

INTRADEPARTMENTAL CORRESPONDENCE

April 30, 2014
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: CONFIDENTIAL INFORMANT AUDIT (IAID NO. 13-076)

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners REVIEW and APPROVE the attached Confidential Informant Audit.
2. That the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Pursuant to the Department's Audit and Inspection Plan, Internal Audits and Inspections Division completed the Confidential Informant Audit to assess conformance with Department policies and procedures related to the confidential informant process.

If additional information regarding this audit is required, please contact Arif Alikhan, Special Assistant for Constitutional Policing, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT
CONFIDENTIAL INFORMANT AUDIT
(IAID NO. 13-076)



Conducted by

INTERNAL AUDITS & INSPECTIONS DIVISION

CHARLIE BECK
Chief of Police

March 2014

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EXECUTIVE SUMMARY
CONFIDENTIAL INFORMANT AUDIT
Conducted by Internal Audits and Inspections Division
Third Quarter, Fiscal Year 2013/14

PURPOSE

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan, Internal Audits and Inspections Division (IAID) conducted a Confidential Informant (CI) audit, to assess the Department's conformance with Department policies and procedures related to the confidential informant process.

SUMMARY OF AUDIT FINDINGS

The Department met a 95 percent or higher percentage standard in eight of the 11 objectives. The following three objectives reflected a less than 95 percent performance standard:

- Completeness of Packages (93%);
- Supervisory Oversight (91%); and,
- Updating Reactivated Informants (92%).¹

A continued emphasis of improvement in these specific areas will assist in providing commanding officers with the necessary information to thoroughly evaluate and ensure that the Department's policies and procedures governing confidential informants are complied with.

The audit measured 11 objectives.

Table No. 1, on the following page, illustrates the Department's standards by objective and provides a comparison to the prior audit.

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¹ There was only one finding attributed to this objective.

TABLE NO. 1 – SUMMARY OF AUDIT FINDINGS

OBJ NO.	DESCRIPTION OF AUDIT OBJECTIVE	2010/11 STANDARDS MET PERCENTAGE		2013/14 STANDARDS MET PERCENTAGE	
1	Completeness of Informant Packages	48/50	96%	42/45	93%
2	Supervisory Oversight	50/50	100%	41/45	91%
3	Confidential Informant Tracking System Database	49/50	98%	43/45	96%
4	Presence of Informant Packages	50/50	100%	45/45	100%
5	Chain of Command Manager Approval	50/50	100%	45/45	100%
6	Assigned Confidential Informant Number	50/50	100%	45/45	100%
7	Secure Package Storage	50/50	100%	45/45	100%
8	Prior Approval for End of Watch Package Retention	50/50	100%	45/45	100%
9	Updating Reactivated Informants	2/2	100%	12/13	92%
10	Documenting Contacts With Informants	43/50	86%	43/45	96%
11	Supervisor Meeting With Informant Prior to Package Submission	50/50	100%	45/45	100%

MANAGEMENT’S RESPONSE

1. Internal Audits and Inspections Division provided a draft copy of the audit to the Commanding Officer of Gangs and Narcotics Division, who expressed general agreement with the audit findings and conclusions.
2. A draft copy of the audit was reviewed by the Commanding Officer of Detective Bureau, who expressed general agreement with the audit findings and conclusions.

CONFIDENTIAL INFORMANT AUDIT
Conducted by Internal Audits and Inspections Division
Third Quarter, Fiscal Year 2013/14

PURPOSE

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan, Internal Audits and Inspections Division (IAID) conducted a Confidential Informant (CI) audit, to assess the Department's conformance with Department policies and procedures related to the confidential informant process.

METHODOLOGY

Internal Audits and Inspections Division obtained a list of confidential informant packages from the Department Confidential Informant Coordinator (DCIC) who queried the Confidential Informant Tracking System Database (CITSD). The population included all active confidential informants during the period beginning September 1, 2012 and ending on August 31, 2013. A statistically valid sample was obtained which consisted of 45 confidential informant packages.¹

The 45 confidential informant packages were reviewed to determine if they were applicable to each audit objective. If a confidential informant package was not applicable to an objective, the package was excluded from the total number of confidential informant packages being measured for that objective. Consequently, the percentages for some objectives were calculated based on a subset of the sample.

SUMMARY OF AUDIT FINDINGS

The audit measured 11 objectives.

Table No. 1, on the following page, illustrates the Department's standards by objective and provides a comparison to the prior audit.

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¹ A 95 % confidence level with a precision of plus five percent and a one-tail test sample size was utilized for the confidential informant sample selection.

TABLE NO. 1 – SUMMARY OF AUDIT FINDINGS

OBJ NO.	DESCRIPTION OF AUDIT OBJECTIVE	2010/11 STANDARDS MET PERCENTAGE		2013/14 STANDARDS MET PERCENTAGE	
1	Completeness of Informant Packages	48/50	96%	42/45	93%
2	Supervisory Oversight	50/50	100%	41/45	91%
3	Confidential Informant Tracking System Database	49/50	98%	43/45	96%
4	Presence of Informant Packages	50/50	100%	45/45	100%
5	Chain of Command Manager Approval	50/50	100%	45/45	100%
6	Assigned Confidential Informant Number	50/50	100%	45/45	100%
7	Secure Package Storage	50/50	100%	45/45	100%
8	Prior Approval for End of Watch Package Retention	50/50	100%	45/45	100%
9	Updating Reactivated Informants	2/2	100%	12/13	92%
10	Documenting Contacts With Informants	43/50	86%	43/45	96%
11	Supervisor Meeting With Informant Prior to Package Submission	50/50	100%	45/45	100%

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DETAILED FINDINGS

Objective No. 1 – Completeness of Informant Packages

Criteria

Department Informant Manual Section 510, Department Confidential Informant Coordinator (DCIC) Responsibilities, requires that all informant packages are to be maintained and secured with restricted access at Gangs and Narcotics Division (GND) by the DCIC.

Audit Procedures

The 45 active informant packages were reviewed for the presence of required documents to compose a completed informant package to include the following documents:

- Informant Control Package Checklist;
- Informant Package Sign-Out Form;
- Exceptional Handling Report, Form 03.23.03;
- Informant Admonishment and Consent Search Form;
- Informant Information Form, Form 03.23.00;
- Informant Contact Form, Form 03.23.05;
- Expenditure of Secret Service Funds, Form 15.37.01;
- Photograph; and,
- Informant Database Searches.

Informant packages that indicated the presence of required documents to compose a completed informant package, met the standards for this objective.

Overall Findings

Forty-two (93%) of the 45 informant packages contained the presence of required documents to compose a completed informant package, and therefore, met the standards for this objective.

The remaining three informant packages did not meet the standards for the reasons listed below:

Control No. 1 – The photograph of the confidential informant was over two years old.

Control No. 24 - The photograph of the confidential informant was over two years old.

Control No. 36 – The required informant database searches were not in the informant package.

Objective No. 2 – Supervisory Oversight

Criteria

Department Informant Manual Section 300, Final Informant Package Approval Process, requires that all informant packages shall be reviewed by the Investigating Officer's (I/O) supervisor and forwarded to the I/O's chain of command to the concerned Commanding Officer (C/O) for approval.

Audit Procedures

The 45 active informant packages were reviewed for supervisory oversight. Supervisory oversight was measured by examining each document in the package for the appropriate supervisory signatures on the forms. Informant packages that contained forms that required a supervisory signature and were signed by a supervisor of the appropriate rank, met the standards for this objective.

Overall Findings

Forty-one (91%) of the 45 informant packages contained forms that required a supervisory signature and were signed by a supervisor of the appropriate rank, and therefore, met the standards for this objective.

The remaining four informant packages did not meet the standards for the reasons listed below:

Control No. 2 – Informant Contact Form did not have the required signature from the C/O of GND.

Control No. 23 - Informant Contact Form did not have the required signature from the C/O of GND.

Control No. 26 – Informant Contact Form did not have the required signature from the C/O of GND.

Control No. 42 – Informant Contact Form did not have the required signature from the C/O of GND.

Objective No. 3 – Confidential Informant Tracking System Database

Criteria

Department Informant Manual Section 510, Department Confidential Informant Coordinator Responsibilities, requires that the DCIC shall ensure that the informant information is entered into the CITSD.

Audit Procedures

The information in the CITSD was reconciled with the 45 active informant packages located at GND to determine whether the CITSD database listing was complete and accurate. Informant packages that contained complete and accurate information when comparing the CITSD database with the informant package, met the standards for this objective.

Overall Findings

Forty-three (96%) of the 45 informant packages contained complete and accurate information when comparing the CITSD database with the informant package, and therefore, met the standards for this objective.

The remaining two informant packages did not meet the standards for the reasons listed below:

Control No. 9 – The CITSD database's Date of Birth information was different from the Date of Birth listed on the Informant Information Form contained in the informant package.

Control No. 12 – The CITSD database's Date of Birth information was different from the Date of Birth listed on the Informant Information Form contained in the informant package.

Objective No. 4 – Presence of Informant Packages

Criteria

Department Informant Manual Section 200, Management of Informants and Informant Packages, requires that the informant package is the primary source document for recording the informant's identity, suitability, contact activity, history, and productivity.

Audit Procedures

The 45 active informant packages listed in the CITSD were reconciled with the packages filed at GND. Informant packages that were listed on the CITSD and had a corresponding package met the standards for this objective.

Overall Findings

Each (100%) of the 45 informant packages were listed on the CITSD and had a corresponding package, and therefore, met the standards for this objective.

Objective No. 5 – Chain of Command Manager Approval

Criteria

Department Informant Manual Section 230, Package Approval Process, requires that after the initial supervisory review process, the informant package shall be hand carried to the C/O of GND for final approval prior to using the informant.

Audit Procedures

The 45 active informant packages were reviewed for evidence that each informant package was reviewed by the C/O of GND for final approval prior to using the informant. Informant packages complying with this audit procedure, met the standards for this objective.

Overall Findings

Each (100%) of the 45 informant packages reviewed contained evidence that each informant package was reviewed by the C/O of GND for final approval prior to using the informant, and therefore, met the standards for this objective.

Objective No. 6 – Assigned Confidential Informant Number

Criteria

Department Informant Manual Section 510, Department Confidential Informant Coordinator Responsibilities, requires that the DCIC shall ensure that each informant package is assigned a CI number and that the CI number corresponds with the database information contained in the CITSD.

Audit Procedures

The 45 active informant packages were reviewed to ensure that the DCIC assigned a CI number to each informant package and that the CI number corresponded with the database information contained in the CITSD. Informant packages that were compliant with this audit procedure met the standards for this objective.

Overall Findings

Each (100%) of the 45 informant packages reviewed contained evidence that the DCIC assigned a CI number to each informant package and that the CI number corresponded with the database information contained in the CITSD, and therefore, met the standards for this objective.

Objective No. 7 – Secure Package Storage

Criteria

Department Informant Manual Section 510, Department Confidential Informant Coordinator Responsibilities, requires that all Department informant packages will be maintained and secured by restricted access at GND by the DCIC.

Audit Procedures

An inspection of the area where the Department informant packages were maintained (including the 45 active informant packages subject to this audit) was conducted. Emphasis was placed on the physical location and whether entry was restricted and whether the informant packages were locked and secured. If the informant packages were in a restricted location and they were locked and secured, the standards for this objective would be met.

Overall Findings

The Department DCIC office was found to have restricted access and each informant package (including the 45 (100%) active informant packages subject to this audit) were kept in locked file cabinets when not checked out for review, and therefore, met the standards for this objective.

Objective No. 8 – Prior Approval for End of Watch Package Retention

Criteria

Department Informant Manual Section 600, Security of Informant Packages, requires that the Informant Package Sign-Out Form shall be completed as a requirement to check out an informant package. Further, written approval from the C/O of GND is required to retain an informant package beyond end of watch (EOW) and/or remove the informant package from a Department facility.

Audit Procedures

The 45 active informant packages were reviewed to determine that the Informant Package Sign-Out Form was properly completed when an informant package was checked out. Further, the informant packages were reviewed to determine whether they were retained beyond EOW. Packages that were appropriately signed out, not retained beyond EOW, or were retained beyond EOW and contained supervisory approval for doing so, met the standards for this objective.

Overall Findings

Each (100%) of the 45 informant packages were appropriately signed out, not retained beyond EOW, or were retained beyond EOW and contained supervisory approval, and therefore, met the standards for this objective.

Objective No. 9 – Updating Reactivated Informants

Criteria

Department Informant Manual Section 250, Reactivating An Inactive Informant Package, requires a process documented on an Exceptional Handling Report form to be completed prior to the reactivation to the confidential informant.

Audit Procedures

The 45 active informant packages were reviewed to determine if the informant package was a reactivated confidential informant. Packages determined to be reactivated confidential informants were examined for evidence that the package was appropriately reactivated.

Overall Findings

Thirteen informant packages were applicable to this objective.² Twelve (92%) of the 13 informant packages reviewed contained evidence that each package was appropriately reactivated, and therefore, met the standards for this objective.

The remaining informant package did not meet the standards for the reason listed below:

Control No. 7 – The Exceptional Handling Report did not indicate a date that the supervisor met with the confidential informant.

Objective No. 10 – Documenting Contacts with Informants

Criteria

Department Informant Manual Section 260, Guidelines To Manage Informants, requires all meetings and contacts with the confidential informant to be documented on an Informant Contact Form (ICF). In addition, the ICF may be utilized to record relevant administrative or miscellaneous documentation.

Audit Procedures

The 45 active informant packages were reviewed for evidence that all meetings and contacts with the confidential informants were documented on an ICF. In addition, the ICF's were reviewed to determine that they were used to record any relevant administrative or miscellaneous documentation. Informant packages complying with this audit procedure, met the standards for this objective.

² The remaining 32 informant packages were not applicable because they were not reactivated confidential informants.

Overall Findings

Forty-three (96%) of the 45 informant packages contained evidence that all meetings and contacts with the confidential informants were documented on an ICF and that the ICF's were used to record any relevant administrative or miscellaneous documentation, and therefore, met the standards for this objective.

The remaining two informant packages did not meet the standards for the reasons listed below:

Control No. 3 – A period of greater than 90 days elapsed during which time no contact or activity with the confidential informant occurred as documented on the ICF's.

Control No. 28 – A period of greater than 90 days elapsed during which time no contact or activity with the confidential informant occurred as documented on the ICF's.

Objective No. 11 – Supervisor Meeting with Informant Prior to Package Submission

Criteria

Department Informant Manual Section 300, Final Informant Package Approval Process, requires that a supervisor shall meet with a confidential informant prior to the informant package being approved by the C/O as documented on the Exceptional Handling Report.

Audit Procedures

The 45 active informant packages were reviewed for evidence that a supervisor met with a confidential informant prior to the informant package being approved by the C/O as documented on the Exceptional Handling Report. Informant packages complying with this audit procedure, met the standards for this objective.

Overall Findings

Each (100%) of the 45 informant packages reviewed contained evidence that a supervisor met with a confidential informant prior to the informant package being approved by the C/O as documented on the Exceptional Handling Report, and therefore, met the standards for this objective.

CONCLUSION

The Department met a 95 percent or higher percentage standard in 8 of 11 objectives. The following three objectives reflected a less than 95 percent performance standard:

- Completeness of Packages (93%);
- Supervisory Oversight (91%); and,
- Updating Reactivated Informants (92%).³

A continued emphasis of improvement in these specific areas will assist in providing commanding officers with the necessary information to thoroughly evaluate and ensure that the Department's policies and procedures governing confidential informants are complied with.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

1. Internal Audits and Inspections Division provided a draft copy of the audit to the Commanding Officer of Gangs and Narcotics Division, who expressed general agreement with the audit findings and conclusions.
2. A draft copy of the audit was reviewed by the Commanding Officer of Detective Bureau, who expressed general agreement with the audit findings and conclusions.

³ There was only one finding attributed to this objective.