

**LOS ANGELES POLICE COMMISSION**

***Review of the  
Ethics Enforcement Section  
Quarterly Reports,  
Calendar Year 2012***



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
ANNUAL REVIEW OF ETHICS ENFORCEMENT SECTION QUARTERLY REPORTS  
CALENDAR YEAR 2012**

**I. PURPOSE**

Each calendar quarter the Los Angeles Police Department's (Department) Ethics Enforcement Section (EES) publishes a report describing the results of "audits" conducted. The Office of the Inspector General (OIG) reviewed all four EES Quarterly Reports for calendar year 2012 and a sample of the associated audit packages to evaluate the completeness, quality, and findings of the EES audits.<sup>1</sup>

**II. BACKGROUND**

**A. General**

From 2004 through 2011, the OIG reviewed quarterly each EES Quarterly Report and the related audits. For calendar year 2012, EES completed and reported the results for 72 audits, including 43 integrity audits and 29 complaint intake audits.<sup>2</sup>

**B. Integrity Audits**

Integrity Audits are performed to identify employees engaging in misconduct and often involve covert surveillance and the use of undercover officers (UCs). EES conducts three types of integrity audits: specific, random, and special operation. A specific integrity audit focuses on a specific employee's suspected misconduct. A random integrity audit involves designing a scenario without preselecting an employee or location. There are two types of special operation integrity audits: the first involves performing covert surveillance of a location where employee misconduct may be likely to occur, and the second involves EES auditing an employee of an outside agency at that agency's request.

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<sup>1</sup> EES is under Special Operations Division, which also includes the Internal Surveillance Unit and Worker's Compensation Fraud Coordination Unit. Special Operations Division is part of Professional Standards Bureau.

<sup>2</sup> The chart in the Appendix A sorts the 72 audits by Area and type.

**Table 1 – Integrity Audits by the Primary Type of Misconduct Tested**

<b>Primary Type of Misconduct Tested for</b>	<b>Grand Total</b>	<b>No. of Random Integrity Audits</b>	<b>No. of Specific Integrity Audits</b>	<b>No. of Spec. Op. Audits</b>
Excessive Force	<b>19</b>	17		2
Neglect of Duty	<b>8</b>	5	3	
Theft	<b>4</b>	1	1	2
Illegal Search/Seizure	<b>4</b>	4		
In-Car Camera Video Non-Compliance	<b>2</b>	2		
Discourtesy	<b>2</b>	1	1	
Distributing Contraband at County Jail	<b>2</b>			2
Biased Policing	<b>1</b>		1	
Unbecoming Conduct	<b>1</b>		1	
Totals	<b><u>43</u></b>	<u>30</u>	<u>7</u>	<u>6</u>

Of the 43 integrity audits conducted, EES classified 30 audits as Pass, 4 as Fail, 4 as Attempt, 4 as Non-Department Employee, and 1 as Pass with Comments to Command.<sup>3</sup>

**Table 2 – Integrity Audits by Classification of Results**

<b>Classification</b>	<b>Grand Total</b>	<b>No. of Random Integrity Audits</b>	<b>No. of Specific Integrity Audits</b>	<b>No. of Spec. Op. Audits</b>
Pass	<b>30</b>	26	4	
Fail	<b>4</b>	2	1	1
Attempt	<b>4</b>	1	2	1
Non-Department Employee	<b>4</b>			4
Pass with Comments to Command	<b>1</b>	1		
Totals	<b><u>43</u></b>	<u>30</u>	<u>7</u>	<u>6</u>

The four Fail audits are described below:

**EES No. 12-020:** This was a random integrity audit to determine whether an Area front desk officer would complete a Traffic Collision report, as required by policy. EES classified this audit as Fail because the audited officer did not complete a Traffic Collision report, and EES initiated a complaint against the officer.<sup>4</sup>

<sup>3</sup> Descriptions of the classifications used by EES for their audits are as follows:

Pass – The employee’s actions during the audit were proper and consistent with Department policy and law.

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

Attempt – The employee did not respond to the scenario or interact in a manner allowing examination of actions.

Pass with Comments to Command – The employee passed the audit but the employee’s performance was in need of improvement in other areas. Comments on the employee’s performance were conveyed to the involved employee’s chain of command.

Non-Department Employee – Any person other than an LAPD employee was audited.

<sup>4</sup> CF No. 12-001308 received a disposition of Actions Could Be Different and the officer received training.

EES No. 12-026: This was a random integrity audit to determine whether an Area front desk officer would complete a Burglary from Motor Vehicle (BFMV) report, as required by policy. Although the audited officer completed a BFMV report and provided a copy to the UC, EES determined that a Divisional Record number had not been assigned to the report, as required. Hence, EES classified this audit as Fail and initiated a complaint against the officer.<sup>5</sup>

EES No. 12-014: This was a specific integrity audit to determine whether the targeted Area front desk officer would complete a Traffic Collision report, as required by policy. EES classified this audit as Fail because the targeted officer did not complete a Traffic Collision report, and EES initiated a complaint against the officer.<sup>6</sup>

EES No. 11-079: This was a special operation integrity audit to determine whether station fund money was being stolen from an Area station. EES, at Area management's request, covertly set up a surveillance camera viewing the station fund drawer and desk. After 13 days, EES viewed the video recording. Although the recording depicted several employees handling the money, the recording did not detect any theft. Subsequent to the audit, Area personnel counted the money and discovered that some was missing, and communicated this information to EES. No complaint was initiated because the recording did not depict any evidence that theft had occurred.

### **C. Complaint Intake Audits**

EES performs complaint intake audits to identify and investigate employees who discourage the filing of a personnel complaint, fail to accept a personnel complaint, or fail to report a complaint of misconduct. Complaint intake audits may involve a UC calling or walking into a predetermined police station, mailing a personnel complaint to the Department, or engaging an officer working in the field.

EES reported on the results of 29 complaint intake audits, including 23 telephonic, 2 station walk-ins, and 4 field flag-downs for calendar year 2012. Of the 29 complaint intake audits, EES classified 24 as Pass, 2 as Pass with Comments to Command, 2 as Fail, and 1 as Attempt.

The two Fail audits are described below:

EES No. 12-010: A UC, posing as a citizen, telephonically advised an Area front desk officer of misconduct by a field officer for which he wanted to make a complaint. The front desk officer incorrectly advised the UC that he could not take the complaint information over the telephone, so the UC would have to come to the station to make the complaint. EES confirmed that no Complaint Form was completed, so EES initiated a complaint against the officer.<sup>7</sup>

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<sup>5</sup> CF No. 12-001663 received a disposition of Unfounded. The complaint investigation determined that the accused officer forwarded the completed BFMV report to the watch commander, as required.

<sup>6</sup> CF No. 12-000940 received a disposition of Sustained and the accused officer received a five-day suspension.

<sup>7</sup> CF No. 12-001125 had not yet received a final disposition as of OIG review date.

EES No. 12-044: A UC, posing as a citizen, telephonically advised an Area front desk officer of misconduct by a field officer for which he wanted to make a complaint. At no time during the telephone conversation did the front desk officer give the UC an opportunity to speak to a supervisor, as required. EES determined that no Complaint Form was completed, so EES initiated a complaint against the officer.<sup>8</sup>

### **III. SCOPE AND METHODOLOGY**

The OIG reviewed a sample of 25 of the 43 integrity audits and a sample of 16 of the 29 complaint intake audits.<sup>9</sup> The review assessed the audits for completeness, quality, and findings, with the tests identified in the Appendix B. The review was in accordance with generally accepted government auditing standards.<sup>10</sup>

### **IV. RESULTS**

#### **Completeness**

The OIG determined that the EES Quarterly Reports for calendar year 2012 correctly reported that in total 43 integrity and 29 complaint intake audits were completed. The OIG also determined for the 25 integrity and 16 complaint intake audits reviewed that the packages contained all evidence necessary to properly classify the audits.

#### **Quality**

The OIG determined that the proper approvals were obtained, the applicable EES audit policies and procedures were followed, and the EES audit reports accurately documented the audit events and included all information necessary to correctly classify the audits. The OIG also determined that the audit scenarios were effectively designed to identify at-risk behavior, except for the following issue:

Issue: EES audit procedures for random integrity audits do not require the EES investigating officers to examine all pertinent LAPD forms required to be completed by the audited officers. During two of the random integrity audits, the audited officers made traffic stops and issued traffic citations; and during four of the random integrity audits, the audited officers had activities requiring entries to their Daily Field Activity Reports (DFARs).<sup>11</sup> However, there was no indication that the EES investigating officers examined these two traffic citations and four DFARs to determine if the audited officers properly completed them. Hence, EES lost the opportunity to fully test the officers' behavior.

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<sup>8</sup> CF No. 12-003586 received a disposition of Actions Could Be Different and the accused officer received training.

<sup>9</sup> Regarding the 43 integrity audits, the OIG reviewed all 7 specific audits and approximately half the random and special operation audits, resulting in a sample of 25. Regarding the complaint intake audits, the random sample size of 16 was based on a population of 29, a confidence level of 95%, an expected error rate of 6%, and a plus-precision of 7%.

<sup>10</sup> These standards require that the review is adequately planned, performed, and supervised. The standards also require that sufficient and appropriate evidence is obtained by performing review procedures that provide a reasonable basis for the findings and conclusion.

<sup>11</sup> The two traffic citations were pertinent to EES audit Nos. 12-059 and 12-064, and the four DFARs were pertinent to EES audit Nos. 12-066, 12-067, 12-068, and 12-071.

## **Findings**

The OIG determined that the EES Quarterly Reports accurately and completely presented the audit results, and that all significant concerns identified during the audits were addressed. The OIG also determined that the audit classifications were consistent with the officers' actions and EES current classification standards, except for the following two special operation integrity audits:

EES No. 11-078: EES classified this audit as Attempt, defined by EES as "The employee did not respond to the scenario or interact in a manner allowing examination of actions." However, the OIG opines that it should have been classified as Pass, defined by EES as "The employee's actions during the audit were proper and consistent with Department policy and law." At Area management's request, EES covertly set up a surveillance camera to detect the theft of coffee room supplies. Although the related video recording showed employees in the coffee room, the video did not reveal any theft.

EES No. 11-079: EES classified this audit as Fail, but the OIG opines that it should have been classified as Inconclusive. As previously stated in this report, EES, at Area management's request, covertly set up a surveillance camera viewing the station fund drawer and desk for possible theft of money. After 13 days, EES viewed the related video recording. Although the recording depicted several employees handling the money, the recording did not detect any theft. Subsequent to the audit, Area personnel counted the money and discovered that some was missing, and communicated this information to EES. EES indicated in their Operations Final Report, "The audit did not reveal when or how the money became missing. It is still uncertain whether the money was lost or stolen."

## **V. RECOMMENDATIONS**

1. The OIG recommends that EES audit procedures for random integrity audits require the investigating officers to examine all pertinent LAPD forms required to be completed by the audited officers. These forms could include traffic citations, DFARS, Property Reports, etc.
2. The OIG recommends that EES reclassify the two aforementioned special operation integrity audits 11-078 and 11-079 from Attempt to Pass and from Fail to Inconclusive, respectively.

## **VI. CONCLUSION**

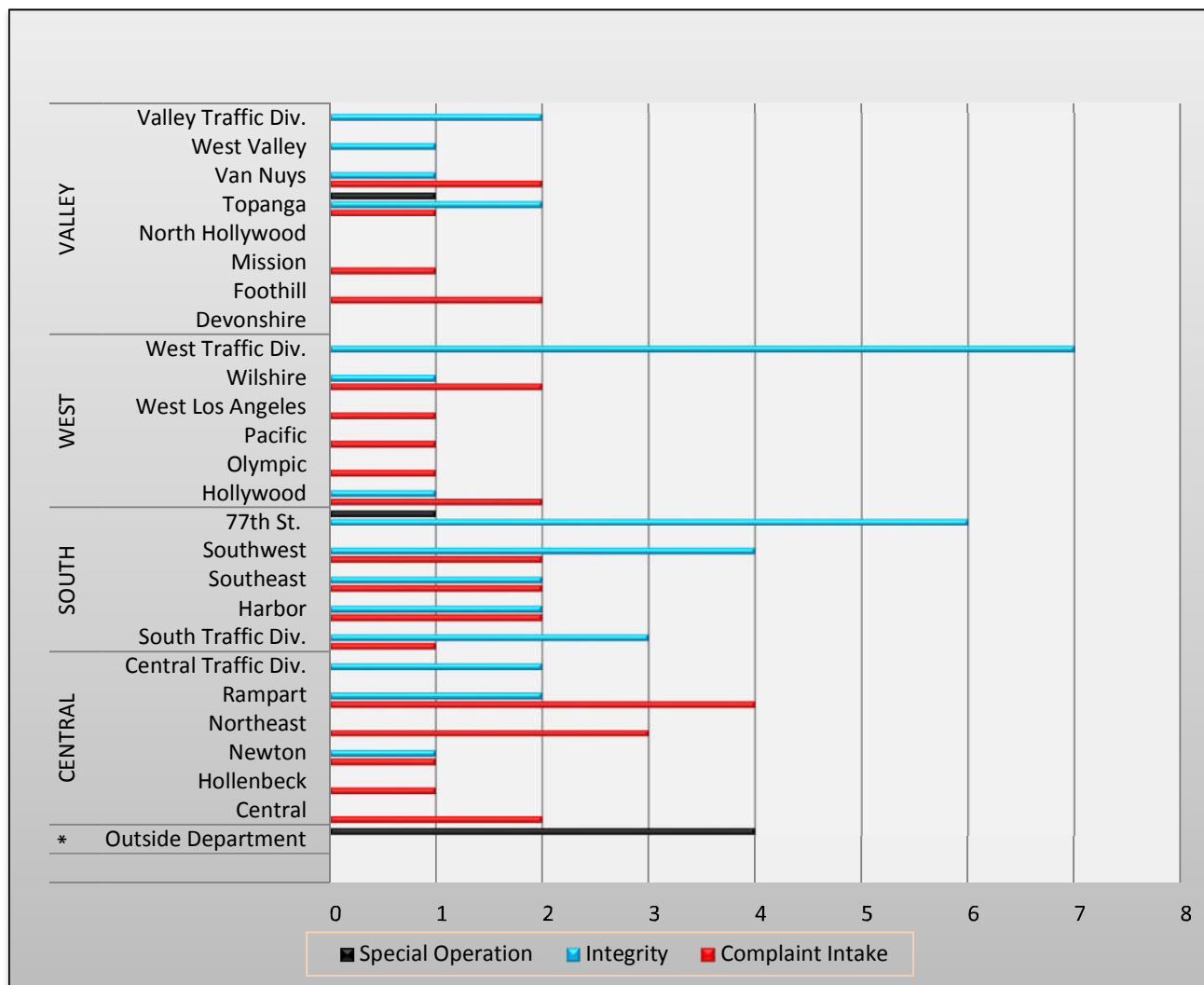
The OIG concluded that the EES Quarterly Reports for calendar year 2012 and the associated audit packages met the OIG's standard for completeness, quality, and findings. This conclusion was supported by the OIG's detailed review of 25 integrity and 16 complaint intake audit packages.

## **VII. DEPARTMENT RESPONSE**

Department management expressed agreement with the OIG's review results and recommendations.

## APPENDIX

### 72 AUDITS COMPLETED IN 2012 SORTED BY AREA AND TYPE<sup>12</sup>



<sup>12</sup> The six special operation audits included two audits of LAPD officers and four audits of officers with outside agencies. Although special operation audits are considered integrity audits, they are depicted here separately as they are somewhat unique in that they target behavior of either an LAPD officer or an officer with an outside agency.



## **TESTS TO EVALUATE AUDITS FOR COMPLETENESS, QUALITY, AND FINDINGS**

Evaluation of Completeness – The OIG examined the four Quarterly Reports and the audits in its sample to determine if:

- The Quarterly Report correctly reported all integrity and complaint intake completed; and,
- Each audit package contained all evidence necessary to classify the audit.<sup>13</sup>

Evaluation of Quality – The OIG examined each audit package in its sample to determine if:

- The proper approvals appeared on the key audit documents;
- The audit scenario was effectively designed to identify at-risk behavior;
- EES policies and procedures were followed in performing the audit; and,
- The Final Report accurately documented the audit events and included all information necessary to correctly classify the audit.

Evaluation of Findings – The OIG examined the four Quarterly Reports and the audits in its sample to determine if:

- The Quarterly Reports accurately and completely presented the audit classifications as determined by EES management;
- All significant concerns identified by the audits were addressed; and,
- The audit classifications were consistent with the officers' actions and EES current classification standards.

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<sup>13</sup> An audit package should contain a Final Report, Operations Request, Operational Plan, the audited officer's Training Evaluation Management System II (TEAMS II) report (for specific sting audits), and any other evidence including video and audio recordings required to support the results of the audit.