

**LOS ANGELES POLICE COMMISSION**

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



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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Inspector General

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

**PURPOSE**

The Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Second Quarter 2009, and the associated audit packages to evaluate the completeness, quality and findings of audits conducted by EES.<sup>1</sup> 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 July 28, 2009 and the OIG received the Report on August 21, 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, unbecoming conduct, discourtesy, 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 who 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 properly 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 or E-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 implementation.

EES reported the results of 43 audits (15 integrity and 28 complaint intake) for the second quarter 2009. The table on page two lists the 15 integrity audits, including the behavior tested and their related classifications that were completed and reported by EES during the second quarter of 2009. The table shows that EES classified 12 integrity audits (80%) as Pass. The remaining three integrity audits were classified as an Attempt, a Pass-Substandard and a Fail. Each one of these three audits comprised slightly more than six percent of the sample.<sup>2</sup>

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<sup>1</sup> Calendar quarter ending June 30, 2009

<sup>2</sup> The following provides a description of the classifications used by EES for their second quarter 2009 integrity audits:  
Pass – The employee's actions during the audit were proper and consistent with Department policy, state and federal law.  
Attempt – The employee either did not respond to the scenario or interact in a manner allowing examination of their conduct.  
Pass-Substandard – The employee in principle passed but his/her conduct did not meet the Department's behavioral expectations.  
Fail – The employee's conduct was improper and violated either criminal law or Department policy.

<b>EES INTEGRITY AUDIT TABLE – SECOND QUARTER 2009</b>				
<b>SAMPLE #</b>	<b>EES AUDIT #</b>	<b>BEHAVIOR TESTED</b>	<b>AUDIT TYPE</b>	<b>EES AUDIT CLASSIFICATION</b>
1	09-025	Unbecoming Conduct	Random	Pass
2	09-031	Neglect of Duty	Random	Pass
3	09-040	Neglect of Duty	Random	Pass
4	09-042	Unlawful Stops/False Arrests	Random	Pass
5	09-043	Unbecoming Conduct/Discourtesy	Specific	Fail
6	09-044	Discourtesy/Neglect of Duty	Specific	Pass
7	09-046	Unlawful Stops/False Arrests	Random	Attempt
8	09-052	Field Enforcement Activities	Random	Pass
9	09-054	Unbecoming Conduct	Random	Pass
10	09-055	Unlawful Stops	Random	Pass
11	09-056	Theft/Neglect of Duty	Specific	Pass-Substandard
12	09-066	Theft	Specific	Pass
13	09-068	Neglect of Duty	Random	Pass
14	09-069	Theft	Specific	PASS
15	09-070	Unbecoming Conduct	Specific	Pass

EES also conducted 26 random phone-in station complaint intake audits, one random E-mail Department complaint intake audit, and one walk-in station complaint intake audit. EES classified 26 complaint intake audits (93%) as Pass and two audits (7%) 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 April 1, 2009 through June 30, 2009. Fifteen of the 28 complaint intake audits were randomly selected and examined as well as all 15 integrity audits.<sup>4</sup>

**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 second 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.

<sup>3</sup> The following provides a brief description of the classifications used by EES for these second quarter 2009 complaint intake audits:  
 Pass – The employee completed a complaint form and did so in a timely manner.

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 the UC was required to make an inordinate number of attempts before the complaint was taken by an employee.

<sup>4</sup> 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.

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- 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 audit 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 necessary to support the final classification of the audit.
  - Verified that appropriate notifications to Department personnel outside agencies were made.
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.

## **RESULTS**

### **Completeness**

The EES Quarterly Report, Second Quarter 2009, reported on a complete population of 15 integrity and 28 complaint intake audits. The OIG reviewed 30 audit packages and determined that all audit packages contained complete information. Three audits remained open at the end of the second quarter 2009. The OIG will continue to track these three open audits to ensure they are properly completed and reported by EES.

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<sup>5</sup> 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.

## **Quality**

The OIG reviewed 15 integrity and 15 complaint intake audits evaluating several aspects of each. Based on the OIG's review, 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 all integrity and complaint intake audits reviewed by the OIG. Additionally, the OIG's review of EES's second quarter 2009 report revealed the findings were presented in a fair and accurate manner.

## **Other Matter**

EES sworn personnel conduct complaint intake audits utilizing various modes of communication. For this quarter, EES conducted both telephone and E-mail complaint intake audits to attempt to identify employees who discourage the filing of a personnel complaint, fail to accept a personnel complaint or fail to report misconduct. EES designs its audits to test the behavior of a specific officer. The process EES utilizes to conduct Department E-mail complaint audits, however, may be unable to attribute behavior to a particular officer, thus rendering the audit ineffective.

The Department's Official internet website, LAPDonline.org, is managed by the Department's Public Information Office, specifically the Online unit. The website provides an E-mail address for the community to electronically transmit complaints, opinions and requests for information. Eight members of the Public Information Office have access to the E-mail address. The Department receives about 12 complaints each year via E-mail.<sup>6</sup>

Complaints received via E-mail are difficult to associate with a specific individual as they cannot be traced to a specific computer where the E-mail was opened. E-mail transmittals can further be complicated when technological failures occur associated with the internet connection or the supporting E-mail software preventing the receipt of an E-mail message. Given the limitations of the E-mail system, it is unlikely that an EES audit would be capable of attributing actions to a specific officer. As such, ensuring the integrity of the E-mail public complaint process may be more appropriately evaluated through testing the reliability of the E-mail system. Internal Audits and Inspections Division (IAID), who are experienced in conducting system audits, may be able to conduct such an audit with greater precision, efficiency and effectiveness than EES is currently capable of performing.

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<sup>6</sup> Complaints received are printed and forwarded to the Sergeant. After a concurrence is received from the Lieutenant regarding whether the complaint is disciplinary or non-disciplinary, the Sergeant accesses TEAMS II Complaint Management System, generates a complaint form, attaches the electronic E-mail with complainant's E-mail address, and electronically submits it to his Lieutenant for review. The Lieutenant reviews the complaint form and submits it electronically to his Commanding Officer for review and approval, after which it is electronically forwarded to Internal Affairs Group for investigation.

## **RECOMMENDATION**

The OIG recommends that EES discontinue conducting E-mail complaint intake audits. Additionally, the OIG further recommends that IAID include a review of this process in their annual Audit Plan.

## **PRIOR RECOMMENDATION**

The OIG, in their first quarter 2009 report, recommended that EES consider revising complaint intake audit performance standards to include a review of the personnel complaint form to ensure that essential information provided by the complainant, such as contact information, is properly recorded. Additionally, the OIG recommended that EES consider expanding the complaint intake audit Pass-Substandard classification definition to include instances in which station employees omit essential information from the personnel complaint form. Classifying such omissions 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. The OIG considers this recommendation implemented, and thereby closed, as EES has revised their complaint intake audit procedures to include a review of the personnel complaint form for essential information provided by the complainant, and has expanded the complaint intake Pass-Substandard classification definition to include instances in which station employees omit essential information from the personnel complaint form.<sup>7</sup>

## **MANAGEMENT'S RESPONSE**

On November 17, 2009 the OIG discussed the results of this review with the Commanding Officer of Special Operations Division (SOD) who was in agreement with the findings noted herein. The Commanding Officer of SOD concurred with the OIG's recommendation to discontinue E-mail complaint intake audits. Furthermore, the Commanding Officer of IAID concurred with the OIG's recommendation and will evaluate the process and report the results through their annual Audit Plan.

## **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 the current definitions. The OIG believes that, because of the inherent difficulty in identifying a particular officer's behavior associated with the EES E-mail complaint intake audit, the process for E-mailing a public complaint to the Department would more appropriately be tested by IAID.

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<sup>7</sup> EES's Pass-Substandard classification definition for complaint intake audits has been revised as follows: Pass-Substandard – The employee, in principle passed; however: 1) The employee attempted to dissuade the complainant from making an official complaint; 2) There were clear omissions of pertinent information in the complaint face sheet that would significantly impede a thorough and complete investigation.