

**LOS ANGELES POLICE COMMISSION**

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

**OVERVIEW ON ETHICS ENFORCEMENT SECTION'S STING AUDITS**

Consent Decree paragraph 97 requires the Los Angeles Police Department (LAPD or Department), specifically the Internal Affairs Group 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's (EES) Quarterly Report, Second Quarter 2005, reported the results of 55 sting audits. This quarter, 43 were complaint intake audits. Of those, 39 audits were classified as "Pass," one as "Inconclusive," and three as "Fail." The EES conducted 11 sting audits related to unlawful seizures, excessive use of force, and other policy issues, of which eight were classified as "Pass" and three as "Inconclusive." Finally, EES conducted a special operations audit that consisted of a joint task force. Since the investigation is on going, the OIG will refrain from discussing any details of that investigation.

**OVERVIEW OF THE OIG'S REVIEW**

Pursuant to Consent Decree paragraph 135, the Office of the Inspector General (OIG) performed a detailed review of 30 sting audits (19 were complaint intake audits) and assessed EES's Quarterly Report, Second Quarter 2005. The review focused on the overall completeness, quality, and findings of the quarter's audits. For the most part, EES conducted complete and quality audits and the findings were supported. However, the OIG noted the following significant issues:

- The complaint face sheets completed by the audited officers in three complaint intake audits contained significant inaccuracies and omissions. Given that inaccurate and omitted information on a complaint face sheet can serve to undermine the spirit of EES's audits (i.e., not only the intake of complaints but ensuring that they can be investigated appropriately) and/or be used to question the complainant's credibility, the OIG believes EES should document all significant inconsistencies and omissions on complaint face sheets generated during complaint intake audits. Additionally, EES should take appropriate action to address any identified issues, and/or perform other stings to determine whether the inaccuracies or omissions are innocent mistakes or something more.
- The OIG disagreed with EES's "Pass" classification for two audits, as follows:
  1. One specific sting audit involved an officer being audited due to an existing complaint of excessive force. Based on the review of that complaint investigation, the alleged incident occurred in an area where there were no witnesses in the surrounding area. The audit conducted by EES took place in a location with a high volume of traffic and pedestrians. During the detention the audited officer made inappropriate comments, but no force was used. The EES classified this audit as "Pass," but indicated that another sting would be conducted because of the comments made by the audited officer during the undercover

## Executive Summary

### Review of the Ethics Enforcement Section Quarterly Report, Second Quarter 2005

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officer's detention. Based on the comments made by the audited officer during the undercover officer's detention and that the sting was held in a location with the potential for a high volume of witnesses, the OIG believes "Inconclusive" would have been a more appropriate classification for this audit.

2. For another audit, a random sting audit, the OIG questions the legality of a search conducted by an audited officer. The EES conducted a random audit on two officers to determine whether the officers would conduct an illegal search. Although the officers did not perform the illegal search that EES planned for, it appears, based on the video/audio tapes, that a different questionable search was conducted by one of the officers. Due to the circumstances of this search, the OIG believes EES should perform another sting on the one officer.

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

**PURPOSE**

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

The Chief of Police signed the EES report on August 1, 2005, and the OIG received the report on August 4, 2005.

This report has been revised to omit confidential and sensitive information.

**BACKGROUND ON EES's STING AUDITS**

Consent Decree paragraph 97 requires the Los Angeles Police Department (LAPD or Department), specifically the 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 Consent Decree paragraph 127, the Chief of Police forwards the Quarterly Report to the Police Commission and the OIG for review. The EES has recently acquired a new Commanding Officer and Officer in Charge.

The EES Quarterly Report, Second Quarter 2005, reported the results of 55 sting audits. This quarter, 43 were complaint intake audits. Of those, 39 audits were classified as "Pass," one as "Inconclusive," and three as "Fail." The EES conducted 11 sting audits related to unlawful seizures, excessive use of force, and other policy issues, of which eight were classified as "Pass" and three as "Inconclusive." Finally, EES conducted a special operations audit that consisted of a joint task force. Since the investigation is on-going, the OIG will refrain from discussing any details of that investigation.

**PRIOR RECOMMENDATIONS**

As mentioned in the prior quarterly review, the OIG's next quarterly review will report on the status of the recommendations made in its review of the EES Quarterly Report, Fourth Quarter 2004. This will allow time for implementation and enable the OIG to evaluate EES's progress.

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<sup>1</sup> 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.

## **METHODOLOGY**

The EES Quarterly Report, Second Quarter 2005, reported the results of 55 sting audits. Due to the significant increase of complaint intake audits conducted by EES, the OIG reviewed a random sample of 19 complaint intake audits.<sup>2</sup> All 11 sting audits related to unlawful seizures, excessive use of force, and other policy issues were reviewed by the OIG. To evaluate the completeness, quality, and findings of these audits and the Quarterly Report, the OIG reviewed the audit packages utilizing a pre-developed matrix consisting of 41 questions. Typically, an audit package consists of a Final Report, an Operations Request, an Operational Plan, the undercover officer's notes or statements, and audio/video tapes.

On November 2, 2005, the OIG discussed the results of this review with the Commanding Officer of EES. At that time, he indicated appropriate action would be taken to address the findings in this review.

## **FOCUS POINTS**

### **Accuracy of Complaint Face Sheets Completed by the Audited Officers**

For the complaint intake audits, the OIG compared the information documented on the complaint face sheets completed by the audited officers with the information contained in the EES's audit packages and the audiotapes containing the undercover officer's side of the conversation. For three complaint intake audits, significant discrepancies were noted on the complaint face sheets that were completed by the audited officers. These complaint intake audits noted above were all classified as "Pass" audits by EES since the audited officer generated a complaint face sheet. In the past, EES has stated that these types of inaccuracies and omissions could be clarified during the follow-up investigation and the main objective in complaint intake audits is to ensure that a complaint face sheet is generated.

Given that inaccurate and omitted information on a complaint face sheet can serve to undermine the spirit of EES's audits (i.e., not only the intake of complaints but ensuring that they can be investigated appropriately) and/or be used to question the complainant's credibility, the OIG believes EES should document all significant inconsistencies and omissions on complaint face sheets generated during complaint intake audits. Additionally, EES should take appropriate action to address any identified issues, and/or perform other stings to determine whether the inaccuracies or omissions are innocent mistakes or something more.

The OIG discussed these concerns with the Commanding Officer of EES. At that time he indicated that during the Fourth Quarter of 2005, EES added another classification entitled "Pass - Substandard." The Commanding Officer indicated that going forward, these types of concerns

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<sup>2</sup> A total of 43 complaint intake sting audits were completed by EES this quarter. The OIG's review of complaint intake audit packages was based on a randomly selected 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.

would be addressed. The OIG will assess progress in this area during future reviews. Regarding the above mentioned inaccuracies and omissions, the OIG believes EES should notify Department management to take appropriate action and/or perform another sting on the audited officers.<sup>3</sup>

## **REVIEW RESULTS**

### **COMPLETENESS**

#### **Completeness of the Population**

The EES Quarterly Report, Second Quarter 2005, reported on the outcome of 55 integrity audits. The 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 55 audits during the Second Quarter of 2005. Of the five sting audits that were outstanding as of last quarter, three had been completed and two remain on-going. For this review, one audit commenced during the quarter has not yet been completed. The OIG will continue to track the status of these audits to ensure they are eventually completed and reviewed.

#### **Completeness of the Audit Package**

The 30 audit packages selected for the OIG's review were evaluated to ensure each associated audit package contained a Final Report, Operations Request, Operational Plan (when required), and any other evidence required to be included in the package.<sup>4</sup>

#### **Results**

All 30 audit packages contained the Final Report and an Operations Request. The packages included all other evidence required to be in the audit package with the exception of one audit package that did not contain an approved Operational Plan, one audit package that was missing an audiotape, and three specific sting audit packages that did not contain a copy of the audited officer's TEAMS report. As specific sting audits have an identified officer that will be audited to assess a particular risk management issue and as TEAMS reports contains an officer's

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<sup>3</sup> See Recommendation No. 1 (EES should notify Department management to take corrective action or perform another sting on the audited officers).

<sup>4</sup> EES no longer completes an Operational Plan for telephonic complaint intake audits since those audits have no safety concerns and do not require extensive planning.

complaint and use of force history, EES investigators should ensure TEAMS reports are considered before conducting a specific sting and placed in the applicable audit packages.<sup>5</sup>

## **Conclusion**

For the most part, the EES Quarterly Report, Second Quarter 2005 and associated audits were complete. However, EES should take steps to ensure the TEAMS report of audited officers are considered and included in the EES audit package. Additionally, EES should take steps to ensure all Operational Plans and audiotapes are maintained in the audit packages. The OIG will continue to assess these areas in future reviews.

## **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; accurate completion of EES reports; proper notifications to the Los Angeles County District Attorney's Office or City Attorney's Office, the Chief of Police, and the OIG when necessary; and, proper follow-up on procedural failures outside the scope of the sting audit.<sup>6</sup>

### Results

The OIG's review for quality noted the following:

- The audits adhered to significant procedures.
- Proper approvals were obtained for Operations Requests and Operational Plans.<sup>7</sup>
- With the exception of a few minor discrepancies, the audit reports and supporting documents completed by EES were completed accurately.
- The EES identified two instances where the actions or comments made by the audited officer during the sting audit were substandard. In one audit, the front desk officer attempted to transfer the undercover officer's call twice, resulting in the call disconnecting. The third call was answered by another officer and a complaint face sheet was ultimately generated. As a result, the sting was classified as "Pass." In another audit, mentioned later in this report, an

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<sup>5</sup> Inclusion of the audited officer's TEAMS report for specific stings was also mentioned in the OIG's last EES Quarterly Review Report for the first quarter of 2005.

<sup>6</sup> The methodology used to measure each evaluation topic for this objective is explained in greater detail in "The OIG's Work Plan to Conduct Reviews of EES Audits."

<sup>7</sup> The Operations Request and Operational Plan was approved on the same day as the audit's execution in one and five 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.

audited officer made inappropriate comments to the undercover officer but since the officer did not use any type of excessive force, the sting was classified as "Pass." The EES's Final Report for these audits appropriately indicated both officers would be audited again.<sup>8</sup>

- The audits reviewed during this quarter did not require notifications to the District/City Attorney offices, the Chief of Police, or the OIG.

The following discrepancies related to quality were identified:

- The Operational Plan for two audit packages indicated an intent to use surveillance equipment; however, the audit package did not contain an Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41, or any evidence that surveillance equipment was used.<sup>9</sup> If the sting audit does not allow an opportunity for the equipment to be used, the deviation should be documented in the audit package.
- Five audit packages were approved beyond 45 days after the audit's execution date. Four of the five audit packages did not document any justification for the untimely approvals.<sup>10</sup> Additionally, the OIG identified one Final Report that had a typed approval date of June 17, 2005 but the audit package indicates the sting actually took place on June 22, 2005. The Commanding Officer of EES indicated that this discrepancy was attributed to a typographical error and that the dates of current approvals are now hand-written versus pre-typed.
- Also, the OIG had concerns with the execution of two specific sting audits discussed below.
  1. One audit involved an officer being stung that had an existing complaint alleging excessive use of force. Based on the review of that complaint investigation, it appears the alleged incident occurred in an area where there were no witnesses in the surrounding area. The sting audit conducted by EES took place in a location with a high volume of potential witnesses. Given the alleged incident occurred in a more desolate place, the OIG believes this sting should have also taken place in a similar setting.
  2. Another audit involved an officer being stung to audit the appropriateness of his contacts with women. However, the undercover officer had an active telephone call while the sting was being conducted. The OIG believes the likelihood of the audited officer making inappropriate comments is much less if he believed the person on the telephone might overhear the conversation. As a Commanding Officer requested the audit due to his concerns about the officer, the OIG believes the officer should be audited again to afford the opportunity to evaluate the officer's conduct in a more private setting.<sup>11</sup>

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<sup>8</sup> The OIG will track these officers to ensure the re-sting occurs in a timely manner.

<sup>9</sup> Department policy states, "Employees shall obtain proper authorization prior to using restricted electronic surveillance equipment."

<sup>10</sup> The Final Report were approved 445 days, 52 days, 68 days, and 68 days after the audit's execution date.

<sup>11</sup> See Recommendation No. 2 (EES re-sting the audited officer).

## **Conclusion**

For the most part, EES completed quality audits. However, efforts should be made to thoroughly document justifications for issuing Final Reports 45 days after the audit's execution date. Regarding the two audits with identified concerns related to their execution, EES management should attempt to sting the officers again and ensure the OIG's concerns are properly addressed. Additionally, as mentioned in the Focus Points section, the OIG is concerned that three complaint face sheets generated by the audited Divisions/Areas have significant inaccuracies and omissions. In subsequent reviews, the OIG will begin to include its assessment of complaint face sheets (for complaint intake audits) in the Quality Section.

## **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:

- Ensured the audit accurately reflected recorded events;
- Ensured the classifications were consistent with the action(s) of the audited officer(s); and,
- Ensured there were no significant inconsistencies identified with either the undercover officer's notes or the statements they provided.

### **Results**

Based on the review, two audits were identified in which the OIG disagreed with EES's "Pass" classification, as follows:

- The OIG did not concur with the "Pass" classification for one specific sting audit package already mentioned in this report's Quality Section. The audited officer had a prior complaint alleging excessive use of force. Based on the review of that complaint investigation, it appears the alleged incident occurred in an area where there were no witnesses in the surrounding area. The audit conducted by EES took place in a location with a high volume of traffic and pedestrians. During the detention the audited officer made inappropriate comments, but no force was used. The EES classified this audit as "Pass," but indicated that another sting would be conducted because of the comments made by the audited officer during the undercover officer's detention. Based on the comments made by the audited officer during the undercover officer's detention and that the sting was held in a location with the potential for a high volume of witnesses, the OIG believes "Inconclusive" would have been a more appropriate classification for this audit.
- For another audit, a random sting audit, the OIG questions the legality of a search conducted by an audited officer. The EES conducted a random audit on two officers to determine

whether the officers would conduct an illegal search. Although the officers did not perform the illegal search that EES planned for, it appears, based on the video/audio tapes, that a different questionable search was conducted by one of the officers. Due to the circumstances of this search, the OIG believes EES should perform another sting on the one officer.<sup>12</sup>

### **Presentation of Findings**

The OIG reviewed information providing support for the figures mentioned in the EES Quarterly Report, Second Quarter 2005. No discrepancies were identified.

### **Conclusion**

For the most part, EES's findings were adequately supported and reported accurately in the EES's Quarterly Report. However, the OIG disagreed with the "Pass" assessments for the two stings mentioned above.

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<sup>12</sup> See Recommendation No. 3 (EES re-sting the audited officer).

**OTHER RELATED MATTERS**

On October 11, 2005, the OIG reviewed the status of open complaint investigations resulting from audits conducted by EES during prior quarters and determined that six had been closed. The chart below provides information on the adjudication and penalty (if applicable) of the closed complaint investigations resulting from previous EES sting audits classified as "Fail."

**CLOSED COMPLAINT INVESTIGATIONS**

<b>Period</b>	<b>Allegations</b>	<b>Adjudication/Penalty</b>
2 <sup>nd</sup> Qtr, 2004	Sexual Misconduct, Unbecoming Conduct, Neglect of Duty - Officer was involved in on-duty criminal conduct.	Sustained - Resignation
	Neglect of Duty - Officer was possibly engaged in outside employment without a work permit.	Unfounded
	Complaint Intake Administrative Failure – 2 employees	Sustained - 5 Days Suspension Sustained - Official Reprimand
3 <sup>rd</sup> Qtr, 2004	Dishonesty/Bribery - Officer would only take a crime report if the citizen paid the officer.	Sustained - Resignation
	Neglect of Duty - 3 employees: Inappropriate claiming of overtime and failing to properly supervise.	Sustained - 3 Days Suspension Unfounded Unfounded
1 <sup>st</sup> Qtr, 2005	Complaint Intake Administrative Failure	Sustained - Admonishment

**RECOMMENDATIONS**

1. It is recommended that the EES notify Department management take corrective action or perform another sting to address the inaccuracies and/or omissions noted with the complaint face sheets for the three complaint intake audits mentioned in the Focus Points Section.
2. It is recommended that EES re-sting the audited officer (EES No. omitted due to sensitivity).
3. It is recommended that EES re-sting the audited officer (EES No. omitted due to sensitivity).