

**RACIAL PROFILING
FACT SHEET
August 7, 2008**

Background

The original purpose of this fact sheet was to provide the BOPC with a comprehensive update about the Department's efforts to investigate allegations of racial profiling. However, during the development of this report, it became apparent that the Department dedicates a significant amount of resources, beyond the investigation of allegations, to ensure that respect for others is not only a stated Core Value of the Department, but a cornerstone of the way we police the City of Los Angeles. Our Core Value of respect for others encompasses our commitment to fair and impartial policing. Those many efforts are outlined in this report.

Internal Affairs Group has taken great efforts to better understand and respond to the issue of racial profiling. Those efforts include the commanding officer attending a 20 hour "Racially Biased Policing" seminar, holding discussions with academicians, holding discussions with leaders within the Department, conducting a data query of the Complaint Management System (CMS) and conducting a national survey on the topic. Additionally, staff at the Commission Investigation Division conducted a survey of law enforcement agencies with civilian entities that have oversight of discipline. It is believed that report will support the findings and recommendations in this report. That report will be provided under a separate cover.

With regard to the Department as a whole it has become clear that LAPD has many leadership and management practices in place across the spectrum of recruitment, hiring, training, policy, and discipline that strongly encourage, and hopefully inculcates, a culture where Department personnel treat all persons with fairness, dignity and respect. The depth and breadth of those practices are often lost when discussing racial profiling investigations. The thought, apparently being, that internal investigations are the best way to address issues of racial bias (profiling). That premise, however, is not in keeping with successful practices put in place by other agencies. Therefore, the scope of this fact sheet has been expanded to provide the reader with a comprehensive overview of the Department's effort with regard to dealing with issues of bias and racial profiling and to make recommendations for future actions. This report has been expanded to include:

- A restatement of the various Consent Decree paragraphs and Department policies put into place to address racial profiling;
- Highlights of the national survey and the CMS data query. Department demographic information is also presented;
- Discussion of the Department's current recruitment, selection, hiring and training efforts;
- A reemphasis of the efforts by IAG to ensure allegations of racial profiling are properly investigated; and
- Recommendations to chart a course for the future on dealing with issues of bias.

Consent Decree and Department Policy

In June 2001, the City of Los Angeles entered into a consent decree with the United States Department of Justice (Consent Decree). The purpose of the settlement was to “promote police integrity and prevent conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.”¹

Paragraph 93 of the Consent Decree required that Internal Affairs Group (IAG) investigate allegations of “invidious discrimination (e.g., on the basis of race, ethnicity, gender, religion, national origin, sexual orientation, or disability), including improper ethnic remarks and gender bias.”²

Paragraph 102 of the Consent Decree states that the “Department shall continue to prohibit discriminatory conduct based on the basis or race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law enforcement activities.”³

Paragraph 117 requires the Department to provide all LAPD recruits, officers, supervisors and managers with regular and periodic training on police integrity. Such training shall include and address, cultural diversity, which shall include training on interactions with persons of different races, ethnicities, religious groups, sexual orientations, persons of the opposite sex and persons with disabilities, and also community policing.⁴

In addition to the Consent Decree, the Department codified the prohibition of racial profiling into Department Manual Section 1/345. The policy, in part, reads, “The Department shall continue to prohibit discriminatory conduct on the basis of race, color, ethnicity, national origin, gender, sexual orientation, or disability in the conduct of law-enforcement activities. 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 (to any extent or degree) in conducting stops or detentions, or activities following 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, or national origin, may rely in part on race, color, ethnicity, or national origin only in combination with other appropriate identifying factors and may not give race, color, ethnicity or national origin undue weight.”⁵

¹ Consent Decree, page 1, paragraph 1.

² Ibid, page 26, paragraph 93.

³ Ibid, page 42, paragraph 102.

⁴ Ibid, page 54, paragraph 117

⁵ Manual of the Los Angeles Police Department, Section 1/345.

Data: National Survey – CMS Query – LAPD Demographics

National Survey

Internal Affairs Group conducted a telephonic survey of 61 major law enforcement agencies.⁶ Thirty-one of the agencies responded. The agencies were selected based on their membership in the Major Cities Chiefs of Police Organization. The survey was designed to provide an analysis of those departments' racial profiling investigative protocols. In addition, the survey was designed to provide the BOPC with a snap shot of racial profiling investigative processes and findings on a national level.

Note: The survey denotes the practices of law enforcement agencies in Canada as well as the United States.

The respondent agencies were asked the following questions;

- How many complaints has your agency taken over a two-year period?
- How many of those complaints involved racial profiling?
- How many racial profiling complaints were sustained?
- What term does your agency use to describe racial profiling?
- Does your agency have a protocol for investigating racial profiling complaints?
- Does your agency provide training on racial profiling or related issues?
- Does your agency have an intervention system for early detection of employees involved in racial profiling?
- Does your agency have in car videos or other mandatory recording devices?
- How many sworn employees does your agency have?
- Does your agency use conflict resolution? If yes, is it used for racial profiling complaints?
- Is your agency currently under any court order/police commission mandate/citizen review board mandate to report racial profiling? If yes, what are the protocols to track racial profiling incidents?

The responses revealed:

- Thirteen of the 31 responding agencies listed a total of 12,286 complaints taken over a two year period. Of the 12,286 complaints taken by these agencies, 274 met the criteria for racial profiling or biased based policing. Eighteen agencies could not provide information on the total number of complaints they had received, but six of these 18 could report the number of racial profiling complaints. These six agencies reported 97 such complaints. In sum, 19 agencies (13 + 6) reported 371 (274 + 97) racial profiling complaints.

Note: Over a two-year period, the LAPD investigated a total of 13,296 complaints. Five hundred and eighty one of those complaints met the criteria for racial profiling.

⁶ Due to the confidential nature of the information provided by the respondent agencies, the survey containing the responses was not attached.

- Of the 19 agencies that kept records for racial profiling complaints, two agencies sustained biased based or racial profiling complaints. These two agencies sustained a total of four racial profiling/biased based policing complaints during the two year reference period. That is, four of the 371 racial profiling complaints reported by the responding agencies were sustained.
- One of the two agencies used the terminology “biased base policing” to describe a section of their complaint system. The other agency used the terminology “racial profiling” to describe a section of its complaint system. The agency that utilized the category “biased based policing” advised that both complaints arose from an African American police officer using a racial slur to describe an African American citizen. The second agency that adjudicated two sustained complaints was unable to elaborate on its findings.

Note: Under the Department guidelines, the racial slur complaint would have been categorized as an “Ethnic Remark” complaint.

- Among the 31 agencies, one agency sustained two complaints for biased based policing; one agency sustained two complaints for racial profiling; 19 agencies adjudicated racial profiling complaints as not sustained or unfounded; while 10 agencies were unable to provide adjudication information.
- Twenty-four of the 31 responding agencies investigate racial profiling/biased based policing as a complaint investigated by the chain of command. Seven agencies utilize their internal affairs investigative section to handle all racial profiling/biased based policing complaints.

Note: The Department’s Professional Standards Bureau, IAG, investigates all racial profiling complaints.

- All thirty-one responding agencies provide some form of non-discriminatory training.
- Nineteen of the 31 responding agencies have mechanisms in place to alert their department of officers who may be involved in racial profiling practices. These mechanisms may be as simple as reviewing the officer’s recent citation history or as complex as a data tracking system that analyzes the officer’s complaint history.
- Twelve agencies did not have mechanisms in place to alert their department of potential racial profiling practices
- Twenty-two of the 31 responding agencies did not have in car videos or mandatory recording devices. Nine agencies have in car videos in all of their patrol vehicles.
- Thirty-one responding agencies reported a combined total of 58,460 sworn personnel.

Note: The Department currently has 9,733 sworn employees.

- Sixteen of the 31 responding agencies use conflict resolution as a tool to resolve select complaints. Eleven of the 16 agencies use conflict resolution to mediate racial profiling/biased based policing incidents. Fifteen agencies do not use conflict resolution to resolve complaints or to mediate racial profiling/biased based policing.

Note: The Department uses Alternative Complaint Resolution (ACR) to mediate non-disciplinary related complainants. Due to current policy, the ACR is not an available option to address racial profiling.

- Twenty-three of the 31 responding agencies are not required to report racial profiling/biased based policing to a federal, state or local oversight entity. Eight agencies are required to report their racial profiling/biased based policing statistics.

The LAPD initiated and investigated more racial profiling complaints than the other reporting agencies combined. This could be due to LAPD's practices of complaint intake where all complaints are recorded, no matter the source and/or to the fact that there are no informal mediation efforts allowed which would otherwise dispose of the complaint. Additionally, LAPD's standard protocol is to "extract" allegations rather than to combine them.

Additionally, there are some agencies that do not use the term, "racial profiling." In some instances, agencies used the term, "biased based policing", while others did not classify the conduct in terms of bias or profiling. Those agencies only addressed the specific conduct of the officers, such as unlawful search or detention, discourtesy, etc.

Racial Profiling Complaint Data - LAPD

Internal Affairs Group used two methods to obtain data relevant to racial profiling investigations within the Department.

Internal Affairs Group examined the last 73 racial profiling cases that were closed to determine if the accused officers were aware of the race/ethnicity of the complainant prior to the contact. That query revealed that, of the 56 cases where officers were interviewed (remembering that in some instances, complainants were unknown or other factors did not require the officer to be interviewed), 27 (48.2%) were aware of the complainant's race/ethnicity prior to the stop. In 29 (51.8%) of those instances the offices were not aware of the complainant's race/ethnicity prior to the contact.

The second data query was more robust and provided more salient information. Internal Affairs Group, with the technical assistance of the TEAMS II Development Task Force, queried the Complaint Management System (CMS) to obtain a more accurate picture of the nature of racial profiling allegations within the Department. Because of data limitations, the query was limited to cases closed in 2007.

The CMS was queried to obtain demographic and geographic information associated with instances of alleged racial profiling. Additionally, the CMS was queried to develop an

understanding of the circumstances in which complainants and officers come into contact with each other that result in racial profiling allegations.

The data revealed that racial profiling is predominantly a “male versus male” phenomenon. Of the 204 instances of racial profiling that were tallied during this time, males made up nearly 92% of the officers accused of racial profiling while females only made up 8%.⁷ Of the same population of complaints, males made up nearly 75% of the complainants.

Excluding complaints that were listed as unknown, male whites and male Hispanics account for 75% of the officers accused of racial profiling. This is roughly in line with the demographics of the Department. The findings of the query for race and gender of the accused officers are as follows:

Race and Gender of Accused Officers			
Race	Gender	# of Allegations	% of Total
Asian/Pacific Islander	Male	26	13%
Black	Male	9	4%
White	Female	12	6%
	Male	96	47%
Filipino	Male	5	2%
Hispanic	Female	7	3%
	Male	80	39%
Unknown		33	16%
Totals		268	

Note: Percentages were rounded to the nearest whole number. The number of allegations exceeds the number of complaints. This is due to the fact that, in some instances, a complainant alleges racial profiling against more than one officer. This would count as one complaint but multiple allegations.

Of the instances where the race of the complainant could be determined, Blacks made up 73% of the complainants. It is notable that in 42% of the cases, persons made allegations but did not provide any possibility for follow up, limiting the quality of the investigation. Usually, in those circumstances, complainants wrote anonymous letters of complaint or left cryptic messages on the complaint hotline that did not allow for any substantive follow up.

⁷ The “unknown” complaints were not figured into this number because in those circumstances, the gender or race of the involved officer is also unknown.

Race and gender of persons making racial profiling complaints are as follows:

Race and Gender of Complainants			
Race	Gender	# of CFs	% of Total
Asian/Pacific Islander	Male	1	0%
	Female	18	9%
Black	Male	66	32%
	Unknown	2	1%
White	Female	6	3%
	Male	5	2%
Hispanic	Female	4	2%
	Male	16	8%
Other	Female	3	1%
	Male	4	2%
Unknown	Female	21	10%
	Male	63	30%
	Unknown	4	2%

Internal Affairs Group queried the system to examine allegations that were ancillary to complaints involving racial profiling. **The most notable finding was that while 60 of the 204 racial profiling complaints involved allegations of discourtesy, only nine of those complaints involved an ethnic remark.**

The CMS query included the Bureau and Area of assignment of the accused officers. The notable outlier was Operations-West Bureau, which had twice the number of racial profiling complaints as other bureaus.

Excluding those cases where the assignment was not known or the organization has since been deactivated (39 total complaints); racial profiling complaints were geographically distributed as follows:

Involved Bureau	No. of CF Nos.
Central Bureau	23
Consent Decree Bureau	1
Detective Bureau	3
South Bureau	30
Special Operations Bureau	13
Valley Bureau	37
West Bureau	68

The CMS query also examined the assignment of the accused officer, if known. Several significant findings emerged:

- Of the 169 instances where assignment type was known, officers were assigned to patrol in 93 of those cases (55%).
- Of the same population of cases, officers were assigned to a specialized enforcement entity, such as Metropolitan Division, in only 32 of the cases (19%).
- Of the same population, traffic enforcement officers were accused of racial profiling in 26 cases (15%).

The data for assignment of the accused officer is as follows:

Assignment	No. of CF Nos.
Administrative	11
Case Carrying Detective	5
Patrol	93
Specialized Enforcement	32
Technical Service Maintenance	1
Traffic	26
Unassigned	1
Unknown	47
Total	216

Sworn Personnel by Race/Gender

Race	Male		Female		Total	
White	3017	31%	708	7%	3725	38%
Black	916	9%	266	3%	1182	12%
Hispanic	3215	33%	725	7%	3940	41%
Asian	561	6%	89	1%	650	7%
American Indian	38	0.4%	7	0.07%	45	0.5%
Filipino	164	2%	19	0.2%	183	2%
Other	4	0.04%	0		4	0.04%
Total	7915	81%	1814	18.7%	9729	

Racial make up of the City of Los Angeles:⁸

Race	
White	46.9%
Black	11.2%
Hispanic	46.5%
Asian	10.0%
American Indian	0.8%

LAPD - Institutional Practices

Recruitment

The City's recruitment plan was designed to reach out to all demographic groups with the expressed intent to achieve a population of officers who reflect the diversity of the community. While not directly related to racial profiling, the City's recruitment campaign purposefully targeted a wide range of ethnic demographic groups. The idea being that a culturally diverse candidate pool would push the Department towards being a more tolerant organization that embraces *Respect for People* as a core value.

To achieve this, the City conducted an exhaustive marketing survey to develop recruitment strategies that would achieve the overall hiring goals of the City. The campaign that was developed by marketing experts, using the survey, was specifically crafted to resonate with people who are members of the various targeted demographics. That strategy emphasized using new age recruitment strategies (use of the web, viral advertising, etc.) as well as "boots on the ground" recruitment efforts.

Recruitment and Employment Division (RED), working in conjunction with Personnel Department, has twenty recruiters. Recruiters attend approximately fifty recruitment events (community, commercial and recruitment) per month. Those events are selected not only for their anticipated fruitfulness for recruitment, but also to ensure a broad spectrum of demographics are targeted each month. In addition, the City goes to great expense to sponsor recruitment events that target women, Hispanics, African Americans, etc. The recruitment strategy seems to be working.

⁸ 2000 United States Census Bureau. The numbers exceed 100% because some individuals self-reported more than one race affiliation.

Recruits by Race/Gender

Recruit Officer Hiring – Fiscal Year						
JUNE 2007 - MAY 2008						
Race	Male	% Male	Female *(20%)	% Female	Total	% Race Total
Black *(15%)	50	7%	18	2%	68	9%
Hispanic *(30%)	311	42%	79	11%	390	53%
Asian *(10%)	56	8%	7	1%	63	9%
White	178	24%	19	3%	197	27%
American Indian	1	0%	0	0%	1	0%
Filipino	17	2%	3	0%	20	3%
Other	0	0%	0	0%	0	0%
TOTAL	613	83%	126	17%	739	100%

Note: *Percentages in parentheses reflect Department hiring goals.

Selection & Hiring

A significant amount of effort is expended by the City (Personnel Department and the LAPD) to ensure police candidates not only have the skills to become successful police officers, but are reflective of the diversity of the community and are tolerant of other groups. The Selection and Hiring process is, in part, designed to ensure that candidates who display intolerance are deselected from the process. Specifically:

- There is a racial bias question on the entry level interview which prompts the candidate to discuss his/her experiences about dealing with persons of different ethnic or religious backgrounds;
- The background process deeply probes issues of intolerance. Candidates are asked a series of questions that specifically probe whether they have ever committed acts of harassment or intolerance towards persons based on sexual orientation, gender, race or ethnicity or immigrant status.⁹ Candidates are informed ahead of time that their answers will be subject to verification through the use of the polygraph;
- Background investigators query references (both supplied and developed leads) about the candidates' prior conflicts with others, including potential intolerances and acts of harassment.
- One question on the polygraph specifically deals with an issue of intolerance;

⁹ The Background Investigative process is highly confidential. Specific line of questioning will not be provided in this report.

- The psychological evaluation process probes issues of intolerance.

Training

During the past two years, the Recruit Basic Course (RBC) has undergone a complete redesign. From a review of results of previous studies completed on LAPD training (1991 LAPD Self-Study, Christopher Commission, RAND Report), it was evident that blocks of time on community policing were insufficient to move the Department towards organizational change in this area. To make substantial change, a shift in training philosophy was necessary. In 2003, the RAND Corporation report suggested the implementation and use of the CAPRA (client, acquiring and analyzing, partnerships, response, assessment) problem-solving model.¹⁰ (This model is considered a values-infused problem-solving model and is grounded in the core value of service to our community.) Scenarios are now debriefed and evaluated focusing on three key areas: Mission, Vision, and Values; CAPRA as a problem-solving model; and Tactical Concepts. By debriefing in this manner, recruits are constantly reinforced on the practical application of meeting community needs and expectations. Further, they are expected to consider internal and external partnerships in order to be successful in problem-solving.

Within the redesign of the academy it is limiting to suggest that we only cover our interactions with each other and the community during singular periods of instruction. While some singular classes emphasize dealing with diversity, the concept of the redesigned Academy is to infuse this respect throughout the course of the Academy to make it part of the culture. Here is a list of several sessions in the Police Sciences event (the first month) that convey to the recruits the expectation of what it takes to be an ideal police officer.

- Mission, Vision, and Values
- Respect Based Leadership
- Introduction to CAPRA
- Using CAPRA for Conflict Resolution
- Diversity in the Workplace

Recruits complete their first month by revisiting these topics through an interactive experience at the Museum of Tolerance (8 hours). The goals for “Tools for Tolerance” are to increase the recruits’ awareness of the evolving role of law enforcement and to provide the tools necessary for an effective response.

In the framework of the redesign, these topics are then woven into the skills acquisition of all other elements of recruit academy training. In the second month, there is a specific class on racial profiling during a scenario where they conduct a pedestrian stop. The learning objective of this class is as follows, “Recruits will learn that race alone can not be used as an indicator or predictor for criminality. This class explores the topic of racial profiling as well as its effects on law enforcement and the community.” As mentioned earlier, these critical topics are debriefed throughout recruit training as a part of the values-infused problem-solving.

¹⁰ Training the 21st Century Police Officer, Redefining Police Professionalism for the Los Angeles Police Department, Rand Corporation, 2003.

In addition to recruit training, the Department has infused Consent Decree paragraph 117, which includes issues of tolerance, respect, prohibition of racial profiling, etc., throughout the in-service curriculum. The Department has infused all components of paragraph 117 into 29 POST certified classes. Those classes include field training officer classes, the Internal Affairs Investigations Course, Watch Commanders' School, Supervisory Leadership, and command officer development. Over 100 other Department courses of instruction include one or more components of paragraph 117. Additionally, most Department personnel have attended in-service training at the Museum of Tolerance. Many have participated in several training opportunities there.

Racial Profiling Investigations

On February 15, 2006, Professional Standards Bureau published "guidelines" for the investigation of racial profiling allegations. On May 15, 2007, PSB published more comprehensive investigative "protocols" that dictated how racial profiling cases should be investigated. In July 2008, PSB added a question which probed the duration of the complainant's detention.

Internal Affairs Group considers November 2007 as an important date because all cases reviewed after that time must have been investigated according to the protocols. Since that time, racial profiling cases have not been approved for closeout unless the racial profiling investigative protocols were followed.

In addition, IAG implemented the following strategies since November 2007:

- A copy of the Racial Profiling Protocol has been provided to every investigator within IAG.
- The protocols have been placed on the IAG Intra-net site for ease of access for all Department personnel, including IAG investigators and investigators in other commands.
- The Complaint Investigation Checklist (TEMP FORM 400), which is attached to every complaint completed by IAG, was amended to include fields that ask whether Racial Profiling Protocols were followed and the Racial Profiling Checklist included.
- On March 22, 2007, IAG conducted a training session for IAG investigators that integrated racial profiling investigative practices.
- IAG has conducted four Internal Investigations Courses (IIC). The IIC includes a four-hour block of instruction on investigating racial profiling allegations. The Commanding Officer, IAG, attends and participates in this block of instruction to emphasize the importance of the topic.
- The IIC lesson plan for racial profiling has been refined over time. It is an exhaustive and comprehensive lesson plan.

- Review and Evaluation Section was tasked with ensuring that no racial profiling cases were approved for closeout unless the protocols were followed and the appropriate check sheets attached to the investigations. Cases not in compliance are returned and not accepted until they include the requisite information.
- An auditor within Review and Evaluation Section was designated as the coordinator for reviewing racial profiling cases to ensure consistency in review and adherence to the protocols. That same auditor compiles information in an ad-hoc database to further evaluate racial profiling investigations.
- The Commanding Officer, Criminal Investigation Division, continued to review all racial profiling cases as an additional review.
- On occasion, the Commanding Officer, IAG, has directed that undercover surveillance be conducted to probe specific allegations of racial profiling.

Data Collection

The Department has gone to considerable expense to capture “Stop Data” with the specific intent of dealing with racial profiling. The analysis of that data was conducted by The Analysis Group at a cost of nearly \$700,000. The results were inconclusive.

The Department continues to collect data on “Field Data Reports.” There are no plans for additional analysis. The Department is also in the process of automating the Daily Field Activities Report which will have some element of data capture built into the system.

Digital In-Car Video System

The Department has been working steadily on installing Digital In-Car Video Systems (DICVS) into its fleet of patrol vehicles. The cost of the system and installation is estimated to be in excess of \$34 Million. It is anticipated that Operations-South Bureau will be the first bureau to have DICVS. Installation is slated to begin Fall 2008. Department-wide installation will be phased in over the next several years.

As part of management practices, the Department will:

- Conduct periodic audits of the audio and video;
- Bookmark and review the DICVS data from any incident involving vehicle pursuits, uses of force, incidents resulting in personnel complaints or other events of significance;
- Review DICVS data relative to lawsuits or claims for damages;
- Conduct quality service audits;
- Use the DICVS data to identify and/or monitor at-risk officers who are subject to the Risk Management Executive Committee’s oversight.
- Afford the OIG unfettered access to the DICVS data.

Findings and Recommendations

The Department's efforts in recruitment, hiring and training are robust in supporting its on-going effort to ensure personnel exhibit and embrace the Core Value of *Respect for People*. When evaluating issues of "racial profiling," reviewers should recognize and remain cognizant that this effort is on-going and substantial.

Management's use of the traditional disciplinary process as the primary accountability mechanism for dealing with racial profiling is not working. Alternative strategies should be pursued. Those strategies include:

Discipline and Community Policing—Enhance the ACR Process

The disciplinary system may be working at cross purposes with community policing. The typical scenario is as follows. A complainant makes an allegation of racial profiling. That complaint is then recorded. Eventually, the complaint is investigated by IAG. Often, many months later, the complainant receives a letter stating that the complaint was not sustained along with a "thank you" for bringing the complaint to the attention of the Department. Meanwhile, the only thing the complainant wanted in the first place was an apology or an explanation as to why he or she was stopped. Officers, facing an allegation of misconduct, are highly unlikely to offer up an explanation without the benefit of counsel, etc. As practiced, the system, designed by the Department and imbedded by the Consent Decree, inflames relationships with the community rather than soothes them.

Currently, the ACR process prohibits handing racial profiling complaints through mediation. The ACR process is only allowed for instances where there are no allegations of misconduct. Yet, the CMS data revealed that allegations of racial profiling were not often combined with ethnically derogatory terms. An informal poll of IAG investigators revealed they believed racial profiling complaints often came about because no explanation was offered to the complainant by the detaining officer.

Other law enforcement agencies, most notably Denver, have had success with mediating some claims of racial profiling. While this goes against the grain of LAPD's historically rigid disciplinary stance, adopting this type of mediation process may provide several benefits. Those include:

- The community member will be given the opportunity to be heard right away.
- The interaction between the involved officer and the complainant may have some lasting benefits. The officers will develop skills to explain his or her actions and the community members will learn that officers have a difficult job to do under exceptionally difficult circumstances.
- Officers may learn to explain their actions in the field rather than doing it in the presence of a supervisor mediating the discussion.
- Supervisors will enhance their mediation skills.

To accomplish this, the Department should revise the ACR process to allow allegations of racial profiling to be mediated so long as other allegations of misconduct are not present (unlawful search, ethnic remark, etc.) Legal protections are already in place to ensure that statements made by a participant officer cannot be used later against the officer should negative discipline be initiated.

Enhance Department Terms

As previously mentioned, some police agencies use the term, “Biased Based Policing” to define what the LAPD calls racial profiling. LAPD should adopt the term of “Biased Policing.” The term “racial profiling” limits the discussion to race, ignoring other minority groups. Those groups may consist of people from religious groups or those who are lesbian, bi-sexual, gay, transgender (LBGT) or disabled.

Currently, the Department has an odd assortment of terms to define various acts of misconduct. The Department uses the term, “Gender bias” should someone utter a gender based profanity at someone within the organization. If someone uses discourtesy towards someone within the organization, it is often termed an “improper remark.” Yet, if the same comment is directed towards a community member, the remark is labeled as “discourtesy.” There are no defined terms should someone use a slur towards a member of a religious group or someone who may be a member of the LBGT community.

Terms of misconduct should be refined to eliminate references of bias and to focus on conduct. It is recommended the following terms be considered:

- Discourtesy – general
- Discourtesy – ethnic
- Discourtesy – religious
- Discourtesy – gender
- Discourtesy – sexual orientation
- Discourtesy - disabled

Under this proposal, the term “discourtesy” is central to all allegations, both internal and external, involving untoward comments directed at others. Further, there is no attribution of bias or intent in the definitions. The redefinition of terms would communicate to Department members that we must not only be courteous to the public, but to each other. Further, changing the term “racial profiling” to “biased policing” is more inclusive and instructive.

Internal Discipline–Refocus Efforts

As previously mentioned, the bulk of discussions about racial profiling have centered on the Department’s efforts to identify and prosecute racial profiling as misconduct. Yet, the LAPD appears to be in line with other agencies from around the Country, including those agencies with civilian bodies with authority over disciplinary matters.

Because *intent* must be proved, racial profiling is exceptionally difficult to prove and easily defended. If and when the LAPD does sustain such an allegation, the defense of that officer will mostly likely be exhaustive.

Internal Affairs Group should continue to apply the protocols and rigorously pursue the racial profiling cases that are not appropriate for the ACR process. Internal Affairs Group continues to strongly recommend that *actions taken* during the contact between an officer and a complainant be evaluated during investigations. Issues such as unlawful search and seizure, unlawful detention, unreasonable length of detention, discourtesy, etc., should be core to these investigations. Using the sustained rate of racial profiling investigations as a measurement of effectiveness is neither productive nor instructive.

Data Capture

The Department is expending valuable resources to capture Stop Data. It should either retain a firm, such as RAND Corporation, who has had success analyzing the data, or discontinue the data capture process. The latter option might be considered in light of the fact that analyses of stop data from other agencies have produced information of questionable value, particularly when considered alongside the agencies' considerable expenditures.

If the data continues to be collected, the Department should use the analyses results thoughtfully. Rather than using it in a quest to sustain a complaint of racial profiling, management should use the results in a constructive way to promote professional behavior (e.g., provide monitoring, training and/or counseling). Again, sustaining a complaint, using stop data is not only extraordinarily difficult, but of questionable validity. Most importantly, if the purpose of the data collection is to cause a more reflective and thoughtful organization, then the data should be used as an early intervention mechanism.

Oversight

Internal Affairs Group welcomes any oversight or auditing that may be done. Traditionally, the OIG has conducted audits of a more formal nature and then reported the results to the BOPC. While that format should continue, a more informal and frequent examination by the OIG of recent cases would assist IAG in managing the investigative quality.

Conclusion

What has become apparent is that the discussion of racial profiling within the LAPD has become one of polarities. On one end of the spectrum, management, buttressed by the Consent Decree, has focused on racial profiling as serious misconduct. On the other end of the spectrum, officers steadfastly affirm that their policing is wholly unbiased.

Because of this polarity, no meaningful dialogue can take place between the community member and the officer who may have offended them. It is apparent there is a serious chasm. In spite of

exhaustive and comprehensive efforts weaved throughout the recruitment, selection, training and investigative processes, the problem persists.

Internal Affairs Group strongly recommends that the ACR process be enhanced to facilitate mediation in some racial profiling cases. In circumstances where there are other substantive allegations, the full resources of IAG should be brought to bear.

The Department has undertaken many efforts to promote a culture of respect for others and to reinforce this value throughout an officer's career. Our commitment to respect encompasses our commitment to fair and impartial policing. The City's recruitment and selection process is specifically designed to attract a wide demographic while deselecting those who are intolerant. The training program, both recruit and in-service, underwent extensive revision to include Consent Decree Paragraph 117 issues. The very core of the debrief system used by Training Division emphasizes meeting community expectations, which includes constitutional policing. Substantial investigative resources have been expended to investigate racial profiling allegations. These investigative resources include significant amounts of training for investigators and attention by upper IAG management. The City will be spending in excess of \$34 Million to outfit police vehicles with DICVS and has a comprehensive plan to use the DICVS as a management tool.

Professional Standards Bureau is enhancing the Department's disciplinary philosophy by asking its leaders to "think strategy before penalty." Using the ACR process is yet another example of strategic thinking. Used properly, the ACR process will enhance community policing, increase positive interaction between the community and officers and enhance officer performance and discipline.

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