

LOS ANGELES POLICE COMMISSION

*Review of the
Ethics Enforcement Section
Quarterly Report
4th Quarter, 2008
(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 2008**

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, Fourth Quarter 2008, and the associated audit packages to evaluate the completeness, quality, and findings of audits conducted by EES.

The Chief of Police signed the EES Quarterly Report on January 30, 2009, and the OIG received the Report on February 12, 2009.

BACKGROUND

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 stops, unlawful searches/seizures, unauthorized force, dishonesty, sexual misconduct and discrimination). Additionally, the Paragraph requires the Department to conduct complaint intake audits to identify and investigate employees who either discourage the filing of a complaint or fail to take a complaint or report misconduct.

For the fourth quarter 2008, EES reported the results of 37 audits (18 integrity and 19 complaint intake). The table below includes the 18 integrity audits and their related classifications that were completed during the fourth quarter of 2008.

INTEGRITY AUDITS

SAMPLE #	EES AUDIT #	BEHAVIOR TESTED	AUDIT TYPE	CLASSIFICATION ¹
1	07-135	Unauthorized Force	Specific ²	Attempt
2	08-072	Neglect of Duty	Random	Pass
3	08-129	Unlawful Search/Seizure and False Arrest	Random	Pass
4	08-134	Unlawful Search/Seizure	Random	Attempt
5	08-138	Sexual Misconduct	Special Operations	Fail
6	08-139	Mishandling of Found Property	Special Operations	Non-Department Employee
7	08-140	Unlawful Search/Seizure and False Arrest	Random	Pass
8	08-141	Sexual Misconduct/Neglect of Duty	Special Operations	Fail
9	08-145	Unlawful Stops	Specific	Pass
10	08-147	Sexual Misconduct	Specific	Pass
11	08-149	Unbecoming Conduct	Specific	Pass
12	08-150	Unbecoming Conduct	Specific	Pass
13	08-151	Improper Booking of Found Property	Random	Pass
14	08-152	Unbecoming Conduct	Specific	Pass-Substandard
15	08-153	Not Completing a Crime Report	Random	Pass
16	08-158	Unauthorized Force	Specific	Pass
17	08-159	Theft of Arrestee's Property	Specific	Pass
18	08-170	Vandalizing Departmental Property	Special Operations	Pass

¹The following provides a brief description of the classifications that were used by EES for these integrity audits:

Attempt – The employee either did not respond to the scenario or interact in a manner allowing examination of their conduct.

Pass – The employee's actions during the audit were proper, consistent with Department policy and state and federal law.

Pass-Substandard – The employee, in principle, passed but his or her conduct did not meet the Department's behavior expectations.

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

Non-Department Employee – The audit results are communicated to the appropriate agency without a classification.

² A specific integrity audit is one that focuses on testing a specific behavior(s) of a particular employee. Typically, the audit request will come from Internal Affairs Group or the employee's commanding officer.

For the 19 complaint intake audits, EES classified 17 (89%) as Pass and two (11%) as Fail.

METHODOLOGY

The OIG's scope included a review of EES complaint intake and integrity audit packages for audits that were completed and reported during the fourth quarter of 2008. Thirteen of the 19 complaint intake audits were randomly selected and examined as well as all 18 integrity audits. The audit packages were evaluated for completeness, quality, and findings. Typically, an audit package consists of a Final Report, an Operation Request, an Operational Plan, the undercover officer's (UC) statements, and video/audio recordings of the audit's execution.

On May 6, 2009 the OIG discussed the results of this review with EES management. They indicated agreement with the issues reported herein.

REVIEW RESULTS

COMPLETENESS

The EES Quarterly Report, Fourth Quarter 2008, reported on the outcome of 19 complaint intake and 18 integrity audits. Based on the OIG's review, EES reported on a complete population. Ten audits remained open at the end of the fourth quarter of 2008. The OIG will continue to track these ten open audits to ensure they are properly completed and reported by EES.

The OIG evaluated the packages for the 13 complaint intake and 18 integrity audits to ensure the packages contained the Final Report, Operation Request, Operational Plan (when required), and any other pertinent documentation or evidence. The OIG determined that all 31 audit packages were complete.

QUALITY

To assess the quality of EES audits for the fourth quarter of 2008, the OIG evaluated several aspects of the 13 complaint intake and the 18 integrity audits, particularly focusing on the design and the execution of the scenario developed for each audit. Overall, the OIG determined the audits were properly planned, executed and supervised. In addition, the Operation Request, Operational Plan, and Final Report adequately documented that the audits were thoughtfully planned and executed and adequate supervision was provided throughout the audit.

FINDINGS

Audit Closure and Classification

Based on a particular officer's conduct that EES personnel identified during a random station telephonic complaint intake audit, they decided to convert this random audit to a specific audit targeting this officer. EES personnel made several unsuccessful attempts to audit this officer, and they closed this audit as a random audit and classified it as Pass.

Having made the decision to convert this audit from a random to a specific telephonic complaint intake audit, the OIG believes that EES personnel should have closed the random telephonic complaint intake audit of this particular station and classified it as Inconclusive because there was insufficient evidence to support either a Pass or Fail classification. Then EES personnel should have initiated another specific telephonic complaint intake audit targeting this officer and classified it as Attempt because EES personnel were not able to audit this officer.

Recommendation: The OIG recommends that when EES decides to convert a random station telephonic complaint intake audit to a specific audit based on a particular officer's conduct they identified during the random audit, then EES should close and classify the random audit and initiate a new specific audit of the targeted officer.

EES management concurred with the OIG's recommendation and indicated that a specific process will be formalized to address these instances.

CONCLUSION

Based on the OIG's review, the audit packages were complete. Overall, EES conducted the audits in a quality manner and the classifications were well supported.