INTRADEPARTMENTAL CORRESPONDENCE

February 21, 2024
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: CONFIDENTIAL INFORMANT CONTROL PACKAGES AUDIT (AD NO. 23-005)

RECOMMENDED ACTION

It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Confidential Informant Control Packages Audit.

DISCUSSION

Audit Division conducted the Confidential Informant Control Packages Audit to evaluate compliance with Department policies and procedures. The recommendation provided regarding acting supervisors is being implemented given agency challenges in staffing advanced paygrade authorities.

If additional information is required, please contact Police Administrator Sharon Sargent, Commanding Officer, Audit Division, at (213) 486-8480.

Respectfully,

MICHEL R. MOORE
Chief of Police

Attachment

CONFIDENTIAL INFORMANT CONTROL PACKAGES AUDIT
Conducted by
Audit Division 2023

OVERVIEW

Audit Division (AD) evaluated the Los Angeles Police Department's (Department) policies and procedures related to Confidential Informant (CI) Control Packages in accordance with the Department's Annual Audit Plan for Calendar Year 2023.

The Department's overall compliance rate is summarized in Table No. 1.

Table No. 1 – Findings by Objective

Objective No.	Description of Objective	Number Meeting Standard/Evaluated	Percent Meeting Standard
1	**Informant Screened Using Law Enforcement Databases**	75/75	100%
2	**Informant Approved Prior to Being Utilized**	75/75	100%
3	**Investigating Officer Contacted Informant at Least Once Every 90 Calendar Days**	74/74[1]	100%
4	**Payments to Confidential Informants Were Documented**	596/598[2]	>99%
5	**Expenditure of Secret Service Fund Form Signatures and Serial Numbers**	573/598	96%

BACKGROUND

A CI is defined by the Department as a person who is given specific direction by a police officer, for any reason, whether on one occasion or many, in an attempt to secure information on criminal activity, and requests compensation for information or tasks performed, and/or, requests a Letter of Accomplishment on a pending criminal case.

The use of CIs is restricted to non-uniform personnel assigned to Department investigative entities, *e.g.*, Area detectives and specialized detective divisions. Uniformed officers assigned to Area Gang Enforcement Details shall not use CIs. In those situations, where the CI will only communicate with a specific officer and the officer is not authorized to use a CI, the officer shall seek assistance from the Department Confidential Informant Coordinator (DCIC) staff.

All Department CI packages are maintained and secured by restricted access at Gang and Narcotics Division (GND) with the exception of the CI packages relating to national security which are housed at Major Crimes Division (MCD).

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[1] One CI informant was new effective 05/01/2023 and had not been used during the scope of this audit.
[2] The denominator is based on the number of paid expenditure forms for each CI informant package.

SCOPE AND METHODOLOGY

Audit Division obtained a list of all the active CIs as of May 25, 2023, from GND and MCD. There were 68 active CIs in the GND population and seven active CIs in the MCD population. Audit Division tested the entire population from both divisions.

DETAILED FINDINGS

Objective No. 1 – Informant Screened Using Law Enforcement Databases

Criteria

Informant Manual Section 2/210, *Informant Selection and Management*, dated January 2020, states:

> *"The informant package is the primary source document for recording the informant's identity, suitability, contact activity, history, and productivity. When preparing the informant package for approval, the informant package shall follow the instructions provided on the Informant Package Checklist. As applicable, the informant package shall contain the following forms and documents:…*
>
> *The following database searches and informant's Criminal Summary Record (Rap Sheet):*
>
> - *Review of the informants Criminal Consolidated History Reporting System (CCHRS) for key name, convictions, and probation status.*
> - *Review of the informant's Criminal Investigation and Identification number (CII) for key name and convictions.*
> - *Review of the Federal Bureau of Investigation (FBI) database for key name and convictions.*
> - *Check the Automated Wants and Warrants System (AWWS) in the Network Communication System (NECS) with informant's CII number for warrants.*
> - *Check the Law Enforcement Agencies Data System (LEADS) for parole status on informant's key name.*
> - *Check the concerned State Department of Motor Vehicle record (DMV) and the informant's driver license status and attach a printout.*
> - *Check for any vehicle registered to the informant…."*

Audit Procedures

Auditors reviewed all the active CI informant packages. If the packages contained documentation of the required database checks, the Department met the standard for this objective.

Findings

Each of the 75 (100 percent) CI informant packages met the standard.

Objective No. 2 – Informant Approved Prior to Being Utilized

Criteria

Informant Manual Section 2/230, *Package Approval Process*, dated January 2020, states:

> *"Once approved by the concerned investigating officer's commanding officer, the informant package shall be hand-carried to the GND Commanding Officer, for final approval. Once the GND Commanding Officer, has given his/her approval, person may be used as an informant."*

Informant Manual Section 2/210, *The Informant Package*, dated January 2020 states:

> *"**Note:** Due to their sensitive nature, informant packages completed by Major Crimes Division (MCD) are exempt from being submitted to the Commanding Officer, GND, for approval. The Commanding Officer, Counter Terrorism and Special Operations Bureau (CTSOB), shall approve informant packages completed by MCD personnel."*

Audit Procedures

Auditors reviewed all the active CI informant packages. If the packages contained evidence that the GND Commanding Officer and/or the CTSOB Commanding Officer signed and dated the CI package prior to the informant being utilized, the Department met the standard for this objective.

Findings

Each of the 75 (100 percent) CI informant packages met the standard.

Objective No. 3 – Investigating Officer Contacted Informant at Least Once Every 90 Calendar Days

Criteria

Informant Manual Section 2/240, *Informant Contact by the Concerned Investigating Officer,* dated January 2020, states:

> *"Once an informant has been approved for use, the investigating officer shall make contact with their informant at least once every 90 calendar days. This contact may be in person or telephonic. The informant contact shall be documented on an ICF..."*

Audit Procedures

Auditors reviewed the Informant Contact Forms (ICF) completed between February 25, 2023, and May 25, 2023, for all the active CI informant packages. If the ICFs were completed at least once every 90 calendar days from the date the CIs were activated, the Department met the standard for this objective.

Findings

Each of the 74 (100 percent) CI informant packages met the standard.

Objective No. 4 – Payments to Confidential Informants Were Documented

Criteria

Informant Manual Section 6/650, *Forms Required for Informant Payments*, dated January 2020, states:

> *"The following forms are always required when making payments to an informant:*
>
> - *The concerned Expenditure Form; and,*
> - *The ICF used to document the circumstances of the payment."*

Audit Procedures

Auditors reviewed all the active CI informant packages for documentation that CIs were paid between May 25, 2022, and May 25, 2023. If the CIs were paid, auditors reviewed the packages for the completed Expenditure of Secret Service Funds forms and the ICFs for each time a CI was paid. If both forms were completed when a CI was paid, the Department met the standard for this objective.

Findings

Of the 598 completed Expenditure of Secret Service Funds and ICFs, 596 (>99 percent) met the standard. The two GND ICFs that did not meet the standard occurred when one CI conducted two operations on the same day and the ICFs were not completed by GND.

Objective No. 5 – Expenditure of Secret Service Fund Form Signatures and Serial Numbers

Criteria

Office of the Chief of Police Notice, *Expenditure of Secret Service Fund, Form 15.37.01-Revised; Monthly Report of Secret Service Money, Form 15.37.00 - Revised,* dated March 7, 2012, states:

> *"**Witnessing Supervisor/Serial No.:** All informant payments up to and including $500.00 shall be witnessed by the concerned supervisor (DII or above). The supervisor witnessing the informant **payment shall be present during the payment** and sign his or her payroll signature and serial number in this box. Any informant payment of $500.01 and above shall be witnessed by a DIII or above.*
>
> ***Witnessing Officer in Charge/Lieutenant/Serial No. (GND expenditure over $500.00):** The witnessing supervisor shall be present during the informant payment and sign his or her full payroll signature and serial number in this box. Any informant payment over $500.00 shall be witnessed by a DIII or above."*

Audit Procedures

Auditors reviewed all the active CI informant packages for documentation the CI was paid during the period of May 25, 2022, through May 25, 2023. If the CI was paid, auditors reviewed the package for the completed Expenditure of Secret Service Funds forms. If a Detective II or above signed their payroll signature and listed their serial number on the forms, the Department met the standard for this objective.

Findings

Of the 598 completed Expenditure of Secret Service Funds forms, 573 (96 percent) met the standard while 25 did not.[3]

Other Related Matters

The Office of the Chief of Police Notice, *Expenditure of Secret Service Funds, Form 15.37.01-Revised; Monthly Report of Secret Service Money, Form 15.37.00 - Revised,* dated March 7, 2012 states:

> ***"Supervisor Approving Expenditure-Related Report(s)/Serial No.:** This box shall be signed by the concerned supervisor or CO approving the expenditure-related report and shall sign his/her payroll signature and serial number after verifying the accuracy of the Secret Service funds expenditure. See the following approval schedule for reference:*

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[3] See Addendum, Table No. 2 for detailed findings.

$.01 to $100.00 Detective II (DII)/Sergeant
$100.01 to $500.00 Detective III (DIII)/Lieutenant
$500.01 and over CO or Acting CO (ACO)"

During a review of the Expenditure of Secret Service Funds, Form 15.37.01, auditors observed 392 (66 percent) contained a supervisor signature that followed the above approval schedule. The remaining 206 expenditure-related reports were approved by individuals in an acting capacity (Detective IIs acting as Detective IIIs; Sergeants acting as Lieutenants; and Lieutenants acting as Commanding Officers [COs]).

Auditors were unable to identify any documentation stating that the lower rank supervisors had been authorized to approve the Expenditure of Secret Service Funds, Form 15.37.01, as required by the above approval schedule. However, there is no documentation indicating that a person who is acting for another is not empowered to act for all purposes.

This audit did not determine whether acting employees were long-term (because of vacation or temporary deployment issues or whether the decision could be deferred until the specified person was available). The audit did, however, determine that if acting personnel were counted, the rate of compliance was 100 percent.

In being transparent, the Department identified these reports and advised the respective COs to take the appropriate action (See Recommendation).

RECOMMENDATION

It is recommended that the Department consider expanding current policy to allow supervisors in "Acting" positions the authority to sign the expenditure-related reports (See Other Related Matters).

ACTIONS TAKEN/MANAGEMENT RESPONSE

Auditors submitted a draft of this audit report to the following commands: Office of Operations, Robbery-Homicide Division and Gang and Narcotics Division. All commands were in general agreement with the findings (see attached Intradepartmental Correspondence, Form 15.02.00, responses).

ADDENDUM

Table 2-Expenditure of Secret Service Fund Form Signatures and Serial Numbers [Objective 5]

Area/Division/Task Force	Number Not Meeting Standard	Percentage	Detailed Findings
Robbery-Homicide Division	22	88%	Twenty DII's, one Sgt. I and one LASD Sgt. witnessed expenditures above the threshold.
Rampart Vice Unit	1	4%	Expenditure form did not contain a witnessing signature.
Southeast Narcotics Enforcement Detail	1	4%	DII witnessed expenditure above the threshold.
Southwest Narcotics Enforcement Detail	1	4%	DII witnessed expenditure above the threshold.
Total	**25**	**100%**	

APPENDIX

Audit Division Contact: Detective II, Rosalinda Lovitt, Serial No. 31002,
(213) 486-8365 or 31002@lapd.online

ROSALINDA LOVITT
Project Manager, Audit Division

SERGIO SAIS
Officer in Charge, Audit Division

SHARON SARGENT, Police Administrator
Commanding Officer
Audit Division

INTRADEPARTMENTAL CORRESPONDENCE

July 25, 2023
8.4

TO: Commanding Officer, Audit Division

FROM: Commanding Officer, Gang and Narcotics Division

SUBJECT: 2023 CONFIDENTIAL INFORMANT PACKAGE AUDIT (AD No. 23-005)

The 2023 Confidential Informant Package Audit (AD No. 23-005) was conducted by Audit Division. Gang and Narcotics Division (GND) has received and reviewed the audit findings. The GND Commanding Officer is in general agreement with the findings.

If you have any questions or require additional information, please feel free to contact Detective II Tim Grimes, Department Confidential Informant Coordinator, at (213) 833-3700.

AHMAD ZAREKANI, Captain
Commanding Officer
Gang and Narcotics Division

INTRADEPARTMENTAL CORRESPONDENCE

July 24, 2023
8.6

TO: Commanding Officer, Audit Division

FROM: Commanding Officer, Robbery-Homicide Division

SUBJECT: CONFIDENTIAL INFORMANT AUDIT

Robbery-Homicide Division has received and reviewed the Confidential Informant Audit related to the Expenditure of Secret Service Funds, form 15.37.01.

The Commanding Officer is in general agreement with the findings and actions have been initiated to address the findings.

Should you have any questions, please contact Detective III Frank Carrillo, Robbery-Homicide Division, Gang Homicide Unit, at (213) 486-6860.

SCOT M. WILLIAMS, Captain
Commanding Officer
Robbery-Homicide Division

RECEIVED
JUL 31 2023
Audit Division

INTRADEPARTMENTAL CORRESPONDENCE

November 30, 2023
11.2

TO: Commanding Officer, Audit Division

FROM: Assistant to the Director, Office of Operations

SUBJECT: 2023 CONFIDENTIAL INFORMANT CONTROL PACKAGES AUDIT – RESPONSE

The Audit Division (AD) conducted a Confidential Informant (CI) Control Packages Audit to evaluate adherence to policy as delineated in the following documents and excerpts:

- Informant Manual Section 2/210, *The Informant Package*, dated January 2020;
- Informant Manual Section 2/230, *Package Approval Process*, dated January 2020;
- Informant Manual Section 2/240, *Informant Contact by the Concerned Investigating Officer*, dated January 2020;
- Informant Manual Section 6/650, *Forms Required for Informant Payments*, dated January 2020; and,
- Office of the Chief of Police Notice, *Expenditure of Secret Service Fund, Form 15.37.01 – Revised; Monthly Report of Secret Service Money, Form 15.37.00 – Revised*, dated March 7, 2012.

The audit tested the entire population of CI packages with currently active CIs as of May 25, 2023. There were 68 active CIs in the Gang and Narcotics Division population which are associated to three findings for the Office of Operations (OO) related to Objective 5. The testing timeframes were May 25, 2022 through May 25, 2023.

After review of AD's draft report, it was determined that OO is in general agreement with the audit findings pertaining to OO.

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The Office of Operations Inspection Unit (OOIU) reviewed the AD draft report and have determined the objectives that pertain to the audit findings are as follows:

Table No. 1 – Summary of Findings (Department-wide)

Objective No.	Description of Objective	Number Meeting Standard/Evaluated	Percent Meeting Standard
1	**Informant Screened Using Law Enforcement Databases**	75/75	100%
2	**Informant Approved Prior to Being Utilized**	75/75	100%
3	**Investigating Officer Contacted Informant at Least Once Every 90 Calendar Days**	74/74	100%
4	**Payments to Confidential Informants were Documented**	596/598	>99%
5	**Expenditure of Secret Service Fund Form Signatures and Serial Numbers**	573/598	96%

Table No. 2 summarizes all findings that pertain to the OO compliance rates as a part of the OO population. There were 3 of 399 (0.75 percent) OO findings in total related to Objective 5.

Table 2 – Expenditure of Secret Service Fund Form Signatures and Serial Numbers Objective 5 (Office of Operations Only)

Area/Division/Task Force	Number not Meeting Standard	Percentage of Sample Size	Detailed Findings
Rampart Vice Unit	1/399	0.25%	Expenditure form did not contain a witnessing signature.
Southeast Narcotics Enforcement Detail	1/399	0.25%	D-II witnessed expenditure above the threshold.
Southwest Narcotics Enforcement Detail	1/399	0.25%	D-II witnessed expenditure above the threshold.
Total	3/399	**0.75%**	

The audit addresses other related matters as follows:

During a department-wide review of the *Expenditure of Secret Service Funds*, Form 15.37.01, AD auditors observed 392 out of 598 contained a supervisor signature that followed the form's approval schedule. The remaining 206 out of 598 expenditure-related reports were approved by Detective IIs acting as Detective IIIs, Sergeants acting as Lieutenants, and Lieutenants acting as Commanding Officers (COs). Out of the 206, 116 were related to OO.

During the OOIU validation process, OOIU contacted each of the individuals under OO that were involved in the 116 expenditure-related reports. The OOIU found that in these cases, there was a preponderance of evidence supporting that a lower-rank supervisor signed the documents correctly while acting in a higher-rank capacity due to a vacancy. This was found to be either an administrative vacancy or the proper higher-rank supervisor was on days off, vacation, sick, or otherwise were unavailable to sign. Therefore, the lower-rank supervisor is authorized to sign while

acting in a higher rank authority and this practice does not constitute deviating from established policy and procedure.

This practice is best documented by Intradepartmental Correspondence 2.2.3, *Reminder Regarding Temporary Higher Level Position Procedures Under Memorandum of Understanding 24*, dated April 4, 2018, which states:

> *To best assure the continuity of police services and provide commanding officers with alternatives to effectively manage their respective commands pending the authorization of upgrades, management has the discretion to temporarily fill a vacancy. To accomplish this, "employees from a lower civil service rank or lower paygrade position may be temporarily deployed to a position normally assigned to employees in a higher civil service rank or paygrade."*

The OOIU has included additional policy references below related to acting in a higher rank capacity:

- Department MOU 24, Article 5.11, *Temporary Higher Level Position*; dated August 14, 2019.
- Office of the Chief of Police Notice 2.2.3, *Temporary Higher-Level Position Pay Requirements*, dated November 19, 2020.

It is recommended that the Department amends current policy to expressly address the common operational practice that supervisors in "Acting" authority positions, due to vacancy, have the required authority to sign and authorize reports requiring a specific rank.

If you should have any questions regarding this correspondence, please contact Police Performance Auditor IV Yadira Huerta, Inspections Unit, Office of Operations, at (213) 486-6960.

BRYAN D. LIUM, Commander
Assistant to the Director, Office of Operations