Office of the City Auditor

Audit of Police Internal Affairs

Report Date: May 15, 2018

“Promoting Accountability and Integrity in City Operations”
Office of the City Auditor
“Promoting Accountability and Integrity in City Operations”

Lyndon Remias, CPA, CIA, CRMA, CGAP  
City Auditor

Gretchen Hudome, CIA, CRMA  
Deputy City Auditor

www.vbgov.com/cityauditor

Office of the City Auditor
2401 Courthouse Drive, Room 344
Virginia Beach, VA 23456
Telephone: 757.385.5870  Fax: 757.385.5875

Fraud, Waste, and Abuse Hotline 757.468.3330
Date: May 15, 2018

To: David L. Hansen, City Manager

Subject: Audit of Police Internal Affairs

I am pleased to present the report of our audit of Police Internal Affairs. The objectives of our audit were (1) to ensure adequate administrative investigation policies and procedures are in place to ensure allegations are addressed in a proper, fair and timely manner and subscribe to industry best practices; and, (2) to determine whether administrative investigations performed by the Police Department complied with established internal policies and procedures. This audit was added to our FY18 Audit Plan at the request of management.

Findings considered to be of insignificant risk have been discussed with management. We completed fieldwork on March 30, 2018.

The Office of the City Auditor reports to City Council through the City’s Audit Committee and is organizationally independent of all other City Departments. This report is intended solely for the information and use of the Audit Committee, City Council, Department of Police, and appropriate management. It is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

We would like to thank the management and staff of the Police Department, particularly Internal Affairs, for their cooperation and responsiveness to our requests during our audit and their receptiveness to questions, recommendations and suggestions.

If you have any questions about this report, or any audit-related issue, I can be reached at 385.5872 or via email at lremias@vbgov.com.

Respectfully submitted,

Lyndon S. Remias, CPA, CIA
City Auditor

c: City Council Members
   Audit Committee Members
   Steve Cover, Deputy City Manager
   James Cervera, Police Chief
   Tony Zucaro, Deputy Police Chief
   David Sorenson, Lieutenant, Internal Affairs

The Office of the City Auditor is an independent audit function reporting directly to the Virginia Beach City Council.
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**Purpose**

This audit was added to our FY18 Audit Plan at the request of management. The audit addressed Internal Affairs’ compliance with policies and procedures related to administrative investigations and industry best practices. The objectives of our audit were (1) to ensure adequate administrative investigation policies and procedures are in place to ensure allegations are addressed in a proper, fair and timely manner and subscribe to industry best practices; and, (2) to determine whether administrative investigations performed by the Virginia Beach Police Department (VBPD) complied with established internal policies and procedures.

**Scope**

Our audit covered allegations received for the period of January 1, 2017 through December 31, 2017. Our audit did not look at the merits of individual administrative investigations or their adjudication, but focused on the City’s operational policies and procedures in effect at the time of our audit and multi-year analytics.

**Methodology**

To accomplish our objectives, we performed the following:

- Obtained and reviewed pertinent laws, regulations, policies and procedures regarding administrative investigations related to law enforcement.
- Researched industry best practices for law enforcement administrative investigations.
- Reviewed the Police Department’s policies and process(es) related to Internal Affairs and administrative investigations through inquiry and examination of documents and data.
- Assessed whether the design of established policies and process(es) are adequate to ensure compliance and/or reduce risk of noncompliance to an acceptable level.
- Benchmarked the City’s program and practices in comparison with established and/or identified best practices and similar localities.
- Performed analysis and tests of allegation data designed to determine completeness, accuracy and identify trends.
- Selected samples of allegations by type (info, inquiry, citizen complaint, internal, use of force, vehicle accident, missed court, etc.) for review to ensure adherence to established guidelines, policies and procedures; and traced to the documentation supporting compliance (including supervisory review, required communications, IRP requirements, and early intervention reporting).
- Reviewed required monthly and other periodic reports to ensure reports are prepared in a timely manner and properly distributed.
- Made recommendations, as appropriate, to ensure compliance, improve processes, and increase efficiency.
Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained during this audit provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Office of the City Auditor reports to City Council through the Audit Committee and is organizationally independent of all City Departments. This report will be distributed to the City’s Audit Committee, City Council and appropriate management within the City of Virginia Beach. This report will also be made available to the public.
Background

The Office of Internal Affairs is responsible for maintaining and, where possible, increasing the integrity of the VBPD by either monitoring or conducting full, fair, and objective investigations of all complaints against the department, or allegations of misconduct on the part of members and employees of the department. The Office is comprised of two (2) sections: Investigations and Accreditation.

The Investigative Section (Internal Affairs) is responsible for documenting thorough, fact-oriented, fair, and objective investigations of all complaints against the department, or allegations of misconduct on the part of department employees. The responsibility to adjudicate investigated matters lies with the command of the employee involved and the Chief of Police.

Internal Affairs is responsible for conducting all administrative investigations into allegations of employee misconduct relating to corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct, unless otherwise directed by the Chief of Police. They also conduct all internal investigations involving discharge of firearms or whenever a person in police custody or as a result of police action receives a serious injury, attempts suicide, or dies. Other allegations of misconduct may be investigated by either Internal Affairs or the Command.

Administrative investigations are classified in three (3) ways: Citizen Complaints, Internal Investigations, and Inquiries:

*Citizen Complaints* are generated when a citizen initiates a complaint that a Police employee violated a specific departmental or City rule or policy. A complaint is defined as “an expression of formal discontent, dissatisfaction or accusation made in a written or verbal form that alleges illegal activity, misconduct, or a violation of rules or regulations of the Police Department or of the City of Virginia Beach.”

*Internal Investigations* are generated anytime a command initiates an investigation that a Police employee violated a specific departmental or City rule or policy.

*Inquiries* are initiated from inside or outside the department and are based on the need for additional information to determine possible misconduct. Often, these are initiated by citizens dissatisfied with agency action but unable to articulate any specific policy or rule violation. Inquiries are also initiated when an employee reports a minor traffic infraction (off duty), or when the City or agency is notified of a pending lawsuit against either an employee or the City as a result of an employee’s actions while performing his/her duties.

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1 City of Virginia Beach Police Department Administrative Investigation Field Guide
A five-year comparison of administrative investigations by type is provided in Exhibit 1, below.

**Exhibit 1. Administrative Investigations by Type**

![Bar chart showing administrative investigations by type from 2013 to 2017](chart.png)

Internal Affairs acts as the clearinghouse and custodian for all VBPD administrative investigations, Use of Force reports, and Accident Investigations. Investigation and report data is captured using IAPro, an automated application used to document and monitor administrative investigations.

Internal Affairs is responsible for the review of every Use of Force report for accuracy, completeness and conformance to law and agency policy. Department policy requires Use of Force reports to be completed by all sworn personnel under the following circumstances:

- An officer purposefully and intentionally discharges a firearm for other than recreational or training purposes.
- An officer takes any action that results in, or is alleged to have resulted in, the injury or death of another person.
- An officer applies force through the use of a lethal, or less lethal, weapon.
- An officer uses hands-on or greater physical force to seize, control, or repel any individual that demonstrates non-compliant behavior or is perceived by the officer to otherwise pose a threat of harm to others or him/her.
- When an officer points his or her firearm at a person.

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2 In certain situations, such as a hostage situation, a drug raid, or when more than one officer would have his weapon pointed at an individual, the on-scene supervisor will complete a single UOF report documenting the incident.
• All uses of an electronic control device (ECD) against a citizen. This includes any discharge of the weapon and situations where the officer merely removes the weapon from its holster and displays it in a manner designed to encourage compliance by the citizen.

Vehicle accidents, missed court and missed training are documented separately in IAPro.

Internal Affairs administers the agency’s early intervention system using EIPro and MakeNote, modules that complement and enhance IAPro. Information recorded in IAPro feeds directly to EIPro. The early intervention system is designed to identify employees exhibiting symptoms of job stress, training deficiencies or personal issues that may affect their job performance. Additionally, the system assists supervisors in identifying, addressing and potentially preventing harmful behaviors on the part of their employees; alerts employees, and provides them the opportunity to address poor behaviors; and, provides supervisors a “big picture” view of potentially negative employee performance without focusing on a single incident. The system also allows management to identify supervisors who are not adequately supervising their subordinates. Current triggers captured within the system include: citizen complaints, firearm discharges, information cases, inquiries, internal investigations, missed court appearances, missed training, use of force reports, vehicle accidents and pursuits. Alerts are generated when individual “triggers” reach established thresholds. Thresholds are reviewed periodically within the department.

Internal Affairs assists the department’s administration, the City’s Risk Management Division, and the City Attorney’s Office in preparation of cases to address civil litigation involving police personnel and is responsible for providing the VBPD’s Office of Planning and Analysis and the VBPD’s Public Information Office with an annual statistical summary of the final disposition on citizen complaints against officers.

Additionally, the Office of Internal Affairs coordinates the duties of the Accreditation section, is the Custodian of Record for the VBPD, responds to formal requests under the Freedom of Information Act (FOIA), Subpoena Duces Tecum requests and court orders for documents and is the Department’s Court Liaison Officer.

To accomplish these responsibilities, Internal Affairs has one (1) Lieutenant, six (6) Sergeants, one (1) Office Assistant, one (1) Master Police Officer and three (3) Administrative Technicians. Two (2) additional Administrative Technician positions will be added in 2018 as part of the implementation of the department’s Body Camera Program set to begin in mid-to-late 2018. The Accreditation section is staffed by one (1) Lieutenant and one (1) Master Police Officer.

Our audit focused on administrative investigations and other responsibilities related to Police employee misconduct. We did not look at FOIA or the responsibilities assigned to Accreditation.
Findings and Results

1. Completeness and Accuracy of Data

The VBPD’s administrative investigation system, IAPro, allows the department to document and track the status of all types of administrative investigations, use of force reports, and other incident types associated with possible employee misconduct (i.e., missed court, missed training, vehicle accidents, and vehicle pursuits). The system also tracks information cases used to document Internal Affairs’ interactions with citizens and other agencies. The following information is maintained within the system:

- Incident (case) information;
- Allegation information;
- Adjudication information; and
- Employee information.

It is the responsibility of Internal Affairs to ensure the accuracy of all entries in IAPro. Information is captured through Blue Team entries by Command staff and manual input by staff of Internal Affairs.

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Number of Allegations/Reports</th>
<th>Number of Cases/Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizen Complaint</td>
<td>166</td>
<td>80</td>
</tr>
<tr>
<td>Inquiry</td>
<td>95</td>
<td>64</td>
</tr>
<tr>
<td>Internal Investigation</td>
<td>88</td>
<td>62</td>
</tr>
<tr>
<td>Missed Court</td>
<td>133</td>
<td>131</td>
</tr>
<tr>
<td>Missed Training</td>
<td>107</td>
<td>106</td>
</tr>
<tr>
<td>Use of Force Report</td>
<td>1,286</td>
<td>1,080</td>
</tr>
<tr>
<td>Vehicle Accident</td>
<td>127</td>
<td>123</td>
</tr>
<tr>
<td>Total Records</td>
<td>2,002</td>
<td>1,646</td>
</tr>
</tbody>
</table>

As part of our audit procedures, we performed analysis and tests designed to determine the completeness and accuracy of the data maintained within the IAPro system.

Our analysis included data for 2017 investigations, inquiries, use of force reports, missed court, missed training, and vehicle accidents extracted from IAPro. We reviewed 2,002 records, representing 1,646 incidents and/or reports. Table 1 provides a breakdown of the number of records analyzed by incident/report type.

Tables 2 and 3 provide the results of our tests of completeness for incident and allegation information, respectively.
Table 2. Exceptions: Completeness of Case/Incident Information

<table>
<thead>
<tr>
<th>Exception Type</th>
<th>Number of Exceptions</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Squad=Blank</td>
<td>29</td>
<td>1.8%</td>
</tr>
<tr>
<td>Due Date (Estimated completion date) date=Blank</td>
<td>20</td>
<td>1.2%</td>
</tr>
<tr>
<td>Investigator Assigned=Blank or &quot;Unassigned&quot;</td>
<td>17</td>
<td>1.0%</td>
</tr>
<tr>
<td>Date Occurred =Blank</td>
<td>15</td>
<td>0.9%</td>
</tr>
<tr>
<td>Command=Blank</td>
<td>13</td>
<td>0.8%</td>
</tr>
<tr>
<td>Division=Blank</td>
<td>8</td>
<td>0.5%</td>
</tr>
<tr>
<td>Duplicate Case Numbers</td>
<td>6</td>
<td>0.3%</td>
</tr>
<tr>
<td>Unassigned Case Numbers</td>
<td>6</td>
<td>0.3%</td>
</tr>
<tr>
<td>Incident Summary=Blank</td>
<td>3</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

Table 3. Exceptions: Completeness of Allegation Information

<table>
<thead>
<tr>
<th>Exception Type</th>
<th>Completed</th>
<th>Open/Pending</th>
<th>Total Exceptions</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation=Blank</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>0.2%</td>
</tr>
<tr>
<td>Completed, Action Taken=Blank</td>
<td>14</td>
<td>N/A</td>
<td>14</td>
<td>0.7%</td>
</tr>
<tr>
<td>Completed, Finding=Blank</td>
<td>41</td>
<td>N/A</td>
<td>41</td>
<td>2.0%</td>
</tr>
<tr>
<td>Involved Officer=Blank</td>
<td>18</td>
<td>7</td>
<td>25</td>
<td>1.2%</td>
</tr>
<tr>
<td>Date Occurred =Blank</td>
<td>23</td>
<td>2</td>
<td>25</td>
<td>1.2%</td>
</tr>
</tbody>
</table>

Table 4, below, provides a summary of our findings related to the accuracy of the data. The exceptions noted are based on tests of the reasonableness of data and logical relationships between data elements.

Table 4. Exceptions: Tests of Data Accuracy and Reasonableness

<table>
<thead>
<tr>
<th>Exception Type</th>
<th>Number of Incidents</th>
<th>% of Total</th>
<th>Number of Allegations</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Received &lt; Date Occurred</td>
<td>5</td>
<td>0.3%</td>
<td>5</td>
<td>0.2%</td>
</tr>
<tr>
<td>Finding=Sustained; Action=Blank</td>
<td>5</td>
<td>0.3%</td>
<td>5</td>
<td>0.2%</td>
</tr>
<tr>
<td>Incident Type=Inquiry; Allegation not “Inquiry”</td>
<td>2</td>
<td>0.1%</td>
<td>2</td>
<td>0.0%</td>
</tr>
<tr>
<td>Finding=Concluded; Incident Type=Citizen Complaint</td>
<td>1</td>
<td>0.1%</td>
<td>1</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Various charts and graphs related to our analytic results are provided in Appendix 1.
Based on our analysis of information stored in IAPro and analytics applied to incident and allegation data, except as noted herein, we determined the data to be complete and accurate; however, there are opportunities for improvement.

**Recommendation:**

1.1 Internal Affairs should incorporate additional quality assurance steps within its normal processes to ensure data accuracy and completeness, such as:

- Explore system and field configuration options within IAPro to require data input and/or tests of data validity.
- Review Blue Team to IAPro field mapping to ensure consistent placement of data.
- Design and develop exception-based reports and/or queries to identify potential data omissions and/or entry errors.
- Periodically, select a sample of incidents to compare data entered in IAPro to incident documentation.
2. Compliance with Policies and Procedures
The VBPD’s policies and procedures related to processing citizen complaints and administrative investigations are outlined in the Administrative Investigations Field Guide. Please see Appendix 2 for a brief overview of the processes.

In 2017, there were 206 administrative investigations which addressed 349 allegations of misconduct. Exhibit 2 provides a breakdown by type (i.e., Citizen Complaints, Internal Investigations and Inquiries) shown in the inner ring of the graph and by number of allegations shown in the outer ring. One incident may represent multiple allegations.

We randomly selected a sample of 52 (25%) of the administrative investigations for review to ensure adherence to established guidelines, policies and procedures; and traced the sample to documentation supporting compliance (including supervisory review, required communications, IRP requirements, and early intervention reporting). The investigative process and documentation requirements vary slightly based on the type. The results of our review are provided in Table 5 below.

<table>
<thead>
<tr>
<th>Compliance Requirement</th>
<th>Number of Exceptions</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident/complaint documented in required format</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Receipt of complaint acknowledged</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Assignment and classification of incident documented</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Administrative notification signed and dated</td>
<td>2</td>
<td>3.7%</td>
</tr>
<tr>
<td>Interviews properly documented via transcript or summary</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Documentation confirming interview accuracy</td>
<td>6</td>
<td>11.3%</td>
</tr>
<tr>
<td>Documentation supporting investigative results</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Supervisory approval</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Documentation supporting adjudication provided</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Final disposition documented</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Proper segregation of duties (fact finding, adjudication and recommendation)</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Final notification sent to employee and/or citizen</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Notification provided re: Internal Review Board eligibility, if applicable</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Complete and accurate case information entered in IAPro</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Completed within approved timeline (including approved extensions)</td>
<td>0</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
Internal Affairs has developed standardized forms and templates to guide the investigative process and ensure consistency. Use of these formats is recommended, but not required. Formats for documenting interviews and reporting results differed in some of our sample cases.

Deviations from the Administrative Investigation Field Guide were documented and approved within the case file.

Based on the results of our case file review, we found allegations are addressed in accordance with established guidelines, except as noted above.

Recommendations:

To ensure allegations are addressed in a proper, fair and timely manner, management should:

2.1 Update Administrative Investigation Field Guide to represent recent changes to processes (i.e., use of certified mail, etc.), appropriate use of Administrative Notification (PD-254), and statements of accuracy.

2.2 Develop checklists to guide the different investigation types and ensure consistency in file and system documentation.

2.3 Encourage use of pre-designed templates for documentation purposes (i.e., investigative report, interview transcripts, etc.) by Command-level investigators.
3. **Enhancing Integrity through Best Practices**

Internal Affairs complies with related best practices identified by the Commission on Accreditation for Law Enforcement Agencies (CALEA) as evidenced by the department’s accreditation.

Additionally, the Virginia Law Enforcement Accreditation Program identifies best practices related to Internal Affairs. These best practices are similar to those put forth by CALEA. Internal Affairs meets these as well.

A third source, the U.S. Department of Justice, Office of Community Oriented Policing Services’ *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* provides guidelines based on research and direct input from a number of localities. These guidelines address intake, classification, investigation, mediation, adjudication and disposition of complaints. The VBPD’s policies and procedures related to internal affairs meet and/or exceed most of these standards.

It is the policy of the VBPD to accept, document and investigate all complaints by citizens against the department and/or relating to alleged employee misconduct or violations of departmental policies or procedures. Complaints may be made in person, online, by email, over the telephone, or in writing. Anonymous complaints are accepted.

Complaints involving courtesy, minor allegations of unsatisfactory work performance and biased-based policing may be eligible for mediation. Mediation is an informal process in which the complainant and accused employee meet face to face with the assistance of a neutral third party mediator. The VBPD implemented its mediation program in 2016.

Completed investigations are forwarded to the command for review and recommendation. The final disposition is subject to the approval of the Chief of Police. Once a complaint is finalized, the citizen filing the complaint is notified in writing. Citizens who are not satisfied with the findings, may contact the employee’s supervisor and in some cases may request a review by the Virginia Beach Investigation Review Panel (IRP).
The IRP is a panel appointed by City Council. The IRP’s purpose is to ensure investigations of police misconduct are complete, accurate and factually supported. The panel has the authority to make recommendations to the City Manager. The panel is comprised of citizens of Virginia Beach and are not City employees.

Information regarding the citizen complaint process, mediation program, IRP and investigation statistics can be found on the City’s website (www.vbgov.com). Brochures are available at each VBPD facility.

Additional best practice the VBPD may want to consider are outlined below:

**Conflict of Interest**

The U.S. Department of Justice Office of Community Oriented Policing Services’ *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* state:

“All reasonable steps should be taken to assure that every investigation is free from conflict of interest, bias, prejudice, or self-interest. Accordingly, investigations should, where reasonable and feasible, be conducted by an Internal Affairs unit that reports directly to the agency head or designated immediate subordinate deputy or assistant agency head.”

“Agencies should have a policy to address any instance where Internal Affairs (or the assigned investigator) confronts a conflict of interest or believes that it cannot conduct an objective and unbiased investigation.”

The current structure has the Office of Internal Affairs reporting to the Police Chief through the Deputy Chief of the Professional Standards Division.

The VBPD’s Administrative Investigations Field Guide does not specifically address consideration of conflict of interest. During our file review, we noted discussions related to the possibility of a perceived conflict of interest in one case. The file was appropriately assigned to another investigator.

**Quality and Due Diligence**

The U.S. Department of Justice Office of Community Oriented Policing Services’ *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice* also state:

“Whenever it is necessary to delegate certain investigations to the field, Internal Affairs should monitor such investigations for quality and due diligence, and take appropriate action if either is lacking. Internal Affairs should be empowered to remand investigations
to the field for further work until Internal Affairs has determined that the investigative quality meets its standards.”

While the Office of Internal Affairs develops the guidance and acts as the clearinghouse for the documentation and assignment of all administrative investigations, it does not have the express authority to “remand investigations to the field for further work.” In order to do so, current procedures require the request go up the Internal Affairs chain of command and then down the Command’s chain. This is not to say, that issues with investigative quality and/or consistency, when noted, are not addressed, it just adds time to the process.

Except as noted above, the VBPD administrative investigation process meets and/or exceeds many of the recommended best practices with regard to citizen complaints and administrative investigations.

**Recommendations:**

Management should consider the following in order to further enhance its adherence to best practices:

3.1 Revisit the oversight structure and authority granted to the Office of Internal Affairs to ensure its appropriate independence.

3.2 Include a section related to conflict of interest in the Administrative Investigation Field Guide.

3.3 Include documentation of the consideration of possible conflicts of interest (i.e., investigator involved in incident, investigator has prior adverse dealings with complainant and/or accused, personal relationships, bias, etc.) in the investigative file.

3.4 Move the link to the Citizen Compliment and Complaint Process to the Police Department’s homepage.
Conclusion
Based on the results of our review, the citizen complaint and administrative investigation processes, coordinated by Internal Affairs, focus on ensuring allegations are addressed in a proper, fair and timely manner and subscribe to most recommended best practices. Except as noted, administrative investigations performed by the VBPD complied with established internal policies and procedures.

Acknowledgements
We would like to thank the management and staff of the Police Department, particularly the Office of Internal Affairs, for their cooperation and responsiveness to our requests during our audit and their receptiveness to questions, recommendations and suggestions.
City of Virginia Beach

INTER-OFFICE MEMORANDUM

DATE: May 9, 2018

TO: Mr. Lyndon Remias, City Auditor

FROM: James Cervera, Chief of Police

SUBJECT: Response to the Audit of the Office of Internal Affairs

This memo is the Department’s response to the Office of the City Auditor’s formal audit of our Office of Internal Affairs. We appreciate the Auditor’s Office’s commitment to offering completed staff work for the review of our administrative investigative policies and procedures. The below details outline the planned Department actions to incorporate the findings of the Audit Report, dated May 4, 2018.

1. Completeness and Accuracy of Data

Recommendation:

1.1 Internal Affairs should incorporate additional quality assurance steps within its normal processes to ensure data accuracy and completeness, such as:

- Explore system and field configuration options within IAPro to require data input and/or tests of data validity.
- Review Blue Team to IAPro field mapping to ensure consistent placement of data.
- Design and develop exception-based reports and/or queries to identify potential data omissions and/or entry errors.
- Periodically, select a sample of incidents to compare data entered in IAPro to incident documentation.
Department Action:

- These recommendations will be accomplished by use of the Quality Assurance selection button already established within the IAPro software system. This action should prevent a lack of data input in the different reporting modules within the IAPro software system. In-house training has been provided to all the Office of Internal Affairs investigators.
- Quarterly report reviews will be accomplished to ensure fields of data are properly completed.
- All Department supervisors will receive training incorporating these process improvement actions to enhance the administrative investigative process.

2. Compliance with Policies and Procedures

Recommendation:

To ensure allegations are addressed in a proper, fair and timely manner, management should:

2.1 Update Administrative Investigation Field Guide to represent recent changes to processes (i.e., use of certified mail, etc.), appropriate use of Administrative Notification (PD-254), and statements of accuracy.

2.2 Develop checklists to guide the different investigation types and ensure consistency in file and system documentation.

2.3 Encourage use of pre-designed templates for documentation purposes (i.e., investigative report, interview transcripts, etc.) by command-level investigators.

Department Action:

- These recommendations are already under review for action.
- The Administrative Field Guide is being revised to incorporate a mandatory checklist standardized for all administrative investigative files.
- The Administrative Field Guide will refer to the Investigative Summary format as the required layout for all Department members. This format will be readily available on the Department’s network forms drive. This action defines the reporting format producing consistent reporting documentation between the operational commands and the Office of Internal Affairs.
3. Enhancing Integrity through Best Practices

Recommendation:

Management should consider the following in order to further enhance its adherence to best practices:

3.1 Revisit the oversight and authority granted to the Office of Internal Affairs to ensure its appropriate independence.

Department Action:

- This recommendation requires additional Department leadership examination as this it seeks to provide the Deputy Chief of Professional Standards the independent authority to re-open an investigation or a command adjudication requiring additional scrutiny.

3.2 Include a section related to conflict of interest in Administrative Field Guide.

3.3 The investigative file should contain documentation of consideration of possible conflicts of interest (i.e., investigator involved in incident, investigator has prior adverse dealings with complainant and/or accused, personal relationships, bias, etc.).

3.4 Move the link to the Citizen Compliment and Complaint Process to the Police Department’s homepage.

Department Action:

- A conflict of interest waiver will be created with consultation from the Public Safety City Attorney. A set of example conflicts of interest will also need to be established for guidance.
- Review the department’s webpage.

In summary, the audit by the City Auditor’s Office was comprehensive, detailed and offered opportunity for Department process improvement. While the findings were considered to be of insignificant risk, there were several areas identified for process improvement. As a learning organization, the Department solicited this candid assessment to help guide our actions with a lens to open and transparency in our administrative investigative procedures. In addition to the above Department Actions, the audit prompted staff to initiate the below review:

- A seamless Docs-Web Complaint system to include date, time stamps with the web generated complaints.
• Update the Administrative Field Guide to reflect citizen letters are mailed. We no longer send the citizen letter by certified mail.
• Instruct supervisors and the command to initial and date their reporting documents to accurately reflect review of the document, i.e. Investigative Summary, Memo to the Division Chief.
• Update the flow charts in the Administrative Field Guide. The revised flow charts should provide clarity to the organizational work flow of the required reporting.
• Examine the usefulness of the Garrity waiver statement for specific administrative circumstances.
• Train members on the various process improvement revisions included in the updated Administrative Field Guide.

Overall, the Virginia Beach Police Department meets or exceeds the industry standards for internal affairs investigations and the documentation of these efforts. On behalf of the men and women of the Department, please accept my appreciation for completing this independent review of our Office of Internal Affairs.

JAC/az
Various Charts and Graphs based on 2017 Incident and Allegation Data

The following charts and graphs are based on 2017 incident and allegation data extracted for purposes of our audit.

Incident Type by Command

Outcome by Command
Various Charts and Graphs based on 2017 Incident and Allegation Data

Allegation Type by Disposition (Finding) Type

<table>
<thead>
<tr>
<th>Allegation Type</th>
<th>Open</th>
<th>Sustained</th>
<th>Exonerated</th>
<th>Not Sustained</th>
<th>Unfounded</th>
<th>Inquiry Concluded</th>
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NOTE 1. BIASED BASED POLICING
The Commission on Accreditation for Law Enforcement Agencies (CALEA) defines Bias-Based Profiling as: the selection of an individual(s) based solely on a trait common to a group. Our data extract contained nine (9) allegations of bias based policing: four (4) Not Sustained; four (4) Unfounded and one (1) Open. However, as with any case, the department takes a complete look at the facts surrounding the allegations, which can prompt additional action to be taken. This was the case for two of these matters. In one, an allegation of Disobedience of Orders was added during the investigation and sustained resulting in corrective action for the involved member. In the other (related to a social media post), the employee was reassigned.

1 At the conclusion of an investigation, all allegations of misconduct are provided a disposition:

**SUSTAINED:** Sufficient evidence to prove allegation.
**NOT SUSTAINED:** Insufficient evidence to prove or disprove allegation.
**EXONERATED:** Incident occurred, but employee's actions were proper.
**UNFOUNDED:** Allegation is proven to be false.

Inquiries are assigned a disposition of Concluded.
Various Charts and Graphs based on 2017 Incident and Allegation Data

Action by Allegation for Completed Investigations with Finding of Sustained

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<th>Allegation</th>
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<th>Reprimand</th>
<th>Resigned Prior to Disciplinary Action</th>
<th>Resigned Prior to Investigation Completion</th>
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</table>
Various Charts and Graphs based on 2017 Incident and Allegation Data

Administrative Investigation and Review Process

Average Days to Complete Allegations by Incident Type
Various Charts and Graphs based on 2017 Incident and Allegation Data

**Incidents and Allegations by Years of Service**

**Incident Type by Years of Service**

**Allegations by Years of Service**
Process for Typical Handling of Incoming Citizens Complaint by Line Command Supervisors

Citizen calls in indicating dissatisfaction with an employee. Interview the citizen and document facts of the complaint. Record if possible.

Is there a potential policy or criminal violation?

Yes

Educate the caller on policy/procedure. Explain why employee took actions they did. Thank caller for bringing the matter to department’s action & explain why no formal complaint will be taken.

No

Does the caller desire to file a formal complaint?

Yes

Is the Citizen satisfied?

Yes

No

Handle as Inquiry. See Inquiry flowchart.

By policy, can command conduct investigation?

Yes

Proper to Continue Investigation?

Yes

No

Does C.O. authorize you to investigate?

Yes

Document complaint and forward all information via BlueTeam to Internal Affairs and request a file folder.

No

Investigate complaint. See Citizen Complaint flowchart.

No
Process for Typical Handling of Citizen Complaint Investigations by Line Command Supervisors

A Citizen’s Complaint is a specific allegation(s) of misconduct against a department employee by a known citizen. A complaint is defined as an expression of formal discontent, dissatisfaction, or accusation made in written or verbal form that alleges illegal activity, misconduct, or a violation of rules or regulations of the police department or of the City of Virginia Beach.

By policy, can command conduct investigation?

No

Document all information and forward via BlueTeam to Internal Affairs and request a file folder.

Conduct interview with complainant—record if at all possible. Identify specifics of complaint, employees involved, any witnesses, potential evidence, etc.

Conduct recorded interview with employees. Utilize Administrative Notification form.

Investigate case & complete Investigative Report.

Forward to supervisor for approval. Case should then be adjudicated and recommendations made by a different supervisor.

Yes

Does C.O. authorize you to investigate?

No

Document all information and forward via BlueTeam to Internal Affairs.

You are done
Process for Typical Handling of Internal Investigations by Line Command Supervisors

An internal investigation is an investigation generated from within the department concerning a specific allegation of misconduct. An internal investigation may be authorized or requested by Command authority. An internal investigation will be conducted when an employee is arrested in connection with a criminal violation. An internal investigation can also result from an upgraded inquiry. All weapon discharges, except when is approved in training or in animal euthanasia cases, will be handled as internal investigations.

By policy, can command conduct investigation?

No

Yes

Document all information and forward via BlueTeam to Internal Affairs and request a file folder.

Conduct interview with all witnesses—record if at all possible. Identify specifics of complaint, employees involved, potential evidence, etc.

Conduct recorded interview with employees. Utilize Administrative Notification form.

Investigate case & complete Investigative Report.

Does C.O. authorize you to investigate?

No

Yes

Document all information and forward via BlueTeam to Internal Affairs.

Forward to supervisor for approval. Case should then be adjudicated and recommendations made by a different supervisor.

You are done

SOURCE: VBPD Administrative Field Guide
Process for Typical Handling of Inquiry Investigations by Line Command Supervisors

An inquiry is initiated as a result of:
(1) an investigation of an employee by an outside agency; (2) a report of a minor traffic violation by an employee; (3) an animal euthanasia; (4) notification of a lawsuit either an employee or the City of Virginia Beach as a result of an employee’s actions while performing his/her duties; (5) at the request of City Attorney’s Office or City Risk Management Division; (6) as a result of a citizen’s insistence a “complaint” be filed when there is clearly no misconduct or policy violations.

By policy, can command conduct investigation?

Yes

Document all information and forward via BlueTeam to Internal Affairs and request a file folder.

Conduct interview with complainant—record if at all possible. Identify specifics of complaint, employees involved, any witnesses involved, potential evidence, etc.

Conduct recorded interview with employees. Utilize Administrative Notification form.

Investigate case & complete Investigative Report.

No

Does C.O. authorize you to investigate?

Yes

Document all information and forward via BlueTeam to Internal Affairs.

You are done

No

Forward to supervisor for approval. Case should then be adjudicated and recommendations made by a different supervisor.

SOURCE: VBPD Administrative Field Guide