

LOS ANGELES POLICE COMMISSION

***Review of the
Ethics Enforcement Section
Quarterly Report
Fourth Quarter 2010
(PUBLIC, OPEN SESSION)***



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

NICOLE C. BERSHON
Inspector General

May 26, 2011

OFFICE OF THE INSPECTOR GENERAL
REVIEW OF ETHICS ENFORCEMENT SECTION QUARTERLY REPORT
FOURTH QUARTER 2010
PUBLIC

PURPOSE

The Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Fourth Quarter 2010 (Quarterly Report), and the associated audit packages to evaluate the completeness, quality, and findings of audits conducted by EES.¹ The Chief of Police signed the Quarterly Report on January 28, 2011, and the OIG received the Quarterly Report on February 17, 2011.

BACKGROUND

The OIG has reviewed and reported on every quarterly report completed by EES since the first calendar quarter of 2004.² 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 complaint intake audits represent a lesser risk to the Department, the process is well scripted and rehearsed by EES personnel prior to their execution.

¹ Quarters are referenced by calendar quarter with the fourth quarter ending December 31, 2010.

² Ethics Enforcement Section is under Special Operations Division, which also includes Internal Surveillance Unit and Worker Compensation Fraud Coordination Unit. Special Operations Division is part of Professional Standards Bureau.

Integrity Audit Summary

The following table summarizes the 9 integrity audits conducted by EES during the quarter and reviewed by the OIG, with 5 (56%) classified as Pass, 1 (11%) as Pass-Substandard, and 3 (33%) as Attempt.³

EES AUDIT #	BEHAVIOR TESTED	AUDIT TYPE	EES AUDIT CLASSIFICATION
10-068	Neglect of Duty	Specific	Attempt
10-102	Neglect of Duty	Specific	Pass-Substandard
10-124	Neglect of Duty	Specific	Attempt
10-130	Field Enforcement Activities	Random	Pass
10-131	Neglect of Duty/Unbecoming Conduct	Specific	Pass
10-132	Field Enforcement Activities	Random	Pass
10-133	Field Enforcement Activities	Random	Attempt
10-134	Neglect of Duty	Specific	Pass
10-136	Field Enforcement Activities	Random	Pass

Complaint Intake Audit Summary

In addition to the integrity audits, EES conducted 19 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 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 quarter, EES classified 16 (84%) of the complaint intake audits as Pass and 3 (16%) as Pass-Substandard.⁴

³ Descriptions of the classifications used by EES for their fourth 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 principle 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.

⁴ Descriptions of classifications used by EES for their fourth quarter 2010 complaint intake audits are as follows:
 Pass – The employee complied with current Department policy regarding the intake of public complaints of employee misconduct.
 Pass-Substandard – The employee, in principal, passed; however, the employee attempted to dissuade the complainant from making an official complaint, or there were clear omissions of pertinent information in the complaint face sheet that would significantly impede a thorough and complete investigation.

METHODOLOGY

The OIG's scope included a review of EES integrity and complaint intake audit packages that were completed and reported from October 1, 2010, through December 31, 2010. All 9 integrity audits were examined as well as a random selection of 13 of the 19 complaint intake audits.⁵

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 audits were included in the packages.⁶
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 audits 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 audits;

⁵ 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.

⁶ 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.

- 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 ensure all significant concerns were addressed; and
 - Evaluated EES's audits to determine if the final classifications were consistent with the officers' actions and EES current classification standards.

RESULTS

Completeness

The OIG determined that the EES Quarterly Report appropriately reported on a complete population of 9 integrity and 19 complaint intake audits by tracking all audits conducted and reported this quarter as well as any audits previously conducted but not yet reported. One audit remained open at the end of the fourth quarter 2010, which the OIG will continue to track to ensure it is properly completed and reported by EES. The OIG reviewed 22 (9 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

Ethics Enforcement Section 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.

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, the final classifications for all 9 integrity audits and 13 complaint intake audits were consistent with the officers' actions and EES's current classification standards. As such, the EES audits met the OIG's standard for findings.

RECOMMENDATIONS

There are no recommendations.

RESPONSE OF MANAGEMENT

On May 26, 2011, the OIG met and discussed the results of the EES fourth quarter 2010 audits with the Commanding Officer of Special Operations Division. The Commanding Officer expressed general agreement with the audit 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 9 integrity audit packages and a randomly selected sample of 13 complaint intake audit packages.