

LOS ANGELES POLICE COMMISSION

Review
Of the Department's
Quarterly Discipline Report
Third Quarter 2012,
Biased Policing



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL'S
REVIEW OF THE DEPARTMENT'S
BIASED POLICING REPORTS**

I. INTRODUCTION

Each year, the Los Angeles Police Department (Department) reports to the Board of Police Commissioners (Commission) regarding trends in Biased Policing. On March 3, 2013, the Department presented their report to the Commission, who then directed the Office of the Inspector General (OIG) to review the Department's report. In this review, which serves as the OIG's Quarterly Discipline Report (QDR) for the Third Quarter of 2012, the OIG evaluates whether the Department properly investigated and adjudicated Biased Policing complaints. This report also reviews Department progress on training front-line staff on constitutional law/Biased Policing issues.

II. DATA USED IN THIS REPORT

In 2012, the Department investigated 266 complaints containing 479 allegations of Biased Policing. The Department adjudicated 82.5% of these allegations as Unfounded. To evaluate the validity of these adjudications, the OIG randomly selected 10 Biased Policing complaints from the Department's Quarterly Discipline Report for the Third Quarter of 2012 for review. The OIG reviewed an additional 10 Biased Policing complaints adjudicated as Insufficient Evidence to Adjudicate.¹

III. INVESTIGATIONS AND ADJUDICATIONS

Upon reviewing the 20 Biased Policing complaints, the OIG found that the investigations were generally thorough and complete. The OIG identified minor issues regarding adjudication and presented the issues to the Commanding Officer of Internal Affairs Group. Based on discussion of those issues, the OIG is satisfied that IAG properly addressed each concern. The OIG identified no substantive issues with Biased Policing investigations or adjudications.

IV. TRAINING

In 2011, the Department specifically designed a training course for officers that addressed Biased Policing issues. This training was required for those officers in the field who would potentially encounter these constitutional issues. In order to assess the progress of this training, the Department committed to routinely report to the Commission the percentage of applicable officers that completed this required training.

On January 25, 2013, the Department audited this training program to determine its compliance rate. The Department determined that of the 6,301 officers who required this training, only 3,235 officers received it. On June 7, 2013, the Department again audited the training program and determined that 5,835 of the 6,257 officers had completed the required training, a rate of

¹ The Complaint File numbers for the 20 reviewed cases are listed in the Appendix.

93%.² The untrained officers include officers recently assigned to a position requiring this training. Given the nature of officers receiving rank, grade, and assignment adjustments throughout the year, the OIG believes it is reasonable for the Department to have a small portion of its officers without such training.

V. RECOMMENDATIONS

The OIG has no recommendations specific to this review but looks forward to the Department's efforts in instituting Alternative Dispute Resolution for future Biased Policing complaints.

² Officers included in this compliance report are Sergeants, Detectives, and Police Officers from geographic Areas. The "Compliance for Biased Policing Report - Vehicle Stops, Constitutional Law/Biased Policing," is attached in the appendix.

APPENDIX

OIG Sample Population CF Nos.

| | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|
| 10-001567 | 11-000017 | 11-001174 | 11-001727 | 11-001761 | 11-001927 |
| 11-001980 | 11-002013 | 11-002026 | 11-002040 | 11-002094 | 11-002323 |
| 11-002584 | 11-002642 | 11-002790 | 11-002947 | 11-003001 | 11-003079 |
| 11-000430 | 11-000730 | | | | |

DEPARTMENT POLICIES

Department Manual Volume 1 § 345.

POLICY PROHIBITING BIASED POLICING. Discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability in the conduct of law-enforcement activities is prohibited. Police-initiated stops or detentions, and activities following stops or detentions, shall be unbiased and based on legitimate, articulable facts, consistent with the standards of reasonable suspicion or probable cause as required by federal and state law.

Department personnel may not use race, color, ethnicity, or national origin, gender, gender identity, gender expression, sexual orientation, or disability (to any extent or degree) in conducting stops or detentions, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group. Department personnel seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability may rely in part on race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability only in combination with other appropriate identifying factors and may not give race, color, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability undue weight.

Failure to comply with this policy is a violation of an individual's constitutional rights. It is also counterproductive to professional law enforcement, amounts to biased policing, and is considered to be an act of serious misconduct. Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established procedure.