

**LOS ANGELES POLICE COMMISSION**

***REVIEW OF AUDIT DIVISION'S  
CONFIDENTIAL INFORMANT  
CONTROL PACKAGE AUDIT***



Conducted by

**OFFICE OF THE INSPECTOR GENERAL**

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**OFFICE OF THE INSPECTOR GENERAL  
REVIEW OF AUDIT DIVISION'S  
CONFIDENTIAL INFORMANT CONTROL PACKAGE AUDIT**

**PURPOSE**

Pursuant to Consent Decree (CD) Paragraph 135, the Office of the Inspector General (OIG) reviewed Audit Division's Confidential Informant Control Package Audit (Audit). The Audit was completed in the fourth quarter of Fiscal Year 2005/2006 and received by the OIG on July 5, 2006. The OIG assessed the Audit's completeness, findings, and quality.

**BACKGROUND ON AUDIT DIVISION'S AUDIT**

The Confidential Informant Control Package Audit was conducted by Audit Division and assessed the Los Angeles Police Department's (Department) compliance with Consent Decree Paragraphs 108, 109, 128, and 131(a, c and e).<sup>1</sup> Audit Division reviewed all active informant packages and a sample of inactive informant packages. Audit Division reported an overall compliance rate of 46% for active informant packages, 96% for inactive informant packages, and 50% for the gang informant packages. The table below provides a brief description of the Audit's objectives when assessing adherence to those Paragraphs for active informant packages and the results of Audit Division's assessments.

**COMPLIANCE PERCENTAGES FOR ACTIVE INFORMANT PACKAGES  
REPORTED BY AUDIT DIVISION**

Objective No.	CD ¶	Objective Description	Compliance Percentage
			Active Informants
<b>1</b>	<b>128(1)</b>	<b>Completeness of the Informant Package</b>	<b>87%</b>
2a	128(2a)	Authenticity Review for Canned Language	100%
<b>2b</b>	<b>128(2b)/108</b>	<b>Authenticity Review for Inconsistent Information</b>	<b>89%</b>
2c	128(2c)	Authenticity Review for Articulation of the Legal Basis	100%
<b>2d</b>	<b>128(2d)</b>	<b>Other Indicia Information in the Informant Package is Not Authentic or Correct</b>	<b>93%<sup>2</sup></b>
<b>3</b>	<b>128(3)/108</b>	<b>Underlying Actions</b>	<b>94%</b>
<b>4</b>	<b>128(4)/108</b>	<b>Supervisory Oversight</b>	<b>82%</b>
5	109	Confidential Informant Tracking System Database	100%
6a	108a	Handling of Informants: Use of Informants by Non-Uniformed Personnel	100%
6b	108b	Handling of Informants: Completion of Informant Control Package	100%
<b>6c</b>	<b>108c/128</b>	<b>Handling of Informants: Chain of Command Manager Approval</b>	<b>68%</b>
6d	108d	Handling of Informants: Assigned Confidential Informant Number	100%
6e	108e	Handling of Informants: Secure Package Store	100%
6f	108f	Handling of Informants: Prior Approval for End of Watch Package Retention	100%
6g	108g	Handling of Informants: Updating Reactivated Informants	100%
6h	108h/128	Handling of Informants: Documenting Contacts with Informants	96%
6i	108i/128	Handling of Informants: Supervisor Meeting Informant Prior to Package Submission	95%
6j	108j/128	Handling of Informants: Documenting Information and the Results of the Investigation in the Package	98%

<sup>1</sup> To adhere to the Consent Decree Paragraph 131(a, c and e), Audit Division reported separate compliance percentages for gang informant packages.

<sup>2</sup> This compliance percentage was incorrectly stated as 92% in the tables presented in the Audit Report.

Greater detail on Audit Division's methodology and findings can be found in Audit Division's final Audit Report.

### **PRIOR RECOMMENDATIONS**

The OIG's review of last year's Confidential Informant Control Package Audit contained 14 recommendations.

Eight recommendations have been implemented or appropriate action was taken as requested by the OIG. The Department did not agree with three recommendations and requested that current protocols remain in place. The OIG concurred with the justification provided for not implementing these three recommendations. Four recommendations, related to modifications to the informant management procedures, remain pending while the Department convenes a workgroup to revise the Confidential Informant Manual in an effort to improve the operational process and maximize the efficiency of managing informants.

The OIG did not concur with the justification provided for not implementing one recommendation discussed below.

Recommendation 7: Research whether the Department should provide official guidance on the amount of informant information that should be placed in the sealed portion of a search warrant and affidavit, (e.g., the Confidential Informant (CI) number).

*Department's response: The identity of the informant is already included in the sealed portion of the warrant and there is no operational benefit of including the CI number. This recommendation will not be implemented.*

*OIG's response: The OIG's prior reviews of sealed warrants noted inconsistencies with how the informant is identified in the sealed pages of the warrant. Some sealed warrants reviewed by the OIG did not identify the CI in the sealed portion, nor did they make reference to any identifiers such as a CI number.*

### **REVIEW METHODOLOGY**

The OIG assessed the completeness, findings, and quality of the Audit by reviewing the final Audit Report, Audit Work Plan, and supporting workpapers. The OIG's review of active informant packages was based on a randomly selected one-tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus precision of seven percent. Additionally, the OIG reviewed all active gang informant packages identified by Audit Division. Since there are fewer risks associated with inactive informant packages, a smaller sample of inactive informant packages was reviewed using a plus precision of 10 percent.

The OIG met with Audit Division on October 3, 2006, and they indicated general agreement with the findings of this review.

## **REVIEW RESULTS**

### **COMPLETENESS**

To assess the Audit's completeness, the OIG reviewed Audit Division's Audit Report and supporting workpapers to ensure applicable Consent Decree mandates were addressed and the sampled informant packages were selected from a complete population.

Per the Department's Annual Audit Plan (Fiscal Year 2005/2006), the Confidential Informant Control Package Audit was to assess Consent Decree Paragraphs 108 (a-j), 109, 128, and 131(a, c, e). The OIG determined that the Audit sufficiently assessed those mandates with the exception of Subparagraph 108b, which requires an officer to complete an informant package when he/she wants to utilize a person as an informant. Subparagraph 108b was not fully assessed since Audit Division identified its population and samples from known informant packages. This concern, however, is somewhat mitigated since Audit Division performs verification checks of informants while conducting the Arrest, Booking, and Charging Reports Audit and the Warrant Applications and Supporting Affidavits Audit. Additionally, based on the OIG's review of Audit Division's sampling documentation, it appears Audit Division selected from a complete population of informant packages.

### **FINDINGS AND QUALITY**

The OIG reviewed samples of active informant packages and inactive informant packages. No additional concerns were identified with the inactive informant packages reviewed. The following delineates additional concerns identified with the active informant packages that were not identified and/or reported by Audit Division.

#### *Objective 3: Underlying Actions Were Appropriate, Legal, and in Conformance with Department Procedures (CD ¶ 128)*

- According to the Informant Manual, an informant who has purchased or handled narcotics must be searched. For one informant package, two Contact Forms lacked an indication of the informant being searched after handling narcotics during a narcotics buy operation. One of the Contact Forms indicated the informant was provided a sample of cocaine from a narcotics suspect. The second Contact Form indicated the informant assisted in a narcotics buy operation. Both forms documented the "Search Conducted" section of the form as "not applicable."

*Objective 4: Supervisory Oversight (CD ¶ 128)*

- For one informant package, it appears the informant's safety was compromised; however, the Department continued to use the informant for narcotics buy operations and obtaining information.<sup>3</sup> This concern was discussed with Narcotics Division who indicated that this should have been addressed but was overlooked at several levels of supervision. Narcotics Division indicated training would be provided to the controlling officer and the appropriate supervisors.
- For one informant package, the informant's motivation was to work for a letter of accomplishment, which he/she received in mid 2005. Although the informant expressed the desire to continue working for monetary compensation and was paid for providing information after receiving the letter of accomplishment, the informant's new motivation was not updated until October 2005 and approved until November 2005.

*Objective 6h: Documenting Contacts with Informants (CD ¶ 108h)*

- For one informant package, a Payment Form, dated September 2005, documented a payment to the informant for information provided the day prior. However, the informant package did not have a Contact Form documenting the events that transpired or the information that was obtained from the informant, as required.
- For one informant package, there was no indication that Audit Division reviewed five Contact Forms and one Payment Form that was within its audit time period.<sup>4</sup> Additionally, the Payment Form did not have an associated Contact Form documenting the meeting with the informant for the payment, as required.

## **GLOBAL CONCERNS**

In addition to reviewing the Audit for completeness, quality and findings, the OIG also conducted a review of the informant packages and informant management procedures from a global perspective. As the objectives of Audit Division's Audit were Consent Decree driven, evaluating specific mandates, the following was not taken into account with regard to the Audit's completeness, quality, and findings.

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<sup>3</sup> Audit Division held this informant package out of compliance for Supervisory Oversight since the Exceptional Handling Report did not document a supervisor met with the informant when the informant package was reactivated.

<sup>4</sup> The OIG could not clearly determine whether the review of the forms were overlooked by Audit Division or the documents were filed in the informant package after Audit Division's review. Narcotics Division continually updates the informant packages and Audit Division does not make photocopies of the informant package documents.

*Reference to Informants in Arrest Reports*

- For one informant package, the OIG noted an inconsistency with how the informant was referenced in two Arrest Reports completed by the same officer. The first Arrest Report documented the officers obtained information from a source and made no mention of the source being an informant. According to Narcotics Division, this is done to protect the identity of the informant since the Arrest Report information may be requested and reviewed by the public. The second Arrest Report documented that an informant was utilized and great detail was documented in the Arrest Report narrative with regard to the informant's involvement, including the address and apartment number where the informant was directed to conduct a controlled narcotics buy. The OIG believes that documenting the details of the informant's activities creates the possibility of the informant being identified. Generally, the details of an informant's involvement are documented on a warrant affidavit and an approval to seal the document from public record is obtained from a magistrate. Given that an Arrest Report may be requested and reviewed by the public, the Department should provide guidance on the level of detail documented in the Arrest Report narrative with regard to informants.

*Searches of Female Informants*

- For one informant package, the Contact Forms documented the use of the female informant to perform narcotics buys. The OIG noted two Contact Sheets that indicated only a "visual" search of the informant was conducted, most likely because only male officers were present during the narcotics buy operations. As narcotics buy operations often involve pre-planned activities, when a female informant is used for narcotics buy operations, a female officer should be present, to perform, at a minimum, a "pat-down" search.

**CONCLUSION**

Overall, the OIG found the Audit to be complete. Although the OIG identified additional findings, this was a difficult and voluminous audit to perform, and overall the OIG believes it was conducted in a quality manner.