

**LOS ANGELES POLICE COMMISSION**

*Review of the  
Ethics Enforcement Section  
Quarterly Report,  
Third Quarter, 2006*



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

ANDRÉ BIROTTE, JR.  
Inspector General

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE ETHICS ENFORCEMENT SECTION  
QUARTERLY REPORT, THIRD QUARTER, 2006**

**PURPOSE**

Pursuant to Consent Decree Paragraph 135, the Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Third Quarter, 2006, and the associated audit packages to evaluate the completeness, quality, and findings of EES audits conducted during the quarter.<sup>1</sup>

The Chief of Police signed the EES Report on October 30, 2006, and the OIG received the Report on November 2, 2006.

**BACKGROUND ON EES’ “COMPLAINT INTAKE” AND “STING” AUDITS**

Consent Decree Paragraph 97 requires the Los Angeles Police Department (LAPD or Department) to conduct, targeted and random, “sting” 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.

The EES Quarterly Report, Third Quarter, 2006, reported the results of 80 audits (15 “sting” audits and 65 “complaint intake” audits). The table below delineates the classification (results) of the 15 “sting” audits.

<b>BEHAVIOR TESTED</b>	<b>AUDIT TYPE<sup>2</sup></b>	<b>CLASSIFICATION</b>
Unlawful Stops/Racial Profiling	Random	Pass
Unlawful Stops/Racial Profiling	Random	Pass
Unlawful Stops/Racial Profiling	Random	Pass
Unlawful Stops/Racial Profiling	Random	Pass
Unlawful Stops/Racial Profiling	Random	Pass
Unlawful Stops/Racial Profiling	Random	Pass
Unlawful Searches/Seizures	Random	Pass
Unlawful Searches/Seizures	Random	Attempt
Unlawful Searches/Seizures	Random	Pass
Sexual Misconduct	Specific	Pass
Uses of Excessive Force/Theft	Specific	Inconclusive
Unbecoming Conduct	Specific	Pass
Unbecoming Conduct	Specific	Pass
Neglect of Duty	Specific	Pass
Neglect of Duty	Specific	Pass

For the remaining 65 “complaint intake” audits conducted, 48 (74%) audits were classified as “Pass,” nine (14%) as “Pass-Substandard,”<sup>3</sup> and eight (12%) as “Fail.”<sup>4</sup> The Department has initiated complaint investigations to address the audits classified as “Fail.”

<sup>1</sup> Unlike the majority of audits conducted by the Department, EES reports the results of its audits on a calendar year basis.

<sup>2</sup> A specific “sting” is generally conducted at the request of Internal Affairs Group or based on a request from the targeted employee’s Commanding Officer.

Due to there being a significant number of “Fails” for mail-in and fax “complaint intake” audits in the second and third quarter of 2006, the OIG has concerns regarding the internal controls at police stations for handling incoming mail and faxes. The table below delineates the Areas/Division (police stations) that “Failed” either a mail-in or fax “complaint intake” audit in those quarters.

AREA/ DIVISION	TYPE OF AUDIT	NO. CLASSIFIED AS “FAIL”
<b>Second Quarter, 2006</b>		
Rampart Area	Mail-in	3
West Traffic Division	Mail-in	1
Wilshire Area	Fax	1
Newton Area	Mail-in	1
<b>Third Quarter, 2006</b>		
Hollenbeck Area	Fax	1
77 <sup>th</sup> Street Area	Fax and Mail-in	2
West Valley Area	Fax	1
Pacific Area	Mail-in	1
Mission Area	Fax	1
West Los Angeles Area	Mail-In	1
<b>Total</b>		<b>13</b>

In total, EES conducted 79 mail-in and fax “complaint intake” audits during the second and third quarter of 2006, and as noted above, there were 13 (16%) “Fails.” While the OIG recognizes that US postage mail and faxes come in contact with various individuals, the sheer number of “Fails” is concerning. The OIG will continue to monitor this area but, in the meantime, it is suggested that the Department evaluate the internal controls for the handling of incoming mail and faxes at all police stations.

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### **PRIOR RECOMMENDATIONS**

<sup>3</sup> The “Pass-Substandard” category is used by EES for “complaint intake” audits where the employee exhibits some type of substandard behavior, such as discourtesy, long hold times, and/or the failure to document pertinent information on the complaint facesheet.

<sup>4</sup> The EES Quarterly Report figures differed slightly due to EES changing the classifications of three audits based on additional information received after the report had been issued. EES indicated that they will report on these reclassifications in its next Quarterly Report.

The OIG made two recommendations during its review of the EES Quarterly Report, Second Quarter 2005, and one recommendation in the Fourth Quarter, 2005, Supplemental Review. The status of these recommendations is discussed below.

### **RECOMMENDATION STATUS**

The OIG recommended that EES re-sting the audited officer involved in EES No. 05-035 because of concerns with the quality of the executed “sting.”

*According to the Commanding Officer of EES, the original audit was a “Pass” and after further review and assessment, he does not feel that the officer needs to be re-stung. After reviewing the reason this “sting” was conducted, the OIG concurs with EES’ determination.*

The OIG recommended that EES re-sting the audited officer involved in EES No. 05-052 because there was a concern with the officer’s actions during the “sting”.

*According to the Commanding Officer of EES, a Deputy District Attorney (the Officer-In-Charge of the Justice System Integrity Division) reviewed the video taped “sting” and opined that the actions were legal. Therefore, a re-sting is not necessary.*

The OIG recommended that EES begin to document in its Final Report whether or not the audited employee attempted to discourage the filing of a complaint during a “complaint intake” audit.

*This recommendation has been implemented by EES.*

### **METHODOLOGY**

As mandated by the Consent Decree, the OIG evaluated 37 EES audit packages (all 15 “sting” audits and a random sample of 22 “complaint intake” audits) for completeness, quality, and findings.<sup>5</sup> Typically, an audit package consists of the Final Report, Operation Request, Operational Plan, the undercover officer’s statements, and video/audio tapes.

On January 30, 2006, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division (SOD) and the Officer-In-Charge of EES. At that time, management indicated general agreement with the findings in this report.

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<sup>5</sup> The OIG evaluated all “sting” audits involving LAPD employees and a random sample of “complaint intake” audits. The sample was based on a one-tail sample size calculation with a 95 percent confidence level, and expected error rate of six percent, and a plus precision of seven percent.

## **REVIEW RESULTS**

### **COMPLETENESS**

The EES Quarterly Report, Third Quarter, 2006, reported on the outcome of 80 audits. Although EES assigns sequential audit project numbers to each audit initiated, due to an audit's complexity, an audit may extend beyond one quarter, which results in EES reporting on audit projects that are out of sequence. As such, the OIG performed testwork to ensure EES reported on all audits completed during the third quarter, 2006.

Based on the OIG's review of EES' audit packages, EES reported on a complete population. Of the 24 audits that were ongoing since the second quarter, 2006, two remain open. In addition, 20 audits initiated in the third quarter, 2006, remain open. The OIG will continue to track these outstanding audits to ensure they are eventually completed and reported on by EES.

The 37 sampled audit packages were also evaluated to ensure the packages contained the Final Report, Operation Request, Operational Plan (when required), and any other evidence required to be included in the package. Based on the OIG's review, the audit packages contained the required documentation.<sup>6</sup>

### **QUALITY**

To assess the quality of EES' quarterly audits, the OIG evaluated several aspects of the 37 audits sampled (15 "sting" and 22 "complaint intake" audits), focusing on the design, execution, and documenting the audits. The quality concerns identified are described below.

#### **"Sting" Audit Concerns**

- For one specific "sting" audit (classified as "Inconclusive") the OIG is concerned with the planning of the audit. The audit was conducted to determine whether the audited officer would use excessive force and/or steal money and narcotics from the undercover officer (UC). However, the UC was placed in front of several businesses with many passersby and the audit occurred in the middle of the afternoon. With that in mind, the OIG believes an audited officer is less likely to exhibit the type of behavior being tested with so many potential witnesses nearby.
- For two random "sting" audits (both classified as "Pass") the OIG identified a concern with the planning of the audits. The audits were conducted to determine whether the audited officers would racially profile and unlawfully stop the UCs. While these audits tested for unlawful stops and racial profiling, the OIG believes the scenarios were not likely to adequately test for this type of behavior in comparison to other racial profiling "stings" conducted by EES this quarter.

#### **"Complaint Intake" Audit Concern**

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<sup>6</sup> The OIG noted that five "specific" sting audits had Operational Plans that were approved the same date of the sting with no time documented to indicate if it was approved before or after the sting.

- For one telephonic “complaint intake” audit (classified as “Pass-Substandard”), the OIG believes the UC was overly persistent in making the complaint and therefore questions the classification. The UC was disconnected during her first few attempts to get through to the police station, and when she finally got through, she was transferred to a supervisor’s voicemail. The UC called back and was transferred to the supervisor’s voicemail again, and left a message. Five hours later, after no one called her back, the UC called the Area again, was put on hold for a total of three and a half minutes and had to repeat her story to two different supervisors. The OIG believes the complaint facesheet may have only been completed because of the persistence of the UC. It is unknown if a supervisor would have ever returned her voicemail and once the UC finally got in contact with another supervisor, she seemed to overly persist that a complaint be taken. To adequately test the complaint intake process, the OIG believes that if a UC leaves a message for a supervisor and requests them to call back, the UC should wait for the supervisor to call back instead of attempting to contact the police station again.
- During our review of the complaint intake audits, it was also noted that for a few telephonic and/or walk-in “complaint intake” audits, the investigator/UC statements were not documented at the conclusion of the audit. As these statements provide information on events that transpired during the audit, it is suggested that EES re-emphasize the importance of recording statements at the end of telephonic and/or “complaint” intake audits.

### **FINDINGS**

To assess EES’ findings, the OIG evaluated the classifications of the 37 audits (15 “sting,” and 22 “complaint intake”) sampled to determine whether any were clearly inaccurate. As such, the OIG evaluated the audits’ “Pass,” “Pass-Substandard,” “Inconclusive,” or “Fail” classifications. For four audits (one “sting” and three “complaint intake”), the OIG disagreed with EES’ classification as follows:

- For one specific “sting” audit (classified as “Pass”) conducted to determine if the targeted employee would commit sexual misconduct, the OIG noted some concerns regarding the audited officer’s professionalism while in contact with the UC and therefore the OIG believes that the audit should have been classified as “Pass-Substandard.” Subsequent to this audit in the fourth quarter of 2006, EES re-audited this employee. He “failed” that “sting” due to inappropriate comments and touching of the UC.
- For one telephonic “complaint intake” audit (classified as “Pass”), there were several concerns with the quality of service received by the UC. Although EES documented concerns with the front desk officer’s conduct in the initial phone call and EES notified the Commanding Officer of the Area, overall the audit was classified and reported as a “Pass” because the police station generated a complaint facesheet. However, the OIG believes that since the whole “complaint intake” process is being evaluated, this audit should have been classified as “Pass-Substandard.”

- For another telephonic “complaint intake” audit (classified as “Pass”), the complaint facesheet contained discrepancies/omissions that could impact the ability to investigate the complaint and the OIG believes “Pass-Substandard” would have been a more appropriate classification for this audit.
- For one walk-in “complaint intake” audit (classified as “Pass”), EES noted in its Final Report that a desk officer attempted to possibly detain the UC. Specifically, when the UC asked if he could drop off the Complaint of Employee Misconduct Form, the desk officer indicated that the UC had to wait and speak to a supervisor, which is not in accordance with Department protocol. However, the OIG believes that since the whole “complaint intake” process is being evaluated, this audit should have been classified as “Pass-Substandard.”

## **OTHER RELATED MATTERS**

### **Special Operation**

The EES closed out three “special operations” during the third quarter, 2006. Two operations did not involve Department personnel. The third operation involved a surveillance that attempted to identify whether LAPD officers frequent a business known for narcotics activity. Because the operation was attempting to identify possible misconduct by LAPD personnel, the OIG reviewed the surveillance documentation and videos.

The EES Final Report indicated that video surveillance, for an unspecified number of days, was conducted during December 2004 and January 2005. However, because the actual days of surveillance were not documented, the OIG could not confirm that all surveillance videos were retained. It appears incomplete since the EES Final Report mentions a surveillance conducted on a particular day in December 2004 that was not on the surveillance videos maintained by EES. The Commanding Officer of EES indicated that he was not at EES during this time period; however, EES’ record keeping has improved since then.

## **CONCLUSION**

Overall, the audits completed by EES during the third quarter of 2006 were complete and most were conducted in a quality manner and the findings (classifications) were adequately reported. Although the OIG identified some quality and classification concerns with EES' audits this quarter, additional oversight and emphasis by EES should help to ensure these types of concerns do not occur in future audits.