

**LOS ANGELES POLICE COMMISSION**

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



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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

**PURPOSE**

Pursuant to Consent Decree Paragraph 135, the Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Second 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 August 1, 2006, and the OIG received the Report on August 15, 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, Second Quarter, 2006, reported the results of 105 audits which consisted of 90 "complaint intake" audits and 15 "sting" audits.<sup>2</sup> Of the 90 "complaint intake" audits conducted, 81 (90%) audits were classified as "Pass" and nine (10%) as "Fail."<sup>3</sup> The audit criteria, audit type, and the results of the 15 "sting" audits are provided in the table below.

AUDIT CRITERIA	AUDIT TYPE	CLASSIFICATION
Enforcement of Immigration Laws	Random	Pass
Enforcement of Immigration Laws	Random	Pass
Theft	Specific	Inconclusive
Theft and Excessive Force	Specific	Inconclusive
Unlawful Arrest	Specific	Pass
Unlawful Arrest	Specific	Fail
Unlawful Seizure	Random	Pass
Discourtesy and Ethnic Remark	Specific	Pass
Completing a Police Report	Specific	Pass
Completing a Police Report	Specific	Pass-substandard
Discourtesy	Random	Pass
Discourtesy	Random	Pass
Discourtesy	Random	Pass
Discourtesy	Random	Pass
Discourtesy	Random	Pass

<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> EES incorrectly counted one specific "sting" audit as a "complaint intake" audit. As a result, the EES Quarterly Report indicated that 14 "sting" and 91 "complaint intake" audits were conducted.

<sup>3</sup> The Quarterly Report incorrectly indicated 91 "complaint intake" audits were conducted; 83 "Pass" and 8 "Fail."

## **METHODOLOGY**

As mandated by the Consent Decree, the OIG evaluated 39 EES audit packages, which consisted of all 15 “sting” audits and a random sample of 24 “complaint intake” audits, for completeness, quality, and findings.<sup>4</sup> Typically, an audit package consists of the Final Report, Operation Request, Operational Plan, the undercover officer’s statements, and video/audio tapes.

The OIG also conducted supplemental tests of the remaining 66 “complaint intake” audits to assess complaint face sheet accuracy, the quality of service provided to the undercover officer during the audit (e.g., number of calls made to initiate a complaint and length of time the undercover officer was placed on hold), and the appropriateness of the initial classification of the complaint allegation. These results are reported in the Other Related Matters section of this report.

On November 13, 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.

## **REVIEW RESULTS**

### **COMPLETENESS**

The EES Quarterly Report, Second Quarter, 2006, reported on the outcome of 105 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 completed audits during the second quarter, 2006.

Based on the OIG’s review of EES’ audit packages, EES reported on a complete population. Of the 13 audits that were ongoing since the first quarter, 2006, ten have been completed and three remain ongoing. In addition, there were 21 audits ongoing at the end of the second quarter, 2006. The OIG will continue to track the outstanding audits to ensure they are eventually completed and reported on by EES.

The 39 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, 38 of the 39 sampled audit packages contained the required documentation. One audit package, a walk-in “complaint intake” audit, did not have an Operational Plan, which is required whenever an undercover officer is deployed to the field to interact with members of the public or Department employees. This audit package also did not have the undercover officer’s statement, either written or verbal, summarizing what occurred while he/she was inside the police station.

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<sup>4</sup> The OIG looked at 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.

## QUALITY

To assess the quality of EES' quarterly audits, the OIG evaluated several aspects of the 39 audits sampled (15 "sting" and 24 "complaint intake" audits), focusing on the design and execution of the audits and assessing whether the Final Report documented all pertinent information that could possibly affect the classification of the audit. The OIG identified the following:

- One specific "sting" audit (classified as "Inconclusive") was conducted to determine whether the audited officer would use excessive force and/or steal money and narcotics from the undercover officer. The location of the audit had many passersby and heavy vehicle traffic. With that in mind, the OIG believes an audited officer is less likely to exhibit the types of behavior being tested with so many potential witnesses nearby. Additionally, the audiotapes indicated the undercover officer believed that the audit may have been compromised based on the audited officer's comments and actions. At the end of the audiotape, the undercover officer made a comment to the effect of "he knew something was up."<sup>5</sup> When reviewing the videotape, the OIG noted one point where the undercover officer, the audited officer, and the audited officer's partner were all looking at the direction of the camera. These concerns were not documented in the EES Final Report.
- One random "sting" audit was conducted to determine whether the officer would book narcotics. The Final Report documented the results of the audit; however, there was no mention of the events that transpired an hour before. On the videotape, two officers made contact with the undercover officer approximately an hour before the audited officer mentioned in the Final Report. There was no documentation concerning the identification of these officers or the reason they stopped to talk to the undercover officer.
- The OIG also noted that eight Final Reports were approved more than 45 days after the audit's execution date (average of 61 days), but the OIG does not believe these delayed approvals impacted the final classification of the audits. The Commanding Officer of SOD indicated this was caused by a reorganization with EES' administrative personnel.

## FINDINGS

To assess EES' findings, the OIG evaluated the classifications of the 39 audits (15 "sting" and 24 "complaint intake") sampled to determine whether any were clearly inaccurate due to the audit not affording the opportunity to truly evaluate the conduct of the audited employee. As such, the OIG evaluated the audits' "Pass," "Pass-substandard," "Inconclusive," or "Fail" classifications.

There were no concerns identified with the classification of the 39 sampled audits reviewed by the OIG. However, as stated in the Other Related Matters section, the OIG identified eight "complaint intake" audits (based on the review of the remaining 66 "complaint intake" audits) that were classified as "Pass" but the OIG did not agree with that classification.

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<sup>5</sup> The undercover officer's written statement made no mention of the audit being compromised.

## **OTHER RELATED MATTERS**

### **“Complaint Intake” Audits**

The OIG evaluated all “complaint intake” audits focusing on 1) comparing the information documented on the complaint face sheet generated by the audited employee(s) with the information provided by the EES undercover officer, 2) the quality of service provided to the undercover officer during the filing of the complaint, and 3) the appropriateness of the initial classification of complaint allegation(s).<sup>6</sup> Since EES’ main focus during a complaint intake audit is whether or not a complaint face sheet is generated, the concerns identified here are reported as Other Related Matters.<sup>7</sup>

### ***Accuracy and Completeness of the Complaint Face Sheet Generated by the Audited Area***

#### *Telephonic “Complaint Intake” Audits*

Four of the eleven telephonic “complaint intake” audits contained significant complaint face sheet discrepancies, identified in the chart below.<sup>8</sup> At a minimum, these audits should have been classified as “Pass-Substandard.”

For one audit classified as a “Pass,” although the phone number was documented correctly, the complainant’s address was listed as an address from a city different from the city that the undercover officer provided. This concern was not noted by EES.
For one audit classified as a “Pass,” the undercover officer indicated that since he/she was on hold for so long, he/she wanted to make a complaint about that. This was not documented on the complaint face sheet. This concern was not noted by EES.
For one audit classified as a “Pass,” the complaint face sheet did not document the full description of the accused officer provided by the undercover officer (e.g., weight, gender, etc). EES indicated the only information omitted was the officer’s race.
For one audit classified as a “Pass,” the undercover officer alleged an additional act of misconduct. This additional allegation was not documented on the complaint face sheet. This concern was noted by EES.

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<sup>6</sup> The initial classification of a complaint determines whether the complaint investigation is conducted by an Area command or Internal Affairs Group.

<sup>7</sup> Beginning the First Quarter of 2006, the OIG began tracking officers who generated complaint face sheets that contained significant inaccuracies, for patterns of behavior.

<sup>8</sup> The significant reduction in the number of telephonic “complaint intake” audits conducted by EES was discussed with the Commanding Officer of SOD during the OIG’s review of the last Quarterly Report. At that time, he indicated that beginning the Third Quarter of 2006, EES will increase the amount of telephonic “complaint intake” audits and reduce the amount of non-telephonic “complaint intake” audits. Since the area of non-telephonic “complaint intake” audits in the form of mail-ins, faxes, and emails had not been tested thoroughly in prior quarters, the OIG did not raise the low number of telephonic “complaint intake” audits as a concern.

*“Complaint Intake” Audits (Non-Telephonic)*

There were 79 non-telephonic “complaint intake” audits conducted this quarter, and the OIG found that ten had complaint face sheet inaccuracies or omissions. However, for nine of these audits, the Complaint of Employee Misconduct Form or the undercover officer’s letter was attached to the generated complaint face sheet, mitigating this concern. For the one walk-in “complaint intake” audit that did not have an attached Complaint of Employee Misconduct Form, the complaint face sheet had a time of occurrence discrepancy of seven hours; however, the complainant’s phone number was documented accurately. This type of discrepancy could significantly impact an investigating officer’s ability to identify accused officers if this had been a legitimate complaint and the complainant did not make himself available for a follow-up interview. As such, this audit would have been more appropriately classified as a “Pass-Substandard.”

Additionally, the OIG noted two mail-in audits where the printed last name used by the undercover officer on the Complaint of Employee Misconduct Form that was mailed to the police station, did not match the signed name on the form. Both audits were classified as “Pass,” but “Inconclusive” would have been more appropriate given this may have inadvertently hinted that a “complaint intake” audit was taking place. EES identified the discrepancy for one of the two audits and provided training to the EES officer.

*Walk-up “Complaint Intake” Audits*

The OIG noted two walk-up “complaint intake” audits where the undercover officer provided a verbal complaint. However, there was nothing in the audit package that documented the details of the information that was provided by the undercover officer. As a result, the OIG was unable to verify the accuracy of the complaint face sheets. Going forward, the Commanding Officer of SOD indicated that verbal information provided by the undercover officer will be documented in either the Final Report or the undercover officer’s statement.

*Quality of Service*

Of the 90 “complaint intake” audits conducted during the second quarter, a total of nine were classified as “Fail” since a complaint was never generated. The details of these “complaint intake” audits are summarized in the table below.

AREA/ DIVISION	TYPE OF AUDIT	NO. CLASSIFIED AS “FAIL”	TOTAL “COMPLAINT INTAKE” AUDITS CONDUCTED AT AREA
Rampart Area	Mail-in	3	3
West Traffic Division	Mail-in	1	1
West Traffic Division	Walk-up	1	1
Northeast Area	Email	1	1
Hollywood Area	Walk-in	1	2
Wilshire Area	Fax	1	2
Newton Area	Mail-in	1	4

Note: The Department has initiated complaint investigations to address the audits classified as “Fail.”

As noted on the previous page, Rampart Area failed three mail-in “complaint intake” audits. While the OIG recognizes that US postage mail comes in contact with various individuals, the fact that there were three separate instances where the Complaint of Employee Misconduct Forms were not processed by Rampart personnel raises a concern surrounding the internal controls of handling incoming mail. The OIG suggests that the Department research this matter.

Additionally, the OIG noted that all 11 telephonic “complaint intake” audits were classified as “Pass;” however, during two audits, the undercover officer was placed on hold for more than ten minutes. For one audit, the undercover officer indicated that he/she wanted to make a complaint for being placed on hold for so long. For the other audit, the undercover officer made comments relating to his/her cell phone minutes being used up and his/her cell phone battery almost dying because of being placed on hold. The OIG believes “Pass-substandard” would have been more appropriate for these two audits.

### ***Initial Classifications***

The OIG reviewed all “complaint intake” audits to assess the appropriateness of the initial classification of the allegation. The initial classification impacts whether Internal Affairs Group versus an Area command will conduct the complaint investigation. The OIG noted five (6%) of the 90 “complaint intake” audits where the initial classification of the allegation was inaccurate.

### **Assessment of Complaint Intake Audits from January 2005 through June 2006**

The OIG compiled the total number of complaint intake audits conducted by EES from January 2005 to June 2006 (the quarter currently being assessed) to determine whether a particular Bureau or Area was deficient in the area of accepting public complaints. The table on the following page lists the total number of EES “complaint intake” audits conducted at the Area/Division, the number of audits that were classified as “Pass” or “Pass-Substandard” and the passing rate for each Area/Division along with the overall passing rate for the Bureaus.

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**ASSESSMENT OF COMPLAINT INTAKE AUDITS  
FROM JANUARY 2005 THROUGH JUNE 2006**

<b>BUREAU/AREA/DIVISION</b>	<b>NUMBER OF EES “COMPLAINT INTAKE” AUDITS CONDUCTED</b>	<b>NUMBER CLASSIFIED AS “PASS” OR “PASS- SUBSTANDARD”</b>	<b>PASSING RATE</b>
<i>Operations-Central Bureau</i>			
Central Area	14	14	100%
Rampart Area	12	8	67%
Hollenbeck Area	16	14	88%
Northeast Area	16	13	81%
Newton Area	14	12	86%
Central Traffic Division	15	14	93%
<i>Sub Total</i>	87	75	86%
<i>Operations-South Bureau</i>			
Southwest Area <sup>9</sup>	15	14	93%
Harbor Area	16	15	94%
77 <sup>th</sup> Street Area <sup>10</sup>	10	9	90%
Southeast Area	14	13	93%
South Traffic Division	13	13	100%
<i>Sub Total</i>	68	64	94%
<i>Operations-West Bureau</i>			
Hollywood Area	16	15	94%
Wilshire Area	12	10	83%
West Los Angeles Area	14	13	93%
Pacific Area	12	12	100%
West Traffic Division	11	9	82%
<i>Sub Total</i>	65	59	91%
<i>Operations-Valley Bureau</i>			
Van Nuys Area	14	14	100%
West Valley Area	16	15	94%
North Hollywood Area	17	17	100%
Foothill Area	12	11	92%
Devonshire Area	13	13	100%
Mission Area	13	12	92%
Valley Traffic Division	9	8	89%
<i>Sub Total</i>	94	90	96%
<i>Total for all Bureaus</i>	314	288	92%

<sup>9</sup> One “complaint intake” audit classified as “Inconclusive” was excluded from the passing rate calculation for this Area.

### Closed Complaint Investigations

The OIG reviewed the status of complaint investigations that were open as of the last two quarters. These complaint investigations were initiated as a result of EES audits that were classified as “Fail.” The chart below provides information on the adjudication and penalty (if applicable) of the closed complaint investigation as of November 2, 2006.

PERIOD	ALLEGATIONS	DETAILS	ADJUDICATION/ PENALTY
1 <sup>st</sup> Qtr, 2005	Unbecoming Conduct False Statements Sexual Misconduct Neglect of Duty	<ul style="list-style-type: none"> <li>While off-duty, on two occasions, inappropriately loitered in an area known for prostitution activity.</li> <li>While off-duty, inappropriately associated with a person employee knew or should have known was a prostitute.</li> <li>Inappropriately solicited an undercover officer for an act of prostitution.</li> <li>Falsified a Daily Field Activities Report.</li> <li>Left employee's assignment early, without supervisory approval.</li> </ul>	Guilty - Removed
2 <sup>nd</sup> Qtr, 2005	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Telephone)</li> </ul>	Sustained - Suspension 10 Days
	Neglect of Duty	Against two employees: <ul style="list-style-type: none"> <li>Complaint Intake Failure (via Telephone)</li> </ul>	Exonerated <sup>10</sup> Unfounded
3 <sup>rd</sup> Qtr, 2005	False Statements Neglect of Duty	Against two employees: <ul style="list-style-type: none"> <li>Congregating at a convenience store for a lengthy period of time.</li> <li>Falsified a Daily Field Activities Report.</li> <li>Failed to respond to a call for service in a timely manner.</li> </ul>	Sustained - Suspension 22 Days For Each Employee
	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Telephone)</li> </ul>	Sustained - Suspension 5 Days
4 <sup>th</sup> Qtr, 2005	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Mail)</li> </ul>	Sustained - No Action
1 <sup>st</sup> Qtr, 2006	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Mail)</li> </ul>	No Misconduct <sup>11</sup>
	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Telephone)</li> </ul>	Sustained - Official Reprimand
	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Mail)</li> </ul>	Unfounded <sup>11</sup>
2 <sup>nd</sup> Qtr, 2006	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Mail)</li> </ul>	Not Resolved
	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Fax)</li> </ul>	Not Resolved
	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Mail)</li> </ul>	Not Resolved
	Neglect of Duty	<ul style="list-style-type: none"> <li>Complaint Intake Failure (via Mail)</li> </ul>	Insufficient Evidence to Adjudicate

<sup>10</sup> This audit involved a Spanish speaking undercover officer. The first employee who answered the call did not speak Spanish. The second employee spoke Spanish but was on a one-day loan to the Area. The allegation against the second employee was initially adjudicated as “Not Resolved;” however, after evaluating a Skelly response, the adjudication was changed to “Unfounded.” Both employees were non-supervisors.

<sup>11</sup> The complaint investigation revealed that a complaint face sheet was generated by the audited officer; however, EES was not provided the information. As a result, EES generated the complaint.

## **CONCLUSION**

Based on the review of all second quarter audit packages, EES reported on a complete population. Of the 39 sampled audit packages reviewed, the OIG identified one audit package with a completeness concern. With regard to the quality of the EES audits, the OIG identified two audits with concerns related to properly documenting significant events that occurred during the audit in the Final Report. Additionally, the OIG also noted an execution and design concern with one of the two audits. The OIG did not identify any concerns with the final classification of those audits. With regard to the OIG's assessment of all "complaint intake" audits for complaint face sheet accuracy and the quality of service that was provided to the undercover officer during the audit, the OIG believes that eight "complaint intake" audits (all classified as "Pass" by EES) would have been more appropriately classified as "Pass-Substandard" for six and "Inconclusive" for two audits. Overall, except for the concerns above, the audits conducted by EES during the Second Quarter, 2006, were complete, performed in a quality manner, and the findings were supported.