

LOS ANGELES POLICE COMMISSION

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



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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SECOND QUARTER, 2007
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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE ETHICS ENFORCEMENT SECTION
QUARTERLY REPORT, SECOND QUARTER, 2007**

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, Second Quarter, 2007, and the associated audit packages to evaluate the completeness, quality, and findings of EES audits conducted during the quarter.¹

The Chief of Police signed the EES Quarterly Report on July 31, 2007, and the OIG received the report on August 7, 2007.

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.

The EES Quarterly Report, Second Quarter, 2007, reported the results of 51 audits (12 "integrity" audits, 38 "complaint intake" audits and one special operation audit).² The table below delineates the classifications (results) of the 12 "integrity" audits.

CLASSIFICATION OF "INTEGRITY" AUDITS

BEHAVIOR TESTED	AUDIT TYPE³	CLASSIFICATION
Contacts with Immigrants ⁴	Random	Pass
Contacts with Immigrants	Random	Pass
Contacts with Immigrants	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass
Neglect of Duty	Random	Pass-Substandard
Neglect of Duty	Random	Attempt
Neglect of Duty	Specific	Pass
Neglect of Duty	Specific	Pass
Unbecoming Conduct	Specific	Pass
Unlawful/Seizures	Random	Pass
Benefit Abuse	Specific	Pass

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

² One audit was classified as a special operation, but the OIG did not review the audit since it did not involve a Department employee.

³ 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.

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

For the remaining 38 “complaint intake” audits conducted, 31 (81%) were classified as “Pass,” four (11%) as “Pass-Substandard,” and three (8%) as “Fail.” Although EES’ Quarterly Report reported the four “Pass-Substandard” audits with the audits classified as “Pass.”

PRIOR RECOMMENDATIONS

In the OIG’s Fourth Quarter 2006 EES Review, the following recommendations were made:

The OIG recommended that 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.

Status: The Commanding Officer of Special Operations Division, who oversees EES, indicated that Planning Research Division recently initiated a project to address this recommendation. As such, the recommendation is still pending.⁵

The OIG recommended that 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.

Status: The Commanding Officer of Special Operations Division indicated that EES conducted a total of four mail in “complaint intake” audits over the first and second quarter of 2007 and will continue to conduct them in future quarters. However, the OIG considers this recommendation partially implemented given the high failure rate identified in previous EES audits and the small number of audits conducted of this area over the previous two quarters. The OIG will continue to assess this area in future reviews.

The OIG recommended that 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.

Status: EES began initiating complaints again on May 14, 2007. Thus, the OIG considers this recommendation implemented.

METHODOLOGY

As mandated by the Consent Decree, the OIG evaluated 30 EES audit packages (all 12 “integrity” audits and a random sample of 18 “complaint intake” audits) for completeness, quality, and findings.⁶ Typically, an audit package consists of the Final Report, Operations Request, Operational Plan, the undercover officer’s (UC) statements, and video/audio tapes.

⁵ To obtain the status of this recommendation, the OIG contacted Civil Rights Integrity Division and they indicated they did not have this recommendation in their recommendation tracking database. It has since been added.

⁶ 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.

REVIEW RESULTS

COMPLETENESS

Completeness of the Audit Population

The EES Quarterly Report, Second Quarter, 2007, reported on the outcome of 51 audits. In the past, EES assigned sequential audit project numbers to each audit initiated, but due to an audit's complexity, an audit might have extended beyond one quarter, which resulted in EES reporting on audit projects that are out of sequence. However, recently, EES changed this practice and began assigning a project number upon an audit's completion. The OIG is concerned that this new practice of assigning a project number at the end of the process makes it more difficult to track the progress of more complex audits and/or audits which may take a longer period of time to complete. Therefore, the OIG recommends that EES assign an EES Project Number when EES begins to plan an audit.

Additionally the OIG noted a concern with EES' risk evaluation process. When a request is made to review an employee's work history to determine whether an audit should be initiated, EES performs a Risk Evaluation. For one Risk Evaluation, initiated in early 2007, EES identified an officer with a potential at-risk pattern of excessive force and after re-evaluating EES determined an audit should be performed. EES indicated that the audit was postponed due to the inability to locate an appropriate UC and/or the officer not working the day the "integrity" audit was planned. However, on two occasions, EES deployed UCs in an attempt to conduct the audit, but the UCs never made contact with the targeted officer. The file was then closed out, without ever being assigned a project number, and there was a note in the file that indicated there was no longer a suitable UC assigned to EES, but EES would evaluate whether to conduct another audit in three months.

The OIG is concerned that an EES project number was not assigned to this audit as it is clear from the file that an "integrity" audit was attempted on this officer. This concern was discussed with the Commanding Officer of Special Operations Division who indicated that an EES project number should have been assigned to this file as "integrity" audits were set up for this officer after the risk assessment was performed. This finding led the OIG to question whether the entire population of audits conducted by EES have been evaluated by the OIG. According to EES, after this concern was identified, they reviewed their Risk Evaluation files and found one additional file that should have had an EES project number assigned to it. The OIG plans to initiate a supplemental review of EES' Risk Evaluation files in the OIG's next quarterly review to confirm whether only two files did not receive a project number in 2006/2007 and perform a thorough review of the audits the OIG has not yet reviewed.

Completeness of the Audit Packages

The OIG also evaluated 30 (12 “integrity” and 18 “complaint intake” audits) of the 51 audit packages to ensure the packages contained the Final Report, Operations Request, Operational Plan (when required), and any other pertinent evidence. The OIG determined 27 audit packages were complete. For the remaining three audit packages the following are items that were not included in the packages:

- One specific and one random “integrity” audit package did not contain photographs of the props used in audits designed to see if officers would book found property, this documentation helps to support whether or not all items were booked.
- One specific “integrity” audit package did not contain a Training Evaluation and Management System (TEAMS) report (which contains an employee’s work history, including his/her prior complaints) dated prior to the “integrity” audit. This report should have been printed and reviewed prior to the audit to help identify any patterns and/or set-up a scenario for the employee.

Additionally, the OIG also identified one audit that contained an Operations Requests that was approved after the “integrity” audit and one that did not contain management approval. However, the Commanding Officer of Special Operations Division indicated that he was verbally briefed prior to the audits being conducted and gave his approval at that time.

These concerns were discussed with the Commanding Officer of Special Operations Division and he indicated that in the future, this type of evidence will be retained/documented by EES and included in the audit packages.⁷

QUALITY

To assess EES’ audit quality for the Second Quarter of 2007, the OIG evaluated several aspects of the 30 audits (12 “integrity” and 18 “complaint intake” audits), particularly focusing on the design and execution of the audits. The quality concerns identified are described below.

“Integrity” Audit Concerns

- For one specific “integrity” audit (classified as “Pass”), designed to test the handling of found property, the OIG believes that EES should have used additional props to help to increase the believability of this audit, especially since it was a specific “integrity” audit.
- For one random “integrity” audit (classified as “Pass-Substandard”), designed to test the handling of found property, the OIG identified concerns with the quality of the audit set-up. Specifically, the OIG believes that EES should have used a prop that contained more value as a better test to also allow for the evaluation of the handling of theft susceptible items.

⁷ It was also noted that four 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 and two final reports that were approved 46 and 49 days after the “integrity” audit completion date.

1.0

- For one random “integrity” audit (classified as “Pass”), designed to test Department employee contacts with undocumented immigrants, the OIG believes the first part of the sting was compromised and EES’ final report did not note this concern. EES subsequently changed the location of the audit. The Commanding Officer of Special Operations Division indicated in EES’ final report that the UC did not believe the audit was compromised. However, within the audit package there is a typed statement from the UC that indicated that it might have been.

This concern was discussed with the Commanding Officer of Special Operations Division and he indicated that although the UC originally indicated that he/she felt the audit might have been compromised, upon further reflection he/she changed this opinion. However, this information was not documented in the audit package. It should be noted that although this inconsistency was present, the OIG does agree with the “Pass” classification for the subsequent audit conducted.

- The OIG noted that EES has conducted a total of five “integrity” audits in the first and second quarter, 2007, that tested Department employee contacts with undocumented immigrants. All five audits involved the UC walking into a police station to test an officer’s behavior when dealing with an undocumented immigrant. However, the OIG believes that EES should also have the UCs approach officers in the field to test this behavior as they have in the past to ensure the scenarios are varied and comprehensive in this area.

“Complaint Intake” Audit Concerns

- For one random telephonic “complaint intake” audit (classified as “Pass”), the UC’s call was transferred to the complaint unit and a voicemail recording came on. The UC did not leave a message, but instead hung up and called the police station again. 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.
- For one random telephonic “complaint intake” audit (classified as “Pass-Substandard”), the sergeant indicated that someone would call the UC back. The EES investigating officer and UC waited about an hour and forty minutes and no one from the police station called the UC back. Therefore, the investigating officer had the UC call the police station again because EES wanted to complete the audit. Again, the OIG believes that EES should have waited to see if a call back attempt would have been made to the UC, thereby truly testing the Department’s proactiveness in accepting complaints.

These concerns were discussed with the Commanding Officer of Special Operations Division and he indicated that EES recently re-emphasized to its investigators that they should leave their call back information when transferred to a voicemail and not call the police station again to see if a Department employee returns their telephone call to make a complaint.

FINDINGS

To assess EES' findings, the OIG evaluated the classifications of the 30 audits (12 "integrity" and 18 "complaint intake" audits) sampled to determine whether any were clearly inaccurate. As such, the OIG evaluated the audits' "Pass," "Pass-Substandard," "Inconclusive," "Attempt," or "Fail" classifications. For one random "complaint intake" audit, the OIG disagreed with EES' classification. Specifically, during the audit (classified as "Pass"), the UC explained his/her complaint to the front desk officer that answered the phone and the UC was placed on hold for approximately 11.5 minutes. During that time, no one came back on the line to check on the UC. The UC hung up and called the police station back and explained what happened. The UC was then placed on hold for another minute and a half. Due to the long hold time and no one checking on the UC while on hold, the OIG believes this audit should have been classified as "Pass-Substandard" and the Commanding Officer should have been notified of the long hold time encountered by the UC.

Additionally, for one random "complaint intake" audit (classified as "Pass"), the complaint face sheet completed by the audited officer contained a completely different phone number than that provided by the UC; however, the OIG noted that the address documented on the complaint face sheet was accurate. Although EES' final report noted the phone number inaccuracy, there was no indication that a notification was made to the commanding officer of the audited officer. Given this error, the OIG believes a notification should have been made.

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OTHER RELATED MATTERS**Closed Complaint Investigations**

The OIG reviewed the status of open complaint investigations for the last two quarters and determined that 12 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 August 28, 2007.

COMPLAINT INVESTIGATION RESULTS

Period	Allegation(s)	Adjudication/Penalty
2 nd Qtr, 2004	Involvement in off-duty criminal conduct	Sustained/Retired
4 th Qtr, 2004	False statements during an official investigation. Inappropriately identified self as a Los Angeles Police Department detective.	1 st Officer – Guilty/Removed
	Accessed the Department computer system for non-duty related activities.	2 nd Officer – Not Resolved
3 rd Qtr, 2005	Failed to obtain a Spanish speaker for a non-English speaking citizen. Made discourteous statements to a citizen. Was discourteous to an undercover officer posing as a citizen during an Integrity Audit. Failed to provide appropriate service to an undercover officer posing as a citizen during an Integrity Audit.	Sustained/ 22-day suspension
3 rd Qtr, 2006	Complaint intake failure – mail in	Not Resolved
	Complaint intake failure – telephonic	Actions Could have Been Different/Counseling
	Complaint intake failure – facsimile	Insufficient Evidence to Adjudicate
	Complaint intake failure – facsimile	Not Resolved
4 th Qtr, 2006	Complaint intake failure - telephonic	Sustained/ Admonishment
	Theft of Currency	Sustained/Resigned
	Complaint intake failure – walk-in	Unfounded ⁸
	Theft of Currency	Sustained/Resigned
	Made inappropriate remarks to the complainant. Attempted to convert an on-duty contact into an off-duty relationship. Made inappropriate remarks to an officer during an audit. Made false statements during an official investigation.	Sustained/Resigned

RECOMMENDATION

- 1. It is recommended that EES assign a project number prior to initiating any audit.**

⁸ Based on the investigation’s rationale, the OIG does not believe that the missing complaint facesheet was due to the a “neglect of duty” on the officer’s part and agrees with the adjudication.

CONCLUSION

On September 5, 2007, the OIG discussed the results of this review with the Commanding Officer of Special Operations Division. The OIG found a majority of the packages were complete; however, the OIG identified some concerns with the quality and findings of certain audits. Additionally, the OIG identified a concern with a Risk Evaluation file that resulted in a concern as to whether all audits conducted by EES have been reviewed by the OIG. However, the OIG plans to commence a supplemental review to evaluate this area in further detail.