

City of Burbank Police Department Memorandum



DATE: May 2, 2016

TO: Ron Davis, Interim City Manager

FROM: Scott LaChasse, Chief of Police
By: Michael Albanese, Deputy Chief
Josephine Wilson, Police Administrator

**SUBJECT: BURBANK POLICE DEPARTMENT'S EMAIL AUDIT SYSTEM
DEPUTY CHIEF TOM ANGEL'S EMAIL EXCHANGES**

PURPOSE:

The purpose of this memorandum is to provide information regarding the audit systems instituted and implemented by the Burbank Police Department in addition to Deputy Chief Angel's email exchanges. To provide a historical perspective, in 2011 the Burbank Police Department presented a Strategic Plan to the City Manager, Council and Police Commission. The Strategic Plan focused on organizational changes which were administrative and operational in nature. The changes were centered on the adoption of law enforcement best practices and policies, and in contemporizing training, equipment and technology. Most importantly, these reforms were dedicated to reinforcing a culture which emphasized the duty to preserve and uphold the rights of all persons, a commitment towards teamwork and fairness, and one which embraced change, transparency, and accountability through internal and external oversight.

BACKGROUND:

In the 2011 Strategic Plan, critical strategies were addressed under the Administrative Division that included internal auditing. Specifically, in 2010, an internal Audit and Inspection Unit was established to inspect critical areas of the Department that included the Jail, Property and Evidence, Traffic, Investigations, Forensics, Records and the Communications Center. The goal of the Audit and Inspection Unit was to ensure that each operational area was complying with Department policies and procedures as well as law enforcement best practices. Policy 230 was subsequently established in September 2013 to codify procedures and parameters for conducting audits and inspections.

ANALYSIS:

In the summer of 2011, the Department created a matrix of recurring internal audits that included e-mail and Mobile Digital Computer (MDC) messages. Since 2012, a total of 34 audits have been completed by the Audit and Inspection Unit involving audits ranging from complex diverted firearms audits to currency transfer audits. In addition to the City's Technology Use Policy, the Department also adopted a revised Policy 212

which established guidelines for the proper use and application of the Department's electronic mail system. This policy went into effect on January 25, 2013. It should be noted that the Department's Internal Affairs Bureau was tasked with conducting intermittent audits of email and MDC messaging systems prior to 2010 but based on the responsibilities and staffing, the audit schedule fluctuated.

In June 2012, a formalized audit of employee email accounts was conducted. Employees were randomly selected by using a web-based random number generator. A sample size of approximately 10 percent of Department employees (25) were identified as subjects of the audit. Their emails were reviewed for inappropriate and unprofessional content. It should be noted that each of the audits did not involve a cursory review but comprised of opening and reviewing nearly all folders and attachments.

Resultant from the 2012 audit, four employees, one sworn and three civilian, were found to have received and forwarded inappropriate emails that were in violation of the Department's Electronic Mail Policy 212 and the City's Technology Use Administrative Procedure III-14. The employees that were identified as having misused the Department's email system were directed to meet with their respective Commanding Officers. During that employee/Commanding Officer meeting, a verbal counseling session was conducted and employees were reminded of the Department and City policies specific to their email accounts. Additionally, during the counseling session, each employee was advised that any future misuse of their Department's email accounts would result in formalized administrative action. The goal of the Department was to positively reinforce professionalism and to have a preemptive posture as it related to inappropriate emails.

Subsequent to the 2012 audit, a Daily Bulletin message (attachment) was posted on June 28, 2012 advising all employees that the Audit and Inspection Unit had completed an audit of email accounts and had found some inappropriate usage. In the Daily Bulletin, employees were reminded that inappropriate and unprofessional emails should not be forwarded to other employees and individuals outside of the Department as this could be a violation of the City's Technology Use Policy in addition to other Department and City-related policies. All employees whose email accounts were in compliance with Department policy were notified and commended for their professionalism.

In 2013, another random audit of employee email accounts was conducted. There were five employees who had email messages with content that did not meet the guidelines of the Electronic Mail Policy and the standards of professionalism. In the 2013 audit, four sworn and one civilian employee had sent or received emails that were inappropriate. Consequently, each of those employees were directed to meet with their respective Commanding Officer and each of the employees received verbal counseling specific to the Department and City's email practices. Employees were also advised that any future misuse of the Department's email accounts would result in formalized administrative action. Employees whose email accounts were in compliance with Department policy were once again notified and commended for their professionalism.

On December 3, 2013, a Daily Bulletin message (attachment) was published to all employees specific to the email audit, including a reminder to all employees regarding the Department's Electronic Mail Policy.

In September 2014, another audit of the Department's employee email accounts was conducted. There were no employees that were found to be in violation of the Department and/or City's email policy. It should be noted, that there were photographs forwarded from one sworn employee to another that were not work related and most likely of a personal nature; however, the photographs were not offensive or inappropriate (family photo).

On October 14, 2014, a Daily Bulletin message (attachment) was published to all employees specific to the email audit, including the reminder to all employees regarding the Department's Electronic Mail Policy. Additionally, all employees who were involved in the audit were advised of the audit outcome.

There was no email audit conducted in 2015 due to competing organizational priorities and two very complicated internal investigations which required staff resources to be focused on other areas. However, the Audit and Inspection Unit's 2016 schedule includes an email audit that will review varying ranks within the Department.

Deputy Chief Angel's Email Exchange

Deputy Chief Tom Angel received two emails in 2012 and three emails in 2013 from outside of the Department which he forwarded to a private email address. When Chief Angel forwarded those emails, he violated both City and Department policy. It was not until 2014 when two Public Records Act (PRA) requests were submitted by an attorney, Mr. Travis Poteat, that the Department became aware of the email violations. The PRA requests included information about derogatory terms in email accounts for the Chief, Deputy Chief and three Captains, among others. Resultant from the PRA request, a total of 5,187 emails were individually reviewed based on a 30-word identifier. Of the 5,187 emails, five were deemed inappropriate and attributed to Deputy Chief Angel. On April 4, 2016 another PRA request from the Burbank Leader was submitted for the same information previously released to Mr. Poteat in 2014. The records were provided to the Burbank Leader on April 12, 2016. The timeline of events is attached.

Department Audits:

As part of the implemented oversight procedures, three email audits were conducted by the Department's Audit and Inspection Unit in 2012, 2013 and 2014 and in each instance where an employee was found to have received and forwarded or sent inappropriate emails, a counseling session was provided. In addition to the counseling sessions, all employees were advised of their responsibilities in managing their own City email accounts and their obligation to limit the use of City email for work-related communications. All of the employees whose email accounts contained inappropriate content were verbally counseled.

It should be noted that Deputy Chief Angel's email account was not part of the audit process in 2012, 2013 and 2014. These audits were specific to the rank of Police

Officer, Detective and non-sworn employees. The selection of the groups to be audited was based on the rank of the member who was assigned to the Audit and Inspections Unit and whose responsibility it was to conduct Department audits. Since its inception, the Audit and Inspection Unit has consisted of a Police Sergeant who reports to the Professional Standard Bureau Lieutenant.

The Department's decision to limit the scope of the email is based solely on the need to preserve the integrity of the rank structure and not allow a lower ranking employee to audit peers and higher ranking members. The personnel that were audited represented 88% of sworn and non-sworn Department personnel. The Audit and Inspection Unit's 2016 schedule includes an email audit that will review varying ranks within the Department. The audit will be overseen by a Captain who will audit the Lieutenant and Sergeant ranks. The Department is in consultation with the City Attorney's Office to determine which entity would be appropriate to conduct an audit of the Command Staffs emails to include the Chief of Police, Deputy Chief and three Captains.

Department Actions:

The actions involving Deputy Chief Angel were immediate, direct and included notification to the City Manager; and, the City Attorney had active involvement throughout this process. Consistent with other Department employees who committed similar policy violations, Deputy Chief Angel received a verbal warning by Chief LaChasse in April 2014. Chief LaChasse's rationale for providing a verbal counseling session to Deputy Chief Angel was due to his 40-plus years of exceptional service in law enforcement. In addition, Chief LaChasse considered the following in his decision to provide verbal counseling; Deputy Chief Angel's commitment to diversity in hiring and department-wide promotions, the implementation of realistic changes in the recruiting process, his ongoing interaction with a diverse community, the expansion of the community academies to include the hearing impaired, the Spanish and Armenian speaking population. Furthermore Chief LaChasse was certain that the email incidents associated with Deputy Chief Angel were an anomaly and did not characterize his integrity and personal character. Both Chief LaChasse and the City Manager deemed that no further action was required.

CONCLUSION:

Since the 2011 Strategic Plan, a proactive leadership practice has been carried out faithfully by the Department. This has included the consistent and non-discriminatory practice of all the Department's internal and external audits. The treatment of employees, both sworn and civilian, has been consistently fair and there has been no disparate treatment of Department employees. The application of counseling and messaging via the Daily Bulletin appeared to mitigate the misuse of the Department's email system as revealed by the 2014 audit results. To the Department's knowledge, employees have embraced and understood the responsibilities associated with professional and appropriate emails.

The Department will continue its on-going pursuit of professionalism by providing informal and formal training that is specific to Department policies with a dedicated

emphasis on professionalism within and outside the organization. Moreover, Department training extends beyond the rank of Police Officer ranks and includes supervisory and command ranks to ensure that all employees are committed to contemporary policing and community service.

Attachments:

- Daily Bulletin Messages
June 28, 2012, December 3, 2013 and October 14, 2014
- PRA Timeline