

**LOS ANGELES POLICE COMMISSION**

*Review of the  
Ethics Enforcement Section  
Quarterly Report,  
First Quarter, 2007  
(PUBLIC – OPEN SESSION)*



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, FIRST QUARTER, 2007**

**PURPOSE**

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, First Quarter, 2007, 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 April 30, 2007, and the OIG received the report on May 3, 2007.

**BACKGROUND ON EES' "COMPLAINT INTAKE" AND "INTEGRITY" AUDITS**

Consent Decree Paragraph 97 requires the Los Angeles Police Department (LAPD or Department) to conduct, targeted 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.

The EES Quarterly Report, First Quarter, 2007, reported the results of 48 audits (10 "integrity" audits, 37 "complaint intake" audits and one special operation audit).<sup>2</sup> The table below, delineates the classifications (results) of the 10 "integrity" audits.

**CLASSIFICATION OF "INTEGRITY" AUDITS**

<b>BEHAVIOR TESTED</b>	<b>AUDIT TYPE<sup>3</sup></b>	<b>CLASSIFICATION</b>
Contacts with Immigrants <sup>4</sup>	Random	Pass
Contacts with Immigrants	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Specific	Pass
Unbecoming Conduct	Specific	Pass
Use of Excessive Force	Random	Pass
Use of Excessive Force	Specific	Pass
Unlawful Searches/Seizures	Specific	Inconclusive
Vandalism	Specific	Inconclusive
Workers Compensation Fraud	Specific	Fail

For the remaining 37 "complaint intake" audits conducted, 31 (84%) were classified as "Pass," one (2%) as "Pass-Substandard," and five (14%) as "Fail."<sup>5</sup>

<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> One audit was classified as a special operation, but the OIG did not review the audit since it did not involve a Department employee.

<sup>3</sup> A specific "integrity" audit is generally conducted at the request of Internal Affairs Group or based on a request from the targeted employee's Commanding Officer.

<sup>4</sup> LAPD Officers shall not arrest nor book persons for violation of Title I, Section 1325 of the United States Immigration Code (Illegal Entry).

<sup>5</sup> The EES erroneously reported that there were no "Pass-Substandard" classifications; however, the OIG noted that there was one "complaint intake" audit classified as "Pass-Substandard."

## **METHODOLOGY**

As mandated by the Consent Decree, the OIG evaluated 28 EES audit packages (all ten “integrity” audits and a random sample of 18 “complaint intake” audits) for completeness, quality, and findings.<sup>6</sup> Typically, an audit package consists of the Final Report, Operations Request, Operational Plan, the undercover officer’s statements, and video/audio tapes.

On July 25, 2007, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division, who oversees EES.

## **REVIEW RESULTS**

### **COMPLETENESS**

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

The EES Quarterly Report, First Quarter, 2007, reported on the outcome of 48 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 first quarter of 2007.

Based on the OIG’s review, EES reported on a complete population. Of the three audits that were ongoing since the fourth quarter, 2006, two remained open. All audits initiated during the first quarter of 2007 were completed. The OIG will continue to track the two outstanding audits to ensure they are eventually completed and reported on by EES.

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

The OIG also evaluated 28 (10 “integrity” and 18 “complaint intake” audits) of the 48 audit packages to ensure the packages contained the Final Report, Operation Request, Operational Plan (when required), and any other pertinent evidence. The OIG determined 23 audit packages were complete. For the remaining five packages the OIG noted the following:<sup>7</sup>

- Two specific “integrity” audit packages did not have the audited employee’s Training Evaluation and Management System Report (which contains an employee’s work history, including his/her prior complaints);
- One specific “integrity” audit package used surveillance to track the target officer for one day; however, the after action report for this surveillance was not in the audit package;
- One random “complaint intake” audit, did not have Operations Request in the audit package; and,
- One specific “integrity” audit package (classified as “Inconclusive”), conducted to determine if an employee was harassing another employee, was incomplete. Specifically, there were

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<sup>6</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.

<sup>7</sup> The OIG also noted one Operations Request and five Operational Plans were approved the same date of the “integrity” audit with no time documented to indicate if it was approved before or after the “integrity” audit.

several days of surveillance footage captured by EES. The footage was downloaded on a hard drive and viewed by EES. According to EES, since there were no issues identified, the footage was discarded. As a result, the OIG was unable to review this evidence.

The OIG brought these concerns to the Commanding Officer of Special Operations Division and he indicated that in the future, this type of evidence will be retained by EES and included in the audit packages.

## **QUALITY/FINDINGS**

To assess EES' audit findings and quality for the first quarter of 2007, the OIG evaluated several aspects of the 28 audits (10 "integrity" and 18 "complaint intake" audits) particularly focusing on the design and execution of the audits. In addition, the OIG evaluated the classifications of the 28 audits sampled to determine whether any were clearly inaccurate. As such, the OIG evaluated the audits' "Pass," "Pass-Substandard," "Inconclusive," and "Fail" classifications. The OIG identified the following concerns:

### **Classifications**

#### **"Integrity" Audit**

- For one random "integrity" audit (classified as "Pass"), to test for excessive force, a radio call was generated to send officers out to a location where an undercover officer (UC) was present. The EES final report indicated that although there were passersby and vehicular traffic near the predetermined location, the traffic was light and the UC was far from any potential witnesses, so an officer who is likely to engage in excessive force would feel comfortable. However, based on a review of the associated videotapes of this "integrity" audit the OIG disagrees. On the video footage, there was a steady flow of vehicular traffic and there were several people close enough to witness a use of excessive force. Given the proximity of potential witnesses, the OIG believes a better classification for this "integrity" audit would have been "Inconclusive." However, since this "integrity" audit was random and not targeted against a specific employee with excessive force concerns, the risk is mitigated as to these officers and therefore, the OIG does not believe a another audit is necessary.

#### **"Complaint Intake" Audits**

- For one random "complaint intake" audit (classified as "Pass"), EES' final report did not mention that the audited officer omitted pertinent information on the complaint facesheet and apparently attempted to dissuade the UC from filing a complaint. Although the UC indicated in his or her recorded statement that he or she did not feel that the audited officer was attempting to dissuade him or her from filing the complaint, the OIG believes that efforts to discourage or otherwise predict an unfavorable outcome to a member of the public is tantamount to dissuasion and this audit should have, at a minimum, been classified as "Pass-Substandard." The OIG also believes a Complaint Form 1.28 investigation should be

initiated against the audited officer for dissuasion<sup>8</sup> and that EES should consider training for the UC and investigating officer on how to identify dissuasion, including role playing scenarios that adequately test for it. For example in this case, perhaps the UC could have inquired specifically whether a complaint would or would not be taken absent additional information.

Additionally, there were two other “complaint intake” audits (classified as “Fail” and “Pass-Substandard”) where EES identified apparent dissuasion by the same front desk officer.<sup>9</sup> The OIG believes a Complaint Form 1.28 should also be generated against this officer.

However, during the Fourth Quarter, 2006 and the First Quarter, 2007 EES was not generating complaints against audited employees that failed “complaint intake” audits due to a court ruling regarding a “complaint intake” audit. During those quarters, the OIG identified three “complaint intake” audits (two “Fails” and one “Pass-Substandard”) in which EES did not generate complaints against the audited officers pending the Department’s policy decision on how to handle this issue.<sup>10</sup> The OIG recommended in its Fourth Quarter, 2006 Review that the Department 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” and/or containing elements of attempted dissuasion. According to the Commanding Officer of Special Operations Division, the matter was recently resolved and EES will now generate a complaint against audited officers who fail a “complaint intake” audit and/or exhibit apparent dissuasion; however, EES and Professional Standards Bureau have agreed that no retroactive Complaint Form 1.28s will be initiated. The OIG does not agree with this decision and believes that EES, barring any statute of limitation issues, EES should initiate a Complaint Form 1.28 against audited officers who failed a “complaint intake” audit and/or attempted to dissuade a UC from filing a complaint during this time period.

- For one random “complaint intake” audit (classified as “Pass”), the date of occurrence, date reported to a supervisor, and date the form was completed were five days off. This was noted by EES but classified as “Pass.” However, since an incorrect date of occurrence could impact the ability to identify the involved officers, the OIG believes that this audit should have been classified as “Pass-Substandard.”
- The OIG also noted some “quality of service” concerns with four audits classified as “Pass” that the OIG believes, in totality, should be “Pass-Substandard,” as follows:
  1. For one random “complaint intake” audit (classified as “Pass”), the UC was on hold for approximately 24 minutes (21 minutes for the first call and 3 minutes for the second call). The UC indicated in his or her recorded statement that at the time of the audit it might have been a change of watch at the police station and EES classified the audit as “Pass.”

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<sup>8</sup> As stated in the Consent Decree, Paragraph 75, the Department shall initiate a complaint investigation against any officer who allegedly attempts to dissuade a civilian from filing a complaint.

<sup>9</sup> During this time period EES did not generate a complaint for “complaint intake” failures and/or dissuasion.

<sup>10</sup> The “Pass-Substandard” classification contained elements of attempted dissuasion.

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2. For another random “complaint intake” audit (classified as “Pass”), the OIG noted that the UC was on hold for 11.5 minutes while waiting to speak to a supervisor. During this time, no one picked up the phone to check on the UC. The UC even commented to the supervisor about the long hold time. Although EES’ final report commented on the long hold time, they did not note it as a quality of service issue and classified the audit as “Pass.”
3. For another random “complaint intake” audit (classified as “Pass”), the OIG noted some concerns with the complaint process. Specifically, the UC made four attempts to call the police station and the telephone rang a total of five minutes over those four attempts. During the fourth attempt someone answered the phone and transferred the UC to a voicemail. The UC did not leave a message and called the police station back. The UC was transferred again and then placed on hold for another minute and a half before he or she finally spoke to a supervisor. The supervisor told the UC that he or she wanted to record the UC’s statement and have someone else help him. The supervisor also told the UC that his or her statement was required to be recorded.<sup>11</sup> The UC stated that he or she would call back if it was easier. The UC also stated that he or she did not want to give a phone number; however, the UC ultimately gave a phone number and the supervisor took the UC’s preliminary information and told him or her that someone would call him or her back. For this audit, the OIG believes the UC was also overly-persistent in getting the supervisor to take the complaint. Additionally, the OIG has suggested to EES in the past that if a UC gets a voicemail recording, the UC should leave a message and wait and see if someone calls the UC back, thereby truly testing the Department’s proactiveness in accepting complaints.<sup>12</sup>
4. For another random “complaint intake” audit (classified as “Pass”), the OIG noted that during the UC’s first telephone call to the police station, a phone kiosk transferred the UC to a voicemail without the UC pressing anything on the phone. During the UC’s second attempt, he or she was on hold for five minutes and then was transferred and got disconnected. The UC called again and when he or she spoke with a supervisor, the UC commented on how he kept getting transferred. The UC then described his or her complaint in detail to the supervisor and then the supervisor transferred the UC to another supervisor to handle the complaint.

The OIG is concerned about these quality of service issues, especially the long hold times. According to the Commanding Officer of Special Operations Division, he has already initiated discussions with Department management on how to best address this concern. Going forward, the OIG will continue to monitor this concern.

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<sup>11</sup> There is no Department policy that requires a complainant to be recorded.

<sup>12</sup> Along this same theme, the OIG noted that for another random “complaint intake” audit, (classified as “Pass-Substandard”), the UC was transferred to a voicemail but did not leave a message.

## **OTHER RELATED MATTERS**

### **Availability of UCs for “Integrity” Audits**

For one specific “integrity” audit (classified as “Inconclusive”), EES’ final report was approved approximately 13 months after the last attempt to conduct the “integrity” audit. There was no justification documented in the Final Report for the delay between the last attempt and the report approval date. The Commanding Officer of Special Operations Division indicated that part of the reason for the delay was a lack of appropriate UCs. There was a particular “type” of person that EES needed to use during the operation and at that time no one matching the specifications was available. This is not the first time that EES has encountered this problem. The OIG believes that the Department should evaluate ways to expand the “types” of UCs that can be used during high priority audits such as these. According to the Commanding Officer of Special Operations Division, EES also recognized this concern and has recently developed a way to increase their pool of UCs for “integrity” audits. The OIG will continue to monitor this area of concern in future reviews.

## **CONCLUSION**

As noted previously, the OIG noted a concern with the completeness of five audit packages. In addition, the OIG disagreed with EES’ “Pass” classification for one “integrity” audit (that should have been classified as “Inconclusive”) and six “complaint intake” audits (that should have been classified as “Pass-Substandard”). However, the OIG is pleased to note that no audits were identified where a “Fail” classification would have been more appropriate.