

LOS ANGELES POLICE COMMISSION

***Review of the
Ethics Enforcement Section
Quarterly Report,
3rd Quarter, 2008
(PUBLIC, OPEN SESSION)***



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

ANDRÉ BIROTTE, JR.
Inspector General

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

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed the Ethics Enforcement Section (EES) Quarterly Report, Third 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 November 3, 2008, and the OIG received the Report on November 5, 2008.

BACKGROUND

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 stops, unlawful searches/seizures, unauthorized 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 the filing of a complaint or fail to take a complaint or report misconduct.

For the third quarter 2008, EES reported the results of 49 audits (9 integrity and 40 complaint intake). The table below includes the nine integrity audits and their related classifications that were completed during the third quarter of 2008. The ninth integrity audit was initiated in 2004 and was inadvertently assigned an EES tracking number instead of an Internal Surveillance Unit (ISU) tracking number. For this audit, the Internal Surveillance Unit and an outside agency directed the investigation which resulted in an LAPD officer's termination and several complaints initiated against other officers.

INTEGRITY AUDITS

REF. NO.	BEHAVIOR TESTED	AUDIT TYPE	CLASSIFICATION¹
1	Unlawful Search	Random	Pass
2	Discourtesy	Specific ²	Fail
3	Fraud	Specific	Inconclusive
4	Theft	Special	Pass
5	Theft	Specific	Fail
6	Neglect of Duty	Specific	Pass
7	Drug Involvement	Specific	Inconclusive
8	Theft	Specific	Pass
9	Various	Special	Inconclusive

¹The following provides a brief description of the classifications that were used by EES for these integrity audits:
Pass – The employee's actions during the audit were proper, consistent with existing Department policy, and fell within the guidelines of state and federal law.

Fail – The employee's conduct was improper and violated either criminal law or Department policy.

Inconclusive – There was insufficient evidence to support either a Pass or Fail classification.

²A specific integrity audit is one that focuses on testing of a specific behavior(s) of a particular employee. Typically, the audit request will come from Internal Affairs Group or the employee's commanding officer.

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For the 40 complaint intake audits, EES classified 33 (83%) as Pass, two (5%) as Pass-Substandard, and five (12%) as Fail.

METHODOLOGY

The OIG's scope included a review of EES complaint intake and integrity audit packages for audits that were completed during the third quarter of 2008. Eighteen of the 40 complaint intake audits were randomly selected and reviewed as well as all nine integrity audits. The audit packages were evaluated for completeness, quality, and findings.³ Typically, an audit package consists of a Final Report, an Operation Request, an Operational Plan, the undercover officer's (UC) statements, and video/audio recordings of the audit's execution.

On January 28, 2009 the OIG discussed the results of this review with EES management. They indicated agreement with the reported issues and the one recommendation herein.

REVIEW RESULTS

COMPLETENESS

The EES Quarterly Report, Third Quarter, 2008, reported on the outcome of 40 complaint intake and nine integrity audits. Based on the OIG's review, EES reported on a complete population. Seven audits remained open at the end of the third quarter of 2008 which the OIG will continue to track to ensure they are properly completed and reported by EES.

The OIG evaluated the packages for the 18 complaint intake and nine integrity audits to ensure the packages contained the Final Report, Operation Request, Operational Plan (when required), and any other pertinent documentation or evidence. The OIG determined that 26 of the 27 audit packages were complete. As noted earlier, one of the integrity audits did not include the required audit documents because it was not investigated by EES. It was also noted that for one integrity audit, the Operational Plan was approved the same day as the audit was conducted and the approving supervisor did not indicate the time it was approved. Consequently, it was not possible to determine whether the audit was conducted before it was actually approved by a supervisor.

QUALITY

To assess the quality of EES' audits for the third quarter of 2008, the OIG evaluated several aspects of the 18 complaint intake and eight integrity audits, particularly focusing on the design and the execution of the audits. Overall, the OIG determined the audits were properly planned, executed and supervised. In addition, the Operation Request, Operational Plan, and Final Report adequately documented that the audits were thoughtfully planned and executed and adequate supervision was provided throughout the audit. Furthermore, the OIG received the EES Report timely, within one week of its completion.

³ As noted earlier, one of the nine integrity audits was never conducted by EES and accordingly the Operation Request, Operational Plan and the UC's statements were not completed.

FINDINGS

Audit Closure and Classification

EES personnel conducted a random telephonic complaint audit with multiple unsuccessful attempts over two days. Eventually, an officer answered the phone and the UC stated their complaint. The audit was classified as Pass–Substandard Phone Delay.

The OIG believes that the multiple unsuccessful telephone attempts on the first day should have been reported as one audit with a classification assigned to reflect this attempt (e.g., Unsuccessful Station Attempt – Random Telephonic Complaint Intake Audit). The multiple unsuccessful attempts and the eventual successful attempt on the second day should have been reported as a second audit classified as Pass–Substandard Phone Delay.

The lack of an appropriate classification to reflect numerous unsuccessful telephone call attempts to make a complaint at a station may result in problems at stations not being adequately identified, communicated to station management and ultimately addressed.

Recommendation: The OIG recommends that when the UC is unable to make a random telephonic complaint at a station after a reasonable number of attempts, the audit should be closed as a separate audit and assigned a classification to reflect this attempt (e.g., Unsuccessful Station Attempt – Random Telephonic Complaint Intake Audit).

CONCLUSION

Based on the OIG's review, overall, the audit packages were complete, EES conducted the audits in a quality manner, and the classifications were generally well supported. However, there was one random telephonic complaint intake audit involving numerous attempts over two days which EES classified as Pass - Substandard Phone Delay that the OIG believes should have been separated into two audits. The first day's four unsuccessful attempts should have been reported as one audit and assigned a new classification to indicate that the station was experiencing problems answering the telephones, and the second day's four unsuccessful attempts and the fifth successful attempt should have been reported as a second audit classified as Pass-Substandard Phone Delay.