

**LOS ANGELES POLICE COMMISSION**

*Review of the  
Ethics Enforcement Section  
Quarterly Report,  
Fourth Quarter 2004*



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE ETHICS ENFORCEMENT SECTION  
QUARTERLY REPORT, FOURTH QUARTER 2004**

**PURPOSE**

Pursuant to Consent Decree paragraph 135, the Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Fourth Quarter 2004 and associated audit packages to assess the overall completeness, quality, and findings of the quarter's audits.

The Chief of Police (COP) signed the EES report on February 8, 2005, and the OIG received the report the following day.

**BACKGROUND**

Consent Decree paragraph 97 requires the Los Angeles Police Department (LAPD or Department), specifically Internal Affairs Group (IAG), to conduct regular, targeted and random integrity sting audits. These audits seek to identify and investigate officers engaging in at-risk behavior, such as making unlawful stops/searches/seizures and uses of excessive force or discouraging or failing to take a complaint.

The Ethics Enforcement Section, IAG, conducts these audits and reports the associated findings in a quarterly report format. Pursuant to CD paragraph 127 the COP forwards the quarterly report to the Police Commission and the OIG for review.

**PRIOR REVIEWS/RECOMMENDATION**

Ethics Enforcement Section has prepared 12 quarterly reports and over time, the OIG has made a number of recommendations to improve EES's process for conducting and documenting the results of their sting audits. Initially, the Department's Civil Rights Integrity Division tracked these recommendations. However, in an effort to keep EES independent from other Department entities, the OIG began tracking these recommendations.

One outstanding recommendation remained since the OIG's review of the EES Quarterly Report, Third Quarter 2004. Specifically, the OIG recommended that Planning and Research Division revise existing policy and procedure and require officers assigned to the front desk at the Police Administration Building and Department substations to document citizen complaints on a significant activities log. The Department has since indicated that this recommendation would not address the issue and based on further review, the OIG agrees with the Department. The OIG considers this recommendation addressed.

## **METHODOLOGY**

The EES Quarterly Report for the Fourth Quarter of 2004 reported the results of 33 sting audits. To evaluate the completeness, quality, and findings of these audits and the quarterly report, the OIG reviewed each audit's package utilizing a pre-developed matrix consisting of 40 questions. Typically, an audit package consists of a final report, an audit request (AR), an operational plan (OP), the under cover officer(s) notes or statements, and audio/video tapes.

On April 28, 2005 the OIG discussed the results of this review with the Acting Commanding Officer of EES. The Acting Commanding Officer indicated general agreement with the review's findings but disagreed that the results of two audits warranted Chain of Command notifications, see Page No. 6.

## **REVIEW RESULTS**

### **COMPLETENESS**

#### ***Completeness of the Population***

At the beginning of the year, EES assigns sequential audit project numbers to each audit initiated. As such, the OIG identified all audits initiated in Calendar Year 2004 to determine whether EES properly reported the results of these audits.

#### ***Results***

In 2004, EES initiated 127 sting audits and the findings of 125 audits were reported on in its quarterly reports for 2004. The remaining two sting audits were initiated in the third quarter of 2004 but per EES, as of April 5, 2005, the audits remained on going.

#### ***Completeness of the Audit Package***

The EES Quarterly Report, Fourth Quarter 2004 reported on the outcome of 33 sting audits. The OIG reviewed each associated audit package to ensure the audit's final report, AR, OP, and any other evidence required to be included in the package were actually located in the package.

#### ***Results***

Of the 33 audit packages, 32 (97%) were complete. The remaining package, for a specific sting audit, did not have a TEAMS report.

### ***Conclusion***

Overall, the OIG determined the EES Quarterly Report, Fourth Quarter 2004 and supporting audit packages were complete.

## **QUALITY**

Ethics Enforcement Section's quarterly reports are extremely brief and as such, the assessment of quality is based on a detailed review of information contained in the 33 audit packages.

Specifically, the OIG evaluated the packages for the following: Proper Approvals; Adherence to Significant Procedures; Timely Approval of Final Reports; Proper Design and Execution of the Audits; Reports and Complaint Forms Completed Accurately; Proper Notifications to the Los Angeles County District Attorney's Office (DA) and the OIG, when necessary; and, Proper Follow-up on Procedural Failures Outside the Scope of the Sting Audit.

### ***Proper Approvals***

The OIG evaluated each audit package to ensure the EES Commanding Officer approved the AR and an EES supervisor approved the OP prior to the audit's execution. Additionally, if the sting audit involved the use of a recording device or narcotics, the OIG verified proper approvals were obtained.

### ***Results***

All 33 audit packages had an AR and OP that was signed by the EES Commanding Officer and supervisor, respectfully. However, one audit package, for a low-risk complaint intake sting, contained an OP that was approved over 13 days after the audit's execution.<sup>1</sup> For all instances in which a recording device or narcotics were used, proper approvals were obtained.

### ***Adherence to Significant Procedures***

The OIG evaluated each audit package to determine whether significant Department policies and procedures were followed in the planning, execution, and subsequent to the sting audit.

Specifically, the packages were reviewed to ensure the following:

- Adherence to Chain of Custody Procedures;
- Adherence to Firearm and Secret Service Fund Procedures, if applicable;
- Adherence to the OPs;
- Proper Consideration of Safety Issues in the OPs, if applicable;
- Completion of Complaint Form (CF) 1.28s, when necessary (if within the scope of the audit);

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<sup>1</sup> In addition, there were eight instances in which the ARs and OPs were approved on the same day as the audits' execution. As there was no time of approval indicated on the documents, the OIG was unable to determine whether the approvals were received prior to or after the audits' execution.

- Write-Protection of Audio/Video Tapes; and
- Proper Identification of Supporting Audio/Video Tapes.

Results

Of the 33 audit packages, 32 (97%) complied with the above procedures. The remaining package contained a videotape that was not write-protected.

***Timely Approval of Final Reports***

The OIG evaluated the final report in each audit package to ensure EES management approved the report within 45 days, unless the delay was justified.

Results

Of the 33 audit packages, 31 (94%) contained a final report that was approved by EES management in a timely manner. Two audit packages contained a final report approved more than 52 and 58 days after the audits' execution without any justification for the untimely approvals documented in the audit packages. During an exit meeting with EES, the Acting Commanding Officer indicated these reports were signed late due to an investigator being transferred and his vacation.

***Proper Design and Execution of the Audits***

The OIG evaluated each audit package to ensure the audit was designed to identify at-risk behavior and allowed to play out to identify all possible results.

Results

The 33 audits were properly designed to identify at-risk behavior and all but one audit was allowed to play out. That audit was terminated when the under cover officer was shot at by a member of the public.

Fourteen of the 33 audits were complaint intake audits that resulted in the geographic Areas generating 14 complaints. These complaints have since been closed and properly adjudicated.

***Reports and Complaint Forms Completed Accurately***

The OIG evaluated each audit package to ensure all related reports and complaint forms completed by EES were accurate based on supporting information.

Results

Except for a few minor discrepancies, the 33 audit packages contained reports that were accurate based on supporting information. No Complaint Forms (CF) were required to be completed by EES during this quarter. Although there was an audit classified as a “fail,” the audit was conducted to confirm the allegation of an existing complaint.

***Proper Notifications to the DA and the OIG***

The OIG evaluated each audit package to determine whether proper notifications were made when required. Specifically, if an audit is classified as a criminal failure, the Department presents the case to the DA and if the audit is classified as a significant administrative or criminal failure, the OIG is notified.

Results

No notifications were required during this quarter. Although one audit was classified as a “fail,” the circumstances did not rise to the level of a significant administrative or criminal failure.

***Proper Follow-up on Procedural Failures Outside the Scope of the Sting Audit***

The OIG evaluated each audit package to determine whether EES properly addressed procedural failures occurring during the audit that did not necessarily fall within the scope of the sting audit.

Results

(Confidential Information Omitted for Closed Session Discussion)

(Confidential Information Omitted for Closed Session Discussion)

(Confidential Information Omitted for Closed Session Discussion)

### ***Conclusion***

Overall, EES's audits were planned and conducted in a quality manner. However, the OIG believes that overall the audit process would be improved if EES were to develop a formal process of notifying an officer's Chain of Command for procedural failures outside the scope of a sting audit. The EES has the unique opportunity to not only identify officers committing gross misconduct, but also to identify procedural issues requiring the Department's immediate attention. The development of a formal process of dealing with procedural failures will not only add to the Department's monitoring capabilities but will also ensure officers and Department management are held accountable.

As soon as practical, EES should review all eight audits, formally notify an appropriate level within the officer's Chain of Command to take corrective action, and request Department management to formally report all actions taken to the EES.<sup>2</sup> Additionally, future notifications made to an officer's Chain of Command resulting from a procedural failure should be thoroughly

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<sup>2</sup> See Recommendation No. 1b (As soon as practical, review the eight audits with procedural failures, formally notify Department management of these failures, and request Department management to formally report all actions taken to EES).

documented in EES's final report (i.e., the extent of the notification) so the OIG can follow-up with Department management if deemed necessary.<sup>3</sup>

## **FINDINGS**

### ***Support for Audit Findings***

The OIG evaluated the findings of all EES audits to ensure the findings were properly supported. Specifically, the OIG performed the following:

- Reviewed the under cover officer's notes or statements (if any) to ensure they were sufficiently descriptive to support the information in the final audit report;
- Ensured the audit accurately reflected recorded events;
- Ensured the classifications were consistent with the subject(s) actions; and,
- Ensured there were no significant inconsistencies identified with either the under cover officer's notes or the statements they provided.

### ***Results***

Based on a review of supporting information, the 33 audits had adequate support for the related findings.

### ***Presentation of Findings***

The OIG evaluated the EES Quarterly Report, Fourth Quarter 2004 to evaluate the accuracy of the reported findings for audits completed during the quarter.

### ***Results***

In reviewing the accuracy of the report, the OIG identified two discrepancies in the summarized information. One discrepancy was located in Central Bureau's summary chart that indicated two "Other Policy" audits were conducted at Central Area, but one audit was actually conducted at Newton Area. The second discrepancy relates to the total number of employees audited. The EES quarterly report indicates 63 employees were audited, but it appears 67 employees were actually audited.

As EES's quarterly reports provide minimal information, the OIG suggests EES add an overall summary chart that combines the fourth quarter sting audit results (i.e., Pass, Inconclusive, and Fail) with results from the prior three quarters.<sup>4</sup> This chart will not only provide the reader with an overview of the results for the year, but also provide information on audit coverage of geographic Areas and divisions.

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<sup>3</sup> See Recommendation No. 1c (Develop a formal procedure to document the extent of notifications made to an officer's Chain of Command for procedural failures).

<sup>4</sup> See Recommendation No. 1d (In future fourth quarter reports, include a summary chart depicting sting audit results for geographic Areas and divisions over the last year).

**Conclusion**

Overall, EES’s findings were adequately supported and reported accurately in the quarterly report.

**OTHER RELATED MATTERS**

**STATUS OF COMPLAINTS AGAINST DEPARTMENT EMPLOYEES**

On April 19, 2005, the OIG reviewed the status of complaint investigations open since its review of the EES Quarterly Report, Third Quarter 2004. Since that time, three investigations have been closed.

Chart No. 1 depicts the adjudication/penalty for the closed complaints.

**CHART NO. 1 - CLOSED COMPLAINT INVESTIGATIONS**

<b>QTR</b>	<b>ALLEGATION</b>	<b>ADJUDICATION/PENALTY</b>
1 <sup>st</sup> Qtr, 2004	Complaint Intake Administrative Failure	Training Provided
	Complaint Intake Administrative Failure	Sustained – 2-day Suspension
	Complaint Intake Administrative Failure	Sustained – 3-day Suspension

**COMPLAINT INTAKE METHODS ADDRESSED BY EES’S STINGS**

The OIG recognizes EES performs stings to identify specific officers who are not taking complaints in-person or telephonically. However, the OIG believes that other complaint intake methods should be audited as well, specifically complaints coming into the Department via electronic mail, facsimile, Telecommunications Device for the Deaf (TDD), or United States mail. As such, the OIG recommends Professional Standards Bureau (PSB) conduct an audit to determine whether there are any deficiencies with complaints coming into the Department via other intake methods.<sup>5</sup>

**AUDIT COVERAGE**

Based on information in EES’s quarterly report for 2004, the OIG determined certain geographic Areas and divisions might not have had adequate audit coverage. Chart No. 2 (see Page 10) illustrates the audit coverage provided by EES in Calendar Year 2004, broken down by “complaint intake audits” and “other integrity audits,” which include audits for unlawful

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<sup>5</sup> Recommendation No. 2 (Professional Standards Bureau conduct an audit of other complaint intake methods).

stops/searches/seizures, uses of excessive force, and other significant violations of Department policy.

Although all geographic Areas were audited for complaint intakes, three of the four traffic divisions were not. Additionally, four geographic Areas and two traffic divisions did not receive any of the “other integrity audits” conducted by EES. Every attempt should be made to ensure integrity audits cover all geographic Areas and traffic divisions during 2005.<sup>6</sup>

**CHART NO. 2 – COVERAGE OF EES AUDITS FOR 2004**

<b>AREA/DIVISION</b>	<b>COMPLAINT INTAKE AUDITS</b>	<b>OTHER INTEGRITY AUDITS</b>	<b>TOTAL AUDITS</b>
Central Area	9	4	13
Rampart Area	4	1	5
Hollenbeck Area	2	0	2
Northeast Area	3	1	4
Newton Area	7	1	8
Central Traffic Division	0	1	1
Southwest Area	6	1	7
Harbor Area	4	0	4
77 <sup>th</sup> Street Area	1	3	4
Southeast Area	6	16	22
South Traffic Division	0	0	0
Hollywood Area	4	0	4
Wilshire Area	5	2	7
West Los Angeles Area	2	2	4
Pacific Area	5	3	8
West Traffic Division	1	2	3
Van Nuys Area	6	3	9
West Valley Area	3	4	7
North Hollywood Area	4	1	5
Foothill Area	3	0	3
Devonshire Area	1	1	2
Valley Traffic Division	0	0	0
Specialized Units	0	1	1
Other Units	0	0	0
No Department Employee	0	1	1
Special Operations	0	1	1
<b>TOTAL</b>	<b>76</b>	<b>49</b>	<b>125</b>

**Note: These figures are based on information reported in EES’s quarterly reports for 2004.**

<sup>6</sup> Recommendation No. 1e (Ensure all geographic Areas and traffic divisions receive random complaint intake audits and other integrity audits in 2005).

## **RECOMMENDATIONS**

- 1) The OIG recommends the Commanding Officer of EES:
  - a) Develop a formal procedure of notifying Commanding Officers of procedural failures not within the scope of EES's sting audits;
  - b) Review the eight audits with procedural deficiencies, formally notify Department management of these failures, and request Department management to formally report all actions taken to the EES;
  - c) Develop a formal procedure to document the extent of notifications made to an officer's Chain of Command for procedural failures;
  - d) In future fourth quarter reports, include a summary chart depicting sting audit results for geographic Areas and divisions over the last year; and,
  - e) Ensure all geographic Areas and traffic divisions receive random complaint intake audits and integrity audits in 2005.
  
- 2) The OIG recommends the Commanding Officer of PSB conduct an audit to determine whether there are any deficiencies with complaints coming into the Department via electronic mail, facsimile, TTD, or United States mail.