

**LOS ANGELES POLICE COMMISSION**

***Review of the  
Ethics Enforcement Section  
Quarterly Report  
Third Quarter 2010  
(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 2010**  
**PUBLIC**

**PURPOSE**

The Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Third Quarter 2010 (Quarterly Report), and the associated audit packages to evaluate the completeness, quality, and findings of audits conducted by EES.<sup>1</sup> The Chief of Police signed the Quarterly Report on October 29, 2010, and the OIG received the Quarterly Report on November 16, 2010.

**BACKGROUND**

The OIG has reviewed and reported on every quarterly report completed by EES since the first calendar quarter of 2004.<sup>2</sup> These reports summarize the results of EES audits completed during the specified quarter. These audits are designed to covertly assess an officer's behavior for compliance with Los Angeles Police Department (Department) standards and applicable law. 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), EES conducts three types of integrity audits: specific, special operation, and random.

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 a location where the alleged improper behavior may be likely to occur. A random integrity audit is not based on prior knowledge but rather involves designing a scenario without preselecting an officer. Random integrity audits are conducted Citywide. Integrity audits may involve surveillance by EES 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. 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.

In addition to integrity audits, 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 complaints of misconduct. These audits are conducted to determine if officers at Area police stations accept and record personnel complaints properly and 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

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<sup>1</sup> Quarters are referenced by calendar quarter with the third quarter ending September 30, 2010.

<sup>2</sup> The EES is part of Special Operations Division, which also includes Internal Surveillance Unit and Worker Compensation Fraud Coordination Unit.

complaint intake audits represent a lesser risk to the Department, the process is well scripted and rehearsed by EES personnel prior to their execution.

Integrity Audit Summary

The following table summarizes the 15 integrity audits conducted by EES and reviewed by the OIG, with 9 (60%) classified as Pass, 2 (13%) as Pass-Substandard, and 4 (27%) as Attempt.<sup>3</sup>

EES AUDIT NO.	BEHAVIOR TESTED	AUDIT TYPE	EES AUDIT CLASSIFICATION
10-077	Field Enforcement Activities	Random	Pass
10-080	Field Enforcement Activities	Random	Pass-Substandard
10-082	Field Enforcement Activities	Random	Pass
10-088	Field Enforcement Activities	Random	Pass
10-089	Field Enforcement Activities	Random	Pass
10-095	Field Enforcement Activities	Random	Pass
10-096	Field Enforcement Activities	Random	Pass
10-097	Field Enforcement Activities	Random	Pass
10-098	Field Enforcement Activities	Random	Pass-Substandard
10-101	Neglect of Duty	Specific	Pass
10-105	Unbecoming Conduct	Specific	Attempt
10-106	Unbecoming Conduct	Specific	Attempt
10-107	Field Enforcement Activities	Random	Pass
10-119	Unbecoming Conduct	Specific	Attempt
10-120	Neglect of Duty	Specific	Attempt

Two of the integrity audits were classified as Pass-Substandard. The first incident involved police officers who, at the conclusion of a call for service, did not notify Communications Division that they had cleared the scene and were available to handle radio calls. The second incident involved two police officers who, while en route to an urgent call for service, delayed their response by stopping at a restaurant and consuming a meal. The OIG believes that in both audits, the officers deviated from Department policy, and as such, the appropriate audit classification was Fail.

Complaint Intake Audit Summary

In addition to the integrity audits, EES conducted 20 random telephonic station complaint intake audits. A telephonic audit involves a UC telephoning a police station in an attempt to make 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/she 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

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<sup>3</sup> Descriptions of the classifications used by EES for their third quarter 2010 integrity audits are as follows:  
 Pass - The employee’s actions during the audit were proper and consistent with Department policy and law.  
 Pass-Substandard - The employee in principal passed, but his/her actions did not meet the Department’s expectations.  
 Attempt - The employee did not respond to the scenario or interact in a manner allowing examination of actions.

the complaint. Each officer who speaks with the UC is identified during the audit in order to be able to assess his/her behavior. For this review, EES classified 18 (90%) of the complaint intake audits as Pass and 2 (10%) as Fail.<sup>4</sup>

The two complaint intake audits classified as Fail were a result of supervisors failing to properly initiate personnel complaints.

## **METHODOLOGY**

The OIG's scope included a review of EES integrity and complaint intake audit packages that were completed and reported from July 1, 2010, through September 30, 2010. Thirteen (13) of the 20 complaint intake audits were randomly selected and examined as well as all 15 integrity audits.<sup>5</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. The 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 audits 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:
  - Determined if 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.<sup>6</sup>

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<sup>4</sup> Descriptions of classifications used by EES for their third quarter 2010 complaint intake audits are as follows:  
Pass – The employee(s) complied with current Department policy regarding the intake of public complaints of employee misconduct.

Fail – The employee(s) failed to comply with current Department policy regarding the intake of public complaints of employee misconduct.

<sup>5</sup> The OIG randomly selected a sample of complaint intake audits; with the sample size calculated using a confidence level of 95%, an expected error rate of 6%, and a plus-precision of 7%. This sample size calculation formula represents a generally accepted auditing practice. A detailed explanation of each parameter is available from the OIG Audit Section.

<sup>6</sup> An audit package should contain a Final Report, Operations Request, Operational Plan, the officer's Training Evaluation Management System II (TEAMS II) report (for specific sting audits), and any other evidence, including video and audio recordings, required to support the results of the audit.

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
  - 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 accurately and completely presented the audit results (i.e., final classifications) as determined by EES management;
  - Evaluated EES's audits to determine if all significant concerns were addressed; and
  - Evaluated EES's audits to determine if the final classifications were consistent with the officers' actions and EES's current classification standards.

## **RESULTS**

### **Completeness**

The OIG determined that the EES Quarterly Report appropriately reported on a complete population of 15 integrity and 20 complaint intake audits by tracking all audits conducted and reported this quarter as well as any audits previously conducted but not yet reported. Twelve audits remained open at the end of the third quarter 2010, which the OIG will continue to track to ensure they are properly completed and reported by EES. The OIG reviewed 28 (15 integrity and 13 complaint intake) 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, when applicable. 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 Quarterly Report accurately and completely presented the audit results (i.e., final classifications) as determined by EES management. Additionally, EES addressed all significant concerns that were identified during their audits. Furthermore, 13 of the 15 integrity audits and all of the complaint intake audits were consistent with EES classification standards. However, the OIG does not concur with the EES findings on the two random integrity audits classified as Pass-Substandard. Based on the OIG's review, both audits were improperly classified by EES and, as such, the OIG's standard for findings was not met.

### **RECOMMENDATION**

The OIG identified two integrity audits in which it did not concur with the EES classifications. The OIG recommends that the two audits be reclassified in accordance with the OIG's review and that personnel complaints of misconduct be generated against the involved Department employees.

### **RESPONSE OF MANAGEMENT**

On April 11, 2011, the OIG met and discussed the results of the EES third quarter 2010 audits with the Commanding Officer of Special Operations Division. The Commanding Officer was in general agreement with the audit except for the OIG recommended reclassifications. The Commanding Officer reviewed EES No. 10-080 and determined the appropriate classification to be Pass-Substandard. Further, the Commanding Officer determined that the appropriate remedy was to issue Employee Comment Sheets to both involved officers. The Commanding Officer reviewed EES No. 10-098 and determined the appropriate classification to be Pass-Substandard. Further, the Commanding Officer, after a discussion with the Commanding Officer of the concerned Division, determined that the appropriate remedy was to allow that Commanding Officer the opportunity to administer appropriate action.

### **CONCLUSION**

The OIG concluded that the EES Quarterly Report and the associated audit packages met the OIG's standard for completeness and quality. However, due to the misclassification of two random integrity audits, the EES Quarterly Report did not meet the OIG's standard for findings. This conclusion was supported by the OIG's detailed review of all 15 integrity audit packages and a randomly selected sample of 13 complaint intake audit packages.