

LOS ANGELES POLICE COMMISSION

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



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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

PURPOSE

The Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Third Quarter 2009 (Quarterly Report), and the associated audit packages to evaluate the completeness, findings and quality of audits conducted by EES.¹ The Chief of Police signed the Quarterly Report on November 3, 2009 and the OIG received the Quarterly Report on November 6, 2009.

BACKGROUND

The OIG has reviewed EES's audits every quarter since the first calendar quarter of 2004 and, as such, this is the OIG's 23rd quarterly review. These audits are designed to covertly assess an officer's behavior for compliance with Department standards. The Los Angeles Police Department (Department) conducts specific, special operation, 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 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 specific officer's at-risk behavior. A special operation integrity audit, also based on prior knowledge, targets an unknown officer(s) exhibiting at-risk behavior. This type of integrity audit involves surveillance of the location where the alleged at-risk behavior may have occurred. A random integrity audit involves designing a scenario without pre-selecting the tested officer. Random integrity audits are conducted City-wide.

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 implementation.

EES reported the results of 41 audits (14 integrity and 27 complaint intake) for the third quarter 2009. The table on the next page lists the 14 integrity audits, including the behavior tested and their related classifications. EES classified 11 (79%) integrity audits as Pass, two (14%) as Attempt and one (7%) as Inconclusive.²

¹ Calendar quarter ending September 30, 2009.

² Descriptions of the classifications used by EES for their third quarter 2009 integrity intake audits are as follows:
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.
Inconclusive - There was insufficient evidence to support either a Pass or Fail classification.

EES INTEGRITY AUDIT TABLE – THIRD QUARTER 2009				
SAMPLE #	EES AUDIT #	BEHAVIOR TESTED	AUDIT TYPE	EES AUDIT CLASSIFICATION
1	09-074	Field Enforcement Activities	Random	Pass
2	09-078	Theft	Special Operation	Pass
3	09-082	Field Enforcement Activities	Random	Pass
4	09-083	Field Enforcement Activities	Random	Pass
5	09-085	Field Enforcement Activities	Random	Pass
6	09-095	Unlawful Search/Seizures	Random	Pass
7	09-096	Unlawful Search	Random	Attempt
8	09-099	Field Enforcement Activities	Random	Pass
9	09-102	Field Enforcement Activities	Random	Pass
10	09-111	Field Enforcement Activities	Random	Attempt
11	09-112	Theft	Special Operation	Inconclusive
12	09-113	Field Enforcement Activities	Random	Pass
13	09-114	Unlawful Search/Seizures	Random	Pass
14	09-115	Unlawful Search/Seizures	Random	Pass

In addition to the integrity audits, EES also conducted 26 random phone-in station complaint intake audits and one walk-in station complaint intake audit. 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 they 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 assess their behavior. A walk-in audit involves a UC walking into a police station and speaking to the desk officer regarding police misconduct. Each officer interacting with the UC is identified in order to assess their behavior.

EES classified 26 (96%) complaint intake audits as Pass and one (4%) audit as Fail.³ The random phone-in complaint intake audit classified as Fail occurred when the UC, posing as a complainant, telephoned the front desk at the police station to report misconduct. The station supervisor explained that no action was warranted for the alleged misconduct and the supervisor did not file a personnel complaint. EES subsequently initiated a personnel complaint against the supervisor for failing to take a complaint. The complaint against the supervisor is currently under investigation.

³ Descriptions of the classifications used by EES for their third quarter 2009 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 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.

METHODOLOGY

The OIG's scope included a review of EES integrity and complaint intake audit packages that were completed and reported from July 1, 2009 through September 30, 2009. Fifteen of the 27 complaint intake audits were randomly selected and examined as well as all 14 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. It also requires 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.
 - Determined if all evidence necessary to classify the audit was included in the package.⁵
2. 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.

Evaluated EES's audits to determine if the final classifications were consistent with the officers' actions.
3. 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.

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.

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- 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.
- Evaluated each audit to determine if the Final Report documented all pertinent information necessary to support the final classification of the audit.

RESULTS

Completeness

The Quarterly Report reported on a complete population of 14 integrity and 27 complaint intake audits. This was determined by tracking all audits conducted and reported this quarter as well as any audits previously conducted but not yet reported. Four audits remained open at the end of the third quarter 2009. The OIG will continue to track these four open audits to ensure they are properly completed and reported by EES. The OIG reviewed 29 audit packages and determined that all audit packages contained complete information. As such, the EES audits met the OIG's standard for completeness.

Findings

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.

Quality

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.

DISCUSSION

EES's primary objective in a complaint intake audit is to determine if the station employee will accept the UC's complaint allegation by completing a Department personnel complaint form.

The audit tests many aspects of the objective, including completeness in the preparation of the complaint form.

Two of the complaint intake audits reviewed by the OIG did not contain the complainant's address. In each case the supervisor speaking with the UC complainant listened to the allegations and subsequently completed a personnel complaint form. In both instances, the supervisor completed the form without asking the UC for a home address and the UC ended his/her contact with the supervisor without voluntarily providing a home address. In these two audits, the fact that the UC's address was not obtained precluded EES from assessing the total accuracy of the complaint form. In both cases, other than the address, the supervisor properly completed the personnel complaint form and accurately recorded the UC's identifying information including the UC's telephone number.

The OIG believes that when conducting an audit, testing as many aspects of the audit objective as possible improves the overall quality of the report. As such, there may be value in the UC providing all pertinent identifying information to the supervisor completing the personnel complaint to determine if the information was properly recorded.

RECOMMENNDATION

There are no recommendations.

MANAGEMENT'S RESPONSE

On January 19, 2010, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division (SOD) who expressed general agreement with the Audit.

CONCLUSION

Based on the OIG's review of the 14 integrity audits and 15 complaint intake audits, the EES audits were complete, of good quality and the findings were well supported. The OIG concurred with all classification findings as determined by EES.