

**LOS ANGELES POLICE COMMISSION**

***Review of the  
Ethics Enforcement Section  
Quarterly Report  
Fourth 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  
FOURTH QUARTER 2009**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to its Annual Audit and Review Plan, reviewed the Los Angeles Police Department's (Department) Ethics Enforcement Section (EES) Quarterly Report, Fourth Quarter 2009 (Quarterly Report).<sup>1</sup> The Chief of Police signed the Quarterly Report on January 29, 2010 and the OIG received the Quarterly Report on February 16, 2010. The OIG reviewed the Quarterly Report and associated audit packages for completeness, quality and findings.

**BACKGROUND**

The OIG has reviewed each quarterly report completed by EES beginning the first calendar quarter of 2004. These reports summarize the results of EES audits completed during the specified quarter. These audits, also referred to as stings, are designed to covertly assess an officer's behavior for compliance with Department standards, federal and state law. The Department conducts specific, special operation, and random integrity audits 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). 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 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 the location where the alleged improper behavior may have occurred. A random integrity audit is not based on prior knowledge. The planning for random audits includes selecting an Area and designing a scenario without preselecting an 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 accept and properly record personnel complaints within a reasonable time period. Complaint intake audits may involve a UC calling or walking into a predetermined police station or, less frequently, mailing a personnel complaint. Although complaint intake audits represent a lower risk than integrity audits to the Department, the process is well scripted and rehearsed by EES personnel prior to their execution.

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<sup>1</sup> Calendar quarter ending December 31, 2009

Integrity Audits - Summary

EES reported the results of 39 audits (15 integrity and 24 complaint intake) for the fourth quarter of 2009. The table below lists the 15 integrity audits, including the behavior tested and their related classifications. EES classified 11 (74%) integrity audits as Pass, two (13%) as Fail, and two (13%) as Attempt.<sup>2</sup>

<b>EES INTEGRITY AUDIT TABLE – FOURTH QUARTER 2009</b>				
<b>SAMPLE #</b>	<b>EES AUDIT #</b>	<b>BEHAVIOR TESTED</b>	<b>AUDIT TYPE</b>	<b>EES AUDIT CLASSIFICATION<sup>2</sup></b>
1	09-103	Field Enforcement Activities	Random	Pass
2	09-110	Field Enforcement Activities	Random	Fail
3	09-123	Field Enforcement Activities	Random	Pass
4	09-124	Neglect of Duty	Specific	Attempt
5	09-125	Field Enforcement Activities	Special Operations	Pass
6	09-126	Sexual Battery and Unbecoming Conduct	Specific	Pass
7	09-128	Neglect of Duty	Random	Fail
8	09-132	Field Enforcement Activities	Random	Pass
9	09-137	Field Enforcement Activities	Random	Pass
10	09-140	Field Enforcement Activities	Random	Pass
11	09-141	Walk-In Station Complaint Intake <sup>3</sup>	Random	Pass
12	09-145	Handling of Found Property	Specific	Pass
13	09-150	Field Enforcement Activities	Random	Pass
14	09-154	Walk-In Station Complaint Intake <sup>3</sup>	Random	Pass
15	09-162	Excessive Force/Unbecoming Conduct	Specific	Attempt

Complaint Intake Audits - Summary

In addition to the integrity audits, EES also conducted 21 random phone-in station complaint intake audits and three facsimile station complaint intake audits. A phone-in audit may involve 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 facsimile audit involves a UC faxing a completed complaint form (LAPD Form 01.81.06) to the Department. EES reported 19 (79%)

<sup>2</sup> Descriptions of the classifications used by EES for their fourth 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.  
 Fail - The employee’s conduct was improper and violated either criminal law or Department policy.

<sup>3</sup> EES incorrectly reported two walk-in complaint intake audits (EES Nos. 09-141 and 09-154) as integrity audits instead of complaint intake audits. 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.

complaint intake audits as Pass, one (4%) as Fail, three (13%) as Pass-Substandard, and one (4%) as Attempt.<sup>4,5</sup>

## **METHODOLOGY**

The OIG's scope included a review of EES integrity and complaint intake audit packages that were completed and reported from October 1, 2009 through December 31, 2009. Fifteen of the 24 complaint intake audits were randomly selected and examined, as well as all 15 integrity audits.<sup>6</sup> The OIG conducted this review 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.<sup>7</sup>
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.

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<sup>4</sup> Two of these three audits were incorrectly reported by EES as Pass-Substandard. A review of the audit files revealed that EES correctly applied the standards for the two audits which would have resulted in a Pass, but inadvertently reported the audits as Pass-Substandard.

<sup>5</sup> Descriptions of the classifications used by EES for their fourth 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.  
Pass-Substandard – The employee completed a complaint form; however, during the audit an employee attempted to dissuade the UC from making the complaint.  
Attempt - The employee either did not respond to the scenario or interact in a manner allowing examination of their conduct.

<sup>6</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.

<sup>7</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.

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- 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.
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 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.

## **RESULTS**

### **Completeness**

The OIG determined that EES reported on a complete population of 15 integrity and 24 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. Nine audits remained open at the end of the fourth quarter of 2009. The OIG will continue to track these nine open audits to ensure they are properly completed and reported by EES. The OIG also reviewed 29 audit packages and determined that all audit packages contained complete information. Overall, the EES Quarterly Report and the associated audit packages met the OIG's standard for completeness.

### **Quality**

The OIG determined that EES obtained the proper approval before and after the execution of each audit and complied with existing policies and procedures. 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. Overall, the EES Quarterly Report and the associated audit packages met the OIG's standard for quality.

## **Findings**

The OIG determined that EES classified each audit in accordance with existing standards. Additionally, the Quarterly Report presented the findings in a fair and accurate manner. Overall, the EES Quarterly Report and the associated audit packages met the OIG's standard for findings.

## **RECOMMENDATIONS**

There are no recommendations.

## **MANAGEMENT'S RESPONSE**

On May 11, 2010, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division (SOD) who was in general agreement with the results of the review.

## **CONCLUSION**

The OIG concluded that the EES Quarterly Report and the associated audit packages met the OIG's standard for completeness, quality and findings. This conclusion was supported by the OIG's detailed review of all 15 integrity audit packages and a randomly selected sample of 15 complaint intake audit packages.