

LOS ANGELES POLICE COMMISSION

*Review of the  
Ethics Enforcement Section  
Quarterly Report  
First Quarter 2009  
(PUBLIC, OPEN SESSION)*



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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August 5, 2009

**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF ETHICS ENFORCEMENT SECTION QUARTERLY REPORT  
FIRST QUARTER 2009**

**PURPOSE**

The Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, First Quarter 2009,<sup>1</sup> and the associated audit packages to evaluate the completeness, quality and findings of audits conducted by EES. The OIG conducted a performance review of EES operations in accordance with generally accepted government auditing standards. These standards require that the review is adequately planned, performed, and supervised and sufficient, appropriate evidence was obtained by performing review procedures to provide a reasonable basis for the findings and conclusion contained herein.

The Chief of Police signed the EES Quarterly Report on April 29, 2009 and the OIG received the Report on May 7, 2009.

**BACKGROUND**

The Los Angeles Police Department (LAPD or Department) mission is to conduct specific and random integrity audits to identify and investigate employees engaging in at-risk behavior (e.g., unlawful stops, unlawful searches/seizures, unauthorized force, dishonesty, sexual misconduct and discrimination). Integrity audits are designed to evaluate Department employees' conduct and may involve the use of electronic surveillance and/or interaction with an EES deployed undercover officer (UC). Integrity audits involve considerable pre-operational planning to help mitigate the risk associated with these staged events including the safety of the UC.

Additionally, the Department conducts complaint intake audits to identify and investigate employees that discourage the filing of a personnel complaint, fail to accept a personnel complaint or fail to report misconduct. Additionally, these audits are performed to determine if the station accepts and records the personnel complaint within a reasonable time period. Complaint intake audits involve a UC calling or visiting a predetermined station or, less frequently, mailing in a personnel complaint. Although complaint intake audits represent a lesser risk to the Department, the process is well scripted and rehearsed by EES personnel prior to their implementation.

EES reported the results of 34 audits (12 integrity and 22 complaint intake) for the first quarter 2009. The table on page two lists the 12 integrity audits, including the behavior tested and their related classifications that were completed and reported by EES during the first quarter of 2009. The table shows that EES classified nine integrity audits (75%) as Pass, two as Attempt (17%) and one (8%) as Pass-Substandard.<sup>2</sup>

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<sup>1</sup> Calendar quarter ending March 31, 2009

<sup>2</sup> The following provides a description of the classifications used by EES for their integrity audits:

Attempt – The employee either did not respond to the scenario or interact in a manner allowing examination of their conduct.

Pass – The employee's actions during the audit were proper, consistent with Department policy, state and federal law.

Pass-Substandard – The employee, in principle passed, but his or her conduct did not meet the Department's behavior expectations.

<b>EES INTEGRITY AUDIT TABLE – FIRST QUARTER 2009</b>				
<b>SAMPLE #</b>	<b>EES AUDIT #</b>	<b>BEHAVIOR TESTED</b>	<b>AUDIT TYPE</b>	<b>EES AUDIT CLASSIFICATION</b>
1	08-118	Field Enforcement Activities	Random	Pass
2	08-164	Unbecoming Conduct	Random	Attempt
3	08-169	Field Enforcement Activities	Specific	Pass
4	09-001	Neglect of Duty	Random	Pass
5	09-002	Unbecoming Conduct	Specific	Pass
6	09-009	Neglect of Duty	Specific	Pass
7	09-012	Sexual Misconduct	Specific	Attempt
8	09-019	Discourtesy/Unauthorized Force	Specific	Pass
9	09-021	Handling of Found Property	Random	Pass
10	09-023	Neglect of Duty	Specific	Pass-Substandard
11	09-024	Sexual Misconduct	Specific	Pass
12	09-030	Field Enforcement Activities	Random	Pass

EES also conducted 20 random telephonic station complaint intake audits and two random station mail in complaint intake audits. EES classified 20 complaint intake audits (90%) as Pass, one audit (5%) as Pass-Substandard and one audit (5%) as Fail.<sup>3</sup>

**METHODOLOGY**

The OIG’s scope included a review of EES integrity and complaint intake audit packages for audits that were completed and reported during the period from January 1, 2009 through March 31, 2009. Fourteen of the 22 complaint intake audits were randomly selected and examined as well as all 12 integrity audits.<sup>4</sup>

**MANAGEMENT’S RESPONSE**

On July 21, 2009 the OIG discussed the results of this review with EES management personnel who were in agreement with the findings and conclusion of the OIG report.

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3 The following provides a brief description of the classifications used by EES for these first quarter 2009 complaint intake audits:

Pass – The employee completed a complaint form and did so in a timely manner.

Pass-Substandard – The employee completed a complaint form; however, during the audit an employee attempted to dissuade the UC from making the complaint.

Fail – The employee failed to complete a complaint form or did so only after the UC was required to wait an excessive amount of time or after an the UC was required to make an inordinate number of attempts before the complaint was taken by an employee.

4 The OIG randomly selected a sample of complaint intake audits based on a one tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus precision of seven percent.

## **OBJECTIVES**

The three main objectives of the OIG's review were to assess the EES's audits for completeness, quality and findings as described below:

1. Assessment of Completeness - This assessment was made based on a review of both the first quarter 2009 report and EES's individual audit packages. Specifically, the OIG performed the following test steps:
  - Ensured all audits initiated by EES have either been reported or are in progress.
  - Determined if all evidence necessary to classify the audit was included in the package.<sup>5</sup>
2. Assessment of Quality - This assessment was made based on a review of EES's individual audits packages. Specifically, the OIG performed the following test steps:
  - Determined if proper approvals were obtained prior to the audit's execution and after the audit package was completed.
  - Evaluated each audit to determine if the scenario was designed to identify at-risk behavior and the audit accurately reflected recorded events.
  - Evaluated each audit to determine if current EES policies and procedures were adequate. Additionally, each audit was evaluated to determine if EES as well as Department policies and procedures were followed in the planning, execution, and events subsequent to the audit.
  - Evaluated the quality of service provided to the UC during complaint intake audits.
  - Evaluated each audit to determine if the Final Report documented all pertinent information that could affect the final classification of the audit.
  - Verified appropriate notifications were made to Department personnel or outside agencies.
3. Assessment of Findings - This assessment was made based on a review of both the quarterly report and EES's individual audit packages. Specifically, the OIG performed the following test steps:
  - Evaluated the quarterly report to determine if the report portrayed the findings in a fair and accurate manner.
  - Evaluated EES's audits to ensure all significant concerns were addressed and the final classifications were consistent with the officers' actions.

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<sup>5</sup> An audit package should contain a Final Report, Operations Request, Operational Plan (as required) the officer's Training Evaluation Management System II report (for specific sting audits) and any other evidence, including video and audit surveillance, required to support the results of the audit.

## **RESULTS**

### **Completeness**

The EES Quarterly Report, First Quarter 2009, reported on the outcome of 12 integrity and 22 complaint intake audits. Based on the OIG's review, EES reported on a complete population and all 26 audit packages reviewed contained complete information. Six audits remained open at the end of the first quarter 2009. The OIG will continue to track these six open audits to ensure they are properly completed and reported by EES.

### **Quality**

The OIG evaluated several aspects of the 12 integrity and 14 complaint intake audits. Based on the OIG's review of the audit packages, EES obtained the proper approval for each audit both before and after the execution of the audit, designed the scenario to identify at-risk behavior, complied with existing Departmental policies and procedures, properly evaluated the quality of service to the UC during complaint intake audits and contacted appropriate Department personnel regarding the results of each audit. Additionally, the OIG determined the audits were properly planned, executed and supervised.

### **Findings**

EES complied with existing policies in determining the audit classifications for the 12 integrity and 14 complaint intake audits reviewed by the OIG. Additionally, the OIG's review of EES's first quarterly report revealed the findings were presented in a fair and accurate manner.

### **Other Matter**

EES management personnel conduct complaint intake audits and evaluate the performance of the auditee based on a set of defined standards. The standards include timeliness, attitude and the willingness of the station employee to accept the complaint. The standard of review does not currently consider the accuracy or completeness of the personnel complaint form. Incomplete documentation; however, may delay or prevent the subsequent complaint investigation. Therefore, a more complete review of the complaint intake process would include assessing the ability of the investigator to proceed with the furtherance of the investigation.

*Background:* The following provides brief definitions for the classifications currently used by EES for the complaint intake audits:

Pass – The station employee completed a complaint form and did so in a timely manner.

Pass-Substandard – The station employee completed a complaint form. However, during the audit a station employee attempted to dissuade the complainant from making the complaint.

Fail – The station employee failed to complete a complaint form. Alternatively, the station employee completed a complaint form after the complainant was required to wait an excessive amount of time, or after the complainant was required to make an inordinate number of attempts before the complaint was taken.

*Issue:* Three complaint intake audits revealed complaint forms that did not include the complainant's telephone number.

*Risk:* The omission of important complainant contact information from the personnel complaint form may make it difficult or even impossible for the complaint investigator to contact the complainant and proceed with the investigation.

*Recommendations:* The OIG recommends that EES consider revising complaint intake audit performance standards to include a review of the personnel complaint form to ensure that relevant information provided by the complainant, such as contact information, is properly being recorded. Additionally, EES may consider expanding current complaint intake audit classification definitions to include instances in which station employees omit essential information from the personnel complaint form. Classifying such omissions, for example, as Pass-Substandard rather than Pass, would provide for station management to be notified by EES of the audit results and thereby allow the involved station employee to receive appropriate counseling and/or training.

*Management's Response:* EES management personnel were in agreement with the OIG's recommendations. EES indicated that they are in the process of updating their procedures to include a review of the essential information contained on personnel complaint forms.

## **CONCLUSION**

Based on the OIG's review, the audit packages prepared by EES were complete. EES conducted the audits in a quality manner and the finding classifications were consistent with current standards. The OIG believes that a revision of the complaint intake audit performance standards to include a review of the accuracy and completeness of significant information contained in personnel complaint forms will enhance the quality of future audits.