

**LOS ANGELES POLICE COMMISSION**

**REVIEW OF DEPARTMENT'S  
INTELLIGENCE  
INVESTIGATIONS**



**OFFICE OF THE INSPECTOR GENERAL**

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**TABLE OF CONTENTS**

I. INTRODUCTION .....1

II. BACKGROUND .....1

Table: Comparison of ATIS Investigation Types .....1

III. ISSUES & RECOMMENDATIONS .....2

IV. DEPARTMENT RESPONSE .....3



# REVIEW OF DEPARTMENT'S INTELLIGENCE INVESTIGATIONS FISCAL YEAR 2013/2014

## I. INTRODUCTION

In September 2012, the Board of Police Commissioners adopted the Intelligence Guidelines (Guidelines) for the Major Crimes Division (MCD) of the Los Angeles Police Department (Department). The Guidelines establish the procedure for authorizing, conducting, and administering Department intelligence investigations. The Commission annually reviews the intelligence investigations to ensure the Department adheres to the Guidelines.<sup>1</sup>

## II. BACKGROUND

The MCD's Anti-Terrorism Intelligence Section (ATIS) is charged with preventing and investigating terrorism-related activities and illegal actions that could result in significant disruption of public order. The ATIS conducts two different types of investigations: initial lead and full terrorism intelligence investigations. Initial lead investigations, which are generally limited in scope and duration, are initiated when any information is received concerning the possibility that terrorism-related activity exists. Full terrorism investigations, however, require that ATIS personnel articulate reasonable suspicion of terrorism-related activity. Full terrorism investigations can remain open only as long as reasonable suspicion continues to exist. The table below compares the two investigation types.

	INITIAL LEAD INVESTIGATION	FULL TERRORISM INTELLIGENCE INVESTIGATION
<b>Source of Information</b>	Department employees, citizens, & other law enforcement agencies	Department employees, citizens, & other law enforcement agencies
<b>Required Threshold for Opening Investigation</b>	Information is received concerning the possibility that terrorism-related activity exists, which requires prompt and limited follow-up	Reasonable and articulated suspicion that an individual or organization may be planning, threatening, attempting, performing, aiding/abetting, or financing unlawful acts; the results of which are intended to further their societal objectives, influence societal action, or harass on the basis of race, religion, national origin, or sexual orientation
<b>Approval Level</b>	ATIS Supervisor	Commanding Officer, Major Crimes Division, and Deputy Chief, Counter-Terrorism and Special Operations Bureau
<b>Investigative Techniques</b>	All lawful investigative techniques may be used	All lawful investigative techniques may be used
<b>Time Limit for Completion</b>	60 days	No time limit as long as reasonable suspicion exists to continue the investigation. Reviewed every six months, with this documented on a Follow-up Intelligence Report approved by the Commanding Officer of MCD.

The OIG reviewed all ATIS initial lead investigations initiated in 2013; all full terrorism intelligence investigations still active in March 2014; all full terrorism intelligence investigations reclassified to inactive status in 2013;<sup>2</sup> and the packages for all confidential informants used by

<sup>1</sup> The Guidelines state that the Commission may enlist the assistance of the Inspector General for this review.

<sup>2</sup> The Guidelines require that once reasonable and articulated suspicion that an individual or organization may be planning, threatening, attempting, performing, aiding/abetting, or financing unlawful acts can no longer be articulated, the investigation should be reclassified to inactive status. The investigation remains inactive for five years after which time it is closed, with all paper files shredded and electronic files deleted.



ATIS in 2013. For the full terrorism investigations, the OIG determined whether reasonable suspicion was adequately articulated for open investigations and whether those investigations where reasonable suspicion no longer existed were closed.

The OIG also reviewed Palantir, the Department's new computerized database implemented in February 2013. Palantir is a "platform," or combination of computer hardware and operating system, designed to integrate software data. For the Department, Palantir took information that was previously stored in separate software databases and merged the information into a single location. Palantir eliminated most paper files and helped ATIS improve, organize, and manage intelligence investigations.<sup>3</sup>

### **III. ISSUES & RECOMMENDATIONS**

The OIG found that the ATIS investigations generally followed the Guidelines and Department policies. However, for eight active full terrorism investigations, a required supervisory review was not completed by the time the OIG reviewed the investigation working folders.<sup>4</sup> The Guidelines require semi-annual supervisory review of working folders each February and August, and the OIG reviewed the folders in late March 2014.<sup>5</sup> The purpose of timely supervisory review is to ensure that ATIS investigators are only performing authorized investigative steps and documenting the investigations as required by the Guidelines.

The OIG noted that approximately 20 ATIS employees had "write" access in Palantir to all full terrorism investigations after the investigations became inactive. The employees all had the capability to make additions, modifications, and deletions in Palantir for all inactive investigations. The OIG believes that when an investigation becomes inactive, "write" access should be removed for all employees except the Palantir system administrator and the ATIS officer in charge.

### **IV. DEPARTMENT RESPONSE**

#### **1<sup>st</sup> Issue**

Auditors from the OIG noted that 8 intelligence cases were not audited in a timely manner by an Anti-Terrorism Intelligence Section (ATIS) supervisor as outlined in Major Crimes Divisional Order #6 (ATIS Investigations Audit), dated August 30, 2013.

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<sup>3</sup> Per the company website, Palantir allows a law enforcement organization to: (1) Search and access all law enforcement data sources in one place, (2) Manage cases in a single, unified intelligence and investigation platform, and (3) Protect privacy and civil liberties without sacrificing investigative effectiveness.

<sup>4</sup> The Working Folders contain the various investigative materials obtained and developed by the investigating officers. These materials could include internet research, public records, summaries and/or recordings of interviews, surveillance videos, etc.

<sup>5</sup> Subsequent to the OIG's review, an ATIS supervisor reviewed the eight working folders and properly documented the review.

As a result of the findings, a supervisor reviewed all 8 intelligence cases to ensure compliance with the Intelligence Guidelines for Anti-Terrorism Intelligence Section. In addition, the Commanding Officer, Major Crimes Division (MCD), ordered an update to the Divisional Order related to the ATIS Investigations Audit to correct this oversight.

Divisional Order #2, dated November 13, 2014, states that the semi-annual Investigations Audit shall be completed in February and August and reviewed by a Supervisor by March 15 and September 15 respectively.

### **2<sup>nd</sup> Issue**

Auditors noted that the programming architecture of the ATIS automated reporting system (Palantir) allowed changes to investigative and intelligence files after a case had been closed or moved to an inactive status. Supervisors, MCD Command, and OIG Auditors agreed that the programming must be changed so that these files become "read only." This will ensure the integrity of the files for audit purposes, supervisory/management review, or court-ordered discovery. To rectify this issue, MCD requested that Palantir programmers re-engineer the software to ensure that all closed/inactive cases are "read only."