

LOS ANGELES POLICE COMMISSION

*Review of the
Ethics Enforcement Section
Quarterly Report,
First Quarter 2005*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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EXECUTIVE SUMMARY
Office of the Inspector General
Review of Ethics Enforcement Section Quarterly Report, First Quarter 2005

OVERVIEW OF ETHICS ENFORCEMENT SECTION'S QUARTERLY REPORT

Consent Decree (CD) paragraph 97 requires the Los Angeles Police Department (Department), specifically Internal Affairs Group (IAG), to conduct regular, targeted and random integrity sting audits. These audits seek to identify and investigate officers engaging in at-risk behavior, such as making unlawful stops/searches/seizures and using excessive force, or discouraging or failing to take a complaint.

The Ethics Enforcement Section (EES) of the IAG conducts these audits and reports the associated findings in a Quarterly Report format. Pursuant to CD paragraph 127, the Chief of Police forwards the Quarterly Report to the Police Commission and the OIG for review.

The EES Quarterly Report, First Quarter of 2005, reported the results of 30 sting audits. Twenty of the audits related to complaint intakes, of which 19 were classified as "Pass." Additionally, EES conducted ten other sting audits related to unlawful seizures, excessive use of force, and other policy issues. Eight of those sting audits were classified as a "Pass" and two as a "Fail."

OVERVIEW OF OIG'S REVIEW

Pursuant to CD paragraph 135, the Office of the Inspector General (OIG) reviewed the EES Quarterly Report, First Quarter 2005, and associated audit packages to assess the overall completeness, quality, and findings of the quarter's audits. The review found that overall, the audits were conducted in a complete and quality manner. Additionally, for the most part, the findings were adequately supported and presented. However, the OIG disagreed with EES's classification for one specific sting audit.

(Confidential Information Omitted for Closed Session Discussion)

**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE ETHICS ENFORCEMENT SECTION
QUARTERLY REPORT, FIRST QUARTER 2005**

PURPOSE

Pursuant to Consent Decree (CD) paragraph 135, the Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, First Quarter 2005 and associated audit packages to assess the overall completeness, quality, and findings of the quarter's audits.¹

The Chief of Police (COP) signed the EES report on May 6, 2005, and the OIG received the report on May 10, 2005, within the one-week timeframe mandated by paragraph 135.

BACKGROUND ON EES's STING AUDITS

Consent Decree paragraph 97 requires the Los Angeles Police Department (Department), specifically Internal Affairs Group (IAG), to conduct regular, targeted and random integrity sting audits. These audits seek to identify and investigate officers engaging in at-risk behavior, such as making unlawful stops/searches/seizures and using excessive force, or discouraging or failing to take a complaint.

The EES of the IAG conducts these audits and reports the associated findings in a Quarterly Report format. Pursuant to CD paragraph 127, the COP forwards the Quarterly Report to the Police Commission and the OIG for review.

The EES Quarterly Report, First Quarter of 2005, reported the results of 30 sting audits. Twenty of the audits related to complaint intakes, of which 19 were classified as "Pass." Additionally, EES conducted ten other sting audits related to unlawful seizures, excessive use of force, and other policy issues. Eight of those sting audits were classified as a "Pass" and two as a "Fail."

PRIOR REVIEWS/RECOMMENDATIONS

The OIG's last review of EES's Quarterly Report for the Fourth Quarter of 2004 determined that EES lacked a notification process for procedural failures that fall outside the scope of the original objective of EES's sting audits. A review of that quarter's audits identified several significant procedural failures related to substandard performance (the specifics of which will be discussed in closed session). Follow-up into the matter revealed that EES did not always notify Department management of the identified substandard performance and when a notification was made, limited details were provided. As a result, Department management could not take any type of corrective action (e.g., a general discussion of the issues during standardized roll call training) or monitor the officers' performance going forward.

¹ Unlike the majority of audits conducted by the Department, the EES sting audits are reported quarterly using a calendar year basis versus a fiscal year basis.

The OIG made recommendations in its last review to improve the notification process. The EES management has indicated that they would ensure notifications are made when warranted and better document the extent of information provided to Commanding Officers. The EES's progress in this area will continue to be monitored and, within six months, the OIG plans to report on the status of the recommendations made in its previous review.

METHODOLOGY

The EES Quarterly Report, First Quarter of 2005, reported the results of 30 sting audits. To evaluate the completeness, quality, and findings of these audits and the Quarterly Report, the OIG reviewed each audit package utilizing a pre-developed matrix consisting of 40 questions. Typically, an audit package consists of a Final Report, an audit request (AR), an operational plan (OP), the undercover officer(s) notes or statements, and audio/video tapes.

On July 15, 2005, the OIG discussed the results of this review with the former Commanding Officer of EES.² At that time, EES management indicated general agreement with this review's findings. However, there was one audit that the OIG believes was improperly classified as a "Pass." The EES management disagrees with this conclusion. Our analysis of the specific audit will be discussed herein.

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² The former Commanding Officer recently received a promotion but remained on loan to EES to ensure there was a smooth transition for the EES's new Commanding Officer. The new Commanding Officer was not able to attend the exit meeting.

REVIEW RESULTS

COMPLETENESS

Completeness of the Population

The EES Quarterly Report, First Quarter 2005, reported on the outcome of 30 integrity audits (20 random sting audits and 10 specific sting audits). At the beginning of the year, EES assigns sequential audit project numbers to each audit initiated. Depending on its complexity, an audit may extend beyond one quarter, which results in EES reporting on audit projects that are out of sequence. The OIG reviewed the audit packages to ensure EES reported on a complete population.

Results

The OIG's review confirmed that EES completed a total of 30 audits during the First Quarter of 2005. Three additional audits commenced during the quarter but were not completed by the end of the quarter and two audits from 2004 still remain outstanding. The OIG will continue to track the status of these audits to ensure they are eventually reviewed.

Completeness of the Audit Package

The 30 audits conducted by EES were reviewed to ensure each associated audit package contained a Final Report, AR, OP (when required), and any other evidence required to be included in the package.³

Results

All 30 audit packages contained the Final Report, an AR, and an OP (when required). The packages included all other evidence required to be in the audit package with the exception of two specific sting audit packages that did not contain a copy of the targeted officer's TEAMS report. As TEAMS reports contains an officer's complaint and use of force history, EES investigators should ensure the TEAMS reports for targeted officers are considered before conducting a sting and placed in the applicable audit packages.

Conclusion

Overall, the OIG determined the EES Quarterly Report, First Quarter 2005, and supporting audit packages were complete.

³ EES no longer completes an OP for telephonic complaint intake audits since those audits have no safety concerns and do not require extensive planning.

QUALITY

The EES Quarterly Reports are abbreviated and as such, the assessment of quality is based on a detailed review of information contained in the associated audit packages. Specifically, the OIG evaluated the packages for the following: Proper Approvals; Adherence to Significant Procedures; Timely Approval of Final Reports; Proper Design and Execution of the Audits; Reports and Complaint Forms Completed Accurately; Proper Notifications to the Los Angeles County District Attorney's Office (DA) or City Attorney's Office (CA) and the OIG, when necessary; and, Proper Follow-up on Procedural Failures Outside the Scope of the Sting Audit.

Proper Approvals

The OIG evaluated each audit package to ensure the EES Commanding Officer approved the AR and an EES supervisor approved the OP (when required) prior to the audit's execution. Additionally, if the sting audit involved the use of a recording device or narcotics, the OIG verified proper approvals were obtained.

Results

All 30 audit packages had an AR and OP (when required) that was signed by the EES Commanding Officer and supervisor, respectively.⁴ For all instances in which a recording device or narcotics were used, proper approvals were obtained.

Adherence to Significant Procedures

The OIG evaluated each audit package to determine whether significant Department policies and procedures were followed in the planning, execution, and completion of the sting audit. Specifically, the packages were reviewed to ensure the following:

- Adherence to Chain of Custody Procedures;
- Adherence to Firearm and Secret Service Fund Procedures, if applicable;
- Adherence to the OPs;
- Proper Consideration of Safety Issues in the OPs, if applicable;
- Completion of Complaint Form (CF) 1.28s, when necessary (if within the scope of the audit);
- Write-Protection of Audio/Video Tapes; and,
- Proper Identification of Supporting Audio/Video Tapes.

⁴ The ARs and OPs were approved on the same day as the audits' execution in six and eight instances, respectively. As there was no time of approval indicated on the documents, the OIG was unable to determine whether the approvals were received prior to or after the audit's execution.

Results

Sixteen audit packages required and contained an OP. However, one specific sting audit significantly deviated from its approved OP and no justification for the deviation was documented in the audit package. Specifically,

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A review of the audit/video tapes found that 28 (93%) of the 30 audit packages contained audio/videotapes that were write-protected.

Other than the issues noted above, the audit packages substantially complied with all other significant Department policies and procedures.

Timely Approval of Final Reports

The OIG evaluated the Final Report in each audit package to ensure EES management approved the report within 45 days, unless the delay was justified.

Results

Of the 30 audit packages, 29 (97%) contained a Final Report that was approved by EES management in a timely manner. One audit package contained a Final Report that was approved 48 days after the audit's execution without any justification for the untimely approval documented in the audit packages.

Proper Design and Execution of the Audits

The OIG evaluated each audit package to ensure the audit was designed to identify at-risk behavior and allowed to "play out" to identify all possible results.

Results

All 30 audits were designed to identify at-risk behavior and they were allowed to “play out.” Regarding the complaint intake audits, the OIG verified that all complaints generated by the audited Areas were properly closed and adjudicated. Through its complaint intake audits, EES identified one officer who failed to properly handle a complaint resulting in the Department generating a complaint against that officer. That audit was classified as a “Fail.”

Reports and Complaint Forms Completed Accurately

The OIG evaluated each audit package to ensure all related reports and complaint forms completed by EES were accurate based on supporting information.

Results

Except for a few minor discrepancies, all 30 audit packages contained reports that were accurate based on supporting information.

Proper Notifications to the DA/CA and the OIG

The OIG evaluated each audit package to determine whether proper notifications were made when required. Specifically, if an audit is classified as a criminal failure, the Department presents the case to the DA/CA; and, if the audit is classified as a significant administrative or criminal failure, the OIG is notified.

Results

Three of the 30 audits were classified as “Fail.” Two were administrative failures that did not require a notification to the DA/CA and the Inspector General. The remaining audit was classified as “Fail-Criminal.” The Department presented the case to the CA but the CA rejected the case. The Inspector General was notified of this failure.

Proper Follow-up on Procedural Failures Outside the Scope of the Sting Audit

The OIG evaluated each audit package to determine whether EES properly addressed procedural failures occurring during the audit that did not necessarily fall within the scope of the sting audit.

Results

The OIG identified one audit in which a procedural failure was identified by EES, but there was no documentation to indicate EES notified the officer’s Chain of Command to address the issue.

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Conclusion

Overall, the OIG believes EES conducted its audits in a quality manner. However, EES should work on documenting justifications for OP deviations and its handling of procedural failures.

FINDINGS

Support for Audit Findings

The OIG evaluated the findings of all EES audits to ensure the findings were properly supported. Specifically, the OIG performed the following:

- Reviewed the undercover officer's notes or statements (if any) to ensure they were sufficiently descriptive to support the information in the final audit report;
- Ensured the audit accurately reflected recorded events;
- Ensured the classifications were consistent with the subject(s) action(s); and,
- Ensured there were no significant inconsistencies identified with either the undercover officer's notes or the statements they provided.

Results

Based on a review of supporting information, 29 (97%) of the 30 audit packages had adequate support for the related findings. The OIG did not concur with the "Pass" classification for the audit already discussed on page no. 5 of this report. Due to a significant deviation from the OP, the OIG believes "Inconclusive" is a more appropriate classification for this audit.

On a separate note, the OIG identified one Complaint Intake audit that was appropriately classified as a "Pass" because the complaint was taken but the summarized complaint allegation did not contain a second allegation provided by the undercover officer. Specifically,

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Presentation of Findings

The OIG compared the EES Quarterly Report, First Quarter 2005, to information contained in associated audit packages to determine whether the findings were accurately reported.

Results

In reviewing the accuracy of the report, the OIG identified two minor discrepancies with the summarized information. The report indicates that 20 random sting and 10 specific sting audits were conducted, but the accurate count was 19 random sting and 11 specific sting audits. Additionally, the report indicates 49 employees were audited, but it appears 51 employees were actually audited.⁵

Conclusion

Overall, EES's findings were adequately supported and reported accurately in the EES's Quarterly Report. However, the OIG disagrees with the classification of the one audit.

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⁵ The additional employees were identified from a review of the associated audiotapes.

OTHER RELATED MATTERS

On July 5, 2005, the OIG reviewed the status of open complaint investigations resulting from previous EES sting audits and determined that three had been closed. The chart below provides information on the adjudication and penalty (if applicable).

CLOSED COMPLAINT INVESTIGATIONS

QTR	ALLEGATION	ADJUDICATION/PENALTY
4 th Qtr, 2003	Unbecoming Conduct - 2 Employees	<u>Sustained</u> – Employee Retired (Not Resolved for second employee)
1 st Qtr, 2004	Neglect of Duty - 3 Employees	<u>Sustained</u> – 15-Day Suspension <u>Sustained</u> – Officer Reprimand <u>Sustained</u> – Admonishment
3 rd Qtr, 2004	Complaint Intake Administrative Failure	<u>Sustained</u> – Admonishment