

ILEAA

The International Law Enforcement Auditor's Association Newsletter

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How Oversight Can Assist During the Time of Covid-19

“Police departments have significantly reduced arrests since March 2020, a very important adjustment to stop the spread of the virus in jails and police stations.”

by Susan Hutson

Office of the Independent Police Monitor
City of New Orleans

COVID-19 has reshaped life in New Orleans, the United States and the world. With over 590 virus-related deaths in our community already, including members of law enforcement, it is crucial that our communities take more common-sense measures to improve public and officer safety.

The first measure is to reduce arrests and prioritize summonses. The second measure is to ensure officers are wearing PPE during their work shifts and encounters with others.

Oversight can assist by auditing a police department’s compliance with both measures.

Every time an officer makes an arrest, puts someone in handcuffs and transports that person to the jail, the officer is multiplying the chances of infection for the him- or herself, the detainee, everyone at the jail and the community at large. The least we can do to respect our officers’ sacrifice is to minimize unnecessary arrests.

Yet, in New Orleans, we noted that law enforcement was still arresting significant numbers of people for nonviolent offenses. Working with other groups in the community to collect data and audit arrests, in May, our network noted that 32% of arrests were exclusively for nonviolent offenses. In fact, it was noted that

Members must meet the rigorous criteria for admission to the International Law Enforcement Auditors Association; thereafter, they must exemplify the highest moral and ethical standards and must agree to abide by the association's bylaws and Code of Professional Ethics.

by Charles W. Hester Sr. CPA CFE CGFM
Instructor & Consultant
Buckeye AZ

Law enforcement auditors are expected to apply and uphold the following principles:

- [1] Integrity. Law enforcement auditors' integrity establishes trust and thus provides the basis for reliance on their judgment.
- [2] Objectivity. Law enforcement auditors exhibit the highest level of professional objectivity in gathering, evaluating and communicating information about the activity or process being examined; they make a balanced assessment of all the relevant circumstances and are not unduly influenced by their own interests -- or by others' -- in forming judgments.
- [3] Confidentiality. Law enforcement auditors respect the value and ownership of information they receive and do not disclose information without appropriate authority -- unless there is a legal or professional obligation to do so.
- [4] Competency. Law enforcement auditors apply the knowledge, skills and experience needed in the performance of audit, evaluation or review services.

To apply and uphold those principles, specific activities must take place; law enforcement auditors must follow these Rules of Conduct:

[1] Integrity. Law enforcement auditors:

MUST perform their work with honesty, diligence and responsibility.

MUST observe the law and make disclosures expected by the law and the profession.

MUST not knowingly be a party to any illegal activity or engage in acts that are discreditable to the profession of law enforcement auditors or to their organization.

MUST respect and contribute to the legitimate and ethical objectives of the organization.

[2] Objectivity. Law enforcement auditors:

MUST not participate in any activity or relationship that may impair or be presumed to impair their unbiased assessment; that includes activities or relationships that may be in conflict with the interests of the organization.

MUST not accept anything that may impair or be presumed to impair their professional judgment.

MUST disclose all material facts known to them that, if not disclosed, may distort the reporting of activities under their audits, evaluations or reviews.

[3] Confidentiality. Law enforcement auditors:

MUST be prudent in the use and protection of information acquired in the course of their duties.

MUST not use information for any personal gain or in any manner that would be contrary to the law or detrimental to the legitimate and ethical objectives of the organization.

[4] Competency. Law enforcement auditors:

MUST engage only in those services for which they have the necessary knowledge, skills and experience.

MUST perform internal audit services in accordance with the International Standards for the Professional Practice of Internal Auditing.

MUST continually improve their proficiency and the effectiveness and quality of their services.

We demonstrate integrity in our conduct, mindful that all our actions, whether public or not, should reflect positively on the International Law Enforcement Auditors Association. We seek to improve our performance and our craft continuously, share information responsibly, collaborate with our colleagues and demonstrate innovation and agility when meeting new challenges. We also embrace the diversity of our organization and community, promote diversity and inclusion in our work force and encourage diversity in our thinking.

About the author: Hester is a member of the Qualifications Committee for the California Board of Accountancy and was appointed to the Arizona Bar Commission on Judicial Nominees Evaluation, the Contra Costa County Emergency Medical Care Committee and the county's Transportation Authority Citizen's Advisory Committee. Awards include the Jack Birkholz Leadership Award presented by the Western Intergovernmental Audit Forum and the Education and Training Award presented by the National Association of Government Accountants. Clients include the Pacific Islands Training Institute, Honolulu.

POLICE

Auditing and Evidence

“Presently, first responders are under much scrutiny. By conducting audits, agencies can participate in transparency to their communities.”

by Hilary Rodela

CSI/Private Investigator

L & R Investigations LLC

Ruidoso NM

Auditing for any type of organization is a good idea. It helps reorganize so that a department may run more efficiently. An audit can also assist a law enforcement agency find out where there may be discrepancies or concerns that may need to be addressed. It is beneficial for law enforcement agencies to have some type of audit every few years. Whether it be in their evidence divisions or some other divisions within the departments, it is never a bad idea. This promotes transparency within agencies -- giving communities peace of mind -- and it keeps law enforcement agencies accountable. An audit can also provide helpful feedback so agencies may reassess and better their departments.

One area that is particularly sensitive is the evidence division. This is because evidence is often sensitive material or substances, often containing DNA matter, illegal narcotics, money and items with value such as jewelry and firearms. In most departments, the agency's leader --such as the chief or sheriff -- is not allowed in that area. This is to maintain integrity and to ensure there is no conflict of interest between evidence and personnel.

Cases can instantly be compromised if evidence is handled without proper documentation and accountability. Evidence technicians must document when evidence arrives, the exact details of the evidence, who has handled it and the location where it is kept. It is suggested to have an evidentiary audit every few years and when the division changes personnel.

How an Evidentiary Audit is Conducted

When this type of audit is conducted, there are a few steps that are taken to ensure it is done well.

The majority of the time, each section of the evidence division will be looked into in depth; for example, the firearm section would entail going through each firearm case to ensure the right gun is placed in the right box with the proper case number on it. The section with the money should be looked into to see if it is properly stored in a secure and safe place, and each case containing money should be accounted for and the money counted to ensure the amount that is in the evidence section matches the amount that is written in the original report. These are just two of the ways an evidentiary audit is handled. An audit on evidence may also be done in-house. This process would require inventorying every piece of evidence and reporting about it to the police chief. The benefits of conducting this type of audit are many, including allowing the department to become more transparent to the community. For example, when an audit is completed, the department can attest to its accomplishments and accountability honestly, and if an area has issues that need be addressed, a department can pinpoint them and execute a plan to resolve them.

Ethics

At times, law enforcement audits may be prompted by circumstances that are unfortunate. For instance, if there is a question of integrity or a question of tampering with evidence or with the chain of custody, this could also prompt the need for an audit. Conducting an audit in this circumstance would require someone from the Internal Affairs Division in the department or someone completely unattached to that agency. Having an audit done in this circumstance would help provide information regarding the case and individual in question.

By no means does having an audit on a department mean that there are suspicious circumstances. Though there may be times when one is prompted because of questionable activity, often an audit is prompted in order to help the organization obtain a better handle on the department as a whole, and see which areas could be improved.

Accountability

In recent years, there have been studies completed by the National Institute of Justice regarding the percentage of law enforcement agencies that have discrepancies in their physical evidence divisions. This includes the use of body cameras, unit cameras and the actual analysis of physical evidence.

One NIJ study scrutinizing cases from 1974 to 2003 broke down the categories of forensic analysis that held the most discrepancies. Each of these cases involved forensic evidence that resulted in some type of misconduct and/or wrongful convictions -- another reason to have audits on a regular basis. These statistics are a good reminder to double and triple check any work done that has to do with analyzing physical evidence.

The two types of evidence with the most frequent acts of misconduct in the study were serology and hair. That being said, it is imperative for law enforcement agencies to keep on top of their personnel as much as the evidence itself -- for example, any type of analysis that is performed should be checked, whether it be latent fingerprints, DNA analysis, shoe impressions or any other form of forensic examination.

Conclusion

Many people are frightened of the word "audit;" however, instead of the word having a negative connotation, it should be a word that is associated with organization. Audits do not have to be daunting; instead they may be looked upon as a way to better a department regarding work ethic, transparency and morale.

About the author: Rodela has extensive law enforcement training and is an experienced public safety writer. She has also been a CSI and is now a private investigator for the state of New Mexico.

Resources:

<https://nij.ojp.gov/topics/articles/wrongful-convictions-and-dna-exonerations-understanding-role-forensic-science#:~:text=Wrongful%20Convictions%20and%20DNA%20Exonerations%3A%20Understanding%20the%20Role,interpret%20results%2C%20render%20conclusions%2C%20and%20testify%20in%20court.>

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Upcomig Training:

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(GOLD LEVEL)

This course is a self-study, self-paced course.

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Organizations

need to prevent, detect, and respond to fraud and similar risks from control failures. They must also learn from their own as well as others' events to prevent future, unnecessary risks and repetition of avoidable losses and subsequent harms. Systemic root cause analysis is a problem-solving approach that seeks to move past the evaluation of immediate symptoms to instead identify latent and more problematic causes which lie behind events. This online, self-paced course will center around actual events to familiarize and educate participants in how their organizations can effectively identify control breakdowns causes. In addition, they will learn how to diagnose and isolate systemic risks that all too often lead to unnecessary losses and their impacts.

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individuals were needlessly arrested for offenses including marijuana possession and failing to return a rental car. Unnecessary arrests in New Orleans and elsewhere appear to primarily impact African-Americans, who are more likely to die from the coronavirus. A majority of the population and the police department in New Orleans are African-American, causing them to face elevated risk.

All cities have a powerful alternative to protect law enforcement and community members alike. For many offenses, officers can safely give the accused a paper ticket, in some places known as a summons, requiring the accused to appear in court. Police departments across the country are allowing officers to issue summonses to protect their officers and community, and police unions are supportive. Oversight can help by continuing to review and audit the numbers and provide feedback to community and police leadership.

Additionally, our office, the Office of the Independent Police Monitor, has begun conducting small audits of a rule from the New Orleans Police Department - jurisdiction size, 350.2 sq. mi.; population, 389,942 -- issued on April 23, 2020, requiring officers to wear masks on duty and while encountering the public. NOPD Special Order #12-20 provides that:

Officers are required to wear appropriate masks when in public and at work (including workspaces) when social distancing (minimum of 6 feet from all parties) is not possible.

This is not optional.

The masks provide a level of protection for the officer, co-workers and the members of the community we encounter every day.

Two quick audits were conducted to see if officers were wearing masks every time there was an encounter with any member of the community. During the COVID-19 crisis, it is more critical than ever that every officer follow guidelines from the Centers for Disease Control & Prevention.

We randomly selected one day of the month for May (May 12) and a follow up day to audit in the month of August (August 9). There were 3,840 videos recorded and uploaded by NOPD officers on May 12, 2020, and 3,302 videos recorded and uploaded by NOPD officers on August 9, 2020.

The minimum necessary sample size was determined to be 94 videos for May and 93 videos for August.

Utilizing a randomizer to select the videos to be reviewed, we reviewed 95 for May and 96 for August. We then reviewed a video only long enough to see [1] Is there a community member anywhere in the video? And [2] Are all officers viewable in the video wearing masks? If just one officer was not wearing a mask, but all others were, the result was negative for compliance. We found that:

In May, when community members were present, a majority of officers were not wearing masks.

In August, when community members were present, a majority of officers were wearing masks.

Compliance with wearing a mask increased from the first audit to the second audit after the OIPM conducted its first audit and discussed the compliance rate internally with departmental leaders.

Our entire community can seize this opportunity to work together. The OIPM works with our community and the NOPD to review arrests & summonses and PPE compliance to assist the department in its decision making during the crisis. This data transparency will also help the NOPD build community trust by showing that officers are avoiding arrests where a viable alternative exists and protecting themselves and the public during all encounters. This trust will continue to benefit public safety long after the COVID-19 crisis wanes.

Part of this article was originally included in a letter to the editor of the New Orleans Advocate. View it at www.theadvocate.com/baton_rouge/opinion/letters/article_353e0bd0-80f3-11ea-bcd2-6f93fec7addb.html.

Resources:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-law-enforcement.html>. Centers for Disease Control & Prevention. "What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 (COVID-19)." March 12, 2020