

**LOS ANGELES POLICE COMMISSION**

***Review of the  
Ethics Enforcement Section  
Quarterly Report,  
Fourth Quarter, 2007  
OPEN SESSION***



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE ETHICS ENFORCEMENT SECTION  
QUARTERLY REPORT, FOURTH QUARTER, 2007**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, Fourth Quarter, 2007, and the associated audit packages to evaluate the completeness, quality, and findings of EES audits conducted during the quarter. It should be noted that this Report omits confidential and sensitive information.

The Chief of Police signed the EES Quarterly Report on January 30, 2007, and the OIG received the report on February 4, 2007.

**BACKGROUND ON EES' "COMPLAINT INTAKE" AND "INTEGRITY" AUDITS**

Consent Decree Paragraph 97 requires the Los Angeles Police Department (LAPD or Department) to conduct specific and random "integrity" audits to identify and investigate employees engaging in "at-risk" behavior (e.g., unlawful searches/seizures, excessive force, dishonesty, sexual misconduct, and discrimination). Additionally, the Paragraph requires the Department to conduct "complaint intake" audits to identify and investigate employees that either discourage or fail to take a complaint of misconduct.

For the Fourth Quarter of 2007, EES reported the results of 41 audits (nine "integrity" and 32 "complaint intake"). The table below delineates the classifications<sup>1</sup> (results) of the nine "integrity" audits.

**CLASSIFICATION OF "INTEGRITY" AUDITS**

BEHAVIOR TESTED	AUDIT TYPE <sup>2</sup>	CLASSIFICATION
Benefit Abuse	Specific	Fail
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Specific	Pass
Unlawful Search/Seizure	Random	Pass
Unlawful Seizure	Random	Pass-Substandard
Unlawful Seizure	Random	Inconclusive
Unlawful Seizure	Random	Inconclusive

For the 32 "complaint intake" audits, EES classified 27 (85%) as "Pass," two (6%) as "Pass-Substandard," and three (9%) as "Fail."

<sup>1</sup> EES utilizes the following classifications for both "integrity" and "complaint intake" audits:

"Pass" – Meaning the employee's actions during the audit were proper, consistent with existing Department Policy, and fell within the guidelines of state and federal law.

"Pass-Substandard" – Meaning the employee technically passed, but his or her conduct did not meet the Department's expectations for behavior performance.

"Fail" – Meaning the employee's conduct was improper and violated either criminal law or Department policy.

"Inconclusive" – Meaning there was insufficient evidence to support a conclusive finding.

"Attempt" – Meaning either a Department employee did not respond to the scenario, or the employee did not interact in a manner affording effective examination of the employee's conduct.

<sup>2</sup> A specific "integrity" audit is one that focuses on a particular officer. Typically, the audit request will come from Internal Affairs Group or the employee's commanding officer.

## **METHODOLOGY**

As mandated by the Consent Decree, the OIG reviewed a sample of 26 EES audit packages (nine “integrity” and 17 “complaint intake”<sup>3</sup>) of the 41 audits (nine “integrity” and 32 “complaint intake”) conducted by EES. The audit packages were evaluated for completeness, quality, and findings. Typically, an audit package consists of a Final Report, an Operations Request, an Operational Plan, the undercover officer’s (UC) statements, and video/audio recordings of the audit’s execution.

On April 21, 2008, the OIG discussed the results of this review with the Acting Commanding Officer of EES.

## **REVIEW RESULTS**

### **COMPLETENESS**

The EES Quarterly Report, Fourth Quarter, 2007, reported on the outcome of 41 audits. Based on the OIG’s review, EES reported on a complete population. Four audits remained open at the end of the fourth quarter, 2007. The OIG will continue to track the four outstanding audits to ensure they are eventually completed and reported on by EES.

The OIG also evaluated 26 (nine “integrity” and 17 “complaint intake” audits) of the 41 audit packages to ensure the packages contained the Final Report, Operations Request, Operational Plan (when required), and any other pertinent documentation or evidence. The OIG determined all 26 audit packages were complete.<sup>4</sup>

### **QUALITY**

To assess EES’ audit quality for the fourth quarter of 2007, the OIG evaluated several aspects of the 26 audits (nine “integrity” and 17 “complaint intake”), particularly focusing on the design and execution of the audits. The OIG did not identify any quality concerns with the 17 “complaint intake” audits and for only one of the nine “integrity” audits, the OIG identified a noteworthy concern. Due to the sensitive nature of the concern, the details are omitted from this public report.

### **FINDINGS**

To assess EES’ findings, the OIG evaluated the 26 audits (nine “integrity” and 17 “complaint intake”) sampled to determine whether any were improperly classified. As such, the OIG evaluated the audits’ “Pass,” “Pass-Substandard,” “Inconclusive,” “Attempt,” or “Fail” classifications. The OIG agreed with the classifications of all nine “integrity” audits. Of the 17 “complaint intake” audits, there were three in which the OIG disagreed with EES’ “Pass”

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<sup>3</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>4</sup> It was noted that two Operational Plans were approved the same date as the “integrity” audit with no time documented to indicate if it was approved before or after the “integrity” audit. Additionally, three Final Reports were approved between 58 to 62 days after the audits were executed, with no justification as to the reason for the delay.

classification, and believed a “Pass-Substandard” classification would have been more appropriate, as follows:

- For one random walk-in “complaint intake” audit classified as “Pass,” the two UCs that were deployed to the police station indicated that they just came from a service chain establishment and wanted to report a uniformed officer who accepted something for free and made an inappropriate comment to one of the UCs; however, they did not state at which service chain establishment the alleged incident occurred. The supervisor that took the complaint, indicated on the complaint facesheet that the incident took place at a particular service chain establishment (the one closest to the Area police station) and the supervisor documented the address on the complaint facesheet. EES justified classifying this audit as “Pass” by indicating that had this been an actual citizen complaint, the location of the service chain establishment could have been clarified by the investigating officer and because another supervisor made the additional effort of conducting follow up to the location. However, the OIG believes that since the exact service chain establishment location was unknown, it should not have been assumed. Additionally, a supervisor responded to the service chain establishment that was listed on the complaint facesheet and interviewed the store manager regarding the incident. Since the store manager indicated that the incident did not occur, the allegation could have been “unfounded” without any additional efforts to obtain clarification. The OIG believes that the original supervisor should have asked at which service chain establishment the incident occurred, but according to the UCs, that did not occur and therefore this audit should have been classified as “Pass-Substandard.”
- For one random telephonic “complaint intake” audit classified as “Pass,” the OIG noted that certain pertinent information was not noted on the complaint facesheet or in the narrative. The OIG believes this audit should have been classified as “Pass-Substandard.”
- For one random telephonic “complaint intake” audit classified as “Pass,” EES noted that the phone number provided by the UC was not on the facesheet. EES also noted that the street name as provided by the UC was listed slightly different on the generated complaint facesheet. Based on the OIG’s additional research, the street name on the facesheet does not exist within a particular city. Based on the totality of these and the other discrepancies identified, the OIG believes this audit should have been classified as “Pass-Substandard.”

## **OTHER RELATED MATTERS**

### **Risk Evaluation Files**

As reported in our last quarterly review, the OIG expanded the scope of its review and evaluated all 2006 and 2007 Risk Evaluation files completed by EES. When EES receives a request to perform an audit on an employee, they may first evaluate whether they should conduct the audit. This evaluation, in which EES reviews an employee’s work history, is called a “Risk Evaluation.”

During our review, we noted that EES’ tracking system was manual, which made it difficult for EES to monitor employees that could not yet be audited (e.g., EES did not have an appropriate UC available or the employee was not in an assignment conducive to an audit). Additionally, for some Risk Evaluation files, it was difficult to determine the final disposition. Furthermore, the

OIG noted some Risk Evaluation files did not contain documentation to explain the reason a Risk Evaluation remained open for a long period of time or the reason the audits were delayed. Prior to issuing our Report, the OIG informed EES management of these concerns, and they subsequently initiated a full audit of their Risk Evaluation files. Based on this audit, EES agreed with all of the OIG's concerns and has implemented corrective action. Specifically, EES has now developed a computerized tracking system to monitor open Risk Evaluation files on a monthly basis or as necessary. EES also implemented a classification system based on the OIG's suggestion in which each Risk Evaluation file will now clearly indicate the reason for the closeout and document reasons for delayed audits/closures.<sup>5</sup> The OIG will continue to monitor this area on a semi-annual basis. The OIG commends EES in taking the initiative to enhance the internal controls surrounding Risk Evaluations.

### **“Complaint Intake” Audits Complaint Hotline**

The OIG noted that EES had not conducted “complaint intake” audits of the Department's Complaint Hotline. The OIG raised this concern with the Commanding Officer of Special Operations Division and he agreed that the Complaint Hotline should be audited and subsequently, during the first quarter of 2008, an audit of this area was performed. The OIG will begin to monitor this area in future reviews.

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<sup>5</sup> The OIG suggested the following five categories of classifications, which EES implemented:

(1) Employee to be audited, (2) Employee to be monitored for significant complaint activity, (3) Employee to be monitored for change to a field assignment, (4) Concern best handled by a complaint investigation, and (5) Not a significant concern per the Risk Evaluation.

**Closed Complaint Investigations**

The OIG reviewed the status of open complaint investigations for the last two quarters and determined that five had been closed. These complaint investigations were initiated as a result of EES audits that were classified as “Fail.” The table below provides information on the allegations, adjudication, and penalty, if applicable, of the closed complaint investigations as of March 17, 2008.

<b>COMPLAINT INVESTIGATION RESULTS</b>		
<b>Period</b>	<b>Allegation(s)</b>	<b>Adjudication/Penalty</b>
1 <sup>st</sup> Quarter, 2006	Complaint Intake Failure/Neglect of Duty	Sustained/2-day suspension
	Dissuasion	Actions Could Be Different/Counseling
2 <sup>nd</sup> Quarter, 2006	Complaint Intake Failure/Neglect of Duty	1 <sup>st</sup> Officer – Sustained/Admonishment 2 <sup>nd</sup> Officer – Board of Rights/Not Guilty
4 <sup>th</sup> Quarter, 2006	Complaint Intake Failure/Neglect of Duty	Sustained/12-day suspension
3 <sup>rd</sup> Quarter, 2007	Discourtesy/Unbecoming Conduct	Policy Procedure <sup>6</sup>

**CONCLUSION**

Based on the OIG's review, overall, the audit packages were complete, EES conducted the audits in a quality manner, and for the most part, the classifications were supported. The OIG disagreed with the EES' "Pass" classification for three "complaint intake" audits and believed that “Pass-Substandard” would have been a more appropriate classification, which would have resulted in the audited employee's commanding officer being notified of substandard performance that occurred during the audit. That being said, the OIG did not identify any “complaint intake” audits classified as “Pass” or “Pass-Substandard” that should have been classified as “Fail.” Regarding EES’ “integrity” audits, the OIG agreed with each classification and only identified one audit with a potential liability concern for EES to discuss with the City Attorney.

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<sup>6</sup> The complaint investigation found that, "Based on the facts of this incident, the officer’s actions did not rise to the level of misconduct. The officer’s actions were consistent with Department policies and procedures. Therefore, he/she was removed as an accused employee in the best interest of the Department.”

## **PRIOR RECOMMENDATIONS**

In the OIG's Second Quarter, 2007 EES Review, we noted that EES assigns project numbers after an audit is completed. This makes it difficult for the OIG to track the progress of more complex audits, which take a longer period of time to complete, or to identify audits that never take place. Therefore, the following recommendation was made:

***The OIG recommended that EES assign a project number prior to initiating any audit.***

The Commanding Officer of Special Operations Division, who oversees EES, indicated that currently EES assigns a project number after an audit is completed and EES does not plan on implementing this recommendation because if for some reason the audit could not be conducted, EES would have a project number assigned but no resulting audit. However, as previously mentioned, this practice impacts the OIG's ability to assess the completeness of EES' audits and to assess the quality, etc. of a planned audit. The OIG considers this recommendation not implemented.

In the OIG's Fourth Quarter, 2006 EES Review, the OIG made the following two recommendations:

***The OIG recommended that the Department evaluate internal controls for the handling of incoming mail at all police stations to ensure that complaints received through this venue are appropriately addressed and employees assigned to open mail are held accountable.***

The Office of the Chief of Police issued a Notice, (dated December 4, 2007) to all Department Personnel regarding the use of correspondence tracking logs. The Notice referred to an Administrative Order to re-iterate the Department's standard guidelines for preparing correspondence and filing, and to serve as a reference source for office procedures in general. Therefore, the OIG considers this recommendation implemented. The OIG will continue to monitor this area in future reviews.

***The OIG recommended that EES continue conducting "complaint intake" audits via mail to assess the Department's progress with decreasing the 13 percent failure rate identified in the third quarter of 2006.***

The OIG noted that in 2007, EES conducted a total of 141 "complaint intake" audits of which eight (6%) were mail-in audits. Since the Department received 108 (7%) mail-in complaints from a total of 1,559 complaints for the first quarter of Fiscal Year 2007/2008, it appears that EES has aligned themselves with the percentage of mail-in complaints being received by the Department. Therefore, the OIG considers this recommendation implemented. The OIG will continue to monitor this area in future reviews.