

LOS ANGELES POLICE COMMISSION

***Review of the
Ethics Enforcement Section
Quarterly Report
First Quarter 2010
(PUBLIC, OPEN SESSION)***



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

NICOLE C. BERSHON
Inspector General

November 15, 2010

OFFICE OF THE INSPECTOR GENERAL
REVIEW OF ETHICS ENFORCEMENT SECTION QUARTERLY REPORT
FIRST QUARTER 2010
PUBLIC

PURPOSE

The Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, First Quarter 2010 (Quarterly Report), and the associated audit packages to evaluate the completeness, quality, and findings of audits conducted by EES.¹ The Chief of Police signed the Quarterly Report on April 29, 2010, and the OIG received the Quarterly Report on May 11, 2010.

BACKGROUND

The OIG has reviewed and reported on every quarterly report completed by EES since the first calendar quarter of 2004. These reports summarize the results of EES audits completed during the specified quarter. These audits, also referred to as stings, are designed to covertly assess an officer's behavior for compliance with Los Angeles Police Department (Department) standards and state law. The Department conducts specific, special operation, and random integrity audits to identify and investigate employees engaging in improper behavior (e.g., unlawful stops, unlawful searches/seizures, unauthorized force, dishonesty, unbecoming conduct, discourtesy, sexual misconduct, and discrimination). Integrity audits may involve surveillance and/or interaction with an EES undercover officer (UC). Integrity audits involve considerable pre-operational planning to help mitigate the risks associated with these staged events, including the safety of the UC. A specific integrity audit is initiated based on prior knowledge obtained regarding a particular officer's improper behavior. A special operation integrity audit, also based on prior knowledge, ascertains whether a specific improper behavior will occur without targeting a particular officer. This type of integrity audit involves surveillance of the location where the alleged improper behavior may have occurred. A random integrity audit is not based on prior knowledge. The planning for random audits includes selecting an Area and designing a scenario without preselecting an officer. Random integrity audits are conducted City-wide. Occasionally, at the request of an outside agency, an audit will be conducted to assess the behavior of a specific officer employed by the requesting outside agency. These audit results are communicated to the appropriate agency.

Additionally, the Department conducts complaint intake audits to identify and investigate employees who discourage the filing of a personnel complaint, fail to accept a personnel complaint, or fail to report misconduct. These audits are conducted to determine if officers at Area police stations accept and properly record personnel complaints within a reasonable time period. Complaint intake audits involve a UC calling or walking into a predetermined police station or, less frequently, mailing 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 execution.

¹ Calendar quarter ending March 31, 2010.

Integrity Audit Summary

The EES reported the results of 15 integrity and 25 complaint intake audits for the first quarter 2010. Two of the integrity audits were conducted at the request of an outside agency to test their officers, so these two audits were not reviewed by the OIG. The table below lists the 13 integrity audits reviewed by the OIG, including the behavior tested and their related classifications. The EES classified 12 (92%) integrity audits as Pass and 1 (8%) as Attempt.²

EES INTEGRITY AUDITS REVIEWED BY THE OIG

| EES AUDIT # | BEHAVIOR TESTED | AUDIT TYPE | EES AUDIT CLASSIFICATION |
|--------------------|--------------------------------|-------------------|---------------------------------|
| 09-130 | Field Enforcement Activities | Random | Pass |
| 09-152 | Unbecoming Conduct/Discourtesy | Specific | Attempt |
| 09-166 | Response to Victims of Crime | Random | Pass |
| 09-167 | Neglect of Duty | Random | Pass |
| 10-001 | Field Enforcement Activities | Random | Pass |
| 10-002 | Discourtesy | Specific | Pass |
| 10-004 | Discourtesy/Neglect of Duty | Specific | Pass |
| 10-007 | Field Enforcement Activities | Random | Pass |
| 10-009 | Field Enforcement Activities | Random | Pass |
| 10-011 | Field Enforcement Activities | Random | Pass |
| 10-017 | Field Enforcement Activities | Random | Pass |
| 10-018 | Field Enforcement Activities | Random | Pass |
| 10-034 | Field Enforcement Activities | Random | Pass |

Complaint Intake Audit Summary

In addition to the integrity audits, EES also conducted 14 random phone-in station complaint intake audits and 11 facsimile station complaint intake audits. A phone-in audit involves a UC telephoning a police station in an attempt to lodge a personnel complaint against a police officer for misconduct. Typically, a police officer at the Area police station would initially answer the call placed by the UC. The UC would describe to the officer a preplanned complaint scenario involving police misconduct which the UC either experienced or witnessed. The UC would either specifically indicate that he wanted to make a complaint or the scenario would clearly identify that police misconduct occurred. The officer who received the call is then required to transfer the UC to a station supervisor who is required to take the complaint. Each officer that speaks with the UC is identified during the audit in order to be able to assess his behavior. A facsimile audit involves a UC entering a fax and copy shop and faxing in a completed complaint form (LAPD Form 01.81.06), which is available to citizens via the internet. The EES reported 23 (92%) complaint intake audits as Pass, 1 (4%) audit as Fail, and 1 (4%) audit as Pass-Substandard.³

² Descriptions of the classifications used by EES for their first quarter 2010 integrity audits are as follows:
 Pass - The employee’s actions during the audit were proper and consistent with Department policy and law.
 Attempt - The employee either did not respond to the scenario or interact in a manner allowing examination of their conduct.

³ Descriptions of the classifications used by EES for their first quarter 2010 complaint intake audits are as follows:
 Pass – The employee completed a complaint form and did so in a timely manner.
 Fail – The employee failed to complete a complaint face sheet.
 Pass-Substandard – The employee completed a complaint form; however, there were clear omissions of pertinent information on the complaint face sheet that would significantly impede a thorough and complete investigation.

METHODOLOGY

The OIG's scope included a review of EES integrity and complaint intake audit packages that were completed and reported from January 1, 2010, through March 31, 2010. Fifteen of the 25 complaint intake audits were randomly selected and examined as well as all 13 integrity audits.⁴ 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. Standards also require that sufficient and appropriate evidence is obtained by performing review procedures that provide a reasonable basis for the findings and conclusion.

OBJECTIVES

The OIG's review assessed the audit for completeness, findings, and quality as described below:

1. Assessment of Completeness - This assessment was made based on a review of both the Quarterly Report and EES's individual audit packages. Specifically, the OIG:
 - Ensured that all audits initiated by EES have either been reported or are in progress; and
 - Determined if all evidence necessary to classify the audit was included in the package.⁵
2. Assessment of Quality - This assessment was made based on a review of EES's individual audit packages. Specifically, the OIG:
 - 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;
 - Determined if the audit accurately reflected recorded events;
 - Evaluated each audit to determine if current EES policies and procedures were adequate;
 - Determined if EES procedures and Department policies 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; and

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.

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

- Evaluated each audit to determine if the Final Report documented all pertinent information necessary to support the final classification of the audit.
3. Assessment of Findings - This assessment was made based on a review of the Quarterly Report and EES's individual audit packages. Specifically, the OIG:
- 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
 - Evaluated EES's audits to determine if the final classifications were consistent with the officers' actions and current classification standards.

RESULTS

Completeness

The OIG determined that EES Quarterly Report reported on a complete population of 13 integrity and 25 complaint intake audits by tracking all audits conducted and reported this quarter as well as any audits previously conducted but not yet reported. Eight audits remained open at the end of the first quarter 2010, which the OIG will continue to track to ensure they are properly completed and reported by EES. The OIG reviewed 28 audit packages and determined that all audit packages contained complete information. As such, the EES audits met the OIG's standard for completeness.

Quality

The EES obtained the proper approval before and after the execution of each audit, complied with existing policies and procedures, and contacted appropriate Department personnel regarding the results of each audit. The audit scenarios were also designed to identify at-risk behavior and evaluate the quality of service the UC received during the complaint intake audits. As such, the EES audits met the OIG's standard for quality.

Findings

The EES classified each audit in accordance with existing standards. Additionally, the Quarterly Report presented the findings in a fair and accurate manner. As such, the EES audits met the OIG's standard for findings.

RECOMMENDATIONS

There are no recommendations.

MANAGEMENT'S RESPONSE

On September 14, 2010, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division (SOD) who expressed general agreement with the OIG's Audit.

CONCLUSION

The OIG concluded that the EES Quarterly Report and the associated audit packages met the OIG's standard for completeness, quality, and findings. This conclusion was supported by the OIG's detailed review of all 13 integrity audit packages and a randomly selected sample of 15 complaint intake audit packages.