

LOS ANGELES POLICE COMMISSION

*Review of the
Ethics Enforcement Section
Quarterly Report,
First 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, FIRST QUARTER, 2006**

PURPOSE

Pursuant to Consent Decree Paragraph 135, the Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, First Quarter, 2006, and associated audit packages to evaluate the completeness, quality, and findings of EES audits conducted during that quarter.¹

The Chief of Police signed the EES Report on May 1, 2006, and the OIG received the Report on May 9, 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, First Quarter, 2006, reported the results of 80 audits (14 "sting" audits and 66 "complaint intake" audits).² Ten of the "sting" audits were classified as "Pass", one was classified as "Pass-substandard" and one was classified as "Fail." Of the 66 "complaint intake" audits, 59 audits were classified as "Pass," two as "Pass-substandard," and five as "Fail."

PRIOR RECOMMENDATION

The OIG made one recommendation during its review of the EES Quarterly Report, Second Quarter 2005. To allow time for implementation, the OIG refrained from reporting on the status of this recommendation until this quarter. Specifically, it was recommended that the Commanding Officer of EES notify Department management to address the inaccuracies and/or omissions noted with the completed complaint face sheets for three "complaint intake" audits or perform another "sting" audit on the three audited officers. According to the Commanding Officer of EES, they are not going to re-sting the three officers that completed the complaint face sheet inaccurately; however, they did notify the officers' commanding officer. Going forward, EES will consider these types of inaccuracies/omissions during their audits and notifications to the audited employee's commanding officer will be made if warranted. The OIG concurs with the actions taken to address this recommendation. Additionally, beginning the third quarter, 2005, the OIG implemented a tracking system to monitor supervisors with complaint intake issues to identify any patterns of conduct related to completing complaint face sheets with significant inaccuracies/omissions. No patterns have been identified as of yet. However, in the future if a concern is noted, it will be reported.

¹ Unlike the majority of audits conducted by the Department, EES reports the results of its audits on a calendar year basis.

² Two of these "sting" audits were actually special operations where EES provided assistance to other law enforcement agencies and did not involve a "sting" being conducted against an LAPD officer. Therefore, the amount of "sting" audits reviewed by the OIG was 12.

METHODOLOGY

The EES Quarterly Report, First Quarter, 2006, reported the results of 80 audits. As mandated by the Consent Decree, the OIG evaluated 34 audit packages (all 12 “sting” audits and a random sample of 22 “complaint intake” audits) for completeness, quality, and findings.³ Typically, an audit package consists of the Final Report, Operations Request, Operational Plan, undercover officer’s notes or statements, and video/audio tapes.

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

On August 3, 2006, the OIG discussed the results of this review with the Commanding Officer of EES. At that time, he indicated general agreement with the OIG’s findings.

REVIEW RESULTS

COMPLETENESS

Completeness of the Population

The EES Quarterly Report, First Quarter, 2006, reported on the outcome of 80 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.

Based on the OIG’s review of EES’ audit packages, EES reported on a complete population for the first quarter, 2006. Of the two audits that were on-going since the third quarter, 2005, one remains on-going and the other one is expected to be completed during the second quarter of 2006. In addition, there were 11 audits on-going at the end of the first quarter, 2006. The OIG will continue to track the outstanding audits to ensure they are eventually completed and reported on by EES.

Completeness of the Audit Package

The 34 sampled audit packages were evaluated to ensure the packages contained the Final Report, Operations Request, Operational Plan (when required), and any other evidence required to be included in the package.

³ 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.)

Based on the OIG's review, the audit packages contained the Final Report, Operations Request, Operational Plan, and all other evidence required to be included in the package, with the exception of two audit packages, discussed below.

- For one targeted "sting" audit, conducted to determine whether the audited officer would conduct an unlawful search or racially profile a subject, there was no TEAMS report included in the audit package. Therefore, it is unknown if EES reviewed the officer's complaint history prior to the "sting" audit being conducted.
- For another "sting" audit, conducted to determine whether the audited officer would book narcotics, the audit package did not contain documentation to support the weight of the narcotics used during the audit. Although the audit package contained photographs of the narcotics, there was no documentation related to the weighing of the narcotics prior to conducting the audit and matching of the weight after the narcotics were booked by the audited officer. Normally, EES includes this type of documentation in the audit package.

Conclusion

Except for the issues noted above, the EES Quarterly Report, First Quarter, 2006, and the associated audit packages were complete.

QUALITY

To assess the quality of EES' quarterly audits, the OIG evaluated several aspects of the 34 audits (12 "sting" and 22 "complaint intake" audits) sampled, particularly focusing on the design and execution of the audits. The OIG identified concerns with the quality of two "sting" audits and one "complaint intake" audit, discussed below.

- One "sting" audit was conducted to determine if the targeted officer would racially profile and conduct unlawful searches. The audit was classified as "Pass." However, based on the review of the audit package, the OIG noted a concern with the planning of this audit. It is unknown if this concern impacted the integrity/results of the audit.⁴
- Another "sting" audit was conducted to determine if the targeted officer would act inappropriately with a crime victim. The EES' final report indicated that the targeted officer's conduct was professional and polite during the encounter with the undercover officers. However, the OIG disagrees with this assessment. The targeted officer's tone and discussion with the undercover officers did not appear to be professional or polite. It should be noted that EES' final classification was "Pass-substandard." The OIG agrees with that assessment.
- One "complaint intake" audit was conducted where the undercover officer walked into the police station to drop off a Los Angeles Police Department – Complaint of Employee Misconduct Form. The complaint face sheet completed by the audited officer indicated

⁴ The details of this concern is contained in the OIG's confidential report.

additional information not on the Complaint of Employee Misconduct Form. Since the undercover officer's notes were not detailed enough to indicate whether this additional information was provided and the final EES audit report did not address this concern, the OIG was unable to confirm the accuracy of the information.⁵

The OIG also noted that nine Final Reports were approved more than 45 days after the audit's execution date, but the OIG does not believe these delayed approvals impacted the final classification of the audits. However, extra efforts should be made by EES to document the reason for any late approvals. According to the Commanding Officer of EES, sometimes there is a delay in receiving the generated complaint face sheet which impacts the timeliness of final approvals. Additionally, the OIG noted that for one audit, the Operational Plan did not have approving signatures, rather, the names of the lieutenant and commanding officer were typed in. However, the Commanding Officer of EES indicated that the Operations Request was signed indicating that they both knew of the operation and that the missing signatures was an oversight.

Conclusion

Overall, the audits were conducted in a quality manner. However, it is suggested that EES focus more effort on ensuring that audit packages provide sufficient information to enable the ability to assess the accuracy of information on completed complaint face sheets.

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 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.

Based on this review, the OIG questioned the classification of one "complaint intake" audit. Specifically, the OIG identified a "complaint intake" audit where it appeared that the audited employee was attempting to dissuade the filing of a complaint, which is against Department policy. This concern was not noted in EES' final report and a complaint was not initiated against the officer for dissuasion, as required. Although the audited officer completed a complaint face sheet, the OIG feels at a minimum, the audit should have been classified as "Pass-substandard." After discussing this concern with the Commanding Officer of EES, a complaint was initiated against the officer for dissuasion.

Conclusion

Except for the concern noted above, the OIG agreed with the findings of the sampled audits.

⁵ When reviewing the remaining 44 "complaint intake" audits for quality of service concerns, two additional audits were identified in which the undercover officer's notes or recorded statements and EES' final report did not provide sufficient information to determine whether the associated complaint face sheet was completed accurately.

OTHER RELATED MATTERS

“COMPLAINT INTAKE” AUDITS

Accuracy/Completeness of Completed Complaint Facesheets

For this review, the OIG evaluated all 66 “complaint intake” audits completed in the first quarter of 2006. The primary focus of the OIG’s review entailed a comparison between complaint face sheet information generated by the audited employees and information provided by the EES undercover officers. The OIG identified four with a significant inaccuracy/omission.⁶

Additionally, the OIG identified 18 additional complaint face sheets (from walk-in/mail-in “complaint intake” audits) with inaccuracies. Since the Complaint of Employee Misconduct Form was attached to the completed complaint face sheet, the OIG felt that the risk of these errors was mitigated. However, the OIG noted that eight of these instances contained concerning inaccuracies and/or omissions where if the Complaint of Employee Misconduct Form happened to get separated from the complaint face sheet the investigation might be hindered. We discussed this issue with the Commanding Officer of EES who indicated that they will start looking into this area of concern.

Quality of Front-Desk Service

Of the 66 “complaint intake” audits, 11 were telephonic (the remaining audits were conducted by facsimile, mail, or walk-in to a station or up to an audited employee) where the undercover officer experienced a significant delay and/or difficulty contacting the police stations to file a complaint (e.g., the undercover officer was placed on hold for a lengthy period of time, etc.). For five of these audits there was a difficulty encountered by the undercover officer. The OIG believes that one of these five audits should have been classified as “Pass-substandard” rather than “Pass.”

For another audit, EES noted a training issue and the Commanding Officer of EES appropriately notified the employee’s commanding officer and plans to re-sting the employee.

Initial Classifications

The OIG reviewed the initial classifications of all 66 “complaint intake” audits to determine if the initial classifications were appropriate. Initial classifications impact whether Internal Affairs Group versus an Area command investigate the allegation. The OIG noted two “complaint intake” audits where the initial classification was inaccurate.

⁶ The details of these inaccuracies/omissions are contained in the OIG’s confidential report.

CONCLUSION

Overall, based on the OIG's review of the audits EES conducted during the First Quarter, 2006, it appears the audits were complete, performed in a quality manner, and the findings were supported.