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LOS ANGELES, CALIFORNIA 90012-3557

April 19, 2021

TO: Dr. Adolfo Gonzales, Chief Probation Officer
Probation Department

FROM: Robert G. Campbell, Chief
Office of County Investigations

SUBJECT: **IMPROVEMENT OPPORTUNITIES NOTED DURING LIMITED REVIEW
#2019-15071**

NUMBER OF RECOMMENDATIONS
PRIORITY 1 2 CORRECTIVE ACTION REQUIRED WITHIN 90 DAYS
PRIORITY 2 0 CORRECTIVE ACTION REQUIRED WITHIN 120 DAYS
PRIORITY 3 0 CORRECTIVE ACTION REQUIRED WITHIN 180 DAYS

During a limited review at the Probation Department’s (Probation or Department) Internal Affairs (IA) Bureau, we noted areas where the Department can strengthen IA Bureau’s organizational independence and reduce potential conflicts of interest in the Department’s criminal and administrative investigations. Please see Attachment I, Table of Findings and Recommendations for Corrective Action, for details of our observations and recommendation.

Review of Report

We discussed our report with IA Bureau management. The Department’s response (Attachment II) indicates general agreement with our findings and recommendations.

We thank IA Bureau management and staff for their cooperation and assistance during our review. If you have any questions please contact me at (213) 893-0058 or rcampbell@auditor.lacounty.gov, or your staff may contact Steven Lee at (213) 893-0551 or slee2@auditor.lacounty.gov.

RGC:GH:SL:aa

Attachments

c: Arlene Barrera, Auditor-Controller
Audit Committee
Audit Division

REPORT #IOR-2019-15071

LOS ANGELES COUNTY AUDITOR-CONTROLLER

Peter Hughes
ASSISTANT AUDITOR-CONTROLLER

Robert G. Campbell
DIVISION CHIEF

Office of County Investigations

Report #IOR-2019-15071

**PROBATION DEPARTMENT
INTERNAL AFFAIRS BUREAU
IMPROVEMENT OPPORTUNITIES NOTED DURING LIMITED REVIEW #2019-15071**

BACKGROUND

The Probation Department's (Probation or Department) Internal Affairs (IA) Bureau investigates allegations of misconduct and improper job performance by the Department's sworn and civilian personnel. The IA Bureau conducts internal investigations primarily through two units: 1) the Special Projects Team Unit, which investigates alleged criminal misconduct involving medical and Workers' Compensation fraud, Probation Officer involved shootings, excessive use of force, and possession of contraband; and 2) the IA Unit that investigates administrative and non-criminal matters.

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION

	ISSUE	RECOMMENDATION
1	<p>Organizational Independence – During our review we found that the IA Bureau's independence was impaired by providing input on proposed disciplinary actions at post-investigation roundtables attended by Performance Management and County Counsel.</p> <p>While the Department does not have a specific policy addressing this issue, applicable best practices such as the Council of the Inspectors General on Integrity and Efficiency – Quality Standards for Investigations advocates that in all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.</p> <p>Impact: Participation by IA Bureau personnel in disciplinary-related roundtables, except to present facts and findings from investigations they conducted, may impair its independence and create an appearance that IA Bureau investigations are biased and/or lack objectivity.</p>	<p>Priority 1 - Probation management develop an internal policy and procedures directing IA Bureau to maintain its independence, both in fact and appearance, by limiting the participation of IA Bureau personnel in disciplinary-related matters to providing facts and findings from their investigations, and abstaining from discussions and/or decisions about whether to impose disciplinary action and the nature/level of discipline to be imposed.</p> <p>Department Response: Agree</p> <p>Implementation Date: March 31, 2021</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION	
ISSUE	RECOMMENDATION
<p>2 Conflict of Interest – During our review we noted that the Department does not have a formal policy or procedure in Probation’s IA Administrative Handbook, nor is there any practice in place, requiring staff who conduct internal investigations to report potential or actual conflicts of interest or periodically acknowledge their obligation to report conflicts.</p> <p>According to the Department of Justice’s Standards and Guidelines for internal affairs, all reasonable steps should be taken to ensure that every investigation is free from conflict of interest, bias, prejudice, or self-interest.</p> <p>Impact: The absence of a formal policy defining reportable conflicts and a defined process for staff to report them may cause conflicts in appearance or fact to go unreported. In addition, employees may not be clear on their reporting obligations and steps to take to prevent conflicts from negatively impacting investigations. Undisclosed actual or apparent conflicts can impair the IA Bureau’s objectivity, negatively impact investigations, and reduce confidence in the IA Bureau and its personnel. Undisclosed conflicts may also create potential liability for the Department.</p>	<p>Priority 1 - Probation management:</p> <p>a) Develop an internal policy and procedures defining reportable conflicts of interest and the process for reporting them, and require personnel with internal investigation responsibilities to immediately report any potential conflict of interest to an appropriate level of management.</p> <p>b) Develop and implement a process to periodically (e.g., annually) document that employees who conduct internal investigations have received and acknowledge the policy on reporting conflicts of interest, including an affirmative declaration that at the time of acknowledgment they have no unreported conflicts, and retain those periodic acknowledgments in the respective employee’s training record.</p> <p>Department Response: Agree</p> <p>Implementation Date: April 30, 2021</p>

For more information on our auditing process, including recommendation priority rankings, the follow-up process, and management’s responsibility for internal controls, visit auditor.lacounty.gov/audit-process-information.

Priority Ranking: Recommendations are ranked from Priority 1 to 3 based on the potential seriousness and likelihood of negative impact on the Agency’s operations if corrective action is not taken.



ADOLFO GONZALES
Chief Probation Officer


COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2501



April 7, 2021

TO: Robert G. Campbell, Chief
Office of County Investigations

FROM: Adolfo Gonzales 
Chief Probation Officer

SUBJECT: **RESPONSE TO AUDITOR-CONTROLLER FINDINGS AND
RECOMMENDED CORRECTIVE ACTIONS – REPORT #IOR-2019-15071**

The Department has reviewed the Auditor-Controller's report and agrees with the findings and recommendations. Attached is the Department's plan of corrective action.

If you have any questions, please contact me at (562) 940-2501, or your staff may contact Brandon Nichols, Chief Deputy at (562) 940-2511.

Attachment

BN:yb

**PROBATION DEPARTMENT
IMPROVEMENT OPPORTUNITIES NOTED DURING LIMITED REVIEW #2019-15071
DEPARTMENT ACTION PLAN/RESPONSE**

ISSUE 1: ORGANIZATIONAL INDEPENDENCE	
A-C Recommendation	Probation management develop an internal policy and procedures directing Internal Affairs (IA) Bureau to maintain its independence, both in fact and appearance, by limiting the participation of IA Bureau personnel in disciplinary-related matters to providing facts and findings from their investigations, and abstaining from discussions and/or decisions about whether to impose disciplinary action and the nature/level of discipline to be imposed.
Priority	PRIORITY 1
Agree/Disagree	Agree
Department Action Plan¹	We agree with the recommendation. In early December, 2020, the Department discontinued including Internal Affairs investigatory staff in disciplinary roundtables. The Department will develop an internal policy statement and will require IA investigators to sign-off on this policy.
Planned Implementation Date	March 31, 2021
Additional Information (optional)²	

ISSUE 2: CONFLICT OF INTEREST	
A-C Recommendation	<p>Probation Management:</p> <p>a) Develop an internal policy and procedures defining reportable conflicts of interest and the process for reporting them, and require personnel with internal investigation responsibilities to immediately report any potential conflict of interest to an appropriate level of management.</p> <p>b) Develop and implement a process to periodically (e.g., annually) document that employees who conduct internal investigations have received and acknowledge the policy on reporting conflicts of interest, including an affirmative declaration that at the time of acknowledgment they have no unreported conflicts, and retain those periodic acknowledgments in the respective employee's training record.</p>

¹ In this section the Department should only describe the efforts they plan to take to implement the recommendation. The Department should include any other information in the Additional Information section that follows.

² In this section the Department can provide any background or clarifying information they believe is necessary.

ISSUE 2: CONFLICT OF INTEREST	
Priority	PRIORITY 1
Agree/Disagree	Agree
Department Action Plan ¹	We agree with the recommendation and will establish a policy and practice that requires that Internal Affairs investigation staff understand they are required to provide timely advisement to their manager (Director or Assistant Director) as soon as they become aware of any perceived or actual conflict of interest on any case they are assigned. This policy signoff will be an annual requirement. The IA Director will maintain a unit file with this information and update it annually.
Planned Implementation Date	April 30, 2021
Additional Information (optional) ²	

¹ In this section the Department should only describe the efforts they plan to take to implement the recommendation. The Department should include any other information in the Additional Information section that follows.

² In this section the Department can provide any background or clarifying information they believe is necessary.