

LOS ANGELES POLICE COMMISSION

***Review of the Department's
Confidential Informant Control
Package Audit
OPEN SESSION***



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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

PURPOSE

Pursuant to Consent Decree (CD) Paragraph 135, the Office of the Inspector General (OIG) reviewed the Los Angeles Police Department's (Department) Confidential Informant Control Package Audit (Audit) performed by Audit Division (AD). The Audit was completed in the fourth quarter of 2007/2008 and received by the OIG on June 27, 2008. The OIG assessed the Audit's completeness, findings, and quality.

BACKGROUND ON AUDIT DIVISION'S AUDIT

Audit Division conducted their sixth Confidential Informant Control Package Audit and found the Department more than ninety-five percent (95%) compliant with 16 of 18 audit objectives that assessed Consent Decree mandates related to confidential informants.

Per the Department's Informant Manual, a confidential informant (CI) is defined as a person who is given specific direction by an officer, whether on one occasion or many, in an attempt to secure information on criminal activity. Further, there are two types of CIs: citizen informant and criminal informant. A citizen informant's motivation is primarily to help make the community a better place to live. A criminal informant has a criminal background and is primarily motivated by personal reasons such as revenge, monetary consideration, or a Letter of Accomplishment for a pending criminal case. All CIs must be "packaged"¹ and approved by management before an officer can direct them to obtain information and/or perform tasks.

In addition to CIs, the Department recently began using non-confidential informants (NCI). An NCI can be a citizen or criminal informant, but an NCI differs from a traditional CI in that the NCI agrees to have his or her activities audio recorded, submit a written statement for each controlled buy of narcotics, and testify in court, if necessary. The individuals chosen to be packaged as NCIs are typically unknown in the neighborhood where they are used, and they are carefully interviewed by the officer-in-charge of the program to ensure they are familiar with the required street vernacular necessary to enhance their credibility.

The use of a CI or NCI is restricted to non-uniformed personnel assigned to Department investigative entities, such as Area detectives and specialized detective divisions. The CI or NCI package is the primary source for documenting the informant's identity, suitability, contact activity, history, and productivity. For every prospective informant, various databases are queried to determine whether they satisfactorily meet criteria (e.g., eligibility) established by the Department. Once the prospective informant is determined to be eligible, the package is reviewed and approved by various levels of Department management up to and including the Commanding Officer of Narcotics Division.

¹ "Packaged" means that required forms must be properly completed and approved for each CI.

Audit Division evaluated all active CI packages. The table below provides a brief description of the Audit's objectives for assessing adherence to those Consent Decree Mandates related to CI packages and the related results of AD's assessments.

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

Objective	Consent Decree ¶	Compliance Percentage
1. Completeness of Documentation in CI Packages	128(1)	97%
2. Authenticity		
2(a) No Canned Language contained in CI Packages	128(2a)	100%
2(b) Consistent Information contained in CI Packages	128(2b)/108	100%
2(c) Justification for Use of CIs Documented	128(2c)	100%
2(d) Information in CI Packages Authentic and Correct	128(2d)	100%
3. Underlying Actions of Directing Officer Appropriate, Legal and Within Policy	128(3)/108	87%
4. Supervisory Approval of Documents Present in CI Packages	128(4)/108	95%
5. Confidential Informant Database Accurate and Complete	109	99%
6. Handling of Informants		
6(a) Use of Informants by Non-Uniformed Personnel	108(a)	100%
6(b) Completion of Informant Control Packages	108(b)	100%
6(c) Proper Chain of Command Approvals	108(c)/128	100%
6(d) Assigned Confidential Informant Numbers	108(d)	100%
6(e) Informant Control Packages Secured Adequately	108(e)	100%
6(f) Proper Approval for Retained Packages	108(f)	99%
6(g) Proper Updating of Informant Packages	108(g)	84%
6(h) Documenting Contacts with Informants	108(h)/128	97%
6(i) Supervisor Met with Informants	108(i)/128	100%
6(j) Documenting Results of Information Provided by Informants	108(j)/128	99%

Audit Division also assessed all NCI packages, but as the Department does not consider them to fit under the category of a CI, the findings were not used to calculate Consent Decree compliance. However, AD identified and reported concerns regarding six NCI packages in relation to Objectives 3 and/or 4 of the Audit. Greater detail as to AD's methodology and findings can be found in AD's final Audit Report.

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 the active CI packages evaluated by AD 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 of the NCI packages. As there are fewer risks associated with inactive CI packages, a smaller sample of the inactive CI packages evaluated by AD was reviewed using a plus precision of 10 percent.²

The OIG discussed the results of our review with AD and Narcotics Division. They indicated general agreement with the findings presented in this Report.

REVIEW RESULTS

COMPLETENESS

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

The OIG determined that the Audit correctly determined and reported that the Department met the requirements specified in 16 of the 18 objectives. Additionally, it appears that AD selected the active and inactive CIs from a complete population. Additionally, it appears that AD also identified and reviewed the NCI packages from a complete population.

FINDINGS

To assess the Audit's findings, the OIG randomly selected a sample of active CI packages. The OIG performed this testwork to determine if AD adequately identified and reported all relevant issues and if all reported issues were valid. Based on the OIG's review, overall, Audit Division presented the audit findings in a logical manner, and Audit Division properly identified and reported concerns relevant to control over managing the day-to-day operations for informants.

QUALITY

To assess the Audit's quality, the OIG evaluated the quality of both the Audit and the Audit Report. Based on the OIG's review, the Audit was properly planned, performed, and supervised. In addition, the Audit Report properly delineated the Audit's objectives, scope, methodology, findings, and recommendations. In addition, the Audit Report was issued in a timely manner in

² Inactive CIs are considered less risky than active CIs, as they are not presently engaged in activities that could subject them or the Department to adverse consequences, such as injury or death to them or the involved officers, or lawsuits against the City. Additionally, Audit Division did not report on any issues related to the inactive packages and the OIG did not note any additional concerns.

accordance with their annual Audit Plan and used a fair and unbiased tone. Furthermore, the Audit Report presented its assessment of the Audit's objectives in a clear and concise manner.

CONCLUSION

Overall, the OIG found the Audit complete and performed in a quality manner as it appears to have been carefully planned and thoughtfully executed. Furthermore, the OIG found that the Audit's findings were well supported with the proper amount of detail.

PRIOR RECOMMENDATIONS OF THE OIG

1. Formally present the NCI program to the Police Commission for their review.
2. Finalize the draft Special Order containing the policies and procedures associated with the Department's use of NCIs, and then include the contents of this Special Order as a separate section within the Informant Manual. For this Special Order and related Manual section, the Department should consider the following policy provisions:
 - A periodic review of each NCI package for possible overuse of the NCI to help ensure that the risks associated with their use is minimized.
 - A requirement that the Non-Confidential Informant Admonishment and Consent Form be signed by the NCI signifying that the directing officer communicated the additional risks (including the requirement to testify in court, if necessary) when agreeing to be a NCI versus a traditional CI.

Recommendation Nos. 1 and 2 are considered implemented. The Department's newly revised Informant Manual dated March 2008 sufficiently addresses these recommendations.

3. Expedite the process for publishing the draft version of the Informant Manual, ensuring all necessary approvals are promptly obtained.

This recommendation has been implemented. The draft version of the Informant Manual has been completed and posted on the Department's Webpage, with a revised date of March 2008.