

**LOS ANGELES POLICE COMMISSION**

***Review of the  
Ethics Enforcement Section  
Quarterly Report,  
First Quarter, 2008  
OPEN SESSION***



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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Inspector General

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF THE ETHICS ENFORCEMENT SECTION  
QUARTERLY REPORT, FIRST QUARTER, 2008**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, First 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 May 1, 2008, and the OIG received the Report on May 7, 2008.

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

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 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.

For the First Quarter of 2008, EES reported the results of 36 audits (13<sup>1</sup> “integrity” and 23 “complaint intake”). The table below delineates the classifications<sup>2</sup> of the 13 “integrity” audits.

**CLASSIFICATION OF “INTEGRITY” AUDITS**

BEHAVIOR TESTED	AUDIT TYPE <sup>3</sup>	CLASSIFICATION
Discourtesy	Specific	Attempt
Discourtesy	Random	Pass
Discourtesy	Specific	Pass
Discourtesy/Unauthorized Force	Random	Pass
Discourtesy/Unauthorized Force	Specific	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass
Unauthorized Force	Specific	Pass
Unbecoming Conduct	Specific	Fail
Unlawful Search/Seizure	Specific	Pass
Unlawful Search	Random	Pass

<sup>1</sup> EES performed an additional “integrity” audit for an outside agency, which the OIG did not review.

<sup>2</sup> EES utilizes the following classifications for both “integrity” and “complaint intake” audits:

“Pass” – Meaning the employee’s actions during the audit were proper, consistent with existing Department policy, and fell within the guidelines of state and federal law.

“Pass-Substandard” – Meaning the employee technically passed, but his or her conduct did not meet the Department’s expectations for behavior performance.

“Fail” – Meaning the employee’s conduct was improper and violated either criminal law or Department policy.

“Inconclusive” – Meaning there was insufficient evidence to support a conclusive finding.

“Attempt” – Meaning either a Department employee did not respond to the scenario, or the employee did not interact in a manner affording effective examination of the employee’s conduct.

<sup>3</sup> A specific “integrity” audit is one that focuses on a particular employee. Typically, the audit request will come from Internal Affairs Group or the employee’s commanding officer.

For the 23 “complaint intake” audits, EES classified 19 (82%) as “Pass,” two (9%) as “Pass-Substandard,” and two (9%) as “Fail.”

## **METHODOLOGY**

As mandated by the Consent Decree, the OIG reviewed a sample of 27 EES audit packages (13 “integrity” and 14 “complaint intake”<sup>4</sup>) of the 36 audits (13 “integrity” and 23 “complaint intake”) conducted by EES. The audit packages were evaluated for completeness, quality, and findings. Typically, an audit package consists of a Final Report, an Operations Request, an Operational Plan, the undercover officer’s (UC) statements, and video/audio recordings of the audit’s execution.

On June 24, 2008, the OIG discussed the results of this review with the EES management, and at that time they indicated general agreement with the results of this review.

## **REVIEW RESULTS**

### **COMPLETENESS**

The EES Quarterly Report, First Quarter, 2008, reported on the outcome of 36 audits. Based on the OIG’s review, EES reported on a complete population. Five audits remained open at the end of the first quarter, 2008. The OIG will continue to track the five outstanding audits to ensure they are eventually completed and reported on by EES.

The OIG also evaluated 27 (13 “integrity” and 14 “complaint intake” audits) of the 36 audit packages to ensure the packages contained the Final Report, Operations Request, Operational Plan (when required), and any other pertinent documentation or evidence. The OIG determined all 27 audit packages were complete. However, it was noted that eight Operational Plans were approved the same date as the “integrity” and/or “complaint intake” audit with no time documented to indicate if it was approved before or after the audit. Additionally, one Final Report was approved 80 days after the audit was executed, with no justification as to the reason for the delay.

### **QUALITY**

To assess EES’ audit quality for the first quarter of 2008, the OIG evaluated several aspects of the 27 audits (13 “integrity” and 14 “complaint intake”), particularly focusing on the design and execution of the audits. For all 27 audits, the OIG determined they were properly planned and executed. However, the OIG did identify a concern with one specific “integrity” audit that evaluated whether an officer would unlawfully search/seize a UC. Based on the behavior shown in the recorded video footage, the OIG believes that the audited officer and his/her partners might have known that they were part of an “integrity” audit. Unfortunately, a UC who was wearing a “wire,” was not close enough for the officers’ statements to be recorded, and the UC’s written statement did not indicate one way or another if he/she believed the sting was compromised. Therefore, the OIG was unable to confirm this belief. Although the OIG agrees

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<sup>4</sup> The OIG randomly selected a sample of “complaint intake” audits 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.

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with EES' "Pass" classification, the OIG believes it would be prudent for EES to consider re-auditing this employee based on the seriousness of the tested behavior.

### **FINDINGS**

To assess the appropriateness of EES' classifications, the OIG evaluated a sample of 27 audits (13 "integrity" and 14 "complaint intake") and evaluated the audits' "Pass," "Pass-Substandard," "Inconclusive," "Attempt," or "Fail" classifications. The OIG agreed with the classifications of all 27 audits.

### **CONCLUSION**

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