

INTRADPARTMENTAL CORRESPONDENCE

August 23, 2017

13.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: ETHICS ENFORCEMENT SECTION QUARTERLY REPORT,
SECOND QUARTER, 2017

RECOMMENDED ACTION

1. That the Board of Police Commissioners REVIEW and APPROVE the Ethics Enforcement Section Quarterly Report, Second Quarter, 2017.

DISCUSSION

The attached *Ethics Enforcement Section Quarterly Report* for the Second Quarter, 2017, is submitted for your review and approval. A copy of this report has also been provided to the Inspector General.

If there are any questions, please have your staff contact Deputy Chief Debra J. McCarthy, Commanding Officer, Professional Standards Bureau, at (213) 996-2772.

Respectfully,

A handwritten signature in black ink, appearing to be 'C. Beck', written over a circular stamp or mark.

CHARLIE BECK
Chief of Police

Attachments

SPECIAL OPERATIONS DIVISION
ETHICS ENFORCEMENT SECTION
INTEGRITY TEST REPORT
SECOND QUARTER, 2017

BACKGROUND

The mission of Special Operations Division/Ethics Enforcement Section (EES) is to safeguard the integrity of law enforcement operations within the Los Angeles Police Department. In accordance with this mission, EES works closely with Internal Affairs Group and other Department managers to identify at-risk personnel and behaviors. Once identified, EES develops proactive strategies to test and curtail these behaviors.

At the conclusion of each quarter, EES prepares a statistical report that includes an analysis of the number, type, and final disposition of Integrity Tests conducted (*e.g. Pass, Fail, Inconclusive*). Because of the confidentiality of these tests, the Quarterly Report, which is a public document, does not include many details (*e.g. employee names, description of scenarios*).

Tests related to the following misconduct categories will be reported:

- Constitutional Policing - Stops
- Constitutional Policing - Searches
- Constitutional Policing - Seizures (to include False Arrest)
- Neglect of Duty
- Theft
- Discourtesy
- Unauthorized Force
- On-Duty Conversion (Converting on-duty contact to off-duty relationship)
- Sexual Misconduct
- Unbecoming Conduct
- Policy/Procedures
- 1.28 Complaint Intake (Discouraging or Failing to report Misconduct)
- Outside Agency

METHODOLOGY

To ensure the Department's goals are met, EES pursues the following three objectives:

1. Develop objective Integrity Tests that assess a Department employee's conduct when placed in a situation with the potential for at-risk behavior.
2. Serve as a resource for command staff and investigators to identify and investigate Department employees involved in potential at-risk behavior.
3. Create a sense of omnipresence throughout the Department with the goal of having all employees handle each incident legally and ethically, while adhering to Department policy and procedure.

EES Integrity Tests are divided into three categories:

1. Integrity Tests (Staged or Observational)

Staged:

Staged scenarios involve undercover EES personnel who test employees for adherence to Department policy and procedure. When a staged Integrity Test is developed to assess a particular employee or unit, for a specified misconduct category for which the person or unit to be tested is suspected of violating, the operation is known as a **Specific Integrity Test**. An integrity test conducted on an employee or unit where no prior suspicion existed is referred to as a **Random Integrity Test**.

Observational:

EES personnel covertly monitor employees during their regular on-duty activities. During an Observational Integrity Test, EES personnel follow employees to evaluate various aspects of their performance during a given period (*e.g. driver safety, interaction with the public, legality of detentions and arrests, accuracy of police reports, etc.*)

2. Personnel Complaint (Form, 1.28) Intake Tests (Field or Telephonic)

Field:

This intake test is similar to a staged Integrity Test, where an undercover officer is deployed into a Department facility to test employee(s) for adherence to Personnel Complaint intake procedures.

Telephonic:

These tests are conducted by undercover officers who telephone various police stations to report police misconduct. As in the *Field* test described above, these tests assess for adherence to Personnel Complaint intake procedures. Calls are made to Area front desks, traffic divisions, specialized divisions, and various administrative offices throughout the Department.

3. Special Operation Tests (Outside agency assist or technical assets only)

Technical:

Involves the deployment of electronic monitoring equipment to test for misconduct, (*e.g. theft, vandalism*). These tests do not involve the deployment of undercover officers.

Outside Agency:

Occasionally EES resources as described above are provided to assist other City departments (*e.g. Fire Department, City Attorney, or other local police agencies*).

CLOSE-OUT CLASSIFICATIONS

Table No. 1 explains how integrity tests are classified.

Table No. 1 –Classifications

CLASSIFICATION	DESCRIPTION OF CLASSIFICATION
Pass	The employee(s) performed their duties in accordance with established policy/procedure.
Fail	An employee(s) failed to perform in accordance with established policy/procedure.
Pass with Comments to Command	Although an employee(s) may have passed the test, the operation disclosed a concern that was later brought to the employee(s) commanding officer for appropriate action.
Attempt	EES deployed in the field to conduct a test, but for reasons beyond their control, the test could not proceed, e.g., target is off on sick leave, vacation or otherwise unavailable.
Inconclusive	The results of a test could not be clearly identified as Pass or Fail.
Non-Department Employee Involved	Used to report the results of a Special Operation performed for a non-Department entity.
Results Pending	A final decision is pending and cannot be made until additional research and evaluation is completed.
Cancelled	The SOD Commanding Officer directed that a test be cancelled.

At the conclusion of each test, an analysis is completed and presented to the Commanding Officer of Special Operations Division for the final classification. Tests that are classified as a “Fail” in most cases, result in a Personnel Complaint being initiated against the involved employee. However, if a failure appears to be the result of a training deficiency rather than intentional misconduct, the SOD Commanding Officer, may decide not to initiate a Personnel Complaint. Detailed information on failed tests is normally provided in a separate annual report prepared for the Board of Police Commissioners by the Office of the Inspector General.

ANALYSIS

Table No. 2 explains the type, number, and results of tests conducted during this quarter.

Table No. 2 – Number of Tests, Type, and Results

TYPE	Pass	Fail	Pass w/Comments to Command	Att.	In-conclusive	Non-Dept. Employee	Results Pending	Cancelled	TOTAL		
									RANDOM	SPECIFIC	
Integrity Test	13	0	0	1	0		0	0	7	7	14
1.28 Complaint Intake Test	18	0	0	0	0		0	0	0	18	18
Special Operation	1	0	0	0	0	0	0	0	1	0	1
RESULTS TOTALS	32	0	0	1	0	0	0	0	33		

Table No. 3 explains the percentage for each type, number, and result of tests conducted during this quarter.

Table No. 3 – Percentage of Tests, Type, and Results

TYPE	Pass	Fail	Pass w/Comments to Command	Att.	In-conclusive	Non-Dept. Employee	Results Pending	Cancelled	TOTAL		
									RANDOM	SPECIFIC	
Integrity Test	93%	0%	0%	7%	0%		0%	0%	50%	50%	14
1.28 Complaint Intake Test	100%	0%	0%	0%	0%		0%	0%	0%	100%	18
Special Operation	100%	0%	0%	0%	0%	0%	0%	0%	100%	0%	1
RESULTS TOTALS	97%	0%	0%	3%	0%	0%	0%	0%	33		

Table No. 4 – Number and Type of Test by Command

Bureau						Area / Command	No. of Integrity Tests	No. of 1.28 Intake Tests	No. of Special Operations
Operations-Central Bureau (OCB)						Central Division	2	1	0
						Newton Division	0	1	0
Integrity Test		1.28 Test		Spec. Op.					
2		2		0					
Pass	Fail	Pass	Fail	Pass	Fail				
2	0	2	0	0	0				
Operations-South Bureau (OSB)						77 th St Division	0	1	1
						Harbor Division	3	2	0
Integrity Test						Southwest Division	0	2	0
						Southwest Division	0	1	0
Integrity Test		1.28 Test		Special Op.					
3		6		1					
Pass	Fail	Pass	Fail	Pass	Fail				
3	0	6	0	1	0				
Operations-Valley Bureau (OVB)						Devonshire Division	2	0	0
						Foothill Division	1	1	0
Integrity Test						Mission Division	0	1	0
						Topanga Division	0	1	0
Integrity Test		1.28 Test		Special Op.					
4		3		0					
Pass	Fail	Pass	Fail	Pass	Fail				
4	0	3	0	0	0				
Operations-West Bureau (OWB)						Hollywood Division	2	0	0
						Olympic Division	1	0	0
Integrity Test						Pacific Division	1	0	0
						Wilshire Division	1	0	0
Integrity Test		1.28 Test		Special Op.					
5		1		0					
Pass	Fail	Pass	Fail	Pass	Fail				
4	0	1	0	0	0				
Other						Emergency Operations Division	0	1	0
						Emergency Services Division	0	1	0
Integrity Test						Custody Services Division	0	1	0
						Commercial Crimes Division	0	1	0
Integrity Test		1.28 Test		Special Op.					
0		6		0					
Pass	Fail	Pass	Fail	Pass	Fail				
0	0	6	0	0	0				

Note: The above chart captures Pass and Fail classifications only. Attempts and Inconclusives are not included. In order to maintain the effectiveness of our tests, the particular command where a “Failed” test occurred is not identified on this chart.

Table No. 5. Number of Tests by Misconduct Category

Constitutional Policing - Stops	0
Constitutional Policing - Searches	1
Constitutional Policing - Seizures (to include False Arrest)	1
Neglect of Duty	8
Theft	1
Discourtesy	8
Unauthorized Force	0
On-Duty/Off-Duty Conversion	2
Sexual Misconduct	0
Unbecoming Conduct	1
Policy/Procedures	3
1.28 Complaint Intake (Discouraging or Failing to report Misconduct)	18
Outside Agency	0

Note: For Table No. 5, each test may include more than one misconduct category.

Table No. 6. Number of Tests Conducted by Rank.

P.O.	Sgt.	Det.	Lt.	Captain	Cmdr.	Dep. Chief	Civ.	Civ. C/O	Total
34	12	6	6	0	0	0	6	0	64

Table No. 7. Number of Personnel Tested by Assignment.

Patrol/Traffic (Field)	23	Specialized Detectives (e.g. RHD, GND)	4
Narcotics Enforcement	0	Administrative	6
Gang Enforcement	0	Jail	1
Area/Traffic Desk	9	Communications	0
Area/Traffic WC	5	Area SLO/CRO	0
Commanding Officer	0	Patrol/Traffic Field Supervisor	7
Area/Traffic Detectives	9	Metropolitan	0
Area Vice	0	Other	0

Table No. 8. Number of Tests by Source of Information.

1.28 Complaint Review	8
Anonymous	0
Chain of Command Request	3
OCOP	0
Medical Liaison Section (Return to Work Section)	0
Other Department Employee	0
Outside Agency	0
PSB Referral	0
SOD Initiative	21
Tristar or ACME	0
Other	1