

Watching the detectives

By Paul McLaughlin
Photograph: Paul Orenstein



Police forces don't like outsiders telling them how to do their jobs. So when Hazel de Burgh landed in the LAPD, she was anything but welcome

The Los Angeles Police Academy diner is not where you'd expect to find a Canadian forensic accountant having lunch. It's more of a sanctuary for the men and women who share the bond of policing the 470 or so square miles that comprise Los Angeles, arguably America's most challenging and high-profile law enforcement beat. Outside the '50s-style diner, an almost smogless February blue sky serves up a steady diet of warm sunshine. Inside, the large room is festooned with framed pictures of ages-old graduating police classes and various weaponry, such as polished wooden nightsticks from years gone by. The booths are crammed with officers, both in and out of uniform, chomping on generous \$5.99 specials.

The forensic accountant — Hazel de Burgh, CA•IFA, a principal in the Toronto office of Kroll Inc., the international risk consulting firm — is sitting at a table with Captain Ron Sanchez, a powerfully built 30-year veteran of the Los Angeles Police Department (LAPD). She has short blond hair and a light pink complexion that tends to flush when she becomes animated. He looks like the actor Gary Sinise, except that Sanchez exudes an aura of controlled, but coiled, physical power, the result, no doubt, of an adult lifetime studying

martial arts.

De Burgh and Sanchez talk about driving fast cars on racetracks, one of their favourite topics. "One time I showed Ron a couple of graphs that told me how fast I was going into a turn and how I could go 0.8 miles faster," she tells the guests at the table.

"What would you call that?" Sanchez says. "Obsessive compulsive?"

Although said with humour, it's a dig at de Burgh's reputation as a stickler for detail and analysis. They both laugh, but it was not always like this.

When they first met some three years earlier, de Burgh encountered an atmosphere that was unquestionably fraught with tension, suspicion and hostility — and it got worse before it improved.

What brought a forensic accountant into this macho police environment? The answer lies in a series of black eyes for the LAPD. It began with the 1991 Rodney King beating by police officers, which was videotaped by a civilian witness and shown extensively on TV, and culminated in the late 1990s with a series of charges being brought against several members of an elite anti-gang unit in LA's Rampart division. As a result of the Rampart scandal, several officers were convicted of, among other crimes, framing gang members. More than 100 convictions were overturned and more than 200 lawsuits were filed against the LAPD, with \$70 million having been paid out in settlements to date. It also motivated the US Department of Justice to file a civil claim against the City of Los Angeles, alleging the LAPD was engaging in a pattern or practice of excessive force, false arrests and unreasonable searches and seizures. The lawsuit was settled via a consent decree that required an independent monitor to issue quarterly reports to a federal judge on the implementation of reforms within the LAPD for a period of at least five years, commencing June 2001.

The key reforms at the operational level included tighter controls on gang units, strict oversight on use of force, improved investigations of misconduct complaints, development of a sophisticated computerized system to identify potential at-risk behaviour, and improved methods of data collection for pedestrian and motor vehicle stops. The consent decree also required integrity audits to evaluate various aspects of policing, including arrests, warrants, uses of force, handling of confidential informants, the operation of LAPD's gang units, financial disclosure and police training.

The task of actually monitoring the reforms was awarded to New York-based Kroll. Michael Cherkasky, then Kroll's CEO, assumed the role of primary monitor (he has since become CEO of Marsh & McLennan Cos. Inc., which purchased Kroll in 2004, but he remains the primary monitor). Cherkasky, along with Kroll's Jeffrey Schlanger, the deputy primary monitor, assembled a team to oversee the LAPD. It included William Bratton, a former New York City police commissioner, who was working with Kroll as a consultant at the time.

Kroll created a series of teams responsible for the various reform initiatives, including one to oversee how well the LAPD's internal

audit branch was doing its job. In other words, external auditors (civilians) were suddenly auditing LAPD's internal auditors (police officers).

Police forces, it's fair to say, have rarely, if ever, responded kindly to civilians telling them how to do their job. The prevailing attitude has always been that only those who have walked the walk have any idea, for example, of what it's like to face a life-or-death decision in a dark alley with an aggressive suspect who may or may not be armed. Therefore, it's also fair to say the initial attitude of the rank-and-file members of the LAPD towards Kroll's role was anything but welcoming, especially since the police chief at the onset of the consent decree, Bernard Parks, made it clear he shared their antipathy.

De Burgh joined the Kroll monitoring team in January 2002, after the head of its audit monitoring team left the firm. "My role," she says, "is best described as regulatory compliance monitoring. I was assigned to use my forensic accounting skills to ensure that the LAPD was conducting reliable, unbiased audits and to assess whether they were complying with the consent decree."

Unknown to de Burgh, the timing of her appointment couldn't have been worse. Her predecessor had just issued his first public report on the LAPD's audit department's work and it was highly critical. "Kroll made a statement that how the LAPD reviewed high-risk evidence had been 'a catastrophic failure,'" says Sanchez, the commanding officer of the audit division. It was an unfair and inaccurate charge, he says, that came from her predecessor not understanding basic police reporting procedures.

When de Burgh first met Sanchez he was steaming mad at Kroll and made no attempt to sweet talk the new head of the firm's audit monitoring team. "I was expecting someone in a uniform or business suit, and instead he was dressed in a tight T-shirt that showed off all his muscles, perhaps to intimidate me," she says. "He was very aggressive and I think he was actually yelling during our meeting."

As a forensic accountant, de Burgh was not unfamiliar with people taking a run at her. But they were usually fraudsters or lawyers and the encounters short-term, not police officers with whom she would have to work for several years. "I took a professional stand with Captain Sanchez," she says. "I basically told him I'm going to evaluate you no matter what. But I'm also here to help you improve what you're doing."

It took considerable time, and many heated battles, before Sanchez and de Burgh were able to see eye-to-eye. When that occurred, however, it led to a process that has already begun to improve the way some US police forces are confronting the ever-growing pressure to reform and be accountable.

It is a sparkling Friday morning at Mosport International Raceway, located about 100 kilometres east of Toronto, when de Burgh pulls up in her silver 1999 Porsche Cabriolet convertible. The home to countless international races, where the likes of Stirling Moss, Gilles Villeneuve and Bruce McLaren have screamed their cars around the 10-turn track, on this May weekend plays host to a local Porsche Club event, where de Burgh will be riding with student drivers to coach them on how to improve their skills. At top speed, she could enter some turns as fast as 160 km/h, reaching about 225 km/h on the straightaway.

Most drivers require about 10 years experience behind the wheel before they're deemed qualified to teach. De Burgh only recently became interested in driving cars on racetracks, and it took her just two years. One reason for her rapid progress was her decision to apply her forensic accounting expertise to learning how to drive fast. "I bought a data logger, which captures information when you're on the track," she says. "It's got an accelerometer and it uses a GPS system, along with an antenna, to plot your position on the track, how fast you're going, where you start accelerating, your entry speed into a turn, your lateral Gs, that kind of thing." De Burgh downloaded the results and conducted a forensic analysis of her performance each time she went out on a track.

Born in 1961 outside London, England, de Burgh moved to Niagara Falls, Ont., five years later when her parents immigrated to Canada. She attended the University of Waterloo, acquiring an undergraduate degree in mathematics with a CA option. While a student, in 1979 she began working for Thorne Riddell, which soon after merged with Ernst & Whinney, which in 1989 became Peat Marwick Thorne. Along the way, de Burgh obtained her CA designation (1986), moved to Toronto and continued to work for her original employer's various incarnations. She had not intended to become a forensic accountant, but an opportunity arose in 1986 to spend a year seconded to the Ontario Provincial Police to help with its financial investigations. Since then she has focused exclusively on forensic accounting, conducting hundreds of investigations in Canada and other parts of the world with Kroll and its predecessor, Lindquist Avey Macdonald Baskerville.

At Mosport, of the 30 drivers who convene for a morning briefing on the track conditions and safety procedures, de Burgh is the only female. This is typically a man's world, but she's used to gender imbalance — all but two of the forensic accounting principals in Kroll's Toronto office are male. An extreme sports enthusiast, de Burgh also scuba dives, sails and skis.

It was perhaps her comfort with the rough-and-tumble world of extreme sports that helped her survive the first year or so on the LAPD file. True to her penchant for detail, de Burgh's team often overwhelmed Sanchez's team with inquiries about their work. "We used to get spreadsheets with 80, 90, 100 questions," sighs Sanchez, "and we'd have to go and research each question — to determine whether we'd overlooked something." She also harped about their need, in her opinion, to hire civilian auditors to help upgrade the division's auditing standards, a campaign that was not warmly received by Sanchez, who is university educated and has experience auditing police work. (It should be noted that auditing, in this context, involves reviewing such things as the reports filed when a police officer uses force on an unwilling and combative suspect who may have been involved in a high-speed car chase or gun battle, not the LAPD's financial records.) "I was used to working with a multidisciplinary team as a forensic accountant, and I could see they needed people with my kind of expertise on their team," she says. "I also wanted them to have some internal people who could independently reinforce what I was saying, so I wasn't just this outsider telling them what to do."

It took about six months before de Burgh won her point. Sanchez came to agree that the LAPD needed auditing skills and he helped create a position, a civilian police performance auditor. As driven as de Burgh, he threw himself into the study of auditing, taking numerous courses and acquiring, among others, the designation of certified government auditing professional, certified internal auditor and certified fraud examiner.

Another of de Burgh's initiatives was her recommendation that the audit division reduce the size of the samples it was using. "[It was] looking at sample sizes [for such things as use of force reports and arrest reports] that were far too large," she says. "I showed it a statistically valid sampling methodology that saved a considerable amount of time and work." Her methodology, which Sanchez's group adopted, and the US Justice Department accepted, reduced the LAPD's sample sizes in many audits from almost 600 to 30.

As de Burgh and her colleagues imposed their forensic accounting standards on LAPD's audit division, they began to see improvements, as noted in Kroll's quarterly report to the court, issued in February 2003. "The audit division continues to demonstrate [it has] improved the planning, execution and reporting of audits, and [it is] now achieving compliance relative to the quality of certain of [its] audits," the report stated.

"In addition, the audit division is beginning to make progress relative to the impact of its audits on the LAPD, as some of its recommendations are starting to be implemented at the divisional level."

In respect to the LAPD's audit of arrest, booking and charging reports, Kroll reported that "the quality of all aspects of this audit improved significantly compared to prior audits." One reason was the implementation of de Burgh's recommendation that LAPD's audit division develop a series of detailed questions (referred to as a matrix by the audit division) for use when conducting audits.

"The audit team prepared a matrix and 'crib sheet' to provide guidance to its auditors prior to commencing the audit," the report stated. "The matrix addressed all substantive/risk management issues ... such as completeness, authenticity review for canned [falsified] language, inconsistent information and legal basis, conformance with LAPD procedures, and supervisory oversight of the incident and post-incident review.

"The monitor's testing of a sample of the audit division's audit work revealed that the audit division identified 95.4% of the issues that were identified by the monitor. Expressed another way, the monitor identified 110 issues, whereas the audit division identified 105. Accordingly, the audit division's findings are statistically reliable."

As de Burgh and Sanchez worked together, their relationship began to improve. Both parties cite instances where the other backed down, in meetings involving both the LAPD audit team and de Burgh's Kroll colleagues, and admitted the other was correct about a point of contention. "I was surprised when she did that, to be honest with you," Sanchez says. "She showed her complete willingness to be fair and impartial. She didn't get locked in a vested opinion and say no, I'm not going to change. And there have been times when I have thrown in the towel and said, you know, you're right."

One clash came about when de Burgh, in a draft report, said the LAPD needed to pay more attention to issues of "collateral misconduct" associated with officer-involved shootings. "I nearly fell off my chair when I read that," says Sanchez. In his world, collateral misconduct in a shooting suggests planting a gun on a suspect, or something equally serious. "I was referring to an officer swearing at a member of the public during a shooting," de Burgh explains. The problem was resolved and the wording changed before the report was officially released.

Denise Lewis was a witness to the early battles between the two strong-willed individuals. A 15-year veteran officer with the LAPD, she was working as an audit manager on Sanchez's team when de Burgh arrived. (Lewis has since left the LAPD and works for Kroll as a senior member of its team that monitors the Detroit police department, which has entered into two consent decrees with Justice regarding some of its practices. De Burgh is also the head of the audit process there.) "I often tried to act as a go-between with Hazel and Ron," she says. "I knew there was an initial suspicion and hostility towards her, an outsider — especially a highly intense and demanding one — trying to tell the police how to do their job. I also knew she was absolutely right about the need for the division to improve its auditing standards." The conflict in the early days was such that Lewis remembers one time "when Ron wouldn't talk to her for several months."

A significant bright spot occurred for de Burgh in October 2002 when Chief Parks resigned and was replaced by none other than William Bratton, who had been part of Kroll's monitoring team. Not surprisingly, Bratton made it clear he absolutely supported the consent decree, a message Sanchez said was heard loud and clear within the force. "The chief said his three goals were terrorism, crime and the consent decree. He made it that important."

De Burgh was also receiving support from André Birotte Jr., LAPD's inspector general, a former prosecutor and public defender, whose job was to oversee the LAPD, including Sanchez's audit division. A lively personality, he was receptive to de Burgh's insistence that the LAPD upgrade its audit skills. "I'm a lawyer by trade," he says. "I didn't know what a random stratified sample was, what a matrix was, what competence levels were. All that audit stuff — what the heck was that?"

One of Birotte's responsibilities was to visit immediately the scene of any high-profile incident involving police officers, no matter what time of day. One evening, the call came while he was having dinner with de Burgh. An aggressive suspect had shot at the police, who returned fire and severely injured him. Birotte took de Burgh with him, and she was able to see, from looking at the scene and listening to witnesses talk to police, that it had been a justified use of force. She had also, at another time, ridden in a police helicopter at night, thanks to a favour called in by Sanchez, and accompanied officers in a patrol car on another occasion. These ride-alongs gave her "more insight as to police operations and the dangers officers are facing," she says. "When I started, I thought any use of force was bad. Now I know there are times when they have to use force to control the situation or protect

themselves.”

By the time of the police academy lunch, the collaboration between the Canadian forensic accountant and the hardboiled police captain had become a considerable success. When de Burgh had arrived, the audit division rarely achieved a compliance rating for its work; by early 2005 it was nearly always compliant. “Audit is a shining star, thanks in great part to Hazel,” says former police commission president Gerry Chaliff, who has overall responsibility for the implementation of the consent decree. “I think she has pushed and prodded the department in certain ways I don’t think the department wanted, but it turns out she was right.” Birotte goes one step better: “She has done a lot to help this city, quite frankly.”

Perhaps the most satisfying aspect of this assignment is the growing recognition within US police forces, and some in Canada, that the type of monitoring done in LA is, ultimately, a positive endeavour. “I know of at least one city that instead of waiting for a consent decree to be imposed,” says Birotte, “has entered into a memorandum of agreement with the Department of Justice on its own. I also recently heard a captain say he was going to ask for some police performance audits in his own shop. Now that’s telling.”

Another indication of the success of the audit division’s work is the recent promotion of Sanchez to commanding officer of the Hollywood area. “This sends a message,” an insider says, “that audit division is an important place to work, that it can help your career to be there.”

For de Burgh, her monitoring work continues until at least mid-2006, when the consent decree will either be lifted or renewed for an unknown period of time. She takes considerable satisfaction from having hung in during some difficult times and, along with her team, helped to shape important changes in the way the LAPD, and some other police forces, handle such difficult challenges as investigating a complaint or a use of force. She also believes the type of monitoring Kroll has helped initiate within the LAPD will become standard practice at most high-risk regulatory institutions, such as nuclear plants, and certain public corporations (she’s already helping one US-based corporation design a compliance monitoring process).

“I feel the work I’ve done has made a difference,” she says, “and that’s personally really rewarding. When I started, I thought, what do I know about police auditing? But it’s like any other forensic accounting assignment — you apply your skills to a particular situation, work out the standards to be applied and go from there.”

And with that she returns to her car talk with Sanchez, who says if she’s ever out his way for a track event, she can use his driveway to park her car for as long as she needs — as long as she leaves the keys.

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