

INTRADEPARTMENTAL CORRESPONDENCE

March 24, 2016
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: CONFIDENTIAL INFORMANT PACKAGE AUDIT (AD NO. 15-089)

RECOMMENDED ACTIONS

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

DISCUSSION

Pursuant to the Department's Annual Audit Plan, Audit Division conducted the Confidential Informant Package Audit to assess conformance with Department policies and procedures.

If additional information regarding this audit is required, please contact Arif Alikhan, Director, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT
*CONFIDENTIAL INFORMANT PACKAGE
AUDIT*

(AD NO. 15-089)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

March 2016

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EXECUTIVE SUMMARY
CONFIDENTIAL INFORMANT PACKAGE AUDIT
Conducted by
Audit Division
First Quarter, Fiscal Year 2015/16

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2015/16, Audit Division conducted the Confidential Informant (CI) Package Audit. The purpose of the audit was to assess the Department's conformance with Department policies and procedures related to the CI process.

BACKGROUND

The audit included the evaluation of:

1. **Package Security** (Package Location; Package Check-Out Procedures)
2. **Informant Selection and Activation** (Informant Information Form; Exceptional Handling Report; Informant Admonishment and Consent Search Form; Law Enforcement Database Screening; Activation Photo of CI)
3. **Informant Tracking and Updating** (Documentation of Contacts; Continuity of Contact Between Investigating Officer (I/O) and CI; Updated Law Enforcement Database Checks; Updated Photo of CI)
4. **Use of Department Funds** (Documentation of Expenditure; Expenditure Approval/Acknowledgement of Payment)

Audit Division met with Gang and Narcotics Division and explained the audit's methodology and requested input regarding any additional areas requiring evaluation.

SUMMARY OF FINDINGS

The audit consisted of four objectives which addressed 13 specific areas. The Department had results of 91 percent or higher in nine areas:

- Informant Information Form; Law Enforcement Database Screening; Expenditure Approval/Acknowledgement of Payment: 91 percent
- Activation Photo of CI; Documentation of Expenditure: 96 percent
- Continuity of Contact Between I/O and CI: 98 percent
- Package Location; Informant Admonishment and Consent Search Form; Updated Photo of CI: 100 percent

There were four areas with results of 89 percent or below:

- Documentation of Contacts: 76 percent
- Package Check-Out Procedures: 83 percent
- Updated Law Enforcement Database Checks: 85 percent
- Exceptional Handling Report: 89 percent

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

The findings were presented to the Commanding Officer, Gang and Narcotics Division, who expressed general agreement with the findings. Gang and Narcotics Division subsequently submitted a response stating actions have been taken to correct the identified deficiencies.

CONFIDENTIAL INFORMANT PACKAGE AUDIT

Conducted by

Audit Division

First Quarter, Fiscal Year 2015/16

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year (FY) 2015/16, Audit Division conducted the Confidential Informant (CI) Package Audit. The purpose of the audit was to assess the Department's conformance with Department policies and procedures related to the CI process.

Audit Division conducted this audit under the guidance of Generally Accepted Government Auditing Standards,¹ specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. Audit Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

Information provided by informants is an invaluable resource for assisting law enforcement. The use of informants is restricted to non-uniform personnel assigned to Department investigative entities such as Area detectives and specialized detective divisions. These personnel are referred to as the informant's Investigating Officer (I/O) or handler. Often times, CIs are utilized and are presumed to be confidential in nature. Confidential Informants can have a criminal background and may be motivated by personal reasons to be an informant including revenge, monetary compensation, or a request for a Letter of Accomplishment (LOA) for a pending investigation. To mitigate risk and liability, it is imperative that prospective informants are properly screened and processed. Once approved, it is critical that informants are tracked on a regular basis and all interactions between informant and handler are appropriately supervised and thoroughly documented.

The Department Informant Manual (IM), March 2008, outlines the policies and procedures for handling informants. The Commanding Officer (CO), Narcotics Division (ND),² is responsible for providing oversight, ensuring proper documentation is being maintained, and ensuring the informant's information is current and in accordance with the procedures outlined in the Department IM. The Department Confidential Informant Coordinator (DCIC) is the Gang and Narcotics Division (GND) CO's designee and maintains all informant-related information via informant packages and the Confidential Informant Tracking System Database.

PRIOR AUDITS

Audit Division conducted a CI audit in third quarter, FY 2013/14. The previous audit focused on completeness of the informant package, as well as, the Confidential Informant Tracking System

¹U.S. Government Accountability Office, Generally Accepted Government Auditing Standards, December 2011 Revision.

²Since the last revision of the IM in 2008, ND has been renamed Gang and Narcotics Division and will be referred to as GND in this audit unless quoting directly from the IM.

Database. This audit was the result of a risk assessment and focused on the selection and maintenance of the informants and packages.

METHODOLOGY

Audit Division obtained a list of all active CIs Department-wide from January 1, 2014, to December 31, 2014, from the DCIC. Due to the confidential nature of the packages, each was given a control number.³

All CI packages were reviewed to determine if they were applicable to each audit objective. If a package or specific item in the package was not applicable to an objective, it was excluded from the total sample measured for that objective. Consequently, the percentages for some objectives were based on a subset of the total sample. Table No. 1 details the Audit objectives.

Table No. 1 – Audit Objectives

Objective No.	Description of Audit Objective
1	Package Security
1(a)	Package Location
1(b)	Package Check-Out Procedures
2	Informant Selection and Activation
2(a)	Informant Information Form
2(b)	Exceptional Handling Report
2(c)	Informant Admonishment and Consent Search Form
2(d)	Law Enforcement Database Screening
2(e)	Activation Photo of CI
3	Informant Tracking and Updating
3(a)	Documentation of Contacts
3(b)	Continuity of Contact Between I/O and CI
3(c)	Updated Law Enforcement Database Checks
3(d)	Updated Photo of CI
4	Use of Department Funds
4(a)	Documentation of Expenditure
4(b)	Expenditure Approval/Acknowledgement of Payment

³Official informant numbers designated by the DCIC for each CI package, as well as total number of CI's and sample for each objective can be found in the audit work papers.

SUMMARY OF FINDINGS

Table No. 2 – Summary of Findings

Objective No.	Audit Objective	Percentage Meeting Standard
1	Package Security	
1(a)	Package Location	100%
1(b)	Package Check-Out Procedures	83%
2	Informant Selection and Activation	
2(a)	Informant Information Form	91%
2(b)	Exceptional Handling Report	89%
2(c)	Informant Admonishment and Consent Search Form	100%
2(d)	Law Enforcement Database Screening	91%
2(e)	Activation Photo of CI	96%
3	Informant Tracking and Updating	
3(a)	Documentation of Contacts	76%
3(b)	Continuity of Contact Between I/O and CI	98%
3(c)	Updated Law Enforcement Database Checks	85%
3(d)	Updated Photo of CI	100%
4	Use of Department Funds	
4(a)	Documentation of Expenditure	96%
4(b)	Expenditure Approval/Acknowledgement of Payment	91%

DETAILED FINDINGS

Objective No. 1 – Package Security

The informant package is the primary source document for recording the CI's identity, suitability, contact activity, history, and productivity. Therefore, security of these packages is paramount. The DCIC is responsible for the storage and security of these packages. The DCIC is also responsible for granting or denying access to these packages at the request of outside entities.

Objective No. 1(a) – Package Location

Criteria

Department IM Volume 5/510, Department Confidential Informant Coordinator Responsibilities, states, *"All Department informant packages are maintained and secured by restricted access at ND by the DCIC."*

"The DCIC shall maintain storage of the informant packages."

Audit Procedure

An inspection of the area where all CI packages are maintained was conducted. Emphasis was placed on the physical location and whether entry was restricted and packages were locked and secured. Each informant package must be locked and secured in the file cabinet located in the secured DCIC office to meet the standards for this objective.

Findings

Auditors observed the informant packages maintained by the DCIC were stored in secured file cabinets in a locked room. Only the DCIC and designated employees had access to the room and to the file cabinets. All of the informant packages met the standards for this objective.

Objective No. 1(b) – Package Check-Out Procedures

Criteria

Department IM Volume 6/600, Security of Informant Packages, states, *"When an I/O or supervisor wants to check-out an informant package, that person shall complete the Informant Package Sign-Out Form. The ND CO or designee shall sign-out the informant package to the requesting I/O and sign the informant package back in when it is returned."*⁴

⁴This is now CO, GND.

Audit Procedure

The Informant Package Sign-Out Form from each of the selected packages was reviewed to determine if each package was checked out and signed-in properly. Each of the following headings on the Informant Package Sign-Out Form had to be properly completed to meet the standards for this objective:

- Date and Time Package Out;
- I/O's Printed Name, Serial, and Phone No.;
- DCIC Approval Printed Name, Serial No.;
- Reason for Removal;
- CO, GND, or Designee Approval Printed Name, Serial No.;
- Overnight Approval YES/NO; and,
- Date and Time Returned.

Findings

Two did not meet the standards for the following reasons:

- Control No. 12 – Missing DCIC Approval Printed Name, Serial No, and CO, GND, or Designee Approval Printed Name, Serial No.; and,
- Control No. 41 – Overnight Approval YES/NO not indicated.

Objective No. 2 – Informant Selection and Activation

The Department IM outlines specific procedures that must be followed to ensure CI candidates are properly screened, selected, and activated. Proper screening, selection, and activation is critical for officer and CI safety and to ensure information provided by the CI will be reliable and lead to productive investigations. The screening, selection, and activation processes are documented on the Informant Information Form, Form 03.23.00, the Exceptional Handling Report (EHR), Form 03.23.03, and the Informant Admonishment and Consent Search Form. Additionally, a series of law enforcement database checks are conducted to screen for past criminal activity that may preclude the candidate from becoming a CI. A recent photograph accurately depicting the candidate's appearance must also be provided prior to activation.

Objective No. 2(a) – Informant Information Form

Criteria

Department IM Volume 2/200, Management of Informants and Informant Packages, states, "*As applicable, the informant package shall contain the following forms and documents*":

- "*Informant Information Form*":

"All information related to the informant package shall be current and should be submitted prior to 30 calendar days for final approval by the CO ND."⁵

Department IM Volume 2/210, Processing the Informant, states, *"Upon determining that the informant is eligible for processing, the I/O shall"*:

- *"Complete the Informant Information Form."*
- *"Contact the ND Investigative Support Detail (ISD) at (213) 485-3835 and request an inquiry to verify if the person is an informant, has previously functioned as an informant, or is currently under investigation.⁶ The results of the inquiry shall be documented on the Informant Information Form with the date, name and serial number of the ISD personnel who verified the inquiry."*
- *All informants shall be checked through the Department's Undesirable Informant File maintained at ND by contacting the DCIC at (213) 972-2460."⁷*

Department IM Volume 1/120, Undesirable Informant File, states, *"Note: The following actions shall cause an informant to be classified as "undesirable" and that informant shall be entered into the Department's Undesirable Informant File, precluding their use by Department personnel."*

Undesirable Informant Classifications:

- *Acting in any way which would endanger the life of an officer;*
- *Revealing the identity of any officer or the existence of an investigation to suspects during an investigation;*

Note: The following actions may cause an informant to be classified as "undesirable" and shall be at the discretion of the ND/CO.⁸

- *Attempting to use the Department to further their own criminal objectives;*
- *Alienating one law enforcement agency against another by giving false or misleading information to one or both agencies; or,*
- *Providing unreliable information."*

Department IM Volume 3/300, Final Informant Package Approval Process, states, *"The I/O's supervisor shall review the informant package for accuracy and completeness. If approved, the supervisor shall print their name, sign, date and include their serial number on the Exceptional*

⁵This is now CO, GND.

⁶This unit is now GND Investigative Support Detail, (213) 833-3720.

⁷This unit is now GND Department Confidential Informant Coordinator Office (DCIC), (213) 486-0877.

⁸This is now CO, GND.

Handling Report as well as the Informant Information Form. The informant package shall be forwarded through the I/O's chain of command to their concerned CO."

Department IM Volume 4/400, Maintaining an Active Informant Package, states, "The I/O's CO shall review and approve the Informant package, including the Exceptional Handling Report and the Informant Information Form for accuracy and completeness. If approved, the CO shall sign, date and include their serial number on the reports."

Department IM Volume 6/620, Letter of Accomplishment, states, "A Letter of Accomplishment is a method of compensation for an informant who is motivated by a pending criminal case."

"An informant cannot work with the Los Angeles Police Department for both a Letter of Accomplishment and monetary compensation at the same time."

Audit Procedure

The Informant Information Form for each package was inspected for completeness. Emphasis was placed on documentation of compensation to the CI (money versus LOA) and checks with ISD and the Undesirable Informant File. Forms were evaluated for completeness and documentation of one form of compensation and the required ISD and Undesirable Informant File checks. Forms that were signed and dated within a timely manner of the CO, GND's final approval by the I/O, I/O's supervisor, I/O's Officer-in-Charge (OIC) and I/O's CO met the standard.⁹

Findings

Four did not meet the standards for the following reasons:

- Control No. 18 – The ISD check missing name and serial number of checking officer, no date indicated for undesirable check, undesirable check indicated as positive but CI given final approval and activated;
- Control No. 25 – Missing signature of OIC reviewing; and,
- Control Nos. 26 and 28 – Missing CO signature.

Objective No. 2(b) – Exceptional Handling Report

Criteria

Department IM Volume 2/200, Management of Informants and Informant Packages, states, "As applicable, the informant package shall contain the following forms and documents":

- "Exceptional Handling Report";

*"All information related to the informant package shall be current and should be submitted prior to 30 calendar days for final approval by the CO ND."*¹⁰

⁹A timely manner was defined by the 30-day time frame guideline established by the IM.

¹⁰This is now CO, GND.

Department IM Volume 2/210, Processing the Informant, states, *“Upon determining that the informant is eligible for processing, the I/O shall:*

- *Complete the Exceptional Handling Report (EHR).*

The concerned I/O’s supervisor shall meet with the informant within 30 calendar days prior to the approval of the informant package to determine the informant’s motivation and suitability and this shall be documented in the EHR.”

Department IM Volume 3/300, Final Informant Package Approval Process, states,

- *“The I/O’s supervisor shall review the informant package for accuracy and completeness.*
- *If approved, the supervisor shall print their name, sign, date and include their serial number on the Exceptional Handling Report as well as the Informant Information Form. The informant package shall be forwarded through the I/O’s chain of command to their concerned C/O.”*

Audit Procedure

The EHR for each package was inspected for completeness. Emphasis was placed on documentation of I/O’s supervisor meeting with the CI candidate in a timely manner prior to final approval by the CO, GND. Exceptional Handling Reports that were complete, contained documentation of the I/O’s supervisor meeting with the CI candidate in a timely manner prior to CO, GND, approval, and contained the required signatures from the I/O’s chain of command in a timely manner prior to CO, GND, approval met the standards for this objective.

Findings

Five did not meet the standards for the following reasons:

- Control Nos. 15, 19, 22, and 30 – The I/O’s supervisor meeting was not in a timely manner prior to CO, GND, approval (exceeded 35 days); and,
- Control No. 23 – Date of I/O’s supervisor meeting with CI was not documented.

Objective No. 2(c) – Informant Admonishment and Consent Search Form

Criteria

Department IM Volume 2/200, Management of Informants and Informant Packages, states, *“As applicable, the informant package shall contain the following forms and documents”:*

- *“Informant Admonishment and Consent Search Form”;*

"All information related to the informant package shall be current and should be submitted prior to 30 calendar days for final approval by the CO ND."¹¹

Department IM Volume 2/210, Processing the Informant, states, *"Complete the Informant Admonishment and Consent Search Form.*

To preclude involvement by an informant in criminal activity, the I/O shall admonish the informant using the Informant Admonishment and Consent Search Form or the Non-Confidential Informant Admonishment and Consent Search Form.

The informant, the concerned I/O, a supervisor, and if needed, the translator shall sign the Informant Admonishment and Consent Search Form or the Non-Confidential Informant Admonishment and Consent Search Form on the same date. If the informant does not speak or understand the language of the Informant Admonishment and Consent Search Form, an officer qualified to interpret shall translate the form. In addition, the date that the translation was required, officer's name, and serial number shall be documented on the Informant Admonishment and Consent Search Form.

The Informant Admonishment and Consent Search Form also serves to authorize consent for any informant search and the I/O shall ensure that the informant understands all provisions of the form."

Audit Procedure

The Informant Admonishment and Consent Search Form for each package was evaluated for the informant's legible printed name, informant's signature, I/O's signature, I/O supervisor's signature, and name of translator, if applicable. Forms with all required printed names and signatures and dated in a timely manner prior to final CO, GND, approval met the standards for this objective.

Findings

All of the Informant Admonishment and Consent Search Forms met the standards for this objective.

Objective No. 2(d) – Law Enforcement Database Screening

Criteria

Department IM Volume 2/200, Management of Informants and Informant Packages, states, *"As applicable, the informant package shall contain the following forms and documents:*

- *The following database searches and informant's Criminal Summary Report (Rap Sheet):
 - *Review of the informant's Criminal Consolidated History Reporting System (CCHRS) for key name, convictions, and probations status.**

¹¹This is now CO, GND.

- Review of the informants 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 No. 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 licenses status and attach printout.
- Check for any vehicle registered to the informant, if applicable.”

“All information related to the informant package shall be current and should be submitted prior to 30 calendar days for final approval by the CO ND.”¹²

Audit Procedure

Each informant package was evaluated for the presence of the required law enforcement database checks. Packages containing each of the required checks conducted in a timely manner prior to being approved by the CO, GND, met the standards for this objective.

Findings

Four did not meet the standards for the following reasons:

- Control Nos. 2, 6, and 12 – Missing AWWS check; and,
- Control No. 5 – Missing FBI check.

Objective No. 2(e) – Activation Photo of CI

Criteria

Department IM 2/200, Management of Informants and Informant Packages, states, “As applicable, the informant package shall contain the following forms and documents”:

- “A photograph of the informant taken within 30 days of the informant package being submitted for approval. In addition, the informant's photograph shall indicate the name and serial of the I/O taking the photograph and the date on which the photograph was taken. It is recommended that either a digital or Polaroid photograph of the informant be used. A booking or DMV photo of the informant is not acceptable.”

“All information related to the informant package shall be current and should be submitted prior to 30 calendar days for final approval by the CO ND.”¹³

Audit Procedure

¹²This is now CO, GND.

¹³This is now CO, GND.

Each informant package was evaluated for the presence of a non-booking/non-DMV digital or polaroid photograph of the informant. Photographs taken in a timely manner prior to CO, GND, approval with documentation of the I/O's name, serial number, and date met the standards for this objective.

Findings

Control Nos. 15 and 23 did not meet the standards because the activation photographs of each CI were not taken in a timely manner prior to CO, GND, approval (exceeded 35 days).

Objective No. 3 – Informant Tracking and Updating

Once a CI has been approved, it is imperative that the I/O maintains communication and keeps track of the CI to measure the effectiveness of the CI and ensure the CI does not become involved in new activities that may preclude his/her continued use as a CI. The Department IM outlines the policy and procedures for tracking and documenting CI contacts and CI-involved investigations.

Objective No. 3(a) – Documentation of Contacts

The Informant Contact Form (ICF) documents all contacts that occur between I/O and CI. Additionally, it is used to document all field operations involving the CI. The ICF also serves as an official communication device between the I/O and the DCIC. Therefore, it is imperative that ICFs are completed thoroughly and accurately to mirror and confirm the information that may be contained in related documents such as arrest and property reports.

Criteria

Department IM Volume 2/240, Updating an Active Informant Package, states, *“The concerned I/O is responsible for updating their respective informant package(s) as required, and to advise the DCIC of any changes by documenting the information on the Informant Contact Form, and submitting it as soon as possible. Informant packages not properly updated may cause the informant to be deactivated.”*

“Informant Contact by the Concerned Investigating Officer. The concerned I/O, after acquiring supervisory approval, shall either in person or telephonically contact their informant at least once every 90-calendar days. The informant contact shall be documented on an Informant Contact Form approved through the I/O's chain of command and hand-carried to the DCIC.”

Department IM Volume 2/260, Guidelines to Manage Informants, states, *“The following procedures shall be followed when dealing with informants:*

- *Informant Contact Form*
Once an informant package has been approved by the CO ND,¹⁴ all subsequent meetings and contacts with the informant shall be documented on an Informant Contact Form.

¹⁴This is now CO, GND.

The Informant Contact Form serves as a chronological log and follow-up report. In addition, the Informant Contact Form may be utilized for administrative purposes to document information relevant to the informant's suitability, productivity history, or other miscellaneous information.

All Informant Contact Forms should be submitted, reviewed and approved by the CO ND within 30 calendar days.¹⁵

- *Person to Person Informant Contact*

Prior to each meeting with an informant, the I/O shall notify and obtain approval from their supervisor. The I/O shall provide the supervisor with the identity of the informant, the location of the meeting, the name of the accompanying officer(s) and the general purpose of the meeting. At least two officers shall be present when meeting with an informant.

- *Telephonic Informant Contact*

The I/O shall request supervisory approval prior to initiating a telephonic contact with an informant and inform the supervisor the nature of the call. After a telephonic contact initiated by an informant, the I/O shall notify a supervisor with the identity of the informant and the nature of the telephonic contact, as soon as practicable."

Department IM Volume 3/300, Final Informant Package Approval Process, states, "*The I/O's supervisor shall review the Informant Contact Form and ensure that the form is accurate, complete and submitted to the DCIC. If approved, the supervisor shall print their name, sign, date and include their serial number on the form. The Informant Contact Form shall be forwarded through the I/O's chain of command to the concerned CO for approval. An effort should be made to ensure that an officer of the informant's gender is present and available to conduct any necessary search during pre-planned field operations. In the event that an officer of the same gender is not available, a visual search should be conducted.*"

"Note: If an officer of informant's same gender is unavailable, it should be noted in the Informant Contact Form."

Audit Procedure

A total of 335 ICFs within the CI packages were identified during the evaluation period. If multiple contemporaneous contacts occurred on the same day, one ICF was sufficient to document each contact. Otherwise, non-contemporaneous contacts occurring on different days each required an ICF. If the contact involved a field operation resulting in the seizure of narcotics, money, or firearms, the ICF was compared to the related Arrest Report or Property Report to evaluate if items seized were accurately reflected on the ICF. All ICFs were evaluated for the presence of required signatures from the I/O and his or her chain of command.

¹⁵This is now CO, GND.

All ICFs were required to be signed by the CO, GND, in a timely manner from the contact date. Only ICFs that fulfilled all above mentioned criteria met the standards for this objective.¹⁶

Findings

Two hundred fifty-four (76%) of the 335 ICFs met the standards for this objective. The nature and incidence of findings are detailed in Table No. 3.¹⁷

Table No. 3 – Objective No. 3(a) – Informant Contact Form

Nature of Finding	Number Meeting Standard	ICFs with Findings
Missing or Late CO Signature and/or Missing Date of Signature	299/335	36
Search Information Not Properly Documented	311/335	24
Supervisor Notification of Contact Not Properly Documented	325/335	10
Results of Field Operation Not Properly Documented	326/335	9
Time of Contact Not Documented	329/335	6
No Documentation of Related Booking No., DR No., Prior Connected Contact Date or Indication of N/A	330/335	5
Multiple Non-Contemporaneous Contacts Documented on Same ICF	331/335	4
Conflicting Method of Payment (Money versus LOA) Documented on ICF	333/335	2
No Indication of Presence of Partner Officer During Meeting with CI	334/335	1
Contact With CI Documented on ICF Prior to Activation	334/335	1

Objective No. 3(b) – Continuity of Contact Between I/O and CI

Criteria

Department IM Volume 2/240, Updating an Active Informant Package, states, “*The concerned I/O is responsible for updating their respective informant package(s) as required, and to advise the DCIC of any changes by documenting the information on the Informant Contact Form, and submitting it as soon as possible. Informant packages not properly updated may cause the informant to be deactivated.*”

“The concerned I/O, after acquiring supervisory approval, shall either in person or telephonically contact their informant at least once every 90-calendar days. The informant contact shall be documented on an Informant Contact Form approved through the I/O’s chain of command and hand-carried to the DCIC.”

¹⁶The ICF also has a section for documenting Department funds used in CI operations. This was evaluated as a separate objective. Refer to Objective No. 4 – Use of Department Funds for details.

¹⁷Control numbers referencing each ICF and corresponding CI package, along with further details of each finding, can be found in the audit work papers. Also, some ICFs contained multiple findings, but was counted as one finding due to the errors being made on the same ICF.

Department IM Volume 4/400, Maintaining an Active Informant Package, states, *“In order for the informant to remain active, it is the responsibility of the I/O’s CO to ensure that all updates and pertinent information are promptly forwarded to the DCIC.”*

Department IM Volume 2/250, Reactivating an Inactive Informant Package, states, *“The informant’s previous I/O or a new I/O may reactivate an inactive informant.”*

To reactivate an inactive informant package, the concerned I/O shall locate the inactive informant package and request permission from the informant’s previous I/O to utilize the informant. If permission is granted, the concerned I/O shall update the old package, or complete a new package. If the previous I/O cannot be contacted, the ND CO may give approval to utilize the informant.”¹⁸

Audit Procedure

All informant packages were evaluated for the presence of an ICF documenting contact between the I/O and CI at least once every 90 days during the evaluation period. Those with contacts at least once every 90 days met the standard. If inactivity exceeded the 90 day requirement, those with an ICF documenting deactivation met the standard. If an informant was then reactivated during the evaluation period, the presence of a new EHR activating the informant met the standard.

Findings

Control No. 28 did not meet the standards because there was a period of inactivity exceeding 90 days and the CI was not deactivated.¹⁹

Objective No. 3(c) – Updated Law Enforcement Database Checks

Criteria

Department IM Volume 2/240, Updating an Active Informant Package, Database Searches, states, *“As indicated in Volume 200 of this Informant Manual, the concerned I/O shall update their informant’s required database searches and provide copies of the results to the DCIC. These database searches will be conducted twice each year, during the months of January and July, regardless of when their informant package was approved.”*

“The I/O is responsible for notification to the DCIC with information that may compromise the status of the informant, e.g. warrants, informant is arrested/charges pending, and/or involved in any incident that would make the informant undesirable. The I/O shall complete an Informant Contact Form documenting any change in their informant’s status. When the I/O becomes aware of any of the above examples, the informant shall not be used in any further investigations

¹⁸This is now CO, GND.

¹⁹The DCIC was promptly notified of this finding upon initial discovery.

aware of any of the above examples, the informant shall not be used in any further investigations until the matter is resolved. However, the CO ND may approve the continued use of the informant under exigent circumstances."²⁰

Audit Procedure

Each informant package was evaluated for the presence of the same set of law enforcement database checks required in Objective No. 2(d).

For informants activated prior to 2014, documentation of checks conducted in January 2014 and July 2014, met the standard. For informants activated between January 2014 and July 2014, documentation of checks conducted in July 2014, met the standard. For informants activated after July 2014, this objective was not applicable.

If new information compromising the status of the informant was discovered, the presence of an ICF addressing the change and deactivating the informant met the standard.

Findings

Two did not meet the standards for the following reasons:

- Control No. 9 – The DCIC discovered the CI had a new arrest and was placed on formal probation. This was documented on ICF Control No. 9-3, which also indicated the I/O was requested to provide the DCIC with the CI's new conditions of probation by a specified date. The DCIC documented on the ICF that the CI would be deactivated pending response from the I/O. A response was never received and the I/O continued to use the CI in contacts;²¹ and,
- Control No. 33 – Missing July AWWs, DMV, and LEADS checks.

Objective No. 3(d) – Updated Photo of CI

Criteria

Department IM Volume 2/240, Updating an Active Informant Package, states, "*The concerned I/O shall ensure that every two years a current photo of the informant is taken and included in the informant's package. The date the photograph was taken, the I/O's name and serial number shall be documented on the photograph. If the informant's appearance significantly changes the I/O should submit an update photograph.*"

²⁰This is now CO, GND.

²¹The DCIC and CO, GND, were promptly notified of this finding upon its discovery. Each ICF was assigned a control number based on the control number of the informant package it was a part of. In this case, this was the third ICF in package with Control No. 9. Therefore, it was assigned ICF Control No. 9-3. The date and time of the ICF can be found within the audit work papers.

Audit Procedure

Each informant package was inspected for the presence of an updated digital or Polaroid photo of the informant taken within the last two years. Photos taken within the last two years with documentation of the I/O's name, serial number and date met the standards for this objective.

Findings

All of the informant photographs met the standards for this objective.

Objective No. 4 – Use of Department Funds

Most CI's are compensated through the use of Department funds. Because of the high risk associated with handling money, it is imperative that disbursement is tracked and documented thoroughly. The Department IM outlines the policy and procedures for tracking and documenting these funds.

Objective No. 4(a) – Documentation of Expenditure

Criteria

Department Detective Operations Manual Volume II/2000.10, Purpose of Fund, states, "*The Department has an account that is administered by the office of the Chief of Police (OCOP) for certain expenses not covered by routine funding. The account, better known as the Secret Service Fund, provides money for sensitive criminal investigations such as the Witness Protection Program, Narcotics, and Vice enforcement.*"

Department IM Volume 6/630, Payments to Informants, states, "*An I/O shall not use personal funds to compensate an informant. Any payment of Department funds to an informant, either as reimbursement or a reward, shall conform to established City, Department and Informant Manual policies and procedures governing the use of these funds.*"

Forms Required for Payment to an Informant

- *Concerned Expenditure Form; and,*
- *Informant Contact Form used to document the circumstances of the payment.*

The original Informant Contact Form and a copy of the concerned Expenditure Form shall be submitted to the DCIC."

Audit Procedure

Each ICF during the evaluation period from each informant package indicating use of Department funds was evaluated for the presence of a corresponding expenditure form, also referred to as a chit.

Each chit was compared to its corresponding ICF and related reports for consistent documentation of expenditures, the investigation/operation. Each chit containing consistent documentation with its corresponding ICF and related reports, met the standards for this objective.

Findings

A total of 132 ICFs indicated use of Department funds. One hundred twelve were appropriately accompanied by a single chit, resulting in 112 chits. Seventeen indicated multiple contemporaneous operations that were appropriately accompanied by multiple chits, resulting in 50 chits. Three indicated use of Department funds but were not accompanied by a chit when they should have been. Based on the criteria, a total of 165 chits should have been present in the informant packages evaluated. Of the 165 chits, 159 (96%) met the standards for this objective.

Six did not meet the standards for the following reasons:

- Control No. 2-2 – The ICF indicates operation resulted in multiple arrests, but the arrestee names and booking numbers were not documented on the chit;
- Control No. 12-12 – The ICF indicates Department funds were used and to “see fact sheet” for documentation of expenditure, but the fact sheet could not be found in the package;
- Control Nos. 33-13 and 35-8 – The ICF indicates Department funds were used but the chit was not attached;
- Control No. 35-3 – The CI payment amount on the chit does not match the ICF; and,
- Control No. 35-12 – The amount of evidence seized on the chit did not match the corresponding Property Report.

Objective No. 4(b) – Expenditure Approval/Acknowledgement of Payment

Criteria

Department IM Volume 6/630, Payments to Informants, states, *“When an informant is paid using Secret Service funds, pre-approval shall be received. Currently, the payment scales for supervisor prior approval are as follows:*

- *\$100.00 or less by a Sergeant or Detective supervisor;*
- *\$100.01-\$500.00 by a Lieutenant or Detective III; and,*
- *\$500.01- or more by the concerned I/O’s CO or acting CO.”*

Department IM Volume 7/700, Informant Forms and Completion Instructions, Narcotic Expenditure – Secret Service Funds Form Completion Instructions, states,

“15. Signature of Person Receiving: The informant shall sign for all money paid to him or her for any service or information provided.

16. Witnessing Supervisor: 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 section (See No. 18 if the expenditure is over \$500.00).

17. Supervisor Approving Reports(s): The supervisor approving the reports shall sign this section after verifying the completion and accuracy of the Form 15.37.2 and all related reports (e.g., Arrest Book, Arrest Report, Property Report, Informant Control Package, etc.).

18. Witnessing Supervisor/Officer in Charge: the witnessing supervisor shall be present during the informant payment and sign his or her full payroll signature and serial number in this section. Any informant payment over \$500.00 shall be witnessed by a DIII or above.”

Audit Procedure

Each chit was evaluated for documentation of the appropriate preapproving supervisor, witnessing supervisor, supervisor approving reports, and documentation that the CI received payment. Chits containing all required signatures by the CI and supervisors of sufficient rank met the standards for this objective.

Findings

One hundred forty-eight (91%) of the 162 chits met the standards for this objective. Fourteen did not meet the standards for the following reasons:

- Control Nos. 2-1, 2-4, 2-12, 2-14, 2-16, 4-8, 12-6, 34-3, and 44-4 – Expenditure approval by supervisor of insufficient rank;
- Control Nos. 4-4 and 34-34 – Missing signature of supervisor approving expenditure;
- Control No. 4-21 – Missing signature of supervisor approving reports;
- Control No. 27-2 – Missing signature of witnessing supervisor; and,
- Control No. 39-5 – Missing signature of supervisor approving expenditure, supervisor approving reports, witnessing supervisor, and missing signature of CI acknowledging receipt of payment.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

The findings were presented to the Commanding Officer, Gang and Narcotics Division, who expressed general agreement with the findings. Gang and Narcotics Division subsequently submitted a response stating actions have been taken to correct the identified deficiencies.