

LOS ANGELES POLICE COMMISSION

*Review of the
Ethics Enforcement Section
Quarterly Report,
Fourth Quarter 2005*



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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May 8, 2006

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE ETHICS ENFORCEMENT SECTION
QUARTERLY REPORT, FOURTH QUARTER 2005**

PURPOSE

Pursuant to Consent Decree Paragraph 135, the Office of the Inspector General (OIG) reviewed the Ethics Enforcement Section (EES) Quarterly Report, Fourth Quarter 2005, 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 January 31, 2006, and the OIG received the report on February 08, 2006.

This report has been revised to omit confidential and sensitive information.

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, Fourth Quarter 2005, reported the results of 58 audits (nine "sting" audits and 49 "complaint intake" audits). All nine "sting" audits were classified as "Pass." Of the 49 "complaint intake" audits, the report indicated 46 audits were classified as "Pass," one as "Fail," and two as "Inconclusive/Attempt."² Additionally, the EES Quarterly Report provided a table summary of all audits conducted during 2005.

METHODOLOGY

The EES Quarterly Report, Fourth Quarter 2005, reported the results of 58 audits. As mandated by the Consent Decree, the OIG evaluated all nine "sting" audits and a random sample of 20 "complaint intake" audits for completeness, quality, and findings. 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 a supplemental audit of "complaint intake" audits. The assessment, which included all 49 "complaint intake" audits, focused on complaint face sheet accuracy, indicators of complaints being discouraged, and the quality of service provided to the undercover officer during the audit. This supplemental audit was reported under a separate cover.

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

² The OIG's review identified these figures to be misreported and the actual totals were 45 "complaint intake" audits classified as "Pass," two as "Fail," and two as "Inconclusive/Attempt."

On May 5, 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, Fourth Quarter 2005, reported on the outcome of 58 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 fourth quarter of 2005. Of the seven audits that were ongoing since the third quarter, five had been 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 29 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.

Based on the OIG's review, all 29 audit packages contained the Final Report, Operations Request and all evidence required to be included in the packages, with the exception of one audit package. For this "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 then matching the weight after it was booked by the audited officer. Normally, EES includes this type of supporting documentation in the audit package.

Conclusion

Except for the issue noted above, the EES Quarterly Report, Fourth Quarter 2005, and the associated audit packages were complete.

QUALITY

To assess the quality of EES' quarterly audits, the OIG evaluated several aspects of the 29 audits (20 "complaint intake" and nine "sting" audits) sampled, particularly focusing on the design and execution of the audits. The OIG identified concerns with the quality of two "sting" audits, discussed below.

- One "observational sting" audit was conducted over several days based on a complaint that alleged LAPD officers were engaged in misconduct with prostitutes. The OIG's concern (fully delineated in our confidential report) dealt with the Operational Plan. During our exit meeting with the Commanding Officer of EES, he sufficiently explained why the deviation occurred and stated that going forward EES would better document this type of deviation in its audit package.
- One "sting" audit, conducted to determine whether the audited officer would use excessive force, was appropriately classified as "Inconclusive."³ However, the OIG is concerned with the planning of this audit because it took place on a congested street with many pedestrians and vehicles. As mentioned in prior OIG reviews, it is preferable that consideration be given to the volume of potential witnesses and that the audits be conducted in a more conducive environment, especially since this audit was to evaluate whether the audited officer would use excessive force. Additionally, the OIG is concerned about comments made by the another employee (not the targeted officer). However, the audit package did not note any concerns with this employee's comments. Although the OIG would like corrective action to be taken with this other employee, the OIG is more concerned with the targeted officer and does not want EES' future operations to be compromised. The Commanding Officer of EES indicated that the targeted officer is still being tracked by EES and when feasible, another "sting" would be conducted.

The OIG also noted that eight 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 the late approvals.

Conclusion

Although the OIG noted a few quality concerns with three "sting" audits, on an overall basis, the OIG believes EES conducted quality audits for the quarter.

³ The details of this audit are contained in the OIG's confidential report.

FINDINGS

To assess EES' findings, the OIG evaluated the classifications of the 29 audits (20 "complaint intake" and nine "sting") sampled to determine whether any were clearly inaccurate or questionable due to an audit not affording the opportunity to truly evaluate the conduct of the audited employee. As such, the OIG evaluated the audits' "Pass," "Inconclusive," or "Fail" classifications.

Based on the OIG's review, the OIG disagreed with the "Pass" classification for one "sting" audit and felt that "Inconclusive" would have been more appropriate. Specifically, a "sting" audit was conducted on an officer who had several complaints related to unlawful patdown searches and discourtesy. During the audit, the undercover officer committed a traffic violation and was detained by the targeted officer and his partner. During the traffic stop, the undercover officer had very minimal contact with the targeted officer since it was the partner officer who interacted with the undercover officer. Although the Final Report noted that *unfortunately, the "sting" did not afford the opportunity to assess the targeted officer's behavior*, the OIG believes that this audit should have been classified as "Inconclusive" instead of "Pass" because the audit was designed to assess the behavior of the targeted officer.

Conclusion

Except for the issue noted above, overall, EES' findings were adequately supported.

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OTHER RELATED MATTERS**CLOSED COMPLAINT INVESTIGATIONS**

On April 14, 2006, the OIG reviewed the status of complaint investigations that were open as of last quarter. These complaint investigations were initiated as a result of EES' audits that were classified as "Fail." The chart below provides information on the adjudication and penalty (if applicable) of the closed complaint investigations.

Closed Complaint Investigations (As of April 14, 2006)

Period	Allegations	Adjudication/ Penalty
2 nd & 3 rd Qtr, 2004	Neglect of Duty	Guilty -Suspension 22 Days
1 st Qtr, 2005	Unbecoming Conduct	Guilty - Removed
3 rd Qtr, 2005	Neglect of Duty	Sustained - Admonishment
	Neglect of Duty - Three Employees	1. No Misconduct 2. No Misconduct 3. Actions Could Be Different - "Counseling"
	Neglect of Duty	Actions Could Be Different
4 th Qtr, 2005	Neglect of Duty	Sustained - Admonishment

2005 YEAR END STATISTICS**Number of Audits Completed per Quarter**

The EES Quarterly Report, Fourth Quarter 2005, provided a summary of audits sorted by Bureau and Area completed during 2005. A total of 202 audits (43 "sting" and 159 "complaint intake") were completed by EES during 2005. In fact, compared to 2004, in 2005, EES doubled the number of "complaint intake" audits it conducted (76 in 2004 compared to 159 in 2005).⁴ The OIG commends EES for the significant increase of "complaint intake" audits conducted since the second quarter of 2005.

⁴ The increase in complaint intake audits did not appear to impact the total number of "stings" completed during 2005. In 2005 there were a total of 44 completed (in addition to multiple attempted stings that may not have been completed due to events outside of EES' control) and in 2004 there were 49 completed.

Audit Coverage

The OIG conducted a “sting” audit coverage assessment and found certain Areas/Divisions did not receive a “sting” audit in either 2004 or 2005. Per the Commanding Officer of EES, the Section will be conducting more random “sting” audits during 2006 to address this concern. For the most part, EES conducts mostly targeted “stings” on officers with suspected “at-risk” behavior, but EES indicated that efforts will be made to ensure all Areas receive a random “sting” audit in 2006.

Complaint Adjudication

A total of 21 complaint investigations, initiated against Department employees who failed an EES audit, were completed during 2005. Of the 30 employees involved in these complaint investigations, 20 received a sustained adjudication and penalties ranging from admonishments and counseling to suspensions and termination.⁵

CONCLUSION

Overall, based on the OIG’s review of the 20 “complaint intake” audits and nine “sting” audits, it appears EES’ audits for the Fourth Quarter 2005 were complete, performed in a quality manner, and the findings were supported.

⁵ Some complaint investigations identified multiple employees.