

**LOS ANGELES POLICE COMMISSION**

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



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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# TABLE OF CONTENTS

REVIEW OF ETHICS ENFORCEMENT SECTION QUARTERLY REPORT,  
FOURTH QUARTER, 2006  
PUBLIC VERSION

	PAGE No.
<b><u>PURPOSE</u></b>	<b>1</b>
<b><u>BACKGROUND ON EES' "COMPLAINT INTAKE" AND "STING" AUDITS</u></b>	<b>1</b>
<b><u>METHODOLOGY</u></b>	<b>2</b>
<b><u>REVIEW RESULTS</u></b>	<b>2</b>
<b>COMPLETENESS</b>	<b>2</b>
<b>QUALITY</b>	<b>3</b>
<b>FINDINGS</b>	<b>3</b>
<b><u>OTHER RELATED MATTERS</u></b>	<b>4</b>
<b>"STING" AUDIT COVERAGE</b>	<b>4</b>
<b>CLOSED COMPLAINT INVESTIGATIONS</b>	<b>5</b>
<b>"COMPLAINT INTAKE" AUDITS VIA MAIL</b>	<b>5</b>
<b>LOS ANGELES SUPERIOR COURT RULING RELATED TO "COMPLAINT INTAKE"     AUDITS</b>	<b>6</b>
<b><u>CONCLUSION</u></b>	<b>6</b>
<b><u>RECOMMENDATIONS</u></b>	<b>6</b>

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

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, Fourth 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 Quarterly Report on February 2, 2007, and the OIG received the Report on February 8, 2007.

**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, Fourth Quarter, 2006, reported the results of 71 audits (12 "sting" audits, 58 "complaint intake" audits and one special operation audit).<sup>2</sup> Chart No. 1, below, delineates the classification (results) of the 12 "sting" audits.

**CHART NO. 1 – CLASSIFICATION OF "STING" AUDITS**

<b>BEHAVIOR TESTED</b>	<b>AUDIT TYPE<sup>3</sup></b>	<b>CLASSIFICATION</b>
Unlawful Stops	Random	Pass
Unlawful Searches/Seizures	Random	Pass
Unlawful Searches/Seizures	Random	Pass
Immigration Laws	Random	Pass
Immigration Laws	Random	Pass
Booking Evidence	Random	Pass
Completing a Crime Report	Specific	Pass
Completing a Crime Report	Specific	Pass
Discourtesy	Specific	Pass
Theft of Currency	Specific	Fail
Theft of Currency	Specific	Fail
Sexual Misconduct	Specific	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> The EES Quarterly Report incorrectly classified one "sting" audit as a special operation. For another audit classified as a special operation, the OIG did not review the audit since it did not involve a Department employee.

<sup>3</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.

This quarter EES conducted three specific “stings” that resulted in the removal of three civilian employees from the Department. The OIG commends EES for their continued efforts in helping to ensure Department employees maintain the highest level of integrity.

For the remaining 58 “complaint intake” audits conducted, 50 (86%) were classified as “Pass,” five (9%) as “Pass-Substandard,”<sup>4</sup> and three (5%) as “Fail.” Normally, EES initiates complaint investigations for complaint intakes classified as “Fail.” However, due to a recent lawsuit, EES has stopped this practice pending further instructions from the City Attorney’s Office. See the “Other Related Matters” section of this report for greater detail.

## **METHODOLOGY**

As mandated by the Consent Decree, the OIG evaluated 34 EES audit packages (all 12 “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, Operations Request, Operational Plan, the undercover officer’s statements, and video/audio tapes.

On May 7, 2007, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division. At that time, he indicated general agreement with the findings in this report.

## **REVIEW RESULTS**

### **COMPLETENESS**

The EES Quarterly Report, Fourth Quarter, 2006, reported on the outcome of 71 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 the results of all audits completed during the fourth quarter of 2006.

Based on the OIG’s review of EES’ audit packages, EES reported on a complete population. Of the 22 audits that were ongoing since the third quarter, 2006, three remained open. All audits initiated during the fourth quarter of 2006 were completed. The OIG will continue to track the three outstanding audits to ensure they are eventually completed and reported on by EES.

The 34 sampled audit packages (12 “sting” and 22 “complaint intake” audits) were also evaluated to ensure the packages contained the Final Report, Operation Request, Operational Plan (when required), and any other pertinent evidence that should be included in the audit package. The OIG determined 31 audit packages were complete. For the remaining three packages, two specific “sting” audit packages did not have the audited employee’s Training Evaluation and Management System Report (which contains an employee’s work history,

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<sup>4</sup> The “Pass-Substandard” category is used by EES for “complaint intake” audits where the employee does take the complaint yet 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>5</sup> The OIG’s sample was 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.

including his/her prior complaints), and for one random “sting” audit package, it appears there was an attempt to use video cameras at the scene of the audit, however since the surveillance unit’s view was obstructed, the cameras were not utilized. The authorization to use this electronic surveillance was not included in the audit package.<sup>6</sup>

## QUALITY

To assess the quality of EES’ quarterly audits, the OIG evaluated several aspects of the 34 audits sampled (12 “sting” and 22 “complaint intake” audits), focusing on the design, execution, and documentation of the audits.

The OIG did not identify any significant issues or concerns related to the design, execution, or documentation of the audits. The OIG commends EES for the improvement in the quality of their work product. During the OIG’s review of “complaint intake” audits, it was noted that EES consistently identified and documented significant errors or omissions on the complaint face sheets generated by audited employees and took appropriate action, when necessary, by notifying the employee’s commanding officer. To further address the area of possible dissuasion during a “complaint intake,” the EES investigating supervisor now asks the undercover officer if he/she felt they were being dissuaded from filing a complaint at anytime during their conversation with the audited employee. To address quality of service issues related to excessive hold times during a telephonic “complaint intake” audit, EES contacts the audited employee’s commanding officer to take appropriate action. Additionally, all audits were completed in a timely manner (within 45 days from the date the audit was conducted to the date EES management approved the report) with the exception of one audit that was completed and approved in 46 days.

## FINDINGS

To assess EES’ findings, the OIG evaluated the classifications of the 34 audits (12 “sting” and 22 “complaint intake”) sampled to determine whether any were clearly inaccurate. As such, the OIG evaluated the audits’ “Pass,” “Pass-Substandard,” “Inconclusive,” and “Fail” classifications.

Based on the review of the 34 audits, the OIG noted that the findings of each audit were well supported and there were no significant concerns identified with the classification of each audit.

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<sup>6</sup> The OIG also noted one Operations Request and three Operational Plans were approved the same date of the “sting” with no time documented to indicate if it was approved before or after the “sting.”

**OTHER RELATED MATTERS****“Sting” Audit Coverage**

Chart No. 2, below, depicts the number of “sting” audits conducted for each Area/Division during 2006. However, as indicated in the chart, a total of five Areas/Divisions did not have a “sting” audit conducted on its employees. As recommended by the OIG in a prior EES review, the fourth quarter (year-end) EES report should include a summary table of all audits conducted during the entire year. This information can be used by EES to plan adequate audit coverage for the upcoming year and ensure all Areas/Divisions receive a “sting” audit. The OIG requested that the Commanding Officer of Special Operations Division ensure these five Areas/Divisions receive at least one “sting” audit during 2007 and he agreed.

**CHART NO. 2 - COVERAGE OF EES “STING” AUDITS**

<b>AREA/DIVISION</b>	<b>NUMBER OF “STING” AUDITS IN 2006</b>
<b>Operations – Central Bureau</b>	
Central Area	3
Central Traffic Division	1
Hollenbeck Area	2
Newton Area	1
Northeast Area	3
Rampart Area	6
<b>Operations - South Bureau</b>	
77 <sup>th</sup> Street Area	<b>0</b>
Harbor Area	5
Southeast Area	1
South Traffic Division	<b>0</b>
Southwest Area	2
<b>Operations - Valley Bureau</b>	
Devonshire Area	1
Foothill Area	3
Mission Area	3
North Hollywood Area	4
Valley Traffic Division	<b>0</b>
Van Nuys Area	<b>0</b>
West Valley Area	2
<b>Operations - West Bureau</b>	
Hollywood Area	<b>0</b>
Pacific Area	3
West Los Angeles Area	6
West Traffic Division	2
Wilshire Area	3
<b>Specialized Units</b>	<b>3</b>
<b>TOTAL</b>	<b>54</b>

### **Closed Complaint Investigations**

The OIG reviewed the status of open complaint investigations for the last two quarters and determined that eight had been closed. These complaint investigations were initiated as a result of EES audits that were classified as “Fail.” The chart below provides information on the allegations, adjudication, and penalty, if applicable, of the closed complaint investigations as of March 21, 2007.

**CHART NO. 3 – COMPLAINT INVESTIGATION RESULTS**

<b>Period</b>	<b>Allegation</b>	<b>Adjudication/Penalty</b>
2 <sup>nd</sup> Qtr, 2005	Neglect of Duty “Complaint Intake” Failure (via telephone)	Two employees: Sustained - Resigned Sustained - Official Reprimand
1 <sup>st</sup> Qtr, 2006	Neglect of Duty “Complaint Intake” Failure (via mail)	Unfounded*
2 <sup>nd</sup> Qtr, 2006	Neglect of Duty “Complaint Intake” Failure (via email)	Unfounded*
	Neglect of Duty “Complaint Intake” Failure (via citizen flagdown)	Two employees: Sustained - 2 days suspension
3 <sup>rd</sup> Qtr, 2006	Neglect of Duty “Complaint Intake” Failure (via facsimile)	Sustained - no action against unknown employee
	Neglect of Duty “Complaint Intake” Failure (via mail)	Sustained - no action against unknown employee
	Neglect of Duty “Complaint Intake” Failure (via mail)	Sustained - no action against unknown employee
	Neglect of Duty “Complaint Intake” Failure (via facsimile)	Insufficient Evidence to Adjudicate

\* These complaint investigations were “Unfounded” due to a lack of tangible evidence. The OIG noted concerns relating to the retention of evidence by Information Technology Division (ITD) and EES which appear to have impacted the adjudication of these complaint investigations. The OIG has brought this to the attention of the Commanding Officer of SOD and ITD.

### **“Complaint Intake” Audits via Mail**

The OIG’s prior quarterly reviews identified concerns with complaints submitted via mail. During the third quarter of 2006 the OIG assessed the number of “mail-in” “complaint intake” audits conducted Department-wide (62) that were classified as “Fail” (8) during that quarter and determined there was a failure rate of 13 percent. The complaint investigations initiated as a result of these audits had a recurring theme; documents that are mailed to the Area/Division come in contact with various individuals, therefore it is unknown why the complaint was not processed and there is no specific individual responsible for the handling of incoming mail. The OIG believes the failures can be attributed to a lack of internal control. Therefore, the OIG recommends 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 OIG noted during this quarter, there were no “complaint intake” audits conducted via mail but given that this is an area of concern, it is suggested that EES continue to conduct this type of “complaint intake” audit to assess the Department’s progress in this regard. Based on the Department’s annual Initiation of Complaints Audit, it appears that approximately 10 percent of public complaints are received via mail. Therefore it is suggested that EES use this as a guideline when determining the number of “mail-in” “complaint intake” audits that should be completed.

### **Los Angeles Superior Court Ruling Related to “Complaint Intake” Audits**

A recent decision from the Los Angeles Superior Court stemming from a LAPD “complaint intake” lawsuit caused a reversal of a five-day suspension that a sergeant received for failing to initiate a complaint face sheet. During the case, the sergeant contended he was aware from the onset that he was the subject of an EES “complaint intake” audit. With this knowledge, he indicated that he personally delivered the complaint of employee misconduct form to his Watch Commander. However, a complaint face sheet was never generated and a complaint investigation for “neglect of duty” was initiated against the sergeant. During the hearing, the court stated that the Department cited no evidence in the administrative record to show that it had the authority, by rule, ordinance, or otherwise, to initiate complaints for the purpose of disciplining officers who do not generate a “fake” complaint stemming from an EES audit. Nor was there any evidence that the Department warned its officers that they may be given phony orders and punished for not obeying them. As a result of this ruling, EES has not generated any new complaint investigations for officers who fail to accept a complaint during a “complaint intake” audit. Subsequent to this case ruling, the Department issued a notice dated December 18, 2006, instructing all Department personnel to take a complaint regardless of whether they think it is an EES “sting.” The Department is also working with the City Attorney’s Office to obtain additional information in this area. Since initiating complaints against supervisors who either fail to take a complaint or dissuade a person from making a complaint, regardless of whether it is an EES “sting,” is an effective means to hold Department employees accountable, the OIG recommends the Department continue to work with the Office of the City Attorney in an expedient manner to resolve the matter regarding the Department’s ability to take appropriate action for complaint intake audits classified as “Fail” this quarter and in the future.

### **CONCLUSION**

Overall, the audits completed by EES during the fourth quarter of 2006 were complete, conducted in a quality manner, and the findings (classifications) were well supported.

### **RECOMMENDATIONS**

1. The OIG recommends 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.
2. The OIG recommends 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.

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3. The OIG recommends the Department continue to work with the Office of the City Attorney in an expedient manner to resolve the matter regarding the Department's ability to take appropriate action for complaint intake audits classified as "Fail" this quarter and in the future.