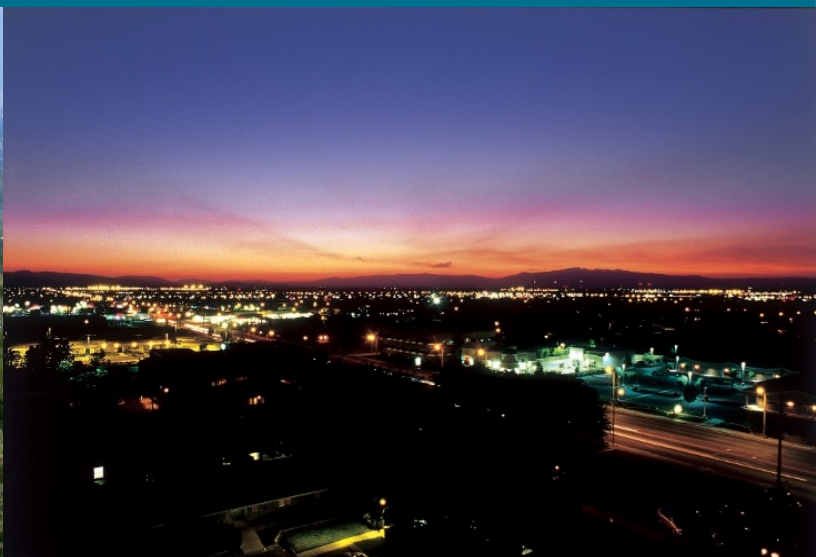


Antelope Valley Monitoring Team Monitor's Second Audit of Community Complaints



December 2020

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Antelope Valley Monitoring Team
Second Audit of Community Complaints
December 15, 2020

EXECUTIVE SUMMARY

The Monitoring Team (MT) has completed its second audit of public complaints occurring in the Antelope Valley (AV). This executive summary provides a brief overview of the purpose, methods, and key findings of the audit. This summary is not meant to describe every finding or to provide information that is different or in addition to that which is provided in the full report. This is only a summary of the report itself, and readers are strongly encouraged to read the full report for a detailed discussion of each audit finding and recommendation. The Monitors approved this audit for publication on December 15, 2020, and will make it available on our website at <http://www.antelopevalleysettlementmonitoring.info>.

PURPOSE AND SCOPE

The US Department of Justice and Los Angeles Sheriff's Department (LASD, or the Department) entered into a Settlement Agreement (SA) on April 28, 2015. Part of that agreement included requirements for the intake, investigation, adjudication, and memorialization of community complaints. The SA also requires that the MT conduct compliance audits to assess the Department's compliance with those requirements. Our first audit, published in January 2018, identified numerous deficiencies in the way public complaints were being handled in the AV. Those deficiencies were not limited to the AV but impact the entire Department because many of the deficiencies were predicated on Department policies such as using complaint disposition codes that are inconsistent with California's penal code. The first audit made 20 recommendations, and the Department concurred with 14 of them.

The purpose of this second audit is to assess the degree to which the Department has implemented the Monitor's recommendations and the degree to which the Department is now in compliance with the complaint provisions of the Settlement Agreement.

AUDIT METHODOLOGY

After our first audit was issued, each of the AV station commanding officers issued a Unit Order revising their personnel complaint process to correct the deficiencies identified in that audit. Those orders had been in place almost a year when the second audit began. After reviewing complaint statistics, the auditors selected the first quarter of 2019 (January, February, and March) for this audit. That allowed sufficient time for each command to have trained their supervisors and managers on the new procedures. It also allowed sufficient time for complaints made during that period to be reviewed at both the station and division level.

The audit reviewed every public complaint reported on a Service Comment Review (SCR) that involved AV personnel. The audit also reviewed complaints made against non-AV personnel to determine whether the allegation(s) was in any way related to the SA's provisions. Finally, auditors validated the audit population by reviewing incidents occurring in the AV during the audit period that may have contained a complaint but did not result in an SCR. Activities used for validation included use-of-force (UOF) investigations, claims for damages and lawsuits. The audit specifically assessed the following areas.¹

- Intake and classification (SA Paragraphs 124–128, and 130–132).
- Investigation (Paragraphs 133–137).
- Adjudication (Paragraphs 130, 131, and 140).
- Risk management (e.g., Paragraph 61).
- Recordation and retention (Paragraphs 141–143).

COMPLIANCE MEASURES

Since the MT's previous audit of public complaints, the Department, DOJ, and the Monitors reached consensus on the metrics that will be used to measure compliance with the SA's provisions. Those "compliance metrics" are now the standard that is used to assess Department compliance with the various provisions in the SA. Compliance must be established through an audit or some other review method, and then it must be maintained for at least a year.

With respect to public complaints, the compliance metrics fall into five categories.

1. Availability of complaint material and intake of complaints.
2. Investigation of complaints including appropriate referral to Internal Affairs Bureau (IAB) and/or Department's Internal Criminal Investigations Bureau (ICIB).
3. Management oversight and adjudication of complaints.
4. Entry of complaint data into the Performance Recording and Monitoring System (PRMS; formerly the Personnel Performance Index [PPI]) and retention of complaints.
5. Department audits.

¹ This audit makes no specific finding on the paragraphs requiring the Department to revise and align its policies, rules, and procedures governing complaints (e.g., Paragraph 129) nor does it assess complaints-related training (Paragraphs 138–139). Also, none of the complaints in the audit sample contained any issue regarding Section 8 housing.

The audit objectives were developed to coincide with those categories. The numerical and/or qualitative standards that will be used to measure compliance for these categories take into account that some provisions have a very high risk exposure and therefore require a high level of compliance while other provisions are more ministerial in nature, making a lesser level of compliance more appropriate. The specific compliance metric for each objective is provided at the end of the objective along with the Monitor's compliance finding.

INTERIM AUDIT REPORTS

While conducting this second audit, the MT identified three issues that required the Department's immediate attention. An Interim Audit Report (IAR) was issued for each of those issues when they were discovered. One IAR pertained to a data-entry problem occurring at one of the AV stations, and the other two affected the entire Department.

- **Inaccurate Dispositions in PRMS.** We identified several cases in which the complaint disposition approved by a Unit Commander was changed after the complaint was submitted to Discovery for input into PRMS. We discovered that the changes were occurring because PRMS could only accept one disposition per employee even if some allegations were proved to be true and others proved to be untrue. The Department addressed this flaw immediately, and PRMS can now accept the dispositions approved by the Unit Commander.
- **Destruction of Personnel Complaint Documents.** The California Penal Code, SCR handbook, and Los Angeles County Records Retention Schedule all require a minimum five-year retention period for all personnel complaints and "any reports or findings relating to those complaints."² The MT discovered that Performance Log Entries (PLEs) issued in conjunction with a personnel investigation were automatically being removed from the deputies' packages and destroyed after one year, in violation of state law, Department policy, and county records retention requirements. The Department has held several meetings on this issue and is considering eliminating the use of Performance Log Entries (PLEs) as a complaint disposition for complaints and adding a section to the complaint format to address any corrective action that is taken. However, it is our understanding the Department is continuing to destroy these records after one year.

² Penal Code Section 832.5 (b); SCR Handbook page 46; and, LASD Records Retention Schedule approved by the County Board of Supervisors on June 14, 2016.

SUMMARY OF FINDINGS

Intake

COVID-19 restrictions on access to public facilities began in March 2020 and continued with only one short respite throughout the time this audit was conducted. Consequently, auditors were unable to inspect the locations that are required to have complaint material on display. With regard to accepting complaints, we were disappointed to see that the Department is now providing the email complaint form only in English, which is a violation of SA Paragraph 125. We were also disappointed to see that the IAB 800 number is not answered after about 10:00 p.m. weekdays and on weekend evenings. The phone simply disconnects after about ten rings with no acknowledgment that the correct number was dialed and no option to leave a message.

With respect to phoning in complaints, our focus in this audit was to assess how Spanish-speaking complainants would be treated. We made several calls to both AV stations at varying times and days using a Spanish-speaking caller who said they spoke little or no English. Some of those calls were handled very well, but others were not. In one case, the caller was transferred to the watch commander's line, and they then left a message in Spanish about a personnel complaint. The watch commander never called back.

The complaints we audited also had instances of deputies who appeared to be inhibiting a caller from making a complaint. While we were unable to establish a clear pattern, several complainants reported being disconnected during their efforts to make a complaint via telephone. This also occurred in one of our audit calls. There were also several instances where complainants reported trying to make a complaint at a station, but they did not feel their complaint was being taken seriously, so they called IAB to have their complaint taken.

The most concerning issue with the intake of public complaints lies with field supervisors. In our last audit, we noted that field supervisors usually respond to the scene when a person is dissatisfied with a deputy in the field. Sometimes those incidents result in an SCR, but most of the time they do not because the supervisor is able to resolve the issue at scene. Because LASD's field supervisors do not complete a log for their field activities, they have no way of documenting what occurred and the action that was taken to resolve it. To resolve this issue, both AV stations issued a directive requiring supervisors to make an entry in the Watch Commander Log when they resolve a complaint without initiating an SCR. Our second audit found no Watch Commander Log entries during the entire three-month audit period documenting that a field sergeant resolved an issue in the field without initiating an SCR. Collectively, the MT has several hundred years of law enforcement experience, and we know that outcome is virtually impossible. The North Patrol Division chief concurred with that being impossible and will look for a better way to document these occurrences. Meanwhile, the MT will find a way to audit this activity in its next complaint audit.

Investigations

As with our first audit, we generally found that complaint investigations were adequate, and most were sufficient to support a reliable determination. However, six investigations fell short of that standard, primarily because the investigator failed to identify and investigate all the substantive allegations. The SA requires that all allegations be investigated, even if the complainant did not specifically identify it as an allegation (SA Paragraph 130). In contrast, nine investigations were exemplary. Two of those were done by the same watch commander.

There were two cases in which a supervisor at the scene was also the supervisor who conducted the complaint investigation (SA Paragraph 133), but we concluded that one of those was reasonable as the supervisor had been called to the scene because of the complaint. We did observe a trend of watch commanders showing or at least hinting at a bias in their reports. For example, a watch commander investigating a complaint that included an allegation of discrimination cited his own expertise as a gang investigator to conclude that the deputies did not discriminate against the complainant. Watch commanders have been reminded to approach each complaint objectively and avoid even the appearance of bias when taking a complaint and in their investigations.

An issue arose regarding the SA's requirement that the investigator interview the complainant personally (SA Paragraph 136). Often, a complainant is interviewed in detail by the intake watch commander and that interview is recorded. Several complainants understandably protested when the investigating watch commander tried to interview them a second time. Some saw the second interview as an unnecessary inconvenience, and others saw it as an effort to trick them into saying something different. In any event, we will have a discussion with the Parties about accepting the intake interview provided it thoroughly identifies all the allegations and provides a detailed account of the complaint.

Adjudication

One personnel complaint was erroneously classified as a service complaint, and three obvious service complaints were erroneously classified as personnel complaints. Five complaints contained unaddressed significant allegations of misconduct. Auditors also found six use-of-force investigations that contained allegations of misconduct that did not result in an SCR. Additionally, three claims for damages alleged deputies failed to care for someone's property, but none of those claims resulted in an SCR. For four cases, overreliance on the deputy's statement was the only rationale for concluding that the deputies' conduct was reasonable. Auditors identified five cases in which the disposition was not supported by a preponderance of evidence. Four of those were due primarily to overreliance on the deputy's statement, and one was a service complaint that was actually a personnel complaint.

Failure to document an employee's work history when taking corrective action continues to be a deficiency in the adjudication of complaints. The Department Manual (Manual of Policies and Procedures, or MPP) identifies three factors that should be considered in deciding how to handle a complaint: (1) the nature of the complaint; (2) the potential for employee discipline;

and (3) the employee's performance history. However, complaint adjudications seldom provide any insight into an employee's performance history. In our last complaint audit, we recommended that complaint investigations include a section discussing the employee's work history in order to document the rationale for the adjudication. Supervisors and watch commanders make those judgments when they complete their reports, but they know the people who work for them. On the other hand, unit and division managers are several organizational layers removed, yet they must review complaints and approve the corrective action taken with no insight into the supervisor's assessment of the employee's performance. Managers can review PRMS printouts, which provide raw data on complaints and dispositions, but those printouts cannot comment on someone's work ethic or provide insight into the employee's performance. The Department was initially reluctant to make this change but recently indicated it may support it. The MT will continue to encourage the Department to adopt a requirement that supervisors and managers document the rationale for their personnel decisions so it can be reviewed by higher-level managers.

Auditors also identified two complaints that should have been handled as administrative investigations. The first involved what may have been a Criminal Offender Record Information (CORI) violation where a deputy appears to have conducted an inappropriate computer query on his current girlfriend's ex-husband. If true, that would be a serious violation of California law and could jeopardize the Department's access to the California Law Enforcement Telecommunications System (CLETS).

The other case involved a 25-year-old deputy hired by the Sheriff's Department in early 2017 and transferred to Lancaster Patrol after a one-year assignment in custody. The deputy worked with a training officer for the first five months then was approved to work alone. While assigned to Lancaster, this deputy was the subject of seven personnel complaints and was involved in 16 reported uses of force. Six of the seven personnel complaints alleged discourtesy and the seventh was not reported on an SCR because it occurred within a use-of-force investigation. Nearly all the complaints were classified as Conduct Appears Reasonable and none were elevated to an Administrative Investigation, which would have allowed disciplinary action to be taken. Auditors reviewed the complaints and concluded that at least four of them when viewed individually should have been classified as Unable to Determine. However, the language and situations in these complaints were very similar, and at some point a management review of this deputy's behavior toward the public should have been initiated.

Most of the uses of force were minor, but there were four Taser cases, all of which occurred after the deputy was approved to work alone. The first three uses were classified as in policy, and the fourth was classified as out of policy. However, all four of the Taser uses were inconsistent with Department policy, either because a Taser was used when it should not have been (first and fourth case), or the deputy failed to follow Department policy requiring a warning before deploying a Taser (second and third case). In the second Taser use, a warning was not given, and the Taser darts struck a deputy who was engaged with the suspect incapacitating that other deputy. In that case, the unit commander directed that the deputy receive remedial Taser training, but the deputy never went to the training and was allowed to continue carrying a Taser.

Failure to provide deputies with training to correct identified deficiencies after being directed to do so was an issue identified in our first use of force audit, which was published seven months before the second Taser usage occurred.

Nearly three months after the need for refresher Taser training was identified, the deputy deployed a Taser a fourth time. In this final Taser use, this deputy deployed a Taser after deploying OC on a subject who was handcuffed in the back seat of a patrol car. The deputy also reported the Taser was activated once, but the Taser download showed two five-second activations 90 seconds apart. The captain determined this last use of force was out of policy and, along with some other serious allegations, relieved the deputy from duty and assigned the deputy to home. This case was assigned to ICIB with IAB monitoring, and we understand ICIB has submitted it to the district attorney's office for filing consideration. We were informed the deputy will remain assigned to home with pay until the criminal case is concluded, which, if charges are filed, includes the entire criminal case through sentencing, should that be necessary. This means the deputy will be assigned to home with pay for several years while this matter is decided by the DA, and then the Department will make its decision on what, if any, administrative action to take.

Risk Management Review

In our first audit, we recommended the Department establish a protocol for the investigation of racial profiling complaints. That arose after we found a wide disparity in the way those complaints were being handled in the field. Our current audit (three years later) found the same disparity, which resulted in the three racial profiling complaints in this audit being found out of compliance. (This is also discussed under the Management Accountability for Handling Public Complaints section below.) Likewise, our first audit found problems with the way deputies search detainees of a different gender, and we recommended the Department review its policy and training. The Department responded that it had adequate policies, training, and oversight in that area. However, we identified another complaint in this audit where a deputy conducting a non-emergency, non-exigent other-gender search wound up in an altercation when the male subject of the search pulled away from the female deputy as her hand neared his crotch.

The most significant risk-management issue in this audit involved Black complainants. Nearly half the people who made a complaint in this audit were Black (18 Lancaster and seven Palmdale). Most of the Black complainants exhibited a palpable tone of animosity and distrust in the complaint investigative process. That level of racial tension was significantly greater than we saw in our first complaint audit. It is important to note that the cases in this audit, as well as our observation of them, occurred well before recent nationwide protests brought the issue of racial injustice to the forefront over the summer.

Some of the complaints we reviewed typify the type of law enforcement activity that the Black community has been trying to draw attention to for years. In one case, a deputy stopped a 58-year old Black man for "playing his car radio loudly and no front plate." Two back-up deputies arrived and almost immediately started searching the car without the complainant's

permission and without being asked to do so by the deputy who made the stop in the first place. In another case, a Black woman driving with her son was stopped for a red light violation. The situation eroded quickly, resulting in a use of force after which the woman and her son were taken into custody. As a deputy walked the handcuffed woman to a police car, her 12-year-old daughter began pulling on her and yelling, "Don't arrest my mom!" The 12-year-old girl was then arrested, according to the police report, for "causing a riot/lynching," which is a felony.³

Note: What is of particular concern here is that a use-of-force investigation and the arrest report attached to it—both saying a 12-year old girl was arrested for "lynching" because she grabbed onto her mother while begging the deputies not to arrest her mom—were approved by a lieutenant, captain, and commander, none of whom asked if this was necessary, appropriate, or consistent with the Department's core values.

In this case and two other uses of force, Black subjects clearly alleged deputy misconduct, but an SCR was not initiated in any of those three cases. Additionally, there were three other cases where a deputy appeared to be acting lawfully, but Black detainees felt they were being singled out solely on the basis of race.

This disturbing trend strikes at the core of the Settlement Agreement and needs to be considered in conjunction with other information being gathered on police–community relations in the Antelope Valley, most notably the community surveys and the MT's analysis of Stops data.⁴ The specific cases and outcomes cited here along with the community's perception of law enforcement need to be included in management/supervision conversations with staff, bias-free training sessions (SA Paragraph 89) and incorporated into each AV station's community policing strategies.

We did note that the demonstrations held in the AV this past summer protesting police killing of Black men were peaceful. Those demonstrations occurred without the violence and property damage that took place in other parts of Los Angeles County and throughout the country. While there may be a number of reasons they were peaceful, we are hopeful the Department will use that success to build on its dialogue with the Black community regarding their concerns. The MT will continue to watch this area closely in our future monitoring activities.

Recordation of Complaints

Nearly all complaints were recorded accurately on the complaint forms. Once again, the Discovery Unit did a remarkable job entering data accurately into PRMS. The one data entry issue that was discovered was PRMS's inability to accept multiple dispositions for a complaint (IAR No. 2). For example, a complaint can contain several allegations, some of which are

³ The California legislature revised Penal Code section 404a in 2015 eliminating the term "lynching."

⁴ The Monitoring Teams report titled *Analysis of LASD Stops in the AV January–July 2019* is available on the MT's website <http://www.antelopevalleysettlementmonitoring.info>

classified as Reasonable while others are classified as Should Have Been Different. However, PRMS was only accepting one of those dispositions for the entire complaint. That made it impossible to accurately input the disposition made by the unit commander for each allegation. The Department addressed this issue quickly, and PRMS has been modified so it now accepts whatever disposition is made by the unit commander. While that change was made quickly, the fact remains that Department managers cannot rely on PRMS reports for dispositions made before this change because they may or may not accurately reflect the actual disposition.

LASD Audits

The Department is required to conduct a semiannual audit of AV complaint intake, classification, and investigation and ensure those complaints are adjudicated using a preponderance of the evidence. During this period, the Department’s Audit and Accountability Bureau (AAB) conducted two AV public complaint audits. These audits were a dramatic improvement over prior AAB audits; however, the restrictive scope of both audits rendered them non-compliant with the SA requirements. Specifically, the scope was limited to determining whether complaints were received, appropriately classified, and fully and fairly investigated up to the adjudication of the complaint. This methodology stopped short of assessing the adjudication of these complaints, and that assessment is required under the SA.

COMPLIANCE

The following chart shows Department compliance with each SA paragraph governing public complaints.

TABLE ES1			
COMPLAINT PARAGRAPH COMPLIANCE STATUS			
PARAGRAPH	SA REQUIREMENT	IN COMPLIANCE?	
		1ST AUDIT	2ND AUDIT
Preamble	Complaints are fully and fairly investigated and personnel are held accountable	No	No
124	Public access to complaint forms and information	No	No
125	Accept all complaints;	No	No
	Limited English Proficient (LEP) language assistance	No	Yes
126	Impeding the filing of a complaint grounds for discipline	No	Unable
127	Revise MPP, SCR, and IAB manuals so they are complete, clear, and consistent	Pending	
128	Service vs. personnel complaints	Yes	No
129	Revise MPP (various)	Pending	

TABLE ES1			
COMPLAINT PARAGRAPH COMPLIANCE STATUS			
PARAGRAPH	SA REQUIREMENT	IN COMPLIANCE?	
		1ST AUDIT	2ND AUDIT
130	Ensure each allegation and complaint is appropriately classified at outset and review	No	No
	Investigate every allegation even if not specifically articulated by complainant	No	No
131	Investigations are as thorough as necessary to reach reliable and complete findings	No	No
132	Refer appropriate cases to IAB or ICIB	No cases	No
133	Investigation conducted by uninvolved supervisor	No	Yes
134	Identify all persons at scene	Yes	Yes
135	Obtain a full statement from all persons at scene	Yes	No
136	Interview complainant in person or give justification	No	Unable
137	Interview witnesses separately	No	No
	Use uninvolved interpreter for people with LEP	No	Yes
138	Training on intake and investigations	Pending	
139	Training on investigations	Pending	
140	Adjudications consistent with a preponderance of the evidence	No	No
	Semi-annual audit of public complaints	No	No

**Antelope Valley Monitoring Team
Second Audit of Community Complaints
December 15, 2020**

FULL REPORT

I. DEPARTMENT OF JUSTICE—CIVIL RIGHTS DIVISION INVESTIGATION

In August 2011, the Department of Justice’s (DOJ) Civil Rights Division began its investigation into allegations that the Los Angeles Sheriff’s Department (LASD, or the Department) engaged in unconstitutional policing at two stations in the Antelope Valley (AV) cities of Lancaster and Palmdale. The investigation involved a review of more than 35,000 LASD documents, including policies, training, use-of-force (UOF) reports, arrest reports, civilian complaint files, and operations plans. The DOJ conducted site visits to Palmdale and Lancaster and interviewed numerous LASD command and line staff. The DOJ investigators rode with patrol deputies, toured AV communities, interviewed local government officials, and met with other governmental agencies. They conducted community meetings and did outreach to community leaders. They worked closely with two police practices consultants as well as with an expert on statistical analysis.

In a 46-page letter time stamped June 28, 2013, the Civil Rights Division issued its findings. With respect to community complaints, the Findings Letter identified several deficiencies with the manner in which community complaints were handled, specifically the following.

1. All but one misconduct complaint during the one-year review period were resolved as a Service Comment Review (SCR) rather than an Administrative Investigation. That reinforced deputy misconduct because non-disciplinary action is the gravest consequence available for an SCR.

2. Nine of the complaints related to a use of force that should have resulted in an Administrative Investigation and been referred to Internal Affairs Bureau (IAB) at least for tracking and assignment.
3. There were 25 discrimination complaints, two alleging deputies used racially derogatory language, one of which was captured in a video. None of the 25 discrimination complaints was handled as an Administrative Investigation, in violation of Department policy.
4. Eighteen Lancaster complaints included an allegation of racial discrimination, profiling, or bias; however, 10 of those allegations were not identified or adjudicated in the SCR.
5. Seven Palmdale complaints involved an allegation of racial discrimination, profiling, or bias; however, six of those allegations were captured as harassment, discourtesy, or improper tactics.
6. The deputy's version of events was often credited over the complainant's account.
7. The Department's early warning system did not adequately identify and/or address deputies with repeated complaints.
8. IAB has a minimal role in the oversight and review of public complaints.⁵
9. Complaints against specific deputies were often recorded as "all patrol" or "all station" complaints.

II. SETTLEMENT AGREEMENT

On April 28, 2015, the Department of Justice and the Los Angeles Sheriff's Department entered into a Settlement Agreement (SA) with the goal of ensuring that police services are delivered to the people of Lancaster and Palmdale, as well as to the surrounding unincorporated areas, in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and deputy safety, and promotes public confidence in the Department

⁵ The MT's review of the complaint process disclosed that IAB has no role in the oversight or review of public complaints unless the complaint is elevated to a formal Administrative Investigation.

and its deputies. Included in that document are several definitions pertaining to public complaints as well as several paragraphs (124–140) enumerating the specific objectives to be achieved.

III. PUBLIC COMPLAINTS IN THE AV

Our first audit report, issued on January 10, 2018, provided a detailed description of how Antelope Valley stations are staffed as well as the process used to receive, investigate, and adjudicate community complaints.⁶ For the Los Angeles County Sheriff's Department, the handling of community complaints is an extremely complex system governed by several manuals and guides.

Deputies are assigned to the Day, PM, or Early Morning shifts. There are usually two field supervisors on each shift, but occasionally there is only one. Except for Field Training Officers who are assigned a trainee, most units deployed in the cities of Palmdale and Lancaster are one-deputy units. Units deployed in the unincorporated areas outside the cities of Lancaster and Palmdale are usually one-deputy units during the Day shift, but two-deputy units during PM and Early Morning shifts.

With rare exception, a lieutenant watch commander (WC) and a watch sergeant are deployed on every shift. The WC is in charge of patrol operations and the jail during the shift. The desk is staffed with a mix of sworn and non-sworn personnel. All desk telephone lines are recorded. Both the WC and watch sergeant conduct jail checks and two random audits of incoming calls per shift.

⁶ MT audits and reports can be viewed at <http://www.antelopevalleysettlementmonitoring.info/>

Deputies are expected to have a supervisor respond to the scene of any field incident involving a complaint or use of force. Likewise, station personnel are required to refer any complaint to a supervisor. In both stations, a pamphlet describing the complaint process and a complaint form are supposed to be available in the lobby, and patrol units are supposed to have them in their cars. The material is available in both English and Spanish, which are the predominant languages spoken in both communities.

A. Complaint Process

The Department's process for handling public complaints is documented in numerous manuals, guides, and handbooks. Chief among these are the Manual of Policies and Procedures (Department Manual, or MPP), the Administrative Investigations Handbook, the Discipline Guidelines Handbook, and the Service Comment Report Handbook. There are also myriad other forms, computer screens, and training materials that have been developed for various courses. As is common in many large organizations, changes or updates to one document are not always incorporated into every other document, which results in inconsistencies among various publications. For example, the Administrative Investigations Handbook contains a requirement that employees notify the watch commander immediately upon becoming aware of a complaint and that the watch commander investigate and report on the complaint. But most line-level employees would look for that guidance in the Manual of Policies and Procedures rather than a guide for handling Administrative Investigations. This is an example of the rationale behind the Settlement Agreement requirement that the Department "revise its complaint investigation related policies . . . to ensure that they are complete, clear and consistent" (Paragraph 127).

Those shortcomings notwithstanding, the AV Unit Commanders have agreed that public complaints in the AV are handled as follows.

1. **Decentralized approach.** The vast majority of community complaints are investigated and adjudicated at the Unit level then reviewed at the Division Commander level. The Department's Internal Criminal Investigations Bureau (ICIB) and IAB handle only the most serious and/or complex investigations. Consequently, IAB only has about 30 investigative sergeants assigned.
2. **Command of occurrence.** Most complaints are investigated by the lieutenant Watch Commander of the Unit in which the complaint occurred. If a deputy working an overtime assignment in another command is accused of misconduct, the Unit Watch Commander where the allegation occurred conducts the investigation. The investigation is then reviewed by the Unit of Occurrence captain, then the Division commander. The exception is a complaint involving entities with broad responsibilities such as the Parks Bureau and County Services Bureau. When a complaint involves a bureau such as that, a unit watch commander may conduct the intake investigation, but the complaint is usually forwarded to the accused deputy's command for investigation and adjudication.
3. **Allegations Arising in a Use-of-Force Investigation.** If a complaint of any type is made during a use-of-force investigation it is supposed to be addressed in the Use-of-Force Report.⁷ A Watch Commander's Service Comment Report (SCR) is not completed, so the allegation is never recorded in the Department's automated systems. Only a use-of-force allegation that has *not* been investigated any other way is reported on an SCR report. After this flaw was pointed out in the MT's first audit of public complaints, the AV station commanders each issued a Unit Order directing their subordinates to complete an SCR for any allegation of misconduct arising from a use-of-force investigation.
4. **Determining Supervisory Response.** The Department has two ways of addressing a personnel complaint: Service Comment Review and Administrative Investigation. The MPP provides the following guidance for determining the appropriate response:

"The concerned Unit Commander is responsible for evaluating each personnel complaint to determine the appropriate supervisory response. The nature and seriousness of the allegation(s), the potential for employee discipline and the concerned employee's performance history are potential factors to consider in the evaluation."⁸

⁷ MPP 3-10/100.00 Use of Force Reporting Procedures.

⁸ MPP 3-04/010.25 Personnel Complaints.

Watch Commander's Service Comment Report (SCR). A SCR is used to document all community complaints. Unless it is elevated to an Administrative Investigation, a SCR investigation can only result in non-disciplinary corrective action. SCR complaints fall into two categories:

- *Personnel Complaints*. They involve a non-criminal allegation of a lesser nature than those addressed in an Administrative Investigation and are always investigated at the Unit level.
- *Service Complaints*. They involve a non-criminal service-related complaint usually involving dissatisfaction with service or procedure only. Very few complaints fall into this category.

The on-duty watch commander conducts the intake investigation of any community complaint. The WC's interviews are recorded, usually on a recorded phone line, and the complaint is reported on an SCR form (**Addendum No. 4**). The WC forwards the preliminary investigation to the Unit Commander through the Operations Lieutenant. The preliminary information from the complaint is entered into the Performance Recording and Monitoring System (PRMS; formerly the Personnel Performance Index [PPI]) and generates a sequential Preliminary Data Entry (PDE) number, which is used to track the investigation. The Unit Commander reviews the complaint, and a letter is sent to the complainant acknowledging receipt of the complaint. The investigation is assigned to a lieutenant WC, who conducts an investigation and submits a report to the Unit Commander, including completion of the Result of SCR form (**Addendum No. 5**). Once the Unit Commander approves the disposition, another letter is sent to the complainant advising them of the complaint disposition. The complaint is then forwarded to the Division Commander for review then to the Discovery Unit where the completed investigation is entered into PRMS.

The Department uses five classifications for the disposition of SCRs involving a personnel complaint, which are defined as follows.

- *Conduct Appears Reasonable*. The employee's actions appear to be in compliance with policies, procedures, guidelines, or training.
- *Conduct Could Have Been Better*. The employee's actions were in compliance with policies, procedures, guidelines, and training, but the complaint could have been minimized if tactical communication principles or common sense had been used.
- *Conduct Should Have Been Different*. The employee's actions were NOT in compliance with policies, procedures, guidelines, or training.
- *Unable to Make a Determination*. There was insufficient information to assess the employee's alleged conduct or to identify the employee(s) involved.

- *Resolved Through Conflict Resolution.* A conflict resolution meeting with the reporting party and involved employee(s) was held. The meeting adequately addressed all concerns, and no further action was deemed necessary.

These classifications are *inconsistent* with the definitions used in the Penal Code, which requires law enforcement agencies to report personnel complaints to the California Department of Justice (CalDOJ).⁹ The Department is in the process of adopting the Penal Code dispositions for all complaints and hopes to have that change in place by January 1, 2021.

Administrative Investigation. An Administrative Investigation includes criminal and non-criminal allegations investigated by ICIB, by IAB, or at the Unit level. An Administrative Investigation can result in formal discipline. Most complaints generated by the Department internally, such as missing court and failure to qualify, are handled as an Administrative Investigation. In contrast, very few public complaints result in an Administrative Investigation.

If the Unit Commander determines there is sufficient information to warrant an Administrative Investigation, he will discuss the complaint with the Division Chief or Commander. Unless a decision is made to request IAB to handle, the complaint is assigned to a Unit lieutenant and handled at the Unit level. IAB is notified that an Administrative Investigation is being opened regardless of which command handles the investigation. The Unit lieutenant conducts the investigation and submits the completed investigation to the Unit Commander, through the Operations Lieutenant.

5. Discrimination Complaints. The Palmdale and Lancaster stations are under the line command of North Patrol Division. On August 19, 2013, North Patrol Division issued a Division Order establishing a Unit Commander's responsibility for discrimination complaints. Essentially, that directive requires that the Unit Commander be notified of any discrimination complaint without delay. Then the Unit Commander is required to do the following.

- Meet with the complainant to identify the nature of the complaint.
- Contact the involved personnel and offer participation in a Conflict Resolution meeting. Those who agree to participate will receive a performance log entry documenting their participation and commitment to the Department's Core Values. When they do not agree to participate the offer will be documented in the SCR.
- If both parties agree to participate, facilitate a Conflict Resolution session between the complainant and involved personnel.

⁹ Penal Code Section 13012.

- Notify the complainant in writing that the complaint was received, that the Department “takes discrimination complaints seriously,” and that the Unit Commander will be “personally involved” in the complaint review.

6. Performance Log Entry. Currently, deficient performance identified through an SCR often results in counseling or issuance of a Unit Performance Log Entry (PLE). There are several places on the Result of Service Comment Review form where the issuance of a PLE is noted. Issuance of a PLE is now being reviewed by the Department; this is discussed at length under Objective 4.10 later in this report.

In our last audit, we found that Palmdale kept PLEs in a three-ring binder referred to as the “Black Book.” The Black Book was kept in a locked cabinet, and the watch commander had the only key. In Lancaster, PLEs were kept in a designated electronic folder that is password protected. SA Paragraph 142 requires that the Department “modify its procedure for Performance Log Entries so that all entries are maintained in an electronic format and noted in PPI [now PRMS].” We understand both commands now maintain PLEs electronically, but we were unable to inspect those systems for this audit due to COVID-19 restrictions.

SIGNIFICANT FINDING NO. 1: We understand both AV commands now maintain PLEs in an electronic format in compliance with SA Paragraph 142. We were unable to inspect that during this audit due to COVID-19 restrictions, but will do so at the next available opportunity.

IV. PRIOR AUDIT OF PUBLIC COMPLAINTS

The MT’s first audit of public complaints was published on January 10, 2018, and was summarized in the MT’s Sixth Semi-Annual Report (June 2018). The audit involved a detailed analysis of each AV community complaint made in the first quarter (January, February, and March) of 2016. That included complaints resulting in a formal investigation as well as any complaint or issue recorded in some other manner, such as a claim for damages, civil suit, or Watch Commander Log entry.

The audit disclosed that the AV stations generally conducted adequate complaint investigations but fell short of SA standards in several areas resulting in a finding of non-compliance with SA requirements. Specifically, the audit found the following.

- The Department was not in compliance with SA Paragraphs 124, 125, and 126, which require that personnel complaint forms and information be available at specified locations and that the Department accept all complaints.
- The Department was not in compliance with SA Paragraphs 131, 135, 136, and 137, which require that all key witnesses be interviewed, deputies be interviewed separately and that complaint investigations be as thorough as necessary to reach reliable and complete findings.
- The Department was not in compliance with SA Paragraphs 130, 131, and 139, which govern the review and adjudication of public complaints.
- The Department was not in compliance with the SA's requirement for effective management oversight regarding the identification and resolution of critical risk management issues that are brought to light during complaint investigations (Paragraph 61).
- The Department was not in compliance with the SA requirements for capturing and entering data accurately into PRMS (Paragraph 142).
- The Department was not in compliance with SA requirements to conduct its own complaint audits (Paragraph 140).
- While not a specific SA requirement, problems were identified with the retention of complaints pursuant to the California Public Records Act and reporting of public complaints to the California Department of Justice as required by section 13012 of the Penal Code.

The MT's first audit made 20 specific recommendations, and the Department concurred with most of them. Unit Orders were issued to address those deficiencies, and the Department has committed to making the corrections throughout the Department by revising its Department Manual and Service Comment Review Handbook. As those documents affect the

entire Department, changes require additional research and attention to ensure they will be effective and provide adequate direction to the entire Department. Meanwhile, the status of those recommendations is as follows.

- 1. To comply with the SA, the Department needs to revise its policy for handling complaints of misconduct that arise during a use-of-force investigation so that each complaint is investigated, adjudicated, and recorded in PRMS.**

Department Response: This has been addressed in AV Unit Orders and is being addressed in the revision that is being made to the Department's SCR process, which is expected to be completed by January 1, 2021.

MT Status: This recommendation will remain open until the necessary policy change(s) are made.

- 2. The Department needs to reconsider its practice of having lieutenant watch commanders investigate minor allegations of misconduct such as discourtesy while field sergeants investigate higher-risk allegations of excessive or unnecessary use of force.**

Department Response: Field sergeants do not, as a practice investigate allegations of excessive or unnecessary force. What they do is prepare a "Supervisors Report on Use of Force." The watch commander has the responsibility of reviewing that report and recommending an investigation if there is evidence of misconduct or "no further action" based on the documentation.

MT Status: This recommendation is not required under the SA so it will be closed.

- 3. The Department should revise its Personnel Complaint classifications to comport with California law.**

Department Response: The Department is making this change in its revised SCR process and intends to adopt the Penal Code complaint classifications by January 1, 2021.

MT Status: This recommendation will remain open until the necessary policy change(s) are made.

- 4. The Department needs to determine why this complaint (P-28) did not appear in the list of AV complaints obtained from PRMS.**

Department Response: The MT's current complaint audit has shown that when PDE occurs after the quarter being reviewed, the complaint shows up in the following quarter. That was the case here and is the reason this complaint did not appear on the PRMS printout.

MT Status: This recommendation is closed.

- 5. The Department should review this case (a sergeant did not listen to or obtain the alarm company's recording of an argument between an off-duty deputy and his girlfriend, which resulted in a domestic violence call) and provide additional training to supervisors on the need to identify, collect, and consider all evidence related to a Personnel Complaint.**

Department Response: The Department agrees more training on the intake and investigation of SCRs should be provided to supervisors.

MT Status: This recommendation is closed, but the MT will assess the training supervisors receive on the investigation of public complaints (SA Paragraphs 138 and 139).

- 6. The Department needs to ensure that complaint forms and informational materials are not only on display but clearly visible in the public areas of each AV station; and,**

- 7. The Department needs to implement a system that ensures complaint material is on display and remains on display at the designated facilities.**

Department Response: The Lancaster and Palmdale Unit Orders address this issue, and regular inspections are documented in the Station Watch Commander Logs.

MT Status: This recommendation is closed, and availability of complaint material is addressed in this audit.

- 8. The Department needs to ensure the method(s) it provides on its website for the public to make complaint works, is monitored regularly, and results in timely action.**

Department Response: The Department's website has been updated and contains a drop-down menu with Department contact information, including a link for personnel complaints. Mail-in complaints sent to the station are addressed there, and those sent directly to the Hall of Justice are forwarded by the Sheriff's Information Bureau (SIB) to the relevant station for appropriate action. The SIB sergeant emails the station's

operations staff to ensure they received the complaint. IAB handles the 1-800 line during normal business hours, and SIB handles the line at other times. When a complaint is received, an SCR form is completed and forwarded to the concerned station.

MT Status: The recommendation from our first audit is closed. Our current audit showed continuing problems with the phone line, and that is discussed under Objective 2 of this report.

9. The Department should ensure that complaint information is available on every command's individual website.

Department Response: All public sheriff station websites have been updated and contain a drop-down option with complaint information.

MT Status: This recommendation is closed and will continue to be included in subsequent audits.

10. The Department's Manual of Policies and Procedures needs to clearly state its expectations regarding supervisory notification and intake of complaints.

Department Response: This has been addressed in the AV Unit Orders and is being addressed in the SCR revision expected to be completed by January 1, 2021.

MT Status: This recommendation will remain open until the necessary policy change(s) are made.

11. The Service Comment Report should be modified to capture allegations of discouraging or inhibiting complaints.

Department Response: This has been addressed in the AV Unit Orders and is being addressed in the SCR revision expected to be completed by January 1, 2021.

MT Status: This recommendation will remain open until the necessary policy change(s) are made.

12. To comply with the SA, the Department needs to establish a process to record its handling of community complaints that do not result the initiation of an SCR.

Department Response: This has been addressed in the AV Unit Orders. AV sergeants who resolve a complaint without initiating an SCR are required to make an entry in the complaint in the WC log.

MT Status: This recommendation that a process be established is closed; compliance with that directive, or a lack thereof, is addressed in Objective 2 of this report.

13. The Department should consider requiring field supervisors to complete a narrative log to record their supervisory activities during each shift.

Department Response: There are already sufficient logs in place to capture supervisory activity, but the Department is open to discussing how additional narratives would benefit.

MT Status: We will keep this recommendation open pending a discussion with the Department on the merits of having a process for field sergeants to record their handling of significant field activities and communicate their observations and activities with Station managers.

14. The Department should separate the investigation from the adjudication of critical events such as public complaints and uses of force.

Department Response: Sufficient separation already exists because public complaints and uses of force are reported on the appropriate form(s) then reviewed by the station and division commanders.

MT Status: This recommendation is not required under the SA so it will be closed.

15. Every complaint classified as Could Have Been Better or Should Have Been Different should have a section discussing the employee's work history to document the rationale for issuing or not issuing a PLE.

Department Response: SCR inquiries are not the place to discuss an employee's work history. They are intended to review the service rendered to the public by a Department member during a specific incident. If the Watch Commander, with concurrence from the Unit Commander, believes a members' behavior, performance, or lack of training in that incident should be addressed, then it is documented. The PLE is simply a temporary notation that can be utilized to aid supervision in the preparation of employee annual evaluations.

Note: More recently, the Department has indicated it now concurs with this recommendation and will add a requirement to the SCR revision that a discussion of the employee's work history be included when it is a factor in the adjudication.

MT Status: This recommendation will remain open until the Department addresses the SA requirement that personnel who commit misconduct be held accountable. Department policy requires the Unit Commander consider the seriousness of the allegation *and* the employee's work history in determining if a complaint should be handled as an SCR or Administrative Investigation. While the current system provides sufficient information on the seriousness of the complaint, it provides no information on

the employee's work history. Without that information, there is no way to determine whether the decision to resolve a complaint through a non-disciplinary process was appropriate.

- 16. The Department should establish a protocol for the investigation of racial profiling complaints. Factors such as the accused deputy's history of conducting discretionary stops and community demographics are just a few of the factors that should be included.**

Department Response: The Department agrees with this recommendation and "may develop one."

MT Status: This recommendation will remain open until an investigative protocol is developed to ensure racial profiling allegations are investigated as thoroughly as necessary to reach a reliable finding (Paragraph 131).

- 17. The Department needs to review its policy and training governing a deputy searching a detainee of a different sex when the detainee does not pose a threat.**

Department Response: The current policy adequately addresses this issue (MPP 3-01-110.30 - Cursory (Pat-Down) Searches in the Field and In-Custody Situations).

MT Status: This recommendation will remain open. The Department believes its current policy and training are adequate, but it continues to arise as an issue (Objective 5).

- 18. The Department needs to revise the SCR forms to ensure they capture accurate data from the simplest to the most complex cases.**

Department Response: This has been addressed in the AV Unit Orders and is being addressed in the SCR revision expected to be completed by January 1, 2021.

MT Status: This recommendation will remain open until the necessary policy change(s) are made.

- 19. The Department needs to evaluate the process Discovery uses to review and input SCRs, then implement a process that results in much more timely data entry into PRMS.**

Department Response: All parties agree to strive to make changes and implement training before 2021. The Commander in charge of Discovery will push to increase PRMS input personnel at Discovery.

MT Status: This recommendation will remain open and is addressed in our current audit. As we pointed out in our first audit, the delay occurs between the time Discovery receives a complaint and the time it is reviewed. Once reviewed, data entry occurs within a week to 10 days. Thus, increasing data input personnel may not be the solution. The process needs to be evaluated and from that reliable solutions can be formed.

20. The Department needs to comply with the requirement that law enforcement agencies report citizen complaints to the State Department of Justice pursuant to Penal Code Section 13012.

Department Response: This is being addressed in the SCR revision expected to be completed by January 1, 2021.

MT Status: This recommendation will remain open until the necessary policy change(s) are made.

V. PURPOSE OF AUDIT

This audit was conducted pursuant to SA Paragraph 153, which states:

In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative outcome assessments to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of constitutional violations. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of the following outcome data: . . .

g. Accountability Measurements, including:

- 1. the number of personnel complaints (by type of complaint), with a qualitative assessment of whether any notable increase or decrease appears related to access to the complaint process;*
- 2. rate of administrative investigations resolved as founded, unfounded, unresolved, inactivated or administrative investigations;*
- 3. rate of SCRs resolved in all resolution categories;*
- 4. the number of deputies who are subjects of repeated personnel complaints or have repeated instances of sustained personnel complaints;*
- 5. the number, nature, and settlement amount of all known civil suits against LASD-AV deputies; and*
- 6. the number of use of force and discriminatory policing complaints that are handled by the stations or referred to IAB.*

VI. SCOPE OF AUDIT

This audit was designed to assess the degree to which the Department is complying with the SA provisions governing the intake, investigation, adjudication, and recordation of public complaints occurring in the AV. Specifically, the audit assessed whether complaint information was readily available to the public and whether each complaint and the allegation(s) within were:

- Classified properly at intake, in the investigation and during adjudication (Paragraphs 127–130);
- Referred to IAB or ICIB when appropriate (Paragraph 132);
- Investigated thoroughly by an uninvolved supervisor (Paragraphs 133–137);
- Adjudicated using the preponderance of evidence standard (Paragraphs 130, 131 140); and,
- Recorded correctly on the complaint forms and in PRMS (Paragraphs 141–143).

For any provision in which full compliance is not achieved, the audit attempted to determine whether there has been any improvement in that area since the MT's last audit.

A. Audit Impairments

The Parties are trying to resolve the issue of whether or not the SA applies to non-AV commands that provide law enforcement services in the AV. That includes commands with personnel who are:

- Housed at either Lancaster or Palmdale stations, e.g., Gangs, Narcotics and Community Partnerships Bureau;
- Regularly assigned at a Sheriff's facility in the AV other than Lancaster or Palmdale stations, e.g., Court Services, County Buildings and Transit; and,

- Occasionally dispatched to provide specialized services in the AV, e.g., K-9 or SWAT.

The issue of whether the SA applies to commands other than Lancaster and Palmdale transcends this audit and is being dealt with on a larger scale. Pending resolution of that issue, this audit reviewed **all** public complaints initiated in the AV during the audit period to determine whether the complaint involves an issue that falls under the SA's provisions.

VII. AUDIT POPULATION

A. Population Selection

An audit of this nature needs to ensure it only evaluates completed cases. Evaluating cases before management has an opportunity to review them precludes auditors from assessing the effectiveness of the management review process. So, the audit population needs to be as recent as possible but old enough that the complaints have been completed and reviewed by North Patrol Division.

Auditors worked with Compliance Unit staff to identify and validate a contemporaneous audit population. Data were developed for the nine-month period from October 1, 2018, through June 30, 2019. Table 1 shows the number of complaints initiated by the AV community during that period.

TABLE 1			
AV PUBLIC COMPLAINTS			
QUARTER	LANCASTER	PALMDALE	TOTAL
4th Quarter 2018	29	21	50
1st Quarter 2019	30	22	52
2nd Quarter 2019	25	29	54

Auditors noted a decrease in Lancaster complaints and an increase in Palmdale complaints in the second quarter of 2019. Most of the cases generating those fluctuations involved service complaints rather than personnel complaints. After careful consideration, it was determined that the first quarter of 2019 (January, February, and March) would be the ideal audit period. This period meets the aforementioned criteria, and there were sufficient complaints initiated during that period to assess the degree to which SA provisions are being followed. Sampling was not utilized. Each complaint in the audit population was evaluated and given a sequential audit number starting with L-1 for Lancaster complaints and P-1 for Palmdale complaints. Complaints are referred to by their audit number throughout this report.

B. Contiguous Quarters

In selecting the audit period, auditors identified several complaints in the last quarter of 2018 and the second quarter of 2019 that may have SA-related issues. For example, the PRMS printouts for complaints initiated during those quarters showed several complaints with "Unknown," "Unidentified," "NA," or "All Station" as the accused employee(s). Failing to accurately identify the accused employee was a significant shortcoming identified in DOJ's Findings Letter and is prohibited by the SA (Paragraph 142). Therefore, this audit also included a Directed and Purposeful Sample of complaints initiated in the two quarters contiguous to the audit period and selectively reviewed those complaints for indicia of an SA issue. Since Directed and Purposeful Sampling lacks randomness, information gleaned from that stratum was only used to amplify the core compliance audit and was not included in the statistical calculations used to determine Department compliance with the SA.

C. Complaints Involving Non-AV Commands

Auditors identified seven public complaints regarding incidents that occurred in the AV involving Sheriff’s personnel from a command other than Lancaster or Palmdale. Those complaints were assigned an audit number starting with “O” for Outside, followed by “L” or “P” to indicate whether the incident occurred in Lancaster or Palmdale then a sequential number. Table 2 identifies those seven cases.

TABLE 2		
AV COMPLAINTS ABOUT NON-AV PERSONNEL 1ST QUARTER 2019		
AUDIT NO.	COMMAND	ALLEGATION
OL-1	Training Bureau	Discourtesy
OL-2	Community Services Bureau	Discourtesy
OL-3	Parks Bureau	Off-Duty Conduct
OL-4	Civil Management Bureau	Improper Eviction
OL-5	Court Services West	Harassment
OP-1	Court Services West	Discourtesy
OP-2	Parks Bureau	Discourtesy

Five of the seven cases did not involve an SA issue or employee assigned to Lancaster or Palmdale stations, so they were not considered any further for this audit. The two cases containing one of those factors were examined further as part of the audit.

- OL-5. The accused deputy was assigned to Lancaster Station but working an overtime detail at the Lancaster Court. He recognized a man walking by the security desk from a domestic violence case he investigated and asked how his case turned out. The man was offended and complained he was being harassed. The complaint was handled by Court Services West and did not involve an SA issue.

- OP-2. The complaint involved an allegation that a Parks Bureau sergeant was discourteous while issuing the complainant a traffic citation. In her initial call to Palmdale Station to make this complaint, the complainant stated she was disconnected. This may have violated SA Paragraph 126, which prohibits inhibiting a complaint, so it will be addressed under Objective 1, Complaint Intake.

D. Population Impairments

Our objective was to audit all public complaints made in the AV during the first quarter of 2019. PRMS identified 52 complaints as occurring during that period. As we reviewed the complaints, however, we discovered that eight of those complaints were actually initiated in the fourth quarter of 2018, and one complaint that occurred during the audit period was not entered into PRMS until the second quarter of 2019. Those nine cases (17% of the audit population) are identified in Table 3.

TABLE 3					
COMPLAINTS NOT ENTERED INTO PRMS DURING THE AUDIT PERIOD					
AUDIT NO.	INCIDENT OCCURRED	INVESTIGATION INITIATED	PDE OCCURRED	ALLEGATION(S)	OTHER INVESTIGATION
L-1	10/07/18	10/07/18	01/07/19	Excessive force and discourtesy	UOF
L-5	10/12/18	10/12/18	01/15/19	Excessive force	UOF
L-9	10/12/18	10/12/18	01/24/19	Discrimination	UOF
L-10	12/05/18	12/05/18	01/29/19	Harassment	No
L-12	10/16/18	10/16/18	02/05/19	Excessive force	UOF
L-16	11/05/18	11/05/18	02/12/19	Force; improperly remove darts	UOF
L-17	11/16/18	11/16/18	02/13/19	Improper search; discourtesy; force	UOF
L-28	12/03/18	12/06/18	03/05/19	Unreported force	No
P-22	03/18/19	03/18/19	05/01/19	Discourtesy, excessive force	UOF

Eight cases involved Lancaster and one involved Palmdale. So, eight of the 30 cases (27%) selected for the audit of Lancaster complaints actually occurred in the fourth quarter of 2018, not during the first quarter 2019 audit period. Most, but not all, of these complaints arose from a UOF investigation. It appears the SCR was initiated when the incident occurred but remained with the UOF package during the review cycle. When the UOF package (with the SCR) arrived in the captain's office, the SCR was entered into PRMS and a PDE number was issued. Auditors issued an Interim Audit Report (IAR No. 1) alerting the Department to this problem so that immediate corrective action could be taken.

As we pointed out in our first audit, entering the preliminary date into PRMS in a timely manner is much more than a minor ministerial function. That entry results in the issuance of a PDE number, which is the way that complaints, and other risk-management reviews including use of force, are tracked so they do not become lost in the system. Without that entry, managers have no way of knowing what investigations are in progress, knowing when they are due, and, most importantly, accounting for pending investigations when responding to discovery requests. We realize isolated errors will occur in any system, and that seems to have happened in Palmdale, but the eight delayed entries at Lancaster Station are indicative of a systemic failure. We also noted there is no timeframe set forth in the Department Manual or SCR Handbook for entering the preliminary date into PRMS.

RECOMMENDATION NO. 1: North Patrol Division should determine the cause for Lancaster's delayed entry of complaints into PRMS.

RECOMMENDATION NO. 2: The Department should issue a directive establishing a time limit for the initial entry of complaints and other high-risk reviews into PRMS.

E. Complaints Involving Section 8 Housing

One of the major issues resulting in the SA was the manner in which AV deputies interacted with Section 8 housing recipients, so auditors were particularly mindful of complaints involving those issues (Paragraphs 73–80). None of the complaints during the audit period or contiguous quarters contained any issue even remotely connected to Section 8 housing. One complaint against deputies from the Department’s Civil Management Bureau involved an eviction (Audit No. OL-4). That complaint was reviewed by the MT’s housing expert, who determined it was not connected to Section 8 housing.

Auditors tried several ways to validate our finding regarding Section 8 housing, including contacting community leaders and Housing and Community Development representatives. We found no Section 8 housing related complaints involving LASD personnel.

SIGNIFICANT FINDING 2: None of the complaints in the audit sample contained an allegation involving Section 8 housing (Paragraphs 73–80).

F. Complaints Involving Drawing or Exhibiting a Firearm

The SA requires that the Monitor, in conjunction with LASD, conduct an ongoing audit of incidents where deputies draw or point their firearms (Paragraph 152). The audit is required to include a review of all civilian complaints involving any use or display of a firearm. Only one of the complaints in the audit sample or in the contiguous quarters involved an allegation related to the drawing or exhibition of a firearm. In that case (L-18), deputies were sent to the wrong address for a kidnapping in progress. They quickly realized the error, identified the correct

location, and left after apologizing to the complainant for the mistake. Drawing a weapon under those circumstances (kidnapping in progress) was reasonable.

SIGNIFICANT FINDING 3: Only one of the complaints in the audit sample involved drawing or exhibiting a firearm and it was reasonable under the circumstances of that case (Paragraph 152).

VIII. VALIDATION OF AUDIT POPULATION

Once an audit population has been identified, it is critical that auditors validate it. In other words, it is not enough to simply audit complaints that have been entered into the system; the auditor must also try to identify complaints that should be in the system but are not.

Our experience with law enforcement agencies in general and the Los Angeles Sheriff's Department in particular has shown that public complaints can be documented in several areas not all of which result in the initiation of an SCR. Those areas include use-of-force investigations, Watch Commander Logs, and civil claims for damages and lawsuits.

A. Use-of-Force Investigations

In our first audit of public complaints, we discovered that complaints arising from a use-of-force investigation that did not generate an Administrative Investigation were not reported on an SCR and, therefore, were not captured in PRMS. Consequently, complaints of excessive or unnecessary force are not reflected on a deputy's complaint history. In order to correct that, the AV Unit Commanders each issued a Unit Order directing that an SCR be initiated whenever an allegation of misconduct was identified during a UOF investigation.

Note: The Department has not issued a Department-wide order directing that an SCR be initiated when an allegation of misconduct is identified during a UOF investigation. Consequently, the vast majority of complaints arising from a use of force are not captured in the Department's automated systems.

In order to determine whether allegations of misconduct were being reported on an SCR, auditors reviewed all 89 AV use-of-force investigations (59 Lancaster and 30 Palmdale) that occurred during the audit period. Seven of those investigations included allegations for which SCRs were initiated:

- Three Lancaster UOF reports contained an allegation of misconduct for which an SCR was initiated, and the SCR appeared on the PRMS printout (L26, L-29, and P-16).¹⁰
- Another Lancaster UOF report said an allegation of misconduct had been documented on an SCR, but the SCR did not appear on the PRMS printout. Auditors located the complaint and found it had been entered into PRMS as occurring in the second quarter 2019. It was added to Lancaster's audit population (L-30).
- Two Palmdale UOF reports contained an allegation of misconduct for which an SCR was initiated, and the SCR appeared on the PRMS printout (P-11 and P-21).
- Another Palmdale UOF report said an allegation of misconduct had been documented on an SCR, but the SCR did not appear on the PRMS printout. Auditors located the complaint, which had been entered into PRMS nearly two months after the incident actually occurred. That complaint was added to the Palmdale audit population (P-22).

Four Lancaster and two Palmdale use-of-force investigations with an allegation of misconduct did not result in an SCR. Those six cases were assigned an audit number starting with "UOF" followed by an "L" for Lancaster or "P" for Palmdale and ending with a sequential

¹⁰ During her interview following a Palmdale use of force, the complainant alleged misconduct by Lancaster deputies that occurred the day before. Palmdale initiated an SCR and forwarded it to Lancaster for investigation.

number. The six cases are identified in Table 4 and are discussed in detail under Objective 4 Management Review and Oversight.

TABLE 4	
UOF INVESTIGATIONS WITH UNREPORTED ALLEGATION(S) OF MISCONDUCT	
AUDIT NO.	ALLEGATION(S)
UOF-L-1	Excessive Force (IAB call out); WC wrote the allegation was complainant’s perception
UOF-L-2	Excessive Force (12-year-old girl booked for “causing a riot/lynching”)
UOF-L-3	Excessive Force (sergeant wrote the complaint did not need to be on an SCR)
UOF-L-4	Racial Profiling
UOF-P-5	Excessive Force and Profanity
UOF-P-6	Excessive Force (3rd-party complaint)

B. Watch Commander Logs

While watch commanders are not required to log complaints, many do in order to inform their commanding officer of community concerns. Therefore, auditors reviewed the AV Stations’ Watch Commander’s Logs from January 1 through March 31, 2019 (audit period). Every log entry documenting an allegation of misconduct resulted in an SCR.

SIGNIFICANT FINDING NO. 4: Each allegation of misconduct recorded in a Watch Commander Log during the audit period resulted in the initiation of an SCR.

C. Civil Claims and Lawsuits

Another method we have used in all of our previous audits to validate the audit population is a review of civil claims and lawsuits filed for incidents occurring in the AV during the audit period to determine whether any contained unaddressed allegations of misconduct.

No lawsuits were filed for incidents occurring in the AV during the first quarter of 2019, but there were six claims for damages. These claims are detailed in Table 5.

TABLE 5			
CLAIMS FOR DAMAGES 1ST QUARTER 2019			
AUDIT NO.	SCR	STATION	CAUSE OF ACTION
Claim No. 1	None	PLM	Claimant alleged his front door was forced open with a crowbar and battering ram; a search warrant and affidavit were left at the location. Now the door will not close and there is damage to the drywall and stucco.
Claim No. 2	None	PLM	Claimant alleges that when he was handcuffed, a deputy emptied his pockets, taking his cell phone and wallet. None of the officers know who had his items, and he assumes they fell off the patrol car.
Claim No. 3	P-21	PLM	Claimant alleges he was subjected to excessive and unreasonable force and denied medical care
Claim No. 4	None	LCS	Claimant alleges he was never notified his stolen vehicle was recovered even though he followed up with the police for an entire month, and now the car has been sold.
Claim No. 5	None	LCS	Claimant alleges deputies removed his ring when he was arrested, but it was not among his property when he was released.
Claim No. 6	None	LCS	Claimant alleges deputies drove off with his property on their trunk lid, causing him to lose 2 SD cards and a 1k diamond.

Source: LASD Civil Litigation Section.

There were no unaddressed allegations of misconduct in the claims we reviewed in our prior audits, but there are several in this audit. So we inquired about the county’s process for responding to civil claims. The County of Los Angeles processes civil claims through the Office of County Counsel. When a civil claim is filed involving LASD, the county counsel’s office sends a request for information to LASD’s Discovery Unit. That request is forwarded to the concerned unit(s), whose responsibility it is to gather documentation and return it to Discovery. The Unit Commander may or may not gather additional information, such as a summarized statement

from the involved employee(s). The result of a claim or lawsuit is entered in the employee's PRMS history.

The Department feels that generating an SCR related to allegations already addressed in a civil claim or lawsuit would be redundant. Unit Commanders are notified by County Counsel if a civil claim or lawsuit determines an employee has violated policy or law, then the Unit Commander has the discretion to initiate an administrative investigation. However, SA Paragraph 125 requires that the Department accept all personnel complaints, including anonymous and third-party complaints, for review and investigation. Failure to initiate an SCR and conduct the requisite investigation violates this SA requirement, even when the notification comes via a claim for damages.

An SCR (P-21) had already been initiated for one claim (Claim No. 3), and two other claims (Claim Nos. 1 and 4) do not appear to contain an allegation of misconduct. But three claims (Claim Nos. 2, 5, and 6) clearly allege a deputy failed to care for a detainee's property (Neglect of Duty) and there is no corresponding SCR. This is discussed further under Objective 4.4: Alleged Misconduct Not Resulting in an SCR.

IX. AUDIT METHODOLOGY

In accordance with SA Paragraph 159, the Monitors submitted an audit plan to DOJ and the Department on December 12, 2019. Neither party expressed any comments or concern regarding the proposed audit plan.

After reviewing a small sample of SCRs, auditors developed an audit work paper template and matrix to collect pertinent data from each complaint. Each complaint, including all

supporting documentation, was then analyzed by an auditor and the findings recorded in the work paper template and matrix. Then another auditor conducted a second level of review, noting any additional observations on the work paper template and matrix. If a substantive professional difference of opinion between the two auditors remained, which it did not in this audit, it would be resolved by the Monitors.

In accordance with SA Paragraph 153, the audit analysis was both qualitative and quantitative. In other words, an error was counted (quantitative), and the error's impact on the reliability of the investigation, adjudication, and/or recordation was also evaluated (qualitative). Any error or omission that was identified and addressed in the review process was not counted as a deficiency provided the error or omission did not keep recurring.

On October 14, 2020, the Department and DOJ were provided with this Exit Conference Draft. Both parties were asked to review the draft, identify any factual errors, and notify auditors of their findings. The audit was also discussed at the Parties site visit held the week of November 9–13, 2020. Each party was given the opportunity to submit any corrections before November 11, 2020. The MT corrected any factual errors found in the draft report, noted any substantive corrections that are made, and issued its final audit report. The Parties can submit a separate report documenting any MT findings with which they still disagree. All reports will be published on the MT's public website.

X. COMPLIANCE MEASURES

Since the MT's previous audit of public complaints, The Department, DOJ, and the Monitors reached consensus on the metrics that will be used to measure compliance with the

SA's provisions. Those "compliance metrics" are now the standard that is used to assess Department compliance with the various provisions in the SA. Compliance must be established through an audit or some other review method, and then must be maintained for at least a year.

With respect to public complaints, the compliance metrics fall into five categories.

1. Availability of complaint material and intake of complaints.
2. Investigation of complaints, including appropriate referral to IAB and/or ICIB.
3. Management oversight and adjudication of complaints.
4. Entry of complaint data into PRMS and retention of complaints.
5. Department audits.

The audit objectives were developed to coincide with those categories. The numerical and/or qualitative standards that will be used to measure compliance for these categories take into account that some provisions have a very high risk exposure and therefore require a high level of compliance, while other provisions are more ministerial in nature, which makes a lesser level of compliance more appropriate. The specific compliance metric for each objective is provided at the end of the objective along with the Monitor's compliance finding.

XI. AUDIT FINDINGS

Objective 1: Availability of Complaint Information

LASD shall continue to make personnel complaint forms and informational materials, including brochures and posters, available at appropriate County or municipal properties in the Antelope Valley, including, at a minimum, LASD stations, courts, county libraries, and LASD websites, and make them available to community groups upon request (Paragraph 124).

Objective 1.1: Specified Facilities

COVID-19 restrictions on access to public facilities began in March 2020 and continued with only one short respite throughout the time this audit was conducted. Consequently, auditors were unable to inspect the locations identified in this paragraph.

We noted that two Audit and Accountability Bureau (AAB) audits conducted just before the COVID-19 restrictions found the required material on display at four of the seven Lancaster sites and two of the four Palmdale sites (6 of 11, or 55% compliant). However, there is no evidence the AAB audit tested to see whether reasonable efforts had been made within 30 days preceding their inspections to ensure material was available, as required under the compliance metric agreed to by the Parties. Additionally, the two audits we received were drafts, and they have not been posted on the Department's website, which indicates they may not have been finalized. Finally, our inspection of Watch Commander Logs showed a continuing effort by both AV stations to inspect the non-LASD facilities and ensure complaint material was available and on display.

Note: Members of the Monitoring Team were at Lancaster Station in August 2020 (outside the audit period) and noted the lobby display rack for community complaint forms and information was empty.

Objective 1.2: Community Groups

COVID-19 also restricted public gatherings, precluding an assessment of whether complaint material was available to community groups. Restricted gatherings notwithstanding, we are aware of no case in which a community group's request for complaint materials was not met during the audit period.

Objective 1.3: Department Website

The hyperlink facilitating public access to complaint information has been moved to a drop-down menu titled "Contact Us," with a subheading of "Public Complaint and Commendation." The other option is to use the home page's search engine. The complaint page has sections, in English and Spanish, informing the reader how to make a complaint, what happens after a complaint is made, and how to appeal the complaint disposition.

Objective 1.4: Station Websites

Auditors examined Lancaster and Palmdale Stations' websites to determine whether complaint information is available. Both stations now have the same structure as the LASD website, with the link for making a complaint under the "Contact Us" drop-down menu on each station's home page. That link leads to the complaint information on the Department's webpage. Each station also has a "Contact [Lancaster or Palmdale] Station" button to contact the station directly.

Compliance Metric and Monitor's Finding Objective 1: Availability of Complaint Information

Metric: *Upon inspection, **no more than one** of the specified locations fails to have any of the requisite complaint materials available. The unavailability of complaint material at a non-LASD facility will not be considered a failure if LASD has documented they have made reasonable efforts within 30 days preceding the inspection(s) to ensure complaint material was readily available at the location. At all times, complaint material is available on LASD-AV station websites. Informational materials are made available to community groups on request.*

Finding: Due to the lack of access to the enumerated facilities the Monitor is **Unable to Determine** compliance with SA Paragraph 124, which requires complaint material to be on display and available at specified locations. We were encouraged by the significant number of Watch Commander Log entries reporting biweekly inspections of the facilities to ensure material was available and on display. But we need to inspect the locations to assess Department compliance with this provision. If these restrictions continue through the next audit, we will discuss alternative compliance standards with the Department and DOJ.

Objective 2: Accepting Public Complaints

LASD will continue to accept all personnel complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field. Any Limited English Proficient (LEP) individual who wishes to file a complaint about a LASD deputy or employee shall be provided with a complaint form and informational materials in the appropriate non-English language and/or be provided appropriate translation services in order to file a complaint (Paragraph 125).

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint, shall be grounds for discipline, up to and including termination (Paragraph 126).

Objective 2.1: Mail-in Form

The Department's website complaint section contains a Public Complaint form that can be filled-out and mailed to any Sheriff's station or to:

LASD Professional Standards Division
211 West Temple St
Los Angeles, CA 90012

Due to protests occurring throughout the county and the COVID-19 restrictions, auditors focused more on telephone calls and did not submit a complaint form by mail to test how it would be handled.

Objective 2.2: Email Complaints

In our last audit we submitted a test complaint electronically using the form provided on the Department's website. When we did not receive a response, we discovered the Department never checked the mailbox for those electronic complaints. The Department's initial response was to deactivate the email option until the problem could be solved. The Department's website now includes the ability to file an electronic complaint. However, some of the Spanish-language form is still in English, particularly the "I am not a robot" box that, if not completed, prevents submission of the complaint and thus may inhibit filing of complaints by non-English speakers.

RECOMMENDATION NO. 3: The Department needs to provide the entire complaint form on its website in both English and Spanish.

Objective 2.3: Department 800 Number

The website also provides an 800 number to make a complaint (800-698-TALK). During normal business hours, the line is answered by IAB supervisors, and during the off-hours it connects to the Sheriff's Information Bureau, which primarily responds to requests from the media. Auditors conducted several tests of this number to assess the Department's response.

- 1. Normal Business Hours.** Auditors called the 800 number twice during normal business hours to inquire about making a complaint. Each time the phone was answered promptly and politely. The person answering the call listened attentively and asked appropriate questions regarding the complaint. Auditors did not actually make a complaint during these calls in order to avoid alerting the Department that an audit was in progress.

Auditors listened to several recordings of complaints being taken by IAB, and in one case the IAB sergeant did an excellent job identifying the issues and patiently gathered specific information from the complainant (L-7).

RECOMMENDATION NO. 4: The IAB sergeant conducting the intake interview on Audit No L-7 is to be commended for her thoroughness, patience, and professionalism.

- 2. Off-Hours.** On Sunday March 8, 2020, three calls were made to the 800 number—one at 10:15 p.m., the second at 10:17 p.m., and the third at 10:30 p.m. Each time the phone rang a few times, and the call simply disconnected. None of the phone calls were answered, and voice mail did not activate. Three additional calls were made in the late evening hours on weekends, and they also resulted in the phone ringing a few times then disconnecting.

We encountered this same problem in the last audit and had been informed it was corrected, but it has not. If personnel shortages prevent the 800 complaint line from being answered 24/7, then a voice mail system should be put on that line so a caller can leave a message and IAB can follow-up the following business day. It is unacceptable that the Department's public complaint line hangs up on people and that this problem remains uncorrected by Department managers.

RECOMMENDATION NO. 5: Once again we recommend the Department ensure its 800 number for making public complaints is either answered by someone or allows the caller to leave a message that can be returned the next business day.

Objective 2.4: AV Station Phones

Our primary focus of this audit regarding complaint intake was to determine how public complaints are handled by the station desks when the caller does not speak English. The first portion of the audit was done exclusively in Spanish. The auditor called the public telephone number provided on each station's website and spoke only Spanish, professing to have very little understanding of English. The first call to each station was designed to assess how desk personnel responded to a Spanish-speaking caller. No complaint was made or implied during these calls. About two weeks later, a second call was made to each Station. During those calls the auditor again professed to speak only Spanish and said they wanted to file a complaint

against a deputy. About two weeks after that, a third call was made by the auditor speaking mostly Spanish but understanding some English, and again stating they wanted to file a complaint against a deputy.

1. Lancaster Station. Three calls were made to the Lancaster Station desk (661-948-8466). Two calls were handled properly, the third was not.

- Monday, February 17, 2020, 9:00 p.m. When a woman answered the phone, the auditor asked in Spanish if someone there spoke Spanish. The auditor was quickly transferred to someone who spoke Spanish. The auditor terminated the call once a Spanish-speaking person joined the call. **Result: Passed**
- Sunday, March 8, 2020, 10:07 p.m. A man answered, and the auditor stated in Spanish that they wanted to make a complaint about a bad experience they had with a Lancaster deputy. The man said he did not speak Spanish and asked if the auditor spoke English. The auditor said they only spoke Spanish but used the words "complaint" and "bad police" in English. The man said "Okay, let me get a translator." After 30 seconds, a woman came on the line, and the man said, "I need a translator to help this customer on the line." The auditor terminated the call once the translator came on the line. **Result: Passed**
- Saturday, March 14, 2020, 11:00 a.m. A man answered, and the auditor stated in Spanish that they wanted to make a complaint about a bad experience with a deputy. The man told the auditor to hold on, and the phone rang until the auditor was connected to another man who did not speak Spanish. The auditor told this man that they wanted to make a complaint but only spoke Spanish. The man said, "You're gonna have to come into the sheriff's station for that." Auditor asked if there was any way to do it over the phone. The man sounded irritated then said, "I can connect you with the watch commander." The auditor was transferred to an extension that no one answered, but the voicemail came on. The auditor left a phone number stating in Spanish that they wished to make a complaint. No one ever returned that call. **Result: Failed**

2. Palmdale Station. Three calls were made to the Palmdale Station desk (661-272-2400). Two of those calls were handled appropriately, the third was not.

- Monday, February 17, 2020, at about 8:05 p.m. A man answered, and the auditor asked in Spanish if he spoke Spanish. The man responded in a rude tone and seemed frustrated that the caller did not speak English. He asked what the call was about so he could transfer the call to the right person. Auditor said mostly in Spanish but with a little English that they did not understand what he was saying.

The man said, "Hold on," and put the auditor on hold as though he was going to transfer the call. Then the call was disconnected. **Result: Failed**

- Sunday, March 8, 2020, 10:11 p.m. A woman answered, and the auditor stated in Spanish that they had a bad experience with a Palmdale officer and wanted to file a complaint. The woman said, "Just a moment, let me get a translator on the line." The auditor waited less than 30 seconds before a second woman came on the line and a three-way call was initiated. The first woman said to the translator, "I have a customer who needs help translating," and the translator greeted the auditor in Spanish. The auditor terminated the call once the translator came on the line. **Result: Passed**
- Saturday, March 14, 2020, 11:07 a.m. A woman answered, and the auditor stated in Spanish that they wanted to file a complaint over a bad experience with a Palmdale deputy. The woman said, "Hold on," and the phone rang again before another woman answered. This woman did not speak Spanish. The auditor explained to her that they wanted to complain about an officer. At first, the auditor spoke only in Spanish, but the woman could not understand, so the auditor used the words "bad officer" and "complaint" to which the woman said, "Well, you just spoke English right now." The auditor replied she knew some words but not enough to communicate. The woman said, "Well, then I am going to have to get a translator on the line, and it'll be a three-way call." The phone rang, a woman answered, and the first woman said, "I have someone on the line who needs help translating a complaint." After the translator greeted her in Spanish, the auditor terminated the call. **Result: Passed**

Objective 2.5: Prompt Initiation of Complaint

In 50 of the 52 cases an SCR was initiated as soon as the complaint was brought to the attention of a watch commander. Seven complaints were not made for several weeks to several months after the incident occurred (L-7, L-15, P-1, P-4, P-7, P-14, and P-17), but in those cases an SCR was initiated within a day or two of the complaint being made. There were two cases where a complaint was not initiated promptly and no entry was made in the Watch Commander Log indicating the reason.

- **L-8.** The complainant discussed her complaint with the watch commander twice, but he did not take a complaint. Finally, she called IAB, and a complaint was initiated.
- **L-21.** The complainant went to the station to complain about a citation. The watch commander brought her into his office and began interviewing her without recording the conversation. She concluded the watch commander was covering for the deputy and left the station. Then she called IAB to lodge her complaint.

Auditors identified six use-of-force investigations and three claims for damages containing an allegation(s) of misconduct for which a complaint investigation was not initiated. (These are discussed in detail under Objective 4: Management Oversight.)

Objective 2.6: Discouraging or Inhibiting a Complaint

There were four cases in which a deputy or civilian employee allegedly discouraged or inhibited someone from making a complaint. In one case that allegation was identified, investigated, and adjudicated (P-2); but, in the other three cases it was not. In two of those cases, a watch commander was allegedly advised of a complaint and failed to initiate an SCR or make a log entry for not doing so.

- **L-8.** The complainant called IAB to allege a deputy had not completed a traffic collision report in six weeks and she needed the report for her insurance. Auditors listened to the IAB intake call, and the complainant said she called the station several times and the desk personnel hung up on her. She finally contacted the watch commander and discussed the complaint with him twice, but he did not take a complaint. Finally, she called IAB, who initiated a complaint. In his findings, the investigator wrote, "I was unable to substantiate the R/P's [reporting party] claim she was transferred and hung up on due to her not returning my phone calls." However, there is no mention of the original watch commander's failure to initiate a complaint.

- **L-21.** A deputy stopped the complainant for a traffic violation and realized almost immediately that she was angry, so he digitally recorded the entire stop. After being cited, she went to the station to complain about the citation. The watch commander brought her into his office and began interviewing her without recording the conversation. The complainant concluded that the watch commander was covering for the deputy and left the station. Then she called IAB to lodge her complaint. The investigator never asked the watch commander why he failed to record the interview as required by Department policy or why he did not enter the incident on the Watch Commander Log as required.
- **OP-2.** While being issued a citation by a Parks Bureau supervisor, the complainant called Palmdale Station. She stated her call was disconnected by desk personnel, and that allegation was not recognized or investigated. At a minimum, it should have been clarified and the recording of her call reviewed.

Objective 2.7: Field Supervisors

A field sergeant was at the scene in 21 of the 52 cases (40%) in this audit. In four cases, two or more sergeants were present. In a few cases, the sergeant was there as backup, but in most cases the sergeant was there to supervise the incident. In each of these 21 cases the complainant later filed a complaint with the watch commander or IAB. None of the sergeants at the scene initiated an SCR or made an entry in the WC log as required by the Unit Order, which says:

When a supervisor determines an SCR will not be generated the supervisor shall ensure there's an entry in the WC log by end of shift describing the incident and outcome.

In fact, there were no supervisory entries in **any** of the WC logs during the entire three-month audit period where a supervisor met with someone and resolved a complaint, an outcome that is highly suspect! So there is no way of identifying any complaints that were resolved in the field or where the complainant chose not to pursue it.

Clearly there appears to be a gap between the deputy who notifies a sergeant of a complaint and the watch commander who initiates an SCR after the complainant calls or comes to the station. Deputies appear to be complying with the requirement that they notify a supervisor whenever they become aware of a complaint and sergeants respond and talk to the complainant. But there is no documentation of that conversation, and neither the complainant nor the sergeant is asked about it. If the person decides to pursue a complaint, an SCR is initiated; if not, there is no documentation to that effect. In our next complaint audit, we will look for ways to shed some light on this gap.

SIGNIFICANT FINDING NO. 5: None of the field sergeants at the scene of an incident resulting in a personnel complaint initiated an SCR, and none of the field sergeants made an entry in a Watch Commander Log regarding a complaint they were able to resolve without initiating an SCR.

Compliance Metrics and Monitor's Findings Objective 2: Accepting Public Complaints

Metric: *At all times, LASD's telephone and internet systems will allow for acceptance of personnel complaints via telephone, fax, and email.*

Finding: The Department 800 number for the public to make a complaint is still unreliable, particularly from late at night through the early morning hours and on weekends. The Department has also unilaterally eliminated the email address that would allow the public to file a personnel complaint electronically. The Department is **not in compliance** with this requirement.

Metric: *Requests to make a personnel complaint will be referred to a supervisor without unnecessary delay and, absent reasonable justification, when a civilian seeks to make a personnel complaint in person, LASD personnel make themselves available in person at the station or in the field.*

Finding: In the field, a supervisor was requested and responded to the scene whenever someone wished to make a personnel complaint. However, two of the six calls auditors made to the AV stations were hung up on or the message left for the watch commander was never returned. In three other cases, the complainant alleged a deputy either did not initiate a complaint or someone hung up on her (L-8, L-21, and OP-2). The Department is **not in compliance** with this requirement,

Metric: *Every complainant who is not proficient in English will be offered translation services and/or offered complaint materials in their language, if available, to facilitate the intake of the complaint.*

Finding: In the audit's only LEP case, a bilingual deputy responded and provided translation services (L-29). The Department is **in compliance** with this requirement as it pertains to providing translation services in the field.

Metric: *A field supervisor who determines a public complaint does not constitute a personnel or service complaint will record the complaint and rationale for that decision either in a supervisor's report or via an entry in the watch commander's log.*

Finding: There was no evidence of this occurring, so we are **unable to determine** compliance with this requirement. We will design a test for this in the next audit.

Metric: *In 95% of cases when an employee is found to have refused to accept a personnel complaint, discouraged the filing of a complaint, or provided false or misleading information about filing a complaint, appropriate corrective action is taken, to potentially include discipline up to and including termination.*

Finding: No employees were found to have refused to accept a complaint, discouraged the filing of a complaint, or provided false or misleading information about a complaint. However, there is evidence people calling the stations to make a complaint are not being handled appropriately. We are **unable to determine** compliance with this provision.

Objective 3: Investigation of Complaints

All investigations of Antelope Valley personnel complaints, including reviews, shall be as thorough as necessary to reach reliable and complete findings. . . . LASD shall make efforts to resolve material inconsistencies between witness statements (Paragraph 131 partial).

LASD will not permit any involved supervisor, or any supervisor who authorized the conduct that led to the complaint, to conduct a complaint investigation (Paragraph 133).

The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, including all LASD deputies. The investigator shall note in the investigative report the identities of all deputies and other witnesses who were on the scene but assert they did not witness and were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence (Paragraph 134).

All witnesses, including deputies witnessing or involved in an incident that becomes the subject of a personnel complaint, shall provide a written statement regarding the incident or be interviewed as described below [Paragraph 136] (Paragraph 135).

The SCR complaint investigator shall interview each complainant in person, if practical. Misconduct investigators will conduct additional interviews as necessary to reach reliable and complete findings. Interviews shall be recorded in their entirety, absent documented extraordinary circumstances (Paragraph 136).

Consistent with current policy, interviews shall be conducted separately. An interpreter not involved in the underlying complaint will be used when taking statements or conducting interviews of any LEP [Limited English Proficiency] complainant or witness (Paragraph 137).

Objective 3.1: Uninvolved Investigator

There was one case in which the assigned investigator was involved in or authorized the conduct that led up to the complaint.

- **L-9.** The complainant was taken to the hospital for medical treatment after a use of force. He asked for water, and the deputies told him they could not give him water without the approval of medical staff. The complainant alleged the deputies withheld water from him and it was racially motivated. The sergeant investigating the use of force was in the hospital room nearly the entire time, and he knew standard hospital protocol prohibited giving a patient water or anything else without the approval of medical staff.¹¹ Nevertheless, he initiated an SCR documenting the complaint. For an unknown reason, the complaint was held in abeyance for three and a half months, and then it was assigned to the same sergeant who witnessed the alleged misconduct and initiated the complaint.

¹¹ In Objective 3.2 we note that someone from the hospital should have been interviewed to verify that.

Note: There was one case in which a sergeant was called to the scene of a traffic stop where a deputy was having difficulty gaining a motorist's cooperation (L-27). The sergeant discussed the stop with the complainant and her son and believed they were satisfied with his explanation. Neither of them alleged misconduct against the deputy at that time. About an hour later, the complainant and her son came to the station and alleged the deputy called the complainant's son a "nigger" during the traffic stop. The sergeant who was at scene was called to the station and handled the complaint. Technically, the sergeant was a witness, and another supervisor should have handled the complaint. But this supervisor had already established a rapport with the complainant, and his role at scene was that of a supervisor handling a complaint, not as a participant in the event being investigated. Consequently, we did not consider this to be a non-compliant incident.

While the investigators in three other cases were not involved in the complained-of activity, they indicated a bias in their investigative reports. In two cases the investigator stated he would not notify the complainant of the disposition apparently due to the complainants' surly demeanor during their arrest. In the third case the investigator offered his opinion as a gang expert to refute the complainant's discrimination allegation.

- **L-14** The complainant was arrested for domestic violence and violation of a domestic violence restraining order. He was taken to the station for booking but refused to have his fingerprints taken. After three days in jail and several more attempts, he relented. In the closing section of his report, the investigator wrote, "Due to the nature of the complaint no final phone call was made," which is a violation of Department policy.
- **L-17** Following a use of force, the complainant alleged excessive force and improper search by a female deputy. At the conclusion of the investigation the watch commander wrote, "No final phone call was made," which is a violation of Department policy.
- **L-30** The complainant alleged excessive force and discrimination. A civilian witness refuted the force allegation, and the investigator cited his personal opinion to refute the discrimination allegation. He wrote, "I rebutted his statements because he in no way appears to be a 'Cholo,' and both arresting deputies were Hispanic." He also described the complaint as racial profiling, which it was not.

RECOMMENDATION NO. 6: Watch commanders should be reminded to avoid even the appearance of bias when taking a complaint and in their investigations.

Objective 3.2: Identify Everyone Involved

There were three cases in which a potential witness was not interviewed. The evidence in two of those cases (L-9 and L-22) was overwhelming, so failure to conduct both interviews did not adversely affect the quality of those investigations. In the third case (L-4), the omission was a critical failure.

- **L-9.** Following a use of force, two deputies took the subject to the hospital for a post-UOF medical evaluation. The complainant alleged the deputies discriminated against him by withholding water from him while he was in the hospital. The deputies denied the allegation and said they could not give him water without the approval of medical staff. From our experience, auditors know this is standard practice in emergency rooms, but someone from the medical staff should have been interviewed to verify that this is hospital policy.
- **L-4.** The complainant was driving her boyfriend's truck when she was stopped by the deputy for tinted windows. Later, the complainant alleged she was being harassed by the deputy because he was in a relationship with her boyfriend's ex-wife. The investigation disclosed the deputy had conducted a record check on the complainant's boyfriend six months earlier. The deputy was on a call at that time, but there is no apparent nexus between the call and the records check. The investigator never interviewed anyone from the call or the boyfriend to see if one of them could shed some light on the reason the deputy made this query.
- **L-22.** A motor unit was conducting a hit-and-run traffic collision (TC) at Antelope Valley Hospital. He identified a large amount of debris at the scene linking the complainant's vehicle to the collision, including the vehicle's bumper lying next to the downed stop sign. A hospital security guard witnessed the TC and pointed out the complainant, who was standing alongside his damaged car. He determined the complainant was driving on a suspended license, so he issued him a citation and impounded his car. Two days later, the complainant came to the station to complain that the deputy had no legal reason to impound his car. The watch commander conducted an investigation, and the evidence supporting the impound was overwhelming. Nevertheless, the security guard should have been interviewed.

Objective 3.3: Limited English Proficiency

There was one case in which witnesses spoke only Spanish.

- **L-29.** At the end of a foot pursuit, the suspect ran into his backyard and a use of force occurred. As the deputies were struggling with the suspect, his mother came out of the house and assaulted the deputies. The complainant's mother and father and several witnesses spoke only Spanish, so a Spanish-speaking deputy interpreted for the supervisor investigating the use of force.

Objective 3.4: Interview Complainant In Person

The Settlement Agreement requires that the "SCR complaint investigator" interview the complainant in person, when practical. Very few complainants in this audit were interviewed in person by the supervisor assigned the investigation. Many times, the investigator wrote, "It was impractical to have the complainant respond to the station for an in-person interview," but no reason was ever provided for it being "impractical." So, technically the Department is not in compliance with this provision.

Setting the SA language aside for a moment, every complainant in this audit was interviewed thoroughly by a supervisor, often in person during complaint intake. When the complaint did not involve a use of force, the intake interview was conducted by the lieutenant watch commander initiating the complaint. The investigating watch commander usually also interviewed any key civilian witnesses who were available and collected evidence. When a use of force was involved, the sergeant conducting the use-of-force investigation interviewed the complainant. These intake interviews were always recorded unless the complainant asked not to be.

We noted several cases in the audit where the complaint investigator contacted the complainant for a second interview, and the complainant became irritated because they had already provided the intake supervisor with a detailed account of the incident. We recognize the SA's requirement that the investigator interview the complainant in person when practical, but a redundant interview can erode public confidence instead of improving it. When the investigator determines that a complainant's recorded intake interview provides a detailed account of the incident, the investigator should be able to rely on that interview for the investigation.

RECOMMENDATION NO. 7: The Parties should consider finding the Department in compliance with SA Paragraph 136 when the complaint investigator relies on a recorded intake interview that thoroughly identifies all the allegations and provides a detailed account of the complainant.

Objective 3.5: Record Interviews

Paragraph 136 also requires that **all** interviews be recorded in their entirety, absent documented extraordinary circumstances.

Complainant interviews were recorded in 25 of the 30 Lancaster cases (83%). In three of the unrecorded cases, the complainants asked not to be recorded (L-20, L-22, and L-25), and the other two cases did not indicate whether the complainant's interview was recorded (L-11 and L-24). Complainant interviews were recorded in 18 of the 22 Palmdale cases. In two cases, the complainant refused to participate in the investigation (P-1 and P-8). In one case, the complainant was in prison and the deputy district attorney handling that case said the complaint that the deputies perjured themselves in court was raised at trial and found not to be credible (P-4). In the last case, the investigator wrote that he did not record the complainant's interview

but provided no rationale for failing to do so (P-7). So, in 49 of the 52 cases (94%), the complainant's interview was either recorded or sufficient rationale was provided for not doing so.

Many, but not nearly all, of the civilian witness interviews were recorded, and no deputy interviews were recorded. The outcomes compliance measures for complaint investigations agreed to by the Parties does not provide a compliance metric for recorded interviews. Complainant interviews are an important part of the investigative process and need to be recorded to ensure the complaint is accurately summarized in the report and all allegations are identified and investigated.

RECOMMENDATION NO. 8: The Parties should adopt a compliance standard that at least 92% of complainant interviews must be recorded in their entirety, or the reason for not doing so must be documented in the investigation.

Objective 3.6: Interview Deputies Separately

In 12 Lancaster and seven Palmdale cases (19 total) only one deputy was present during the incident leading to the complaint. In nine more Lancaster cases and the remaining 15 Palmdale cases, the investigator documented that the involved deputies were interviewed separately. For eight cases, the complaint investigator relied heavily on the use-of-force investigation, but the use-of-force investigation did not document that the deputies were interviewed separately (Audit Nos. L-1, L-5, L-7, L-12, L-17, L-26, L-28, and L-30). One non-force case did not document whether the deputies were interviewed separately (L-13). Thus, in 43 of the 52 cases (83%), there is documentation that the accused deputy was interviewed separately.

Objective 3.7: Collect Evidence

In all 52 cases, relevant evidence appears to have been collected and recorded in the reports.

Objective 3.8: Timely Investigation

Both stations completed their investigations and submitted them to their commanding officer in a reasonable time period. Lancaster watch commanders submitted their investigations in about two to three weeks, and Palmdale watch commanders submitted theirs in about four to six weeks.

Objective 3.9: Material Inconsistency

There were three cases where the investigator failed to identify or try to resolve material inconsistencies:

- **L-4.** A deputy stopped a truck for tinted windows but quickly realized only the rear window was tinted. He apologized for inconveniencing the driver and released her without a citation after giving her a business card as she requested. She read the card and realized the deputy was dating her boyfriend's ex-wife. She alleged the deputy was harassing her. The deputy said he had no idea who she was or who owned the truck, but the Unit History Report shows he ran her for warrants using her name, gender, ethnicity, and date of birth. The investigation showed he had run a record check on the complainant's boyfriend six months earlier. There was no report justifying that record check, and the deputy said he did not recall it. He speculated the boyfriend's name must have come up while he was on the call. The investigator never interviewed the boyfriend to find out where he was when the record check occurred, and he did not interview anyone from the call to see if they knew how the boyfriend may have been involved. The Unit History Report shows the deputy ran the boyfriend using an age rather than a date of birth, which is unusual. The deputy was never asked to explain that material inconsistency.

- **L-23.** The complainant alleged two deputies searched his car for no reason, but the deputies said they were trying to retrieve his car registration. The deputy who initiated the stop was never asked if he requested the deputies to retrieve paperwork from the car, and the complainant was never asked if he directed the deputies to the registration in the car.
- **P-1.** The investigation did not adequately address the deputy's decision to leave the complainant's wallet in a vehicle he knew could not be secured. The deputy said the complainant told him to leave it there, but caring for an arrestee's property is the deputy's responsibility.

Objective 3.10: Reliability of Complaint Investigations

The SA requires each investigation to be complete and thorough enough to support reliable conclusions. Six investigations fell short of that standard.

- **L-4.** The complainant was driving her boyfriend's truck when she was stopped by the deputy for tinted windows. Later, the complainant alleged she was being harassed by the deputy who was in a relationship with her boyfriend's ex-wife. The deputy denied the allegation, saying he did not even realize who she was. But the incident history shows he ran her during the stop, so he did know the name of the person he stopped. The investigation also disclosed that the deputy had conducted a record check on the complainant's boyfriend six months earlier. There was no report justifying that record check, and the deputy said he did not recall it. The investigation indicates the deputy was on a radio call when he conducted the records check, and the deputy speculated that he must have seen the man in the area or his name came up in some way. The incident history shows the deputy ran the boyfriend using an age rather than a date of birth, which is unusual. But the deputy was never asked to explain how that could have occurred.

There were far too many coincidences and details left out of this investigation to reliably adjudicate the complaint. The deputy should have been asked to explain the two material inconsistencies, the boyfriend should have been interviewed to see if he could shed light on why the deputy may have checked his record, and people at the call the deputy was on should have been interviewed to see whether they know how the boyfriend may have been involved.

- **L-5.** The deputies wrote in their arrest report that the complainant alleged they had racially profiled him, but that allegation was never investigated.

- L-21.** A deputy saw the complainant looking at her cellular phone, apparently unaware she had a green light and was impeding traffic. The deputy conducted a traffic stop, and she became irate almost immediately, so he activated his video recorder. After the deputy issued her a citation, she went to the station and alleged the deputy was discourteous throughout the stop. The lieutenant brought her into the watch commander's office for an interview, which he inexplicably did not record. She became angry and left the station, and then filed a complaint with IAB alleging both the deputy and watch commander were discourteous. The complaint against the deputy was refuted by the video recording, but the allegation of discourtesy against the lieutenant was classified as Unable to Determine. The investigator never asked the watch commander why he failed to record his interview with the complainant.
- L-23.** A deputy stopped a 58-year-old Black man who was "playing his car radio loudly and no front license plate." The deputy had him exit the car and walked him back to the police car to run him. Two back-up deputies arrived and started searching the man's car looking for the registration. The man complained the deputies had no right to search his car. The two deputies said the complainant told them the registration was in the car, and they provided the investigator with a since-overturned court case allowing officers to search for documentation related to a traffic stop. But the deputy who initiated the stop was never asked whether he requested the deputies to retrieve paperwork from the car, and the complainant was never asked if he directed the deputies to retrieve the registration from his car.
- L-29.** This investigation focused exclusively on the allegation that a deputy made an inappropriate remark to an arrestee. It ignored the mother's allegation that a deputy called her a "bitch" and the father's allegation that the deputies used excessive force on his wife.
- P-1.** The complainant clearly alleged the deputy was "corrupt" and stole \$84 to \$86 from him. However, the complaint said he alleged the deputy failed to return his property after he was arrested, which does not accurately reflect his complaint. The investigation did not adequately address the deputy's decision to leave the complainant's wallet in a vehicle that he knew could not be secured. The deputy stated the complainant told him to leave it there, but caring for an arrestee's property is the deputy's responsibility.

Objective 3.11: Exemplary Investigations

There were nine investigations where the investigator did an excellent job identifying witnesses and gathering evidence on the complaint.

- **L-2.** This case involved a burglary call on New Year's Eve that was mistakenly downgraded to a routine call because the neighbor said he saw the two men running away. The sergeant conducted an extremely thorough investigation that included retraining the civilian desk personnel involved in the call. He also called the complainant to explain what he found, and she was very satisfied with the outcome.
- **L-6.** This case involved a neighbor dispute between the complainant and his neighbor who is a Lancaster deputy. A field supervisor and the deputies at scene were unable to resolve it. A personnel complaint was initiated, and the investigator did a very thorough review of the issues and legal constrictions. Both parties agreed to conflict resolution, so a meeting was held with numerous people in attendance, including the local County Supervisor's field deputy. By all accounts this gave everyone an opportunity to air their grievances and resolve the issues. The investigator's very thorough investigation set the stage for the conflict resolution meeting, and the Department took extraordinary measures to resolve the issues.
- **L-11.** The complainant was having difficulty keeping people off a property she recently purchased. The watch commander met with her several times to identify the laws pertaining to the property. Then he developed a detailed training package to educate deputies on the pertinent laws. Finally, he "tagged" the location so any future calls would include the response of a supervisor to ensure the call was properly handled. This was an excellent example of community problem solving.
- **P-2.** The complainant alleged a detective was rude to her. Then, when she called the station to complain, someone on the desk hung up on her. So, she came to the station, but the desk person would not let her talk to the watch commander. The investigator did an excellent job identifying when the call was allegedly made, then listened to four hours of phone calls, which showed no record of the call. He also identified the person who was in line behind the complainant when she came to the station, and that person refuted that allegation also.

- **P-10.** A complainant who was suffering from long-term mental health issues had a history of making multiple nuisance calls to county agencies, including the Board of Supervisors. Deputies, along with representatives from the Department of Mental Health and a Psychiatric Mobile Response Team, were dispatched several times to check on her welfare. This generated a complaint from her that deputies were knocking on her door unnecessarily. The investigator did an excellent job of documenting the calls and the reasons for them, and assessed that appropriate measures were being taken to provide her with assistance.
- **P-11.** Deputies responded to a domestic violence call involving a suspect who was possibly armed with a firearm. When the suspect was located behind a dumpster, he stepped out and appeared to be taking a shooting stance, holding an object that turned out to be a cell phone in his extended hand. A deputy almost simultaneously deployed a Taser, but only one of the darts contacted the suspect. The deputy took the suspect down and handcuffed him. The subject alleged the deputy stomped on his head and Tased him three times. The investigating sergeant located a video recording refuting the allegations. He also documented that the Taser log refuted the Taser allegation.
- **P-14.** The complainant came to the station to make an identity theft crime report, alleging his brother stole his driver license and presented it when he was stopped for a traffic violation. When the complainant received his insurance renewal, it increased substantially because of the citation. The desk deputy spent about 45 minutes looking into the claim, including talking to the deputy who issued the citation. The deputy concluded the citation had been issued to the complainant and refused to complete an identity theft crime report. The complainant then made a personnel complaint alleging the desk deputy failed to take his crime report. The watch commander conducted a very thorough investigation and discovered additional information that indicated the complainant's brother may have, in fact, illegally used his identity. The issue was resolved to everyone's satisfaction through a conflict resolution meeting.
- **P-15.** Deputies and a Mental Evaluation Team responded to an attempt suicide call. They detained the complainant for a 5150 WIC hold and seized a firearm. After her release, the complainant alleged the deputies behaved disrespectfully. The investigating supervisor interviewed the MET personnel who refuted the allegation, and he wisely decided not to interview the complainant's children, who had been removed by DCFS in order to avoid further traumatizing them.

- **P-16.** A complainant with a long history of mental illness. She alleged a deputy who responded to a disturbance call at the shelter where she was living slapped her and asked her for oral sex. The investigator was able to locate several shelter employees who refuted the allegations. The investigation included a detailed history of the complainant’s alcoholism, drug use, and mental illness and the efforts that had been made to provide her with care.

Compliance Metrics and Monitor’s Findings Objective 3: Investigation of Complaints

Metric: *At least 92% of AV’s public personnel complaint investigations, when viewed as a whole, are as thorough as necessary to reach reliable and complete findings (Paragraph 131).*

Finding: Only 46 of the 52 complaint investigations in this audit met this standard, for a compliance rate of 89%. The Department is **not in compliance** with this requirement.

Metric: *At least 85% of AV’s public personnel complaint investigations meet the investigative requirements identified in the SA. This will involve a qualitative and quantitative evaluation of the following SA requirements:¹²*

1. *All interviews are conducted separately (Paragraph 137).*
2. *Each complainant is interviewed in person, when practical, and the investigation identifies the reason when it is not (Paragraph 136).*
3. *Investigators conduct additional interviews as necessary to reach reliable and complete findings (Paragraph 136).*
4. *All witnesses, including deputies who were involved in or witnessed the incident, provide a written statement or are interviewed in person (Paragraphs 135 and 136). Non-Department witnesses may be interviewed by phone, if practical.*

¹² Compliance metrics for giving a deputy’s statement preference and discarding a witness’ statement (Paragraph 131) are more appropriately weighed under the audit’s adjudication objective.

5. *Personnel complaint investigators seek to identify all persons, including deputies, who were at the scene that gave rise to a misconduct allegation; note in the investigative report the identities of all deputies and witnesses who were at the scene but assert they did not witness and were not involved in the incident; and, conduct further investigation of any such assertions that appear unsupported by the evidence (Paragraph 134).*
6. *When a personnel complaint investigation requires an interpreter, an interpreter not involved in the underlying complaint is used to take statements or conduct interviews of any Limited English Proficiency complainant or witness (Paragraph 137).*
7. *When a personnel complaint investigation contains material inconsistencies between witness statements, efforts to resolve those inconsistencies are documented (Paragraph 131).*

Finding: We are **unable to make a finding** on interviewing each complainant in person and recording all interviews pending discussion with the Parties (Paragraph 136).

No one on scene asserted they did not witness the incident (Paragraph 134), and an uninvolved bilingual deputy interpreted in the one LEP case (Paragraph 137). So the Department is **in compliance** with Paragraph 134 and the LEP provision of Paragraph 137.

In one case (L-4), a material witness was not identified (Paragraph 134) and did not provide a statement (Paragraphs 135 and 136). In nine cases (L-1, L-5, L-7, L-12, L-17, L-26, L-28, and L-30) there is no documentation the deputies involved were interviewed separately (Paragraph 137), and in three cases (L-4, L-23, and P-1) there was no documented effort to resolve a material inconsistency (Paragraph 131). So 40 of the 52 cases met these requirements, for a compliance rate of 77%. That is below the compliance standard of 85%, so the Department is **not in compliance** with these requirements.

Metric: *At least 90% of AV's public personnel complaint investigations are conducted by a supervisor who was not involved in the incident and who did not authorize the conduct that led to the complaint unless sufficient justification is documented in the investigation (Paragraph 133).*

Finding: In one case (L-9), the supervisor assigned the investigation was a witness to the alleged misconduct. Thus, 51 of the 52 cases met this standard, for a compliance rate of 98%. The Department is **in compliance** with this requirement.

Objective 4: Management Review and Oversight

LASD will ensure that personnel complaints are not misclassified as service complaints. (Paragraph 128)

Antelope Valley unit commanders shall be responsible for appropriately classifying each allegation and personnel complaint raised at the outset or during the investigation/review of a complaint. LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130)

. . . LASD shall consider all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations based upon that evidence. There will be no automatic preference for a deputy's statement over a non-deputy's statement, nor will LASD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. (Paragraph 131)

[AV Unit commanders will] refer alleged incidents of misconduct to IAB or ICIB for further investigation or review consistent with the Administrative Investigations Handbook. (Paragraph 132)

[LASD audits] will assess whether complaints are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of the evidence. (Paragraph 140 partial)

Objective 4.1: Service Versus Personnel Complaints

Four complaints were correctly classified as service complaints.

- **L-2.** Just after midnight on New Year's Eve, a burglary call was misidentified as a prowler call. The watch commander conducted a thorough investigation and provided additional training for the civilian desk personnel involved in the call. He called the complainant to explain what he found, and the complainant was very satisfied with the outcome.
- **L-11.** The complainant had recently purchased a large rural property that had been used for years by off-roaders and target shooters. She put up fences, heavy-duty gates, and signs, but deputies seemed unaware of the laws governing her property. The watch commander met with the complainant, identified the applicable laws, and developed a detailed training package to educate deputies on the relevant laws. Finally, he "tagged" the location so future calls would include a supervisor to ensure the call was properly handled. The investigation

also identified a discourtesy complaint against an off-duty deputy assigned to Recruit Training, so the watch commander initiated an SCR and forwarded it to Training for investigation.

- **P-10.** The complainant called the station alleging that deputies were knocking on her door unnecessarily. The watch commander conducted a thorough investigation documenting that the complainant's mental health issues had generated several calls to check on her welfare. Deputies responded to those calls along with the Department of Mental Health and Psychiatric Mobile Response Teams.
- **P-12.** The complainant and his neighbor, a Lancaster deputy, were involved in an ongoing neighbor dispute. The complainant called about the deputy grading his driveway for three days using a very loud tractor. A unit responded, watched from afar, determined no crime was occurring, and closed the call without contacting the complainant. The complainant felt his neighbor was being given preferential treatment because he was a deputy. A conflict resolution meeting was held with numerous people in attendance, including the local county supervisor's field deputy. By all accounts, this gave everyone an opportunity to air their grievances and resolve the issues. The complaint was closed as Service Only—No Further Action.

One complaint was correctly classified as both a personnel and service complaint.

- **L-3.** The mother of a 16-year-old robbery suspect complained that the detective assigned to the case interviewed her son without her being present and that he threatened to arrest her for harboring a fugitive. When she made the complaint, she was informed the assigned investigator would have 30 days to complete the investigation, which she felt was too long. The watch commander conducted a thorough investigation, which resulted in the personnel complaint being classified as Conduct Appears Reasonable. The complaint about the 30-day period to complete a personnel complaint was classified as a Service Complaint.

One complaint was classified as a Service Complaint, but it was actually a Personnel Complaint.

- **L-18.** The complainant called the station to complain that deputies came to her home with guns drawn and ordered her and her small children out of her home. She told them she had not called the Department. One of the deputies realized they were at the wrong address. He apologized, and they all left. The investigation revealed that the Law Enforcement Technician (LET) who took the call broadcast the wrong address. The watch commander listened to the recorded call and found that, "the caller clearly states her address two times." The watch commander counseled the LET and recommended the complaint be classified as a Service Complaint with no named employee. His recommendation was approved at the Unit and Division levels. Discovery returned the complaint to the investigator, pointing out the complaint appeared to be a personnel complaint, not a service complaint. The investigator replied that the deputies erred in going to the wrong address, so the LET was not "the direct cause of the complaint," which is factually not true. The classification remains a Service Complaint Only.

Three complaints included an allegation classified as a personnel complaint that was actually a service complaint:

- **L-13.** An attorney wrote a letter to a county supervisor complaining that his employee was falsely arrested and humiliated because his clothing was booked as evidence, leaving him little to wear when he was released from custody. The investigation disclosed the employee had been arrested for attempted rape after being identified by the victim in a field show up. Because of the rape charge, his clothing was booked as evidence for DNA testing, and he was provided with clothing kept on hand for that purpose. The false arrest allegation was appropriately classified as Conduct Appears Reasonable, but the clothing allegation should have been a service complaint since the deputies followed Department procedure governing those situations.
- **L-16.** Deputies responded to help a parole agent take a parolee into custody for a no bail parole warrant. The parolee was combative, so the deputies deployed a Taser. When they took the parolee to the hospital to have the Taser darts removed, the parolee refused to cooperate and would not allow medical personnel to remove the darts. A sergeant responded and conferred with the watch commander, who conferred with jail personnel. He was informed that the deputies should remove the darts and told the deputies to do so. A deputy removed the darts without incident. Later, the parolee alleged that the deputy performed an unauthorized medical procedure and denied him medical treatment. The complaint was classified as Conduct Appears Reasonable, but it should have been classified as a service complaint because the deputy was following Department protocol, at the direction of the watch commander.

- **L-20.** The complainant, who lives with her elderly mother, complained that the Department's welfare checks on her mother were disruptive and frightening her. The investigator tried to contact the complainant three times, but she would not answer the door and did not respond to the letter he sent. The investigation identified 25 calls to the residence over the preceding two years. Sixteen of the calls were generated by Adult Protective Services for suspected elder abuse, and nine more were initiated by the elderly mother's other children. The bottom line is deputies went to the residence because the Department sent them there, so any complaint about that should have been classified as a service complaint, not a personnel complaint against a particular deputy.

Objective 4.2: Discrimination Complaints

On August 19, 2013, the commanding officer of North Patrol Division issued a Division Order titled "Unit Commanders Responsibility for Discrimination Complaints." That order requires unit commanders to meet personally with the complainant to identify the nature of the discrimination complaint and make every effort to "facilitate a Conflict Resolution session between the reporting party and the involved personnel." The Compliance Unit brought this order to our attention during a discussion among the SA Parties about the way discrimination complaints are handled. There are also several SA provisions that stress the importance of bias-free policing and require a decisive response to any allegation of discrimination. As a result, auditors paid particular attention to the complaints alleging discrimination.

Five complaints alleged discrimination. Only two of those cases (L-30 and P-8) contained documentation that the Unit Commander contacted the complainant offering to meet and discuss the discrimination complaint per the Division Order. There was no such documentation in the other three cases.

- **L-9.** After a use of force, two deputies took the subject to the hospital for post-UOF medical evaluation. At the hospital, the subject asked for water, and both deputies told him they could not give him water or anything else without the approval of medical staff. The subject later alleged the deputies' refusal to give him water was racially motivated. There is no documentation that the Unit Commander met with the complainant as required.
- **L-27.** Deputies preparing to serve a search warrant asked another deputy to stop a car and see if the man they were looking for was inside. The deputy stopped the car as requested, but the driver (a Black female) refused to provide her driver's license. The deputy activated a videorecorder and tried to gain the driver's/complainant's cooperation. The deputy then requested a supervisor to the location. The sergeant talked with the complainant and her son, who was a passenger, to explain the reason for the stop. They thought the woman understood, and everyone left. About an hour later, the woman and her son came to the station and alleged that the deputy had called her son a "nigger" during the traffic stop. The investigator tried to contact the complainant by phone and correspondence, but the complainant never responded. There is no documentation that the unit commander tried to contact her as required.
- **L-30.** The subject of a use of force told the supervisor investigating the incident that the deputies had no reason to arrest him, used unnecessary force, and arrested him only because he was Hispanic. The investigation documents that the unit commander spoke with the complainant on the telephone and offered to meet with him to conduct a conflict resolution meeting, but the complainant declined and said he was focusing his attention on attending Alcoholics Anonymous meetings.
- **P-8.** The unit commander called the complainant the day after the complaint was received and expressed his concern about her discrimination complaint. He asked to meet with the complainant when the investigation concluded, and she agreed. Once that happened, the unit commander called the complainant and asked to meet with her, but she said she was unable to do so. A conflict resolution meeting was scheduled, but the complainant did not attend; however, she said she was satisfied with her previous discussion with the unit commander.
- **P-16.** The complainant in this case was a severely mentally impaired woman who alleged a deputy called her an illegal immigrant, slapped her, and solicited oral sex. The investigation identified a security guard and several other witnesses who were present the entire time, and they all refuted the allegations. The SCR face sheet categorized this as a discrimination complaint, but there was no documentation that the unit commander contacted the complainant.

Objective 4.3: Identify all Allegations in a Complaint

There were five complaints with unaddressed allegations of misconduct.

- **L-4.** The complainant alleged the deputy was harassing her because he was dating her boyfriend's ex-wife. The investigation disclosed that the accused deputy had conducted an automated inquiry of the boyfriend six months earlier, and there had been no justification for making that query of a confidential database. This potential violation of the rules governing access to CLETS should have been added as a specific allegation and adjudicated—using CLETS information for a non-law enforcement purpose constitutes a major breach of confidential information.
- **L-5.** The subject upon whom force was used refused to talk to the sergeant conducting the use-of-force investigation. Later at the station, he told the watch commander that the deputies repeatedly slammed his head on the ground. An SCR was initiated and adjudicated. But the deputies wrote in their arrest report that the complainant alleged that they had racially profiled him. Specifically, the deputy wrote in the arrest report that the subject said they stopped him because he was Black and driving a nice car. The other deputy wrote in his report that the subject said, "You followed me from the police station. What, you don't like young niggers in nice cars?" The SCR only addressed the allegation of excessive force and ignored the allegation that the subject was racially profiled.
- **L-8.** The complainant called IAB to allege that a deputy had not completed a traffic collision report in six weeks, and she needed the report for her insurance. Auditors listened to the IAB intake call, and the complainant said she called the station several times and the desk personnel hung up on her. She finally contacted the watch commander and discussed the complaint with him twice, but he did not take a complaint. Finally, she called IAB, who initiated a complaint. In his findings, the watch commander wrote, "I was unable to substantiate the R/P's claim she was transferred and hung up on due to her not returning my phone calls." The allegations that desk personnel hung up on the complainant and that the watch commander failed to initiate a complaint were not included in the complaint as allegations of misconduct.
- **L-17.** The complainant alleged that deputies detained him for no reason, threw him to the ground, and laughed at him after he was Tased. Those allegations were investigated and adjudicated. However, the complainant also said he was uncomfortable with the way in which a female deputy searched him. A female deputy asked the male detainee for permission to search him. He agreed, so she began the search. When her hand got too close to his crotch, he pulled away and a use of force occurred. Department policy only allows a deputy to search

someone of a different gender under exigent circumstances and when it is impractical to have a deputy of the same sex conduct the search. The deputy asked for consent, so there is no way exigency was involved, because consent is not asked of someone who may have a weapon. Additionally, a male deputy (sergeant) was standing right there and easily could have conducted the search. To compound matters, the sergeant later said in his UOF interview that the deputy's search appeared to be "within the scope of the Department's training and policy," an opinion no one in the review cycle challenged. The SA requires that every allegation be addressed even if the complainant fails to articulate it as such. The complainant said the search made him uncomfortable, and his ignorance of policy is irrelevant—it did violate policy and the Department should have addressed it.

- **L-29.** A man taken into custody following a use of force alleged that a deputy made an inappropriate remark to him as he was being put in the patrol car. The complaint was investigated and adjudicated. However, the subject's mother, who was arrested for assaulting the deputies, also alleged that a deputy called her a bitch, and the subject's father alleged that the deputies used excessive force on his wife. Those two allegations were not identified as allegations or investigated.

Objective 4.4: Alleged Misconduct Not Resulting in an SCR

There were six use-of-force investigations containing one or more allegations of misconduct that did not result in an SCR.

- **UOF-L-1.** Four deputies became involved in a use of force involving a Taser. The subject told the investigating sergeant that he was taken to the ground, punched in the face, and Tased for what he felt was a long time. After that interview, it was learned he had a fractured left hand, so IAB was notified and responded. The IAB sergeant wrote that the subject claimed he was being compliant when the deputy choked him and took him to the ground. Medical staff opined the fracture occurred well before the use of force, so the complaint was given back to the station for investigation. The watch commander wrote in his analysis, "I feel the suspect's allegation of the force being 'excessive' was his perception, as the force he articulates was the same as that reported by the deputies." That statement is not factually accurate. The subject told IAB he was compliant during the incident, and he denied trying to assault the deputy. An SCR was not initiated to address the complaint of excessive force.

- **UOF-L-2.** A Lancaster deputy initiated a traffic stop to a driver for failing to stop for a red light. The driver, a woman, stepped out of the vehicle looking confused, and the passenger, her 16-year-old son, also started to exit the car. The deputy ordered them to stay in the car because, based on his training and experience, *"Persons who open doors during traffic stops usually run from the vehicle and have the potential to have a weapon to assault law enforcement. I began to unholster my duty weapon fearing an attack was about to ensue."*

The woman said she did not do anything wrong and started walking toward an apartment complex with her son. The deputy grabbed both of them by their shirts and told them they were not free to leave. The woman yelled that her son (6', 200 pounds) was only 16, to which the deputy replied his age didn't matter and he was being detained. A Black man and young girl (12 years) came out of their apartment and stood by the door. The man asked what was going on and the deputy told them to go back inside. The man walked toward the car and tried to calm the woman down. Additional units arrived, so the first deputy tried to handcuff the 16-year-old for an unspecified charge. The 16-year-old resisted, and a UOF occurred involving multiple deputies. Ultimately, the woman and her son were taken into custody for resisting arrest. As the woman was being walked to a patrol car, her 12-year-old daughter pulled on her arm, yelling, "Don't arrest my mom." **A deputy pulled her away from her mother and arrested the girl for "causing a riot/lynching."**

The supervisor conducting the UOF investigation interviewed several witnesses and concluded that the driver and her son did not know what was going on when the deputy stopped them. The supervisor was appropriately critical of the deputy's lack of communication and inability to deescalate the situation. The watch commander interviewed the mother and son, who both clearly alleged the deputies used unnecessary and excessive force. An SCR was not initiated to address those allegations. The absurdity of arresting a 12-year-old girl for "causing a riot/lynching" because she was pulling on her mother's arm and begging deputies not to arrest her mom is only surpassed by the supervisor who approved that booking and the managers who approved the use-of-force report.

- **UOF-L-3.** The sergeant conducting the UOF investigation interviewed the subject, who said a deputy hit him in the face more than ten times. Then subject alleged that the two deputies tried to take him to the ground but could not, so he was kicked in the testicles, after which he fell to the ground. Another deputy came over and placed a knee on the subject's head and did not remove it until he was handcuffed. The subject repeated the same basic story to the watch commander, who wrote, *"Although the suspect claimed to have been assaulted by the deputies for no reason, on several occasions he articulated his own resistance and refusal to comply with their orders. It is obvious he assaulted the deputy when first contacted, and the deputies' response and force options were articulated in their written*

reports. The suspect's perception the deputies hit him unnecessarily is unreasonable, and does not need to be documented on a Watch Commander's Service Comment Report form. His injuries were properly documented, and were consistent with the reported force used by the deputies." The allegation of excessive force should have been addressed on an SCR.

- **UOF-L-4.** A woman did not pull over for a traffic stop and ultimately turned into her residence driveway. As she exited her car, she immediately became uncooperative and confrontational, alleging she was only being stopped because she was Black. The deputy tried to deescalate the situation but was unsuccessful. The subject kept waving her keys around, which the deputy said he perceived as dangerous and asked her to stop. After the subject ignored his request several times, he used minor force to handcuff her. In her interview with the watch commander, the subject said her shoulder hurt because the deputy grabbed her and pushed her against the car. While that statement may not rise to the level of an allegation, her allegation of being racially profiled should have been addressed in an SCR.
- **UOF-L-5.** The subject of a UOF told the investigating sergeant he was being verbally confrontational with the deputies when one of the deputies "started swinging at me and hitting me." Later, the subject told the watch commander, the deputy used excessive and unnecessary force and directed profanity at him while he was being taken into custody. An SCR was not initiated to address those allegations.
- **UOF-L-6.** Five people were detained for vandalizing a school. One was uncooperative and ended up on the ground after he was handcuffed. The escorting deputy and a witness said the subject kicked himself away from the police car and landed on the ground. A co-suspect said a deputy slammed the suspect to the ground after he was handcuffed. The complainant was not interviewed the night of the incident, but the watch commander conducted a telephonic interview the following day. The suspect said he could not remember how he ended up on the ground. The watch commander asked if anyone hit or kicked him and he said, "No." An SCR was not initiated to address the third-party complaint.

Additionally, there were three claims for damages containing an allegation of misconduct (failing to care for a detainee's property) that did not result in an SCR. As we noted in Chapter VIII, Validation of Audit Population, SA Paragraph 125 requires that the Department

accept all personnel complaints, including anonymous and third-party complaints, for review and investigation. That includes notifications that arrive via a claim for damages.

- **Claim No. 2.** The claimant alleged that when he was handcuffed, a deputy emptied his pockets, taking his cell phone and wallet. None of the deputies knew who had his items, and he assumed they fell off the patrol car.
- **Claim No. 5.** The claimant alleged that deputies removed his ring when he was arrested, but it was not in his property when he was released.
- **Claim No. 6.** The claimant alleged that deputies drove off with his property on their trunk lid, which caused him to lose 2 SD cards and a 1k diamond.

In evaluating these cases, we noted that there is no compliance metric for allegations of misconduct that do not result in an SCR. Investigating and adjudicating all substantive community complaints is a critical component of the SA, so compliance needs to be measured.

RECOMMENDATION NO. 9: The Parties need to establish a compliance metric for public complaints that do not result in an SCR.

Objective 4.5: SA-Related Allegations

In our last audit, we identified several investigations that contained activities specifically addressed in the SA: backseat detentions and public recording of law enforcement operations. In this audit we found no evidence of inappropriate or unreported backseat detentions and no incident in which a deputy interfered with anyone trying to record law enforcement operations.

SIGNIFICANT FINDING NO. 6: We found no evidence of inappropriate backseat detentions or interfering with anyone trying to record law enforcement operations.

Objective 4.6: Statement Discarded Due to Criminal History

There were no cases in which a witness or complainant's statement was discarded due solely to their criminal history.

Objective 4.7: Deputy Statement Given Preference

In four cases it appears the deputy's statement was automatically given preference. In each case, overreliance on the deputy's statement was the only rationale for the conclusion of Conduct Appears Reasonable.

- **L-4.** The complainant alleged that a deputy stopped her because he was dating her boyfriend's ex-wife. The deputy said he stopped the truck for illegally tinted windows, but as he approached the truck, he realized that only the rear window was tinted. He said that he apologized to the woman for inconveniencing her and released her. He said he did not get a clear look at the truck and had no idea who she was. However, the Unit History Report shows that the stop lasted for five minutes, during which time the deputy ran the complainant, using her name, gender, ethnicity, and date of birth. The complaint was adjudicated as Conduct Appears Reasonable, a conclusion that could only be reached by giving the deputy's statement preference.
- **L-17.** A female deputy conducted a consensual search of a detainee, and he pulled away when her hand approached his groin area. A use of force occurred involving the deployment of a Taser. During his post-UOF interview, the man alleged that he was detained without cause, inappropriately searched by a female deputy, and made fun of by the deputies when he woke up after being tased. All allegations were classified as Conduct Appears Reasonable, but the only way that disposition could be reached was by giving the deputies' statements preference.
- **L-23.** The complainant alleged that deputies searched his car without permission and without legal justification. The involved deputies said they had permission to retrieve his vehicle registration. The allegation was classified as Conduct Appears Reasonable, which could only be reached by giving the deputies' statements preference.

- **P-1.** The complainant alleged that the deputy who arrested him stole \$84 to \$86 from him. The allegation was recorded as failing to care for an arrestee's property and classified as Conduct Appears Reasonable, but the proper finding should have been Unable to Determine as there was no evidence to either prove or disprove the allegation.

Note: An allegation in one case was originally classified as Unable to Determine, but changed to Conduct Appears Reasonable when Discovery returned it because PRMS can only accept one disposition per accused employee (L-1). The original classification of Unable to Determine was correct, but the only way it could be reclassified as Conduct Appears Reasonable is to give the deputy's statement preference. However, we do not believe it should constitute an error because the station commander classified it correctly then had to reclassify it to satisfy a computer system's limitations. This issue is discussed at length in Objective 6, Recordation of Complaints.

Objective 4.8: Preponderance of Evidence

For five cases, the disposition was not supported by a preponderance of evidence. The four complaints listed above where the deputies' statement was given preference (L-4, L-17, L-23, and P-1) all lacked preponderance to classify the disposition as Conduct Appears Reasonable. One other case lacked preponderance to classify it as a service complaint because it was actually a personnel complaint and should have been classified as Conduct Should Have Been Different (L-18).

- **L-18.** The complainant called the station to complain that deputies came to her home with guns drawn and ordered her and her small children out of her home. She told them she had not called the Department. One of the deputies, or a sergeant, realized they were at the wrong address. He apologized, and they all left. The investigation revealed that the LET who took the call broadcast the wrong address. The watch commander listened to the recorded call and found that "the caller clearly states her address two times." The watch commander counseled the LET and recommended the complaint be classified as a service complaint with no named employee. His recommendation was approved at the Unit and Division levels.

Discovery returned the complaint to the investigator, pointing out the complaint appeared to be a personnel complaint, not a service complaint. The investigator replied that the deputies erred in going to the wrong address, so the LET was not "the direct cause of the complaint," which is factually not true. The classification remains a Service Complaint Only.

Objective 4.9: Notification to Complainant

In five cases, the required notification to the complainant of the complaint disposition either was not made or contained inaccurate information.

- **L-14.** In the closing section of his report, the investigator wrote, "Due to the nature of the complaint no final phone call was made," which violates Department policy.
- **L-17.** At the conclusion of the investigation, the watch commander wrote, "No final phone call was made," which violates Department policy.
- **L-21.** The disposition letter to the complainant stated the adjudication of the complaint was Conduct Appears Reasonable, which incorrectly states the disposition of Unable to Determine for the allegation against the watch commander.
- **P-15.** The watch commander wrote, "Due to the RP's mental illness, I did not offer conflict resolution nor did I make a closing call," and the case file did not include a closing letter from the Unit Commander.
- **P-17.** The watch commander wrote, "My conversation with RP . . . ended abruptly with her invoking her right to remain silent. Given her criminal case is still ongoing, coupled with her reported intent of filing a civil suit, conflict resolution was not offered, and a closing call was not made. Additionally, the RP has shown animosity toward law enforcement in the past and has posted threatening messages on social media (see attached screen shot)."

Objective 4.10: Timeliness of Adjudication

- **Unit Review.** Lancaster complaints are reviewed by the Unit Commander in about two to three months after the completed investigation is submitted. Palmdale complaints are reviewed by the Unit Commander within a week after a complaint investigation is submitted. Lancaster's median approval time was two and a half months, and Palmdale's median approval time was just under two weeks.
- **Division Review.** Complaints were reviewed by North Patrol Division in about a week for both Lancaster and Palmdale cases. That is well within a reasonable time frame.

Objective 4.11: Performance Log Entries

Two significant issues related to PLEs arose in this audit. First is the lack of documentation for management's decision to take nondisciplinary corrective action on a complaint. In our last complaint audit, we recommended that complaints resulting in a PLE include a section discussing the employee's work history to document the rationale for issuing or not issuing a PLE. The Department was initially reluctant to do that but recently has indicated it may support that change. Until then, the only way the Monitoring Team can consider "the concerned employee's performance history" is to request that information when it may be an issue in the adjudication. While that may resolve the MT's need for information, it raises the question of how Unit and North Patrol Division managers review complaints and evaluate the corrective action taken without some insight into the employee's performance history. PRMS can produce raw data showing complaints and dispositions, but it cannot identify subtle patterns such as the same words being used in repetitive discourtesy complaints or provide management insight into the employee's performance. Supervisors and Unit Commanders make

those judgments when they adjudicate complaints, so it seems reasonable that they document the rationale for their decisions so it can be reviewed by higher-level managers.

RECOMMENDATION NO. 10: Once again, we recommend that complaints, especially those requiring corrective action, include a brief discussion of the employee’s performance history.

Note: While the Department initially opposed this recommendation in our first audit (Recommendation No. 15), the Department has recently indicated it now concurs and will add a requirement that SCRs include a discussion of the employee’s work history when it is a factor.

Secondly, the destruction of PLEs issued in conjunction with a personnel complaint investigation is prohibited by the California Penal Code. In this audit, there were four cases in which a PLE was issued.

- **L-1.** An allegation of discourtesy against one of the deputies was classified as Unable to Determine, and she was issued a PLE “reminding her of the policy in regards to derogatory language.”
- **L-8.** A deputy was accused of neglect of duty for failing to complete a traffic report in a timely manner. The allegation was classified as Should Have Been Different, and the deputy was issued a PLE reminding him of the need to complete reports expeditiously. The investigation mentioned the deputy was only recently assigned to patrol.
- **L-26.** The supervisor investigating a use of force that resulted in a personnel complaint issued one of the deputies a PLE for his pre-UOF tactics.
- **P-3.** Two deputies were accused of neglect of duty for failing to complete a theft report. The allegation was classified as Conduct Should Have Been Different, and both deputies were issued a PLE.

In these cases, a PLE was issued as a corrective action, and in two cases (L-8 and L-26) the PLE was listed as an attachment to the investigation. But none of these PLEs were included in the investigative packages produced for the audit. We asked the Compliance Unit for a copy of the PLEs but were informed that Discovery removes the PLEs before the complaint is scanned into PRMS. Then the PLEs are destroyed after a year in accordance with Department policy, which states:

*"Performance log documentation may be referred to in the employee's current performance evaluation, after which all the past rating period's notations shall be removed from the log. . . . Expired documentation shall be maintained at the unit until the evaluation process is completed and shall then be destroyed."*¹³

We subsequently received a copy of the PLEs in two cases (L-1 and P-3) from what appears to be a copy of the investigations that had been retained by the stations. The other two were not produced and presumed to have been destroyed.

The process of destroying a PLE issued as the result of a personnel investigation appears to be inconsistent with the California Penal Code, the SCR Handbook, and the Department's Records Retention Schedule. Those documents require a minimum five-year retention period for all complaints and "any reports or findings relating to those complaints." Specifics include the following.

- Penal Code section 832.5 states: (b) Complaints and **any reports or findings relating to these complaints** shall be retained for a period of at least five years (emphasis added).

¹³ MPP Section 3-02/085.10 Employee Performance Records.

- WCSCR Handbook (p. 46) states: Complaints and **any reports or findings relating to these complaints** shall be retained for a period of at least five years (emphasis added).
- PLEs are not among the documents listed for destruction on the Department's Records Retention Schedule approved by the County Board of Supervisors on June 14, 2016.¹⁴

The Monitoring Team issued an Interim Audit Report (IAR No. 3) when this problem was discovered to notify the Department of the issue and provide an opportunity to take corrective action as soon as possible. The Department has held several meetings on this issue and is considering eliminating the use of PLEs as a complaint disposition for complaints and adding a section to the complaint format to address any corrective action that is taken.

RECOMMENDATION NO. 11: The Department needs to immediately stop destroying PLEs after one year when the PLE was issued in conjunction with an SCR.

Objective 4.12: SCR Versus Administrative Investigation

The preamble to the SA chapter on personnel complaints requires that the County ensure all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. In order to assess the Department's compliance with that SA requirement (as well as others), auditors reviewed each complaint in the audit population to determine whether it was appropriately handled as an SCR which precludes any disciplinary action as opposed to an Administrative Investigation from which discipline can be imposed. In making that assessment we were guided by the Department Manual which states:

¹⁴ The records destruction process was discussed extensively in the MT's last Audit of Public Complaints.

*The concerned Unit Commander is responsible for evaluating each personnel complaint to determine the appropriate supervisory response. The nature and seriousness of the allegation(s), the **potential for employee discipline**, and the **concerned employee's performance history** are potential factors to consider in the evaluation. (emphasis added)¹⁵*

We also obtained guidance from SA Paragraph 132, which provides that AV Unit Commanders will "refer allegations of misconduct to the IAB or ICIB for further investigation or review consistent with the Administrative Investigations Handbook." That handbook states that

The supervisory inquiry stage must cease when it becomes apparent that the situation is more serious than originally evident and that punitive action is likely to result if the allegations are deemed founded. (p. 11)

Finally, we noted that AV Unit Commanders and supervisors are required to, "conduct periodic reviews of all deputies and units under their command to identify potential trends" (Paragraph 141), and the Monitor is required to

conduct qualitative and quantitative outcome assessments to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of constitutional violations. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of . . . deputies who are subjects of repeated personnel complaints or have repeated instances of sustained personnel complaints (Paragraph 153 partial).

With those provisions in mind, we identified two cases that should have resulted in an Administrative Investigation and at least have been brought to the attention of IAB if not assigned to IAB for investigation. At the very least, the Unit Commander should have recognized

¹⁵ MPP 3-04/010.25 Personnel Complaints

the seriousness of these two complaints and provided a rationale for proceeding down a nondisciplinary track.

- **L-1.** A 25-year-old deputy was hired by the Sheriff's Department in early 2017. Six months later the deputy graduated from the academy and was assigned to Custody. During that one-year Custody assignment, the deputy had no personnel complaints and one reported use of force.

In the summer of 2018, this deputy was transferred to Lancaster Patrol. Deputies newly assigned to patrol work with a Field Training Officer (FTO) for the first three to six months, depending on how well their training is progressing. This deputy was assigned to four FTOs during that period. Lancaster records show that after about five months, the deputy was approved to work alone.

In the first year at Lancaster, this deputy was the subject of seven personnel complaints and was involved in 16 reported uses of force. Four personnel complaints and five uses of force occurred while the deputy was assigned to an FTO. Three of those four complaints alleged discourtesy solely by this deputy, not the FTO.

Personnel Complaints

Six of the seven personnel complaints against this deputy alleged discourtesy, and a seventh discourtesy complaint occurred within a use-of-force investigation and was not reported on an SCR. None of the seven complaints that resulted in an SCR were elevated to an Administrative Investigation, which would have allowed disciplinary action to be taken.

- The first personnel complaint alleging discourtesy was closed under Watch Commander's Discretion because the watch commander determined the complainant was hallucinating.
- The next four complaints, all alleging discourtesy, were classified as Conduct Appears Reasonable.

- One of those four complaints, which fell within the population for this audit (L-1), alleged excessive force and discourtesy. The captain classified the excessive force as Conduct Appears Reasonable and the discourtesy as Unable to Determine. Even though the disposition was Unable to Determine, the deputy was issued a PLE "reminding [deputy] of the policy in regards to derogatory language." That disposition was returned by Discovery because PRMS can only accept one disposition per deputy. So, the Unable to Determine classification was changed to Conduct Appears Reasonable in order to accommodate PRMS.
- One week later, this deputy was involved in a use of force at a hospital where deputies took an arrestee to be treated. The arrestee alleged the deputy was rude to her, which resulted in an altercation between the deputy and the complainant. The use-of-force investigation detailed the force used, but an SCR was not initiated for the alleged rudeness. In fact, the words allegedly used are not disclosed in the investigation, and the two deputies who were present and the nurse who witnessed the use of force were never asked about the rudeness complaint.
- In the sixth complaint, the deputy admitted she was discourteous, and it was addressed through conflict resolution. The investigation reports that the meeting adequately addressed all concerns, and the deputy was issued a commendatory PLE for participating in the conflict resolution. Auditors contacted the complainant and heard a very different story. She stated the deputy took the day off and had to be directed to come in. The complainant had to wait an hour for the deputy to arrive. Shortly after the meeting started, the deputy became angry, got up, and walked out.

RECOMMENDATION NO. 12: The Department needs to investigate the L-1 complaint resolved via conflict resolution to determine which version of the meeting is accurate.

- The seventh and last complaint alleging unreasonable force was classified as Conduct Appears Reasonable.

Auditors reviewed all seven complaint investigations and concluded that four discourtesy complaints had insufficient evidence to either prove or disprove the allegation. Viewed individually, these four complaints should have been classified as Unable to Determine. However, the language and situations in these complaints were very similar, and at some point, a management review of this deputy's conduct with the public should have been initiated. The last discourtesy complaint should not have been resolved via conflict resolution given the

deputy's admission to the allegation and the pattern of discourtesy complaints that had developed by then.

Use of Force

Three of the 16 uses of force were reported as Non-Categorical Incidents because they involved simply holding a resistive arrestee against a wall with no injury and no allegation of misconduct. Two involved the deployment of OC on a subject who was handcuffed and in the back seat of a patrol car. In both cases, the subject was aggressively kicking the car doors. The reports stated OC was deployed to prevent the subject's escape.

The most significant uses of force involved this deputy's deployment of a Taser. The deputy deployed a Taser on four occasions, all after the deputy was approved to work alone. The first three uses were classified as in policy and the fourth was classified as out of policy.

- In the first case, four deputies were at the scene when this deputy deployed a Taser to control a man who was falling-down drunk.
- In the second case, the deputy deployed a Taser without warning while another deputy was actively engaged with the subject. The Taser struck the other deputy, incapacitating him. There was no documentation in the deputy's report about why a warning was not given. The captain found the Taser deployment to be in policy and directed that the deputy receive Taser training. We requested documentation of that training and were informed it did not occur.

Note: Failure to provide training when directed to do so was an issue identified in the Monitor's first Use-of-Force Audit. That audit was published in October 2018, seven months before this Taser usage occurred. In conjunction with the release of that audit report, the severe risk exposure inherent in failing to ensure that directed training is actually provided was discussed extensively with AV and North Patrol Division managers.

SIGNIFICANT FINDING NO. 7: The Monitor's first Use-of-Force Audit pointed out that managers need to ensure directed training is actually provided. Seven months after publishing that audit, a Unit Commander directed that a deputy receive remedial Taser training and it did not occur.

- Two weeks later, the deputy deployed a Taser a third time. Three deputies on scene when this deputy deployed a Taser, again without warning. Again, there was no documentation in this deputy's report about why a warning was not given.
- Nearly three months after the need for refresher Taser training was identified, the deputy deployed a Taser a fourth time. In this final Taser use, this deputy deployed a Taser after deploying OC on a subject who was handcuffed in the back seat of a patrol car. Also, the deputy reported the Taser was activated once, but the Taser download showed two five-second activations 90 seconds apart.

The first Taser deployment on a falling-down drunk with four deputies present seems unnecessary and excessive, yet it was found in policy during the management review. The second and third Taser deployments (as well as the fourth) appear to be inconsistent with Department policy, which requires that deputies give a warning before deploying a Taser or, when that is not practical, that they address the failure to give a warning in their reports. Policy also prohibits deploying a Taser right after deploying OC. These issues should have been addressed in management's review of those incidents, but they were not.

Relieved From Duty

The captain determined this deputy's last use of force was out of policy. The deputy was also accused of destroying evidence associated with that incident. The deputy was relieved of duty that day and assigned to home with pay. The case was assigned to ICIB with IAB monitoring, and we understand ICIB has submitted it to the District Attorney's office for filing consideration. We were informed that the deputy will remain assigned to home with pay until the criminal case is concluded, which, if charges are filed, includes the entire criminal case

through sentencing, should that be necessary. When that is finished, IAB will resume its investigation.

On a final note regarding management oversight, the Division Commander reviewing the use-of-force investigation for this case erroneously checked the box that the force used was in policy and that there were no “policy or procedure issues that need to be addressed,” even though the case had been referred to ICIB and IAB.

Management’s handling of this series of complaints and uses of force is inconsistent with the requirements of SA Chapter X, Accountability which states, “*LASD will strengthen its accountability mechanisms to provide personnel with the support, mentoring, and direction necessary to consistently police constitutionally*” (p. 34).

Traditionally, the Department has relied on the “Sheriff’s 11” report to identify patterns such as the one generated by this employee. But on May 14, 2019, North Patrol Division issued an order implementing the Employee Quarterly Review.¹⁶ The Quarterly Review process is designed to strengthen accountability mechanisms and identify problematic behavioral patterns much earlier. While the preliminary results are encouraging, the MT will be reviewing the Quarterly Review process in detail to assess its effectiveness.

- **L-4.** The complainant was driving her boyfriend’s truck when she was stopped by a deputy for tinted windows. The deputy approached the truck, but she could not see him very well due to the police car’s lights. The deputy realized only the rear window was tinted and released her without a citation. Before parting, she asked for his business card, which he provided. After the deputy left, she read the card and realized the deputy was in a relationship with her boyfriend’s ex-wife. She alleged the deputy was harassing her because of his relationship with her boyfriend’s ex-wife.

¹⁶ North Patrol Division Order No. 19-01 affecting Lancaster and Palmdale Stations.

The deputy said he stopped the truck for illegally tinted windows after running it and finding no wants or warrants. As he approached the truck, he realized only the rear window was tinted, so he apologized to the driver for inconveniencing her and released her. Before parting, the driver asked for his business card, which he gave her. He did not get a clear look at the driver, because she was in a lifted truck, so he had no idea who she was or who owned the truck. The complainant said the deputy and her boyfriend had had a fight several years earlier, but the deputy said they had several verbal confrontations, but never a fight.

The Unit History Report shows the deputy was en route to a routine call when he made this stop, which lasted about five minutes. The deputy ran the truck just before the stop, and he ran the complainant during the stop using her name, gender, ethnicity, and date of birth. Thus, the deputy's description of the stop is at best incomplete—the stop was more involved than he indicated, and he clearly knew her name. The investigation only described the truck as "lifted," so there is no information on any unique characteristics that would have alerted the deputy to its ownership.

To be thorough, the investigator had the station crime analyst conduct a database search of the complainant, her boyfriend, and the truck to see whether the deputy had any other contacts with them. The investigator wrote, "The search revealed that there had been no database searches of the R/P [complainant] or the vehicle." We know that is not true because the deputy ran the complainant and the truck during the stop resulting in this complaint, so there was at least one query. The investigator's search did show the deputy had conducted a Wanted Person inquiry of the complainant's boyfriend about six months earlier. The deputy's Unit History Report shows he was on a Check the Welfare call when he made the query on the boyfriend. He showed at scene at 8:47 p.m., ran the query on the boyfriend at 8:59 p.m., and cleared the scene at 9:03 p.m. The investigation did not include the incident details for that call, so detailed information was not provided in the complaint package. The deputy said he had no recollection of running the boyfriend and speculated that he "must have seen [him] in the area or his name came up in some way." However, the deputy ran the query on the boyfriend using an age (39 years) instead of a date of birth. The fact that a date of birth was not used makes that query very unusual, and the investigator should have pursued it in more detail. The boyfriend should have been interviewed to determine whether he recalled any contact with the deputy or if he was even in the area at that time. The person(s) involved in the welfare check should also have been interviewed to find out how or if the boyfriend could have been connected to that call. Misuse of confidential information was never added as an allegation to the complaint, so it was not adjudicated by the commanding officer.

There are too many coincidences and way too many details left out of this investigation to reliably adjudicate it as Conduct Appears Reasonable. The Unit Commander should have returned it for additional investigation before deciding this case. The deputy's assertion that he "had no idea who she was" is inconsistent with the fact he ran her for warrants, but he was not asked to explain that material inconsistency. The potential violation of the rules governing access to the CLETS should have been added as a specific allegation and adjudicated. If true, using CLETS information for a non-law enforcement purpose constitutes a major breach of confidential information. The CLETS access form, which every California law enforcement officer must sign before being granted access to CLETS, clearly says, "Any person/volunteer who is responsible for CLETS misuse is subject to immediate dismissal from employment. Violation of the law may result in criminal and/or civil action." The Department's Guidelines for Discipline Handbook recognizes the severity of such breaches and provides a disciplinary range of five to 15 days suspended for "unauthorized access to confidential information." The Administrative Investigations Handbook clearly states, "The supervisory inquiry stage must cease when it becomes apparent that the situation is more serious than originally evident and that punitive action is likely to result if the allegations are deemed founded." The indication that this deputy may have improperly accessed CLETS should have generated an administrative investigation, or at the very least a rationale should have been provided in the adjudication for not doing so.

Compliance Metrics and Monitor Findings Objective 4: Management Review and Oversight

Metric: *All public complaints are assigned to the appropriate entity for investigation.*

Finding: There were two complaints (L-1 and L-4) that should have generated an Administrative Investigation and been referred to IAB for review or investigation, but they were both handled as an SCR at the divisional level. The Department is **not in compliance** with this provision.

Metric: *At least 95% of public complaints are classified properly as a service and/or personnel complaint at intake, resolution, and adjudication, or corrected during the management review.*

Finding: Five complaints were correctly classified as service complaints. One complaint (L-18) was incorrectly classified as a service complaint when it was actually a personnel Complaint and three complaints (L-13, L-16, and L-20) contained an allegation classified as a personnel complaint when it should have been a service complaint. Thus, 48 of the 52 complaints were classified properly, for a compliance rate of 92%. The Department is **not in compliance** with this provision.

- Metric:** *For at least 95% of public complaints, each significant allegation of misconduct is identified, investigated, and appropriately adjudicated, or the error is corrected during the management review.*
- Finding:** There were five complaints with a significant allegation of misconduct that was not identified, investigated, or adjudicated (L-4, L-5, L-8, L-17, and L-29). So, 47 of the 52 complaints complied with this provision for a compliance rate of 90%. The Department is **not in compliance** with this provision.
- Metric:** *When the Department becomes aware of a significant allegation of misconduct by the public, it will initiate an SCR to investigate and adjudicate the allegation.*
- Finding:** Six use-of-force investigations (UOF-L-1 through UOF-L-6) and three civil claims (Claims 2, 5, and 6) contained a significant allegation of misconduct, but no SCR was initiated. There is no metric for complaints that did not result in an SCR; however, it is highly unlikely the standard will allow this level of non-compliance. The Department is **not in compliance** with this provision.
- Metrics:** *For at least 95% of AV's public complaints it is apparent that all relevant evidence was considered and credibility determinations made based upon that evidence (Paragraph 131); and,*
- For at least 95% of public complaints, each significant allegation is adjudicated using the preponderance of evidence standard (Paragraph 140).*
- Finding:** There were five cases in which the disposition was not supported by a preponderance of evidence. In four cases, there was insufficient evidence to prove or disprove the allegation, but all four were classified as Conduct Appears Reasonable (L-4, L-17, L-23, and P-1). One other case lacked preponderance of evidence to classify it as a service complaint and should have been classified as a personnel complaint with a disposition of Conduct Should Have Been Different (L-18). Therefore, 47 of the 52 complaints were classified using the preponderance standard for a compliance rate of 90%. The Department is **not in compliance** with this provision.
- Metric:** *In at least 95% of public complaints, critical information is recorded accurately in the Service Comment Review packet.¹⁷*

¹⁷ "Critical information" includes all accused employees, allegations of significant misconduct, disposition of each allegation, and any corrective action recommended or taken.

Finding: There were 13 cases¹⁸ in which critical information was recorded inaccurately in the SCR packet: four were erroneously recorded as a personnel or service complaints; four did not record a significant allegation of misconduct; five recorded a disposition that was unsupported by the evidence; and in two cases, the record of corrective action taken was destroyed (a copy was found for two others). So, critical information was recorded accurately in 39 of the 52 cases for a compliance rate of 75%. The Department is **not in compliance** with this provision.

Metric: *In at least 80% of public complaints, non-critical information is recorded accurately on the Results of Service Comment Review form.*

Finding: The audit identified very few errors in the recordation of non-critical information on the Results of Service Comment Review form. The Department is **in compliance** with this provision.

Objective 5: Risk Management Issues

In conducting its activities, LASD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. (Paragraph 64, partial)

Within one year of the Effective Date, and annually thereafter, LASD will assess all programs, initiatives, and activities involving the Antelope Valley Stations to determine the extent of any disparate impact and to ensure that no program, initiative, or activity is applied or administered in a manner that unlawfully discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation. (Paragraph 68).

Through this data analysis, LASD will identify any trends or issues that compromise constitutional policing and respond accordingly. Appropriate responses may include reviewing and revising any policies or training that may be leading to problematic trends; and assessing whether any practices should be changed to ensure adherence to constitutional requirements and/or more effective policing. (Paragraph 84)

In addition to adjudicating the allegations in each complaint, the SA as well as effective management oversight requires that broader management issues such as the clarity and

¹⁸ Two cases had errors in two of the sub-categories that follow (L-8 and L-18).

effectiveness of policies or the need for broader training be identified and resolved. Unless those broad issues are addressed, employees will continue to make the same mistakes over and over again.

There is no documentation that the following issues were identified or addressed during the management review of these complaints.

Objective 5.1: Protocol for Allegations of Racial Profiling

Our first audit showed there was little standardization for the investigation of complaints alleging racial profiling. In one case the investigator conducted an extensive analysis of the accused deputy's stops for several months, breaking them down by race/ethnicity including the stop itself and the deputy's post-stop decisions. In other cases, the investigation essentially consisted of the investigator asking the deputy whether they profiled the complainant. If the deputy said they did not or was the same ethnicity as the complainant—or in one case had a relative of the same ethnicity as the complainant—the allegation was classified as Conduct Appears Reasonable.

These observations caused us to inquire whether the Department had a protocol for conducting racial profiling investigations. We were informed that they do not, so we recommended the Department establish a protocol for the investigation of racial profiling complaints and suggested they consider including such factors as the accused deputy's history of conducting discretionary stops and community demographics.

Three years later, nothing has been done, and the racial profiling complaints in this audit show the same lack of investigative consistency we saw before. Consequently, all three racial profiling complaints in this audit were found to be non-compliant.

- **L-5.** The deputies clearly documented in their arrest report that the arrestee accused them of racially profiling him when they wrote, "You followed me from the police station. What, you don't like young niggers in nice cars?" But that allegation was not investigated or even acknowledged by the watch commander or Unit/Division Commanders.
- **L-30.** The investigator referred to the complaint as one of racial profiling, but it was a radio call for domestic violence and had none of the racial profiling descriptors identified in Penal Code Section 13519.4.
- **P-8.** A husband and wife were looking for an apartment with their friend when they were stopped by a deputy who was directed by a detective to stop the car and see whether a man they were looking for was inside. The woman passenger alleged they were racially profiled.

Once again, the Monitors are suggesting the Department review some of the material on racial profiling including the State Attorney General's instructions to help agencies comply with the reporting law for racial profiling complaints and develop an investigative protocol for handling a racial profiling complaint. Without that management direction, the Department will continue to flounder in this critical area.

RECOMMENDATION NO. 13: Once again, the Monitors recommend the Department develop a protocol for the investigation of racial profiling complaints.

Objective 5.2: Searching Detainees of Another Sex

In our last audit we identified three cases where lone male deputies used various techniques to determine whether a female detainee had narcotics secreted on her person. All three cases appeared to be inconsistent with the Department's policy regarding deputies searching detainees of another sex. None of the adjudications addressed the way in which the male deputies searched the female detainees. We recommended that the Department review its policy and training governing a deputy searching a detainee of another sex when the detainee does not pose a threat. The Department responded that it had adequate policies, training, and oversight in that area.

Three years later, there is another case in this audit where a deputy searched a detainee of another sex in violation of Department policy (L-17). A female deputy asked a male detainee for permission to search him. He agreed, so she began the search. When her hand got too close to his groin, he pulled away, and a use of force occurred. Department policy only allows a deputy to search someone of another sex under exigent circumstances and when it is impractical to have a deputy of the same sex conduct the search. The deputy asked for consent, so there is no way exigency was involved, and a male deputy (sergeant) was standing right there. To compound matters, the sergeant standing there said in his interview for the UOF that the deputy's search appeared to be "within the scope of the Department's training and policy," an opinion no one in the review cycle challenged.

RECOMMENDATION NO. 14: Once again, the Monitors recommend the Department review its policy and training for deputies searching someone of another sex to ensure it provides adequate direction.

Objective 5.3: Black Complainants

Nearly half the complaints in this audit were Black (18 Lancaster and seven Palmdale). Most of the Black complainants exhibited a palpable tone of animosity and distrust in the complaint process. That level of racial tension was significantly greater than we saw in our first complaint audit. It is important to note that the cases in this audit as well as our observation of them occurred well before nationwide protests brought the issue of racial injustice to the forefront over the summer of 2020.

Some of the complaints we reviewed typify the type of law enforcement activity that the Black community has been complaining about for years.

- A deputy stopped a 58-year-old Black man for “playing his car radio loudly and no front plate” (L-23). For an unspecified reason, the deputy had the man exit his car and walked him back to the police car to run a check on him and the car. Two back-up deputies arrived and almost immediately started searching his car “looking for vehicle registration.” There is no evidence the deputy conducting the stop asked them to do that—they just did it. The man alleged the deputies searched his car without permission and without legal justification. The complaint was classified as Conduct Appears Reasonable.
- A deputy conducted a traffic stop of a Black woman for failing to stop for a red light (UOF L-6). The woman and her 16-year-old son started to exit the car, so the deputy ordered them to stay in the car based on his “training and experience” that *“persons who open doors during traffic stops usually run from the vehicle and have the potential to have a weapon to assault law enforcement.”* The deputy then wrote: *“I began to unholster my duty weapon fearing an attack was about to ensue.”*

A use of force occurred, during which the woman and her son were taken into custody. As a deputy walked the handcuffed woman to a patrol car, her 12-year-old daughter began pulling on her and yelling, “Don’t arrest my mom!” The 12-year-old girl was arrested for “causing a riot/lynching,” and then she was booked on that felony charge with the approval of a supervisor. The use-of-force investigation that included the arrest information was approved by the watch commander, captain, and Division Commander with no indication anyone questioned that arrest. An SCR was not initiated into the complainant’s allegation of excessive and unnecessary force.

- Two other use-of-force investigations involving Black subjects documented their allegations that deputies used excessive force, but an SCR was not initiated in either case.

For three other cases, deputies articulated a legal justification for their actions, but the people being detained protested that their detention was racially motivated.

- A street robbery with a handgun occurred, and the suspects were described as three Black men, one wearing a dark hoodie last seen running toward a park. Moments later, a deputy saw the subject wearing a dark hoodie walking through the park. The deputy detained the man, handcuffed him, and patted him down for weapons. The complainant did not resist but was verbally argumentative and uncooperative. The deputy allowed him to lean against the car and broadcast he was detaining a possible suspect who was being uncooperative. A field supervisor responded to the location. A supplemental broadcast made a few minutes later said the three suspects were teenagers, which eliminated the 35-year old detainee as a suspect. The complainant was released, but he was not satisfied with the sergeant or deputy's explanation for his detention. About 10 days later, he sent a letter to the Office of the Inspector General alleging he had been unreasonably detained (L-25). The complaint was forwarded to Lancaster Station. A conflict resolution meeting was scheduled, but the complainant called to cancel asking that it be rescheduled. The watch commander called him several times to reschedule, but the complainant did not return those calls. Finally, the complaint was closed as Conduct Appears Reasonable.
- A Black couple was in their car with their friend in the back seat as they drove away from an apartment complex they had just visited as prospective tenants when they were stopped by a deputy. Unbeknown to them, the car they were driving closely fit the description of a car that was involved in a hit-and-run accident a few hours earlier. During the earlier incident, a Black man driving the hit-and-run car displayed a gun before fleeing. The deputy quickly determined this was not the hit-and-run vehicle and released them. But the woman in the back seat, a lifelong resident of Palmdale, felt the stop was a pattern of Black people being stopped for no reason. One of the back-up deputies, who was also Black, tried to explain the situation to her. But the complainant was convinced they had been racially profiled and made a complaint (P-8). The captain called her the next day as required by the Division Order, and it appears they had a good conversation. However, neither she nor her two friends returned calls from the investigator. The complaint was classified as Conduct Appears Reasonable.

- Deputies stopped a car for no license plates and found the driver had a suspended license. When the deputies tried to issue the driver a citation, the man started to walk away, and a use of force occurred. During his post-UOF interview, the man alleged that the deputies used excessive force. A complaint was initiated (L-5), and the interaction was classified as Conduct Appears Reasonable based on statements from two independent witnesses who watched the arrest take place. However, the deputies wrote in their arrest report that the man accused them of racially profiling him, and that allegation was never addressed (L-5).

This disturbing trend strikes at the core of the Settlement Agreement and needs to be considered in conjunction with other information being gathered on police–community relations in the Antelope Valley, most notably the community surveys and the MT’s analysis of “stops data.” The specific cases and outcomes cited here, along with the community’s perception of law enforcement need to be included in management/supervision conversations with staff, integrated into bias-free training sessions (Paragraph 89), and incorporated into each station’s community policing strategies.

While there may be a number of reasons, we did note that the demonstrations held in the AV this past summer protesting police killing of unarmed Black people were very peaceful. Those demonstrations occurred without the violence and property damage that took place in other parts of Los Angeles and throughout the country. It is hoped that the Department will use that success to build on its dialogue with the Black community regarding these concerns. The MT will continue to watch this area closely in our future monitoring activities.

RECOMMENDATION NO. 15: In developing effective community engagement and training strategies, the Department needs to consider the pattern of complaints made by the Black community as well as the manner in which some AV deputies, with the approval of their supervisors, are providing public safety services in the AV.

Compliance Metric and Monitor's Finding Objective 5: Risk Management

Specific compliance metrics have not been established for the paragraphs in this area, but we can safely say that the activities documented here are inconsistent with the goals expressed in SA Paragraphs 64, 68, and 84. Each of the cases cited here have resulted in out-of-compliance findings under other objectives.

Objective 6: Recordation of Complaints in PRMS

LASD-AV will ensure that PPI [now PRMS] data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered. (Paragraph 142)

Objective 6.1: Accuracy of Data Entry Into PRMS

Once again, we continue to be impressed with the accuracy of data entry by Discovery Unit personnel. This is particularly praiseworthy considering the volume of reports they enter and the myriad details within each report. We did, however, find one data entry error.

- **P-13.** The lieutenant assigned to investigate this complaint removed a deputy from the list of accused employees on the SCR face sheet. The lieutenant signed his name where the deputy's name was removed to document that he was making that change. However, the person entering the SCR into PRMS mistakenly thought the lieutenant was being added to the complaint and entered his name as an involved employee. This error was brought to the Compliance Unit's attention and has since been corrected.

Objective 6.2: Complaint Dispositions Changed in PRMS

Auditors identified four cases in which the complaint dispositions shown in PRMS do not reflect the dispositions approved by the Unit and Division Commanders. Apparently, these

changes occurred because PRMS can only accept one disposition for a complaint per accused employee regardless of how many allegations are involved.

- **L-1.** The Unit dispositions were Conduct Appears Reasonable for an allegation against two deputies of unreasonable force, and Unable to Determine for a second allegation of discourtesy against one of the two deputies. The file includes an email from Discovery advising the investigating supervisor that PRMS can only accept one overall disposition per employee. The sergeant asked Discovery to change the disposition to Conduct Appears Reasonable for both allegations against the second deputy.
- **L-21.** The Unit dispositions were Conduct Appears Reasonable for allegations of dishonesty and discourtesy against one deputy and Unable to Determine for a separate allegation of discourtesy against another. There is no documentation in the file of any communication between the Unit and Discovery, but PRMS shows the disposition for both deputies as Conduct Appears Reasonable.
- **L-23.** The Unit dispositions were Conflict Resolution for one deputy and Conduct Appears Reasonable for two other deputies. There is no documentation in the file of any communication between the Unit and Discovery, but PRMS shows the disposition for all three deputies as Conflict Resolution.
- **P-2.** The disposition for the allegations against two deputies was Conduct Appears Reasonable, and the disposition for an allegation against an unknown employee was Unable to Determine. However, PRMS shows the disposition for all three allegations as Conduct Appears Reasonable.

Generally, we wait until an audit is completed to present our findings and discuss solutions. However, an Interim Audit Report (IAR) is generated when we discover an issue that we believe requires immediate attention. Such was the case here and IAR No. 2 was issued advising the Department of this issue.

The inability of PRMS to accurately reflect complaint dispositions violates Settlement Agreement Paragraph 142 which states, "LASD-AV will ensure that PPI [now PRMS] data is

accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered.”

RECOMMENDATION NO. 16: The Department needs to modify PRMS so it accurately captures the Unit Commanders’ classification of complaints and each allegation.

Objective 6.3: Timely Entry Into PRMS

As we have found in all our audits, complaints and uses of force are not entered into PRMS for about seven months after they are received by Discovery. We continue to meet with the Department on this issue and recognize it shares our concern with this backlog. Good intentions notwithstanding, PRMS cannot provide critical information on personnel complaints for a year or more after a complaint is made. That is simply unacceptable.

RECOMMENDATION NO. 17: The Department needs to study the process that is being used to review and enter complaints into PRMS and find a way to shorten the current seven-month backlog.

Compliance Metrics and Monitor’s Findings Objective 6: Recordation of Complaints in PRMS

There is no compliance metric for accurate data entry into PRMS. However, it is quite likely the Parties will adopt the same standard that is used for recording complaint data on the Results of SCR form. Those standards are as follows.

Metric: *In at least 95% of public complaints, critical information is recorded accurately in the Service Comment Review packet.*¹⁹

Finding: Complaint dispositions were changed in four cases solely to satisfy the limitations of an automated system (L-1, L-21, L-23, and P-2). So, critical information was recorded accurately in 48 of the 52 cases for a compliance rate of 92%. The Department would **not be in compliance** with this requirement.

Metric: *In at least 80% of public complaints, non-critical information is recorded accurately on the Results of Service Comment Review form.*

Finding: The errors we found were substantive, not in minor, non-critical ministerial areas. The Department **would be in compliance** with this aspect of the provision.

RECOMMENDATION NO. 18: The Parties need to establish a compliance metric for SA Paragraph 142 regarding accurate data entry into PRMS.

Objective 7: LASD Audits

LASD shall conduct a semiannual, randomized audit of LASD-AV's complaint intake, classification, and investigations. This audit will assess whether complaints are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of the evidence. (Paragraph 140)

The Department has assigned responsibility for conducting these audits to its AAB. Two AAB audits of public complaints were completed recently and submitted to the Monitor to satisfy the SA-required audit of public complaints. One audit focused on public comments at Palmdale Station, and the other on public comments at the Lancaster Station.

¹⁹ "Critical information" includes all accused employees, allegations of significant misconduct, disposition of each allegation, and any corrective action recommended or taken.

Note: The term “public comments” includes both complaints and commendations. As the SA pertains only to complaints, the MT’s review was limited to those portions of each audit that pertained to each command’s handling of public complaints.

Both audits were identical in methodology and report construction. They each contained three objectives:

- Objective 1: Complaint Intake
- Objective 2: Complaint Classification
- Objective 3: Complaint Investigations

These two audits were a dramatic improvement over prior AAB audits. The focus was on assessing compliance with most, but not all, of the SA’s mandates for complaint investigations. The strategies auditors used were creative and insightful. For example, to assess whether all complaints were being accepted in accordance with SA Paragraph 125, auditors randomly selected a sample of recorded telephone calls made to the watch commander’s line during the audit period to identify calls alleging misconduct.²⁰ They then compared that information to the complaints to determine whether a complaint was initiated after a call. This and several other innovative approaches added a great deal of depth to the audit.

One significant shortcoming was the brevity of the audit reports. Audit findings are presented as stark statistical statements with no explanation or amplification of the audit’s findings. For example, auditors reviewed uses of force, civil suits, and claims for damages that occurred during the audit period to identify any containing an unreported allegation of misconduct (Paragraph 130). Auditors identified eight incidents with an allegation of misconduct

²⁰ The sample was selected to provide a 95% confidence level and a 4% error rate.

and wrote that all eight “met the criteria for this objective.” But the report did not say whether a complaint was generated or identify which category was involved. Another example is the finding for the requirement that all witnesses be identified (Paragraph 134). The audit report states that in three cases, “witnesses present at the incident were not identified,” but the report does not say whether they were deputies or civilians or how critical the missing statements may have been. Finally, there was no information about any pattern, or lack thereof, of the same investigator(s) being responsible for multiple errors. We know that AAB collects a great deal of information in its audits; more of that information needs to be included in its reports. Audit reports need to provide Unit Commanders with sufficient information to take corrective action on the problems identified. The current AAB reports do not meet that standard.

Unfortunately, the restrictive scope of the audits rendered them non-compliant with the SA requirements. Specifically, the scope was limited to determining whether complaints were “received, appropriately classified and fully and fairly investigated, **up to the adjudication of the complaint**” (emphasis added). Failure to include adjudication in the scope of the audits resulted in the failure to address several critical SA provisions, specifically the following.

- Unit Commanders must classify each allegation and complaint appropriately (Paragraph 130),
- Reviews must be as thorough as necessary to reach reliable and complete findings (Paragraph 131),
- All relevant evidence must be collected and credibility determinations made based upon that evidence (Paragraph 131),
- No automatic preference can be given to a deputy's statement and a witness' statement cannot be disregarded merely because the witness had some connection to the complainant or a criminal history (Paragraph 131),

- Complaint dispositions must be consistent with a preponderance of the evidence (Paragraph 140),
- Complaint dispositions must be entered into PRMS accurately and in a timely manner (Paragraph 142).

Compliance Metrics and Monitor's Findings Objective 7: LASD Audits

Metric: *Prior to conducting SA-required audits and follow-up audits, LASD submits an audit plan to the Parties and Monitor for review and approval.*

If the Parties or Monitor do not provide feedback within 10 working days, LASD's audit plan is deemed to have been approved.

It conducts annual randomized audits with semi-annual follow-up audits of public complaints made against AV personnel to assess compliance with the SA's requirements for complaint intake (Paragraphs 124–126), classification (Paragraphs 127, 128, and 130) and investigations (Paragraphs 131 and 133–137).

The audit assesses whether complaints are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of evidence.

It provides the Parties and Monitor with a detailed report on each audit's methodology and findings.

It responds appropriately to any deficiencies identified in each audit.

Finding: The two audits submitted this period were a substantial improvement over previous SA-related audits. However, the audits did not address all of the SA's requirements. For example, audit methodologies should be developed in partnership with the Compliance Unit, but a work plan must be submitted to the Parties and Monitor for review prior to initiating the audits. The Department is **not in compliance** with these paragraphs.

Objective 8: Unaddressed Complaint Paragraphs

LASD agrees to provide updated and revised training to Antelope Valley deputies and supervisors about proper complaint intake, classification, and investigation techniques. LASD will provide training about how to record complete and thorough complaints from individuals, including how

to obtain complaints from individuals who may not be proficient in English, and the consequences for failing to properly take complaints (Paragraph 138; emphasis added).

All personnel conducting Service Comment Reviews and unit level administrative investigations in the Antelope Valley shall receive initial training regarding conducting deputy misconduct investigations, and shall receive refresher training each year. This training shall include instruction in (Paragraph 139; emphasis added):

- a. investigative skills, including proper interrogation and interview techniques, gathering and objectively analyzing evidence, and data and case management;*
- b. the particular challenges of personnel complaint reviews/investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation, properly weighing credibility of civilian witnesses against deputies, using objective evidence to resolve inconsistent statements, and the proper application of the preponderance of the evidence standard;*
- c. relevant state, local, and federal law, including state employment law related to deputies and the rights of public employees, as well as criminal discovery rules such as those set out in *Garrity v. New Jersey*, 385 U.S. 20 493 (1967), and *Brady v. Maryland*, 373 U. S. 83 (1963); and*
- d. LASD rules and policies, including the requirements of this Agreement, and protocols related to criminal and administrative investigations of alleged deputy misconduct.*

Our audit of public complaints has shown that most of the complaint investigations address these issues. However, we need to audit the training programs to ensure these requirements are being addressed in the training and that personnel who conduct these investigations are receiving the requisite training. Auditing compliance with the training paragraphs will be the subject of our next audit of public complaints.

Compliance Metric and Finding

LASD will be deemed in substantial training compliance with these provisions when:

- A. *It reviews its existing training programs for AV sergeants who may intake complaints, AV lieutenants and sergeants who investigate complaints and AV captains who adjudicate complaints to assess each program's alignment with the requirements of Paragraphs 124–140.*
- B. *It develops updated curricula for any identified deficiencies to achieve compliance with Paragraphs 124–140, addressing all relevant material and, as necessary, updates for the revised, initial, and refresher trainings, and all curricula and delivery are approved by the Parties and Monitor.*

Note: The DOJ and Monitor recognize that many AV supervisors and managers have already been trained in this area, and they may only require updated training at supervisor's meetings or other appropriate settings to satisfy the requirement for initial training. Documentation of such training will be provided to MT.

- C. *The updated initial training is provided to and successfully completed with documentation by at least **95%** of available AV supervisory and management personnel **within three months** of final approval of the curricula and delivery.*
- D. *Annual refresher training is provided to at least 95% of available AV supervisors and managers.*
- E. *Interim training is provided to and successfully completed by at least **95%** of the available supervisors and managers who are newly or temporarily assigned to the AV or who are returning from an extended absence (6 months or longer) within 30 days of their assignment or return.*
- F. *The training curriculum and delivery is revised as necessary in response to issues arising through audits, consultation with experts, community surveys, organizational climate surveys, disparate impact assessment, and other review activities subject to review and approval from the DOJ and Monitor.*

The Monitor makes no finding at this time on the paragraphs requiring the Department to revise and align its policies, rules, and procedures governing the intake, investigation, adjudication, and retention of public complaints.

XII. CONCLUSION

The manner in which a law enforcement agency responds to public complaints is a critical test of the agency's professionalism, accountability, and commitment to providing quality service. When a complaint is made, Department supervisors and managers must listen to the complainant, review the complaint thoroughly and objectively, take effective corrective action when required, and communicate their findings to the complaining party. The Settlement Agreement embodies these core principles and, to that end, the Department agreed to willingly accept complaints, thoroughly investigate them, adjudicate them using the preponderance of evidence standard, and hold deputies accountable when they are found to have committed misconduct.

It has now been more than five years since the Parties signed that agreement, but the Department is still not in compliance with any of these core provisions. The responsibility for this ongoing failure rests solely with Department managers. Without fear of contradiction, we can say that force has always been and probably always will be the biggest source of tension between a law enforcement agency and the communities they serve, as well as the source of lawsuits and damage awards that must be paid by local taxpayers. Yet, the Sheriff's Department handles complaints arising from a use of force separate from the standard complaint process and intentionally does not enter those complaints into PRMS unless they result in serious discipline. As a result, the Department has no way of knowing how many force complaints a deputy, group of deputies, or station received in any given time period. We pointed this out three years ago, but it still has not been fixed. Three years ago, we also pointed out the need for a protocol to guide investigations into allegations of racial profiling, but LASD has not even

begun to correct that deficiency. As a result, all three of the racial profiling complaints in this audit were found out of compliance.

Continuing failure to address issues like these call into question the Department's commitment to receiving, investigating, and adjudicating public complaints. That deficiency lies squarely at the feet of Department managers. We are encouraged by the Department's recent efforts to update its complaint policies, which we are told will include adoption of California's complaint classification terminology as well as ensuring that **all** personnel complaints are entered into PRMS. But these changes are occurring five years after the SA was signed and three years after these and other serious deficiencies were brought to the Department's attention.

ADDENDUM NO. 1: COMPLAINT PARAGRAPH COMPLIANCE

TABLE A			
COMPLAINT PARAGRAPH COMPLIANCE STATUS			
PARAGRAPH	SA REQUIREMENT	IN COMPLIANCE?	
		1ST AUDIT	2ND AUDIT
Preamble	Complaints are fully and fairly investigated and personnel are held accountable	No	No
124	Public access to complaint forms and information	No	No
125	Accept all complaints;	No	No
	LEP language assistance	No	Yes
126	Impeding the filing of a complaint grounds for discipline	No	Unable
127	Revise MPP, SCR, and IAB manual so they are complete, clear, and consistent	Pending	
128	Service versus personnel complaints	Yes	No
129	Revise MPP (various)	Pending	
130	Ensure each allegation and complaint is appropriately classified at outset and review	No	No
	Investigate every allegation even if not specifically articulated by complainant	No	No
131	Investigations are as thorough as necessary to reach reliable and complete findings	No	No
132	Refer appropriate cases to IAB or ICIB	No cases	No
133	Investigation conducted by uninvolved supervisor	No	Yes
134	Identify all persons at scene	Yes	Yes
135	Obtain a full statement from all persons at scene	Yes	No
136	Interview complainant in person or give justification	No	Unable
137	Interview witnesses separately	No	No
	Use uninvolved interpreter for people with LEP	No	Yes
138	Training on intake and investigations	Pending	
139	Training on investigations	Pending	
140	Adjudications consistent with a preponderance of the evidence	No	No
	Semi-annual audit of public complaints	No	No

ADDENDUM NO. 2: AUDIT RECOMMENDATIONS

Open Recommendations from the MT's First Audit of Public Complaints (June 2018)

The following recommendations from the MT's first complaint audit remain open; most are pending the Department's publication of the policy changes necessary to implement key SA provisions Department wide.

1. To comply with the SA, the Department needs to revise its policy for handling complaints of misconduct that arise during a use-of-force investigation so that each complaint is investigated, adjudicated, and recorded in PRMS.
2. The Department should revise its Personnel Complaint classifications to comport with California law.
3. The Department's Manual of Policies and Procedures needs to clearly state its expectations regarding supervisory notification and intake of complaints.
4. The Service Comment Report should be modified to capture allegations of discouraging or inhibiting complaints.
5. To comply with the SA, the Department needs to establish a process to record its handling of community complaints that do not result the initiation of an SCR.
6. The Department should consider requiring field supervisors to complete a narrative log to record their supervisory activities during each shift.
7. Every complaint classified as Could Have Been Better or Should Have Been Different should have a section discussing the employee's work history to document the rationale for issuing or not issuing a PLE.
8. The Department should establish a protocol for the investigation of racial profiling complaints. Factors such as the accused deputy's history of conducting discretionary stops and community demographics are just a few of the factors that should be included.
9. The Department needs to revise the SCR forms to ensure they capture accurate data from the simplest to the most complex cases.
10. The Department needs to evaluate the process Discovery uses to review and input SCRs, then implement a process that results in much more timely data entry into PRMS.
11. The Department needs to comply with the requirement that law enforcement agencies report citizen complaints to the State Department of Justice pursuant to Penal Code Section 13012.

Recommendations from the MT's Second Audit of Public Complaints (December 2020)

1. North Patrol Division should determine the cause for Lancaster's delayed entry of complaints into PRMS.
2. The Department should issue a directive establishing a time limit for the initial entry of complaints and other high-risk reviews into PRMS.
3. The Department needs to provide the entire complaint form on its website in both English and Spanish.
4. The IAB sergeant conducting the intake interview on Audit No. L-7 is to be commended for her thoroughness, patience, and professionalism.
5. Once again, we recommend the Department ensure its 800 number for making public complaints is either answered by someone or allows the caller to leave a message that can be returned the next business day.
6. Watch commanders should be reminded to avoid even the appearance of bias when taking a complaint and in their investigations.
7. The Parties should consider finding the Department in compliance with SA Paragraph 136 when the complaint investigator relies on a recorded intake interview that thoroughly identifies all the allegations and provides a detailed account of the complainant.
8. The Parties should adopt a compliance standard that at least 92% of complainant interviews must be recorded in their entirety, or the reason for not doing so must be documented in the investigation.
9. The Parties need to establish a compliance metric for public complaints that do not result in an SCR.
10. Once again, we recommend that complaints, especially those requiring corrective action, include a brief discussion of the employee's performance history.
11. The Department needs to immediately stop destroying PLEs after one year when the PLE was issued in conjunction with an SCR.
12. The Department needs to investigate the L-1 complaint resolved via conflict resolution to determine which version of the meeting is accurate.
13. Once again, the Monitors recommend the Department develop a protocol for the investigation of racial profiling complaints.

14. Once again, the Monitors recommend the Department review its policy and training for deputies searching someone of another sex to ensure it provides adequate direction.
15. In developing effective community engagement and training strategies, the Department needs to consider the pattern of complaints made by the Black community as well as the manner in which some AV deputies, with the approval of their supervisors, are providing public safety services in the AV.
16. The Department needs to modify PRMS so it accurately captures the Unit Commanders' classification of complaints and each allegation.
17. The Department needs to study the process that is being used to review and enter complaints into PRMS and find a way to shorten the current seven-month backlog.
18. The Parties need to establish a compliance metric for SA Paragraph 142 regarding accurate data entry into PRMS.

ADDENDUM NO. 3: SIGNIFICANT FINDINGS

1. We understand both AV commands now maintain PLEs in an electronic format in compliance with SA Paragraph 142. We were unable to inspect that during this audit due to COVID-19 restrictions, but will do so at the next available opportunity.
2. None of the complaints in the audit sample contained an allegation involving Section 8 housing (Paragraphs 73–80).
3. Only one of the complaints in the audit sample involved drawing or exhibiting a firearm, and it was reasonable under the circumstances of that case (Paragraph 152).
4. Each allegation of misconduct recorded in a Watch Commander Log during the audit period resulted in the initiation of an SCR.
5. None of the field sergeants at the scene of an incident resulting in a personnel complaint initiated an SCR, and none of the field sergeants made an entry in a Watch Commander's Log regarding a complaint they were able to resolve without initiating an SCR.
6. We found no evidence of inappropriate backseat detentions or interfering with anyone trying to record law enforcement operations.
7. The Monitor's first Use-of-Force Audit pointed out that managers need to ensure directed training is actually provided. Seven months after publishing that audit, a Unit Commander directed that a deputy receive remedial Taser training, and it did not occur.

ADDENDUM NO. 4: WATCH COMMANDER SERVICE COMMENT FORM

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
WATCH COMMANDER'S SERVICE COMMENT REPORT

248051

Receiving Bur/Stn/Fac:		Report Date:	Time:	SC #:
Investigating Bur/Stn/Fac:		URN #:	IAB #:	
Received By	Commendation	Personnel Complaint		Service Complaint
<input type="checkbox"/> Mail <input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> 800 Line <input type="checkbox"/> E-Mail/Fax <input type="checkbox"/> Website	<input type="checkbox"/> Application to Duties <input type="checkbox"/> Commendable Restraint <input type="checkbox"/> Exemplary Conduct <input type="checkbox"/> Tactical Excellence	<input type="checkbox"/> Criminal Conduct (All copies to Unit Cmdr) <input type="checkbox"/> Discourtesy <input type="checkbox"/> Dishonesty <input type="checkbox"/> Force <input type="checkbox"/> Improper Tactics <input type="checkbox"/> Improper Detention, Search, or Arrest		<input type="checkbox"/> Neglect of Duty <input type="checkbox"/> Operation of Vehicles <input type="checkbox"/> Off Duty Conduct <input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Other
		<input type="checkbox"/> Policy/Procedures <input type="checkbox"/> Response Time <input type="checkbox"/> Traffic Citation <input type="checkbox"/> Other		
Reporting Party Information				
Recording of Contact with Reporting Party Submitted Yes <input type="checkbox"/> No <input type="checkbox"/>				
Last Name:		First Name:		MI:
				Sex:
				Age:
				Race:
Residence:		City:		State: Zip:
Home Phone:		Work Phone:		Cell Phone:
Home E-Mail Address:		Work E-Mail Address:		
Third Party: Yes <input type="checkbox"/> No <input type="checkbox"/>		Present at Incident: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Has any member of this Department attempted to discourage you in any way from bringing this matter to the attention of the Department? Yes <input type="checkbox"/> No <input type="checkbox"/>				
If Yes, Who?				
Involved Party Information (If not Reporting Party)				
Last Name:		First Name:		MI:
				Sex:
				Age:
				Race:
Residence:		City:		State: Zip:
Home Phone:		Work Phone:		Cell Phone:
Home E-Mail Address:		Work E-Mail Address:		
Contact/Event Information				
Date:	Time:	City or Station Area:		RD:
Location/Address:				
Synopsis of Contact/Event:				
<input type="checkbox"/> See Attached				
Was a Supervisor Present? Yes <input type="checkbox"/> No <input type="checkbox"/>		Last Name:		First Name: MI: Rank: Employee #:
Witness Information				
Last Name:		First Name:		MI: Race: Sex: Home Phone: Work Phone:
				City: State: Zip: Cell Phone:
Home E-Mail Address:		Work E-Mail Address:		
Involved Employee Information				
Last Name:		First Name:		MI: Work Phone: Height: Weight:
Employee #:	Unit of Assignment:	Work Assignment (Unit #, Module, etc):		<input type="checkbox"/> EM Shift <input type="checkbox"/> Day Shift <input type="checkbox"/> PM Shift <input type="checkbox"/> Regular Shift <input type="checkbox"/> O.T. Shift <input type="checkbox"/> Off Duty
Last Name:		First Name:		MI: Work Phone: Height: Weight:
Employee #:	Unit of Assignment:	Work Assignment (Unit #, Module, etc):		<input type="checkbox"/> EM Shift <input type="checkbox"/> Day Shift <input type="checkbox"/> PM Shift <input type="checkbox"/> Regular Shift <input type="checkbox"/> O.T. Shift <input type="checkbox"/> Off Duty
Employee Witness Information				
Last Name:		First Name:		MI: Employee #: Last Name: First Name: MI: Employee #:
Watch Commander (Person Completing Report)				
Print Full Name:		Employee #:		Signature:
Distribution				

White - LTD Hdqtrs Canary - Unit Commander Pink - Division Hdqtrs Green - Reporting Party

ADDENDUM NO. 5: RESULT OF SERVICE COMMENT REVIEW

RESULT OF SERVICE COMMENT REVIEW

SCR# (PDE)		SCR#	
SCR Intake Completed by:	Rank and Name	Employee #	Unit
SCR Review Conducted by:			
			<input type="checkbox"/> COMMENDATION <input type="checkbox"/> SERVICE COMPLAINT <input type="checkbox"/> PERSONNEL COMPLAINT
REVIEW DISPOSITION		FINAL NOTIFICATIONS/PROCESSING	
<input type="checkbox"/> Commendation Public (Received from individual members of the public, businesses, corporations, etc.) <input type="checkbox"/> Commendation Professional (Government entities expressing appreciation for professional services rendered by our personnel.) <input type="checkbox"/> Review Comp - Service Only - No Further Action <input type="checkbox"/> Employee Conduct Appears Reasonable (Review indicated the employee's actions appear to be in compliance with procedures, policies, guidelines or training.) <input type="checkbox"/> Appears Employee Conduct Could Have Been Better (The employee's actions were in compliance with procedures, policies, guidelines. The complaint could have been minimized if the employee had employed tactical communication principles or common sense.) <input type="checkbox"/> Employee Conduct Should Have Been Different (The employee's actions were not in compliance with established procedures, policies, guidelines or training. W/C will take appropriate actions.) <input type="checkbox"/> Unable to Make a Determination (The review revealed insufficient information to assess the employee's alleged conduct or to identify the employees involved.) <input type="checkbox"/> Resolved - Conflict Resolution Meeting (A conflict resolution meeting with the reporting party and involved employee(s) was held. The meeting adequately addressed all concerns and no further actions are deemed necessary.)		Date WCSCR Received by Unit: / / Date Acknowledgement Letter Sent To Reporting Party: / / Date Review Completed: / / Date Final Outcome Letter Sent To Reporting Party: / / Date Completed Review Form Provided To Involved Employees: / / Provided by: _____ Emp #: _____	
Note: Refer to the Service Comment Review Handbook for specific definitions of each result		ATTACHMENTS INCLUDED	
		<input type="checkbox"/> Original WCSCR <input type="checkbox"/> Watch Commander's Memo <input type="checkbox"/> Acknowledgement Letter to Reporting Party <input type="checkbox"/> Final Outcome Letter to Reporting Party <input type="checkbox"/> Audio Tapes Quantity: _____ <input type="checkbox"/> Video Tapes Quantity: _____ <input type="checkbox"/> Unit Performance Log <input type="checkbox"/> Other _____	
CONFLICT RESOLUTION TECHNIQUES UTILIZED:		APPROVED DISPOSITION	
This section must be completed <input type="radio"/> Yes <input checked="" type="radio"/> No		(a separate disposition is required for each involved employee)	
WATCH COMMANDER'S DISCRETION SERVICE REVIEW TERMINATED		<input type="checkbox"/> Recommended Outcome Approved - No Further Action <input type="checkbox"/> Unit Performance Log Required <input type="checkbox"/> Internal or Outside Agency Criminal Investigation Initiated <input type="checkbox"/> Internal Affairs Investigation Initiated <input type="checkbox"/> Unit Level Administrative Investigation Initiated	
<input type="checkbox"/> Reporting Party under the influence at time of complaint and re-contacted when sober - no misconduct reported. <input type="checkbox"/> Factually impossible complaint or reporting party demonstrated diminished capacity. <input type="checkbox"/> Third party complaint without witnesses where the allegedly aggrieved party is uncooperative or unavailable and there is insufficient evidence to continue review or inquiry. <input type="checkbox"/> Watch Commander has personal knowledge the complaint is false.		IAB # _____ / / Date Initiated	
EXONERATION		FINAL APPROVAL	
<input type="checkbox"/> The employee was not personally involved or in any way connected to the incidents or alleged conduct. <input type="checkbox"/> Inquiry revealed that all allegations were clearly false or reporting party demonstrated diminished capacity. <input type="checkbox"/> The allegations, broadly construed and even if true, would not in any circumstances constitute a violation of the law or Department policy, rule, or procedure, and the conduct is not otherwise censurable.		The below, signed, reviewed and approved the disposition of this service review.	
It is requested that the below employee(s) be deemed exonerated:		Unit Commander (Print Name) _____ Signature _____ Date _____ Division Commander (Print Name) _____ Signature _____ Date _____	
_____ _____ _____ Name _____ Employee # _____ Division Chief (Name) _____ Signature _____ Date _____		FOR DISCOVERY UNIT USE ONLY	
		Received at Discovery Unit by _____ Date _____ / / Reviewed by _____ Date _____ / / Entered into PPI by _____ Date _____ / / Comments: _____	

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ADDENDUM NO. 6: LANCASTER PUBLIC COMPLAINTS

TABLE F		
LANCASTER PUBLIC COMPLAINTS 1ST QUARTER 2019		
AUDIT NO.	REPORT DATE	ALLEGATION
L-1	01/07/19	Discourtesy, Force
L-2	01/06/19	Response Time
L-3	01/10/19	Discourtesy, Other
L-4	01/14/19	Harassment
L-5	01/15/19	Force
L-6	01/17/19	Off-Duty Conduct
L-7	01/22/19	Force
L-8	01/22/19	Neglect of Duty
L-9	01/24/19	Discrimination
L-10	01/29/19	Harassment
L-11	02/04/19	Other
L-12	02/05/19	Force
L-13	02/06/19	Improper Search, Detention, Arrest
L-14	01/21/19	Force
L-15	02/08/19	Improper Search, Detention, Arrest
L-16	02/11/19	Improper Search, Detention, Arrest; Force
L-17	02/13/19	Improper Search, Detention, Arrest; Force
L-18	02/18/19	Other
L-19	02/22/19	Neglect of Duty
L-20	02/26/19	Discourtesy
L-21	02/26/19	Dishonesty
L-22	02/26/19	Other
L-23	02/27/19	Improper Search, Detention, Arrest
L-24	02/28/19	Improper Search, Detention, Arrest
L-25	03/05/19	Improper Search, Detention, Arrest
L-26	02/14/19	Force
L-27	03/01/19	Discrimination
L-28	03/01/19	Force
L-29	02/21/19	Discourtesy
L-30	01/26/19	Discourtesy; Force

ADDENDUM NO. 7: PALMDALE PUBLIC COMPLAINTS

TABLE G		
PALMDALE PUBLIC COMPLAINTS 1ST QUARTER 2019		
AUDIT NO.	REPORT DATE	ALLEGATION
P-1	01/02/19	Other
P-2	01/03/19	Discourtesy
P-3	01/09/19	Neglect of Duty
P-4	01/10/19	Dishonesty
P-5	01/22/19	Operation of Vehicle
P-6	01/19/19	Discourtesy
P-7	01/24/19	Harassment, Improper Search, Detention, Arrest
P-8	01/24/19	Discrimination
P-9	01/25/19	Discourtesy
P-10	02/12/19	Policy/Procedure
P-11	02/24/19	Force
P-12	02/27/19	Policy/Procedure
P-13	03/01/19	Force
P-14	02/27/19	Neglect of Duty
P-15	03/01/19	Discourtesy
P-16	02/28/19	Force, Discrimination
P-17	03/16/19	Improper Search, Detention, Arrest
P-18	03/21/19	Force
P-19	03/25/19	Traffic Citation
P-20	03/28/19	Discourtesy
P-21	03/30/19	Force
P-22	03/18/19	Force; Discourtesy

ADDENDUM NO. 8: NON-AV PUBLIC COMPLAINTS

TABLE H			
NON-AV PUBLIC COMPLAINTS 1ST QUARTER 2019			
AUDIT NO.	REPORT DATE	COMMAND	ALLEGATION
Lancaster			
OL-1	02/04/19	Training Bureau	Other
OL-2	02/20/19	Comm Svc Bureau	Discourtesy
OL-3	02/24/19	Parks Bureau	Off-Duty Conduct
OL-4	03/28/19	Civil Mgmt Bureau	Other
OL-5	02/28/19	Court Services West	Harassment
Palmdale			
OP-1	01/09/19	Court Services West	Discourtesy
OP-2	02/15/19	Parks Bureau	Discourtesy