

## INTRADEPARTMENTAL CORRESPONDENCE

August 26, 2016  
13.5

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** BIASED POLICING AND MEDIATION – 2<sup>ND</sup> QUARTER 2016 REPORT TO  
THE BOARD OF POLICE COMMISSIONERS

### RECOMMENDED ACTION

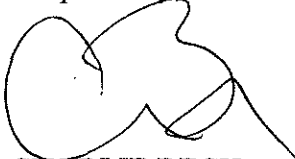
1. That the Board of Police Commissioners REVIEW and APPROVE this report.

### DISCUSSION

On August 19, 2008, the Board of Police Commissioners directed Internal Affairs Group, Professional Standards Bureau, to report quarterly on biased policing investigations. Attached for your review is the Internal Affairs Group report for the second quarter of 2016, which includes updates on the Biased Policing Complaint Mediation Program.

If you have any questions, please contact Commander Stuart A. Maislin, Commanding Officer, Internal Affairs Group, at (213) 485-1486.

Respectfully,



CHARLIE BECK  
Chief of Police

Attachment

**INTRADEPARTMENTAL CORRESPONDENCE**

August 18, 2016  
13.5

**TO:** Chief of Police

**FROM:** Commanding Officer, Professional Standards Bureau

**SUBJECT:** BIASED POLICING AND MEDIATION – 2<sup>ND</sup> QUARTER 2016 REPORT TO  
THE BOARD OF POLICE COMMISSIONERS

On August 19, 2008, the Board of Police Commissioners directed Internal Affairs Group, Professional Standards Bureau, to report quarterly on biased policing investigations. Attached for your review is the Internal Affairs Group (IAG) report for the second quarter of 2016, which includes updates on the Biased Policing Complaint Mediation Program.

If you have any questions, please contact Commander Stuart A. Maislin, Commanding Officer, Internal Affairs Group, at (213) 485-1486.



DEBRA J. McCARTHY, Deputy Chief  
Commanding Officer  
Professional Standards Bureau

Attachment

**Biased Policing and Mediation Update – 2nd Quarter 2016**  
**August 19, 2016**

The purpose of this report is to provide the Board of Police Commissioners (BOPC) with an update on the Los Angeles Police Department's (Department) activities related to the investigation of Biased Policing allegations.<sup>1</sup> It includes data on complaints of Biased Policing and adjudications.

This report summarizes the types of contact resulting in Biased Policing complaints as well as the alleged discriminatory conduct and biases, and provides demographic data on the accused employees. It covers Biased Policing complaints initiated in the first half of 2016 and provides comparison data for 2014 and 2015.

This report includes information on Biased Policing complaints that have been referred to the Office of Operations (OO) to determine the final disposition when Internal Affairs Group (IAG) disagreed with the adjudication made by the employee's chain-of-command.

Also included is an update on the Biased Policing Complaint Mediation 36-Month Pilot Program.

In order to provide timely, meaningful information, this report is based mainly on preliminary complaint information rather than complaints completed a year or more after initiation. As a result, the tables from the Complaint Management System based on closed complaints are not attached, though selected information is included herein.

## **Data**

### **Biased Policing Complaints Initiated**

Biased Policing complaints initiated from 2011 through the first half of 2016 are shown in the table below. The numbers for 2011 and 2012 are closed cases with Biased Policing allegations.<sup>2</sup> The data for 2013 represent Biased Policing cases identified at intake or at closing,<sup>3</sup> while Biased Policing complaints for 2014 through 2016 were identified manually based primarily on preliminary investigation at the time of intake. During the second quarter of 2016, data for 2013 through 2015 was updated to include recently closed complaints in which Biased Policing was not alleged at intake but identified during investigation.<sup>4</sup>

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<sup>1</sup> On August 19, 2008, the Board of Police Commissioners requested quarterly update reports.

<sup>2</sup> Generally, complaints are not classified by specific allegation types until the investigations are completed. Consequently, the numbers for 2011 and 2012 are based on Biased Policing allegations identified at closing.

<sup>3</sup> The transition to identifying Biased Policing allegations at intake took place in 2013, so Biased Policing complaints in 2013 were identified both at intake and at closing.

<sup>4</sup> Since the first quarterly report, a review of recently closed complaints resulted in the addition of nine complaints for 2013, 65 complaints for 2014, and 16 complaints for 2015. Tables 1-9 were also updated to reflect the additional complaints, but the additional complaints did not have a significant impact on the data.

2011	2012	2013	2014	2015	2016 (YTD)
263	225	281	283	211	97

Tables 1 through 9 discussed below are attached as separate pages. They provide information about Biased Policing complaints initiated from the 2014 through 2016 year-to-date. For tables in which a three-year average column is shown, data from 2013 has been included in order to calculate the average. Some complaints involved multiple complainants and/or accused employees, and some complainants alleged multiple discriminatory actions and/or types of bias. As a result, many of the total counts discussed below exceed the number of complainants and complaints initiated.<sup>5</sup>

Table 1 lists the number of Biased Policing complaints initiated by bureau and by geographic Area of occurrence. A summary of the data from Table 1 listing the number of complaints initiated by Bureau appears immediately below.

Bureau (% of City pop. <sup>6</sup> )	2016 YTD (%)				3-Year Avg. (%)
		2015 (%)	2014 (%)	2013 (%)	
Central (20.5)	21 (21.6)	51 (24.2)	65 (23.0)	70 (24.9)	62.0 (24.0)
South (18.2)	27 (27.8)	56 (26.5)	65 (23.0)	60 (21.4)	60.3 (23.4)
Valley (37.6)	26 (26.8)	54 (25.6)	74 (26.1)	88 (31.3)	72.0 (27.9)
West (23.7)	22 (22.7)	47 (22.3)	76 (26.9)	61 (21.7)	61.3 (23.7)
Outside City/Unknown	1 (1.0)	3 (1.4)	3 (1.1)	2 (0.7)	2.7 (1.0)
<b>Total</b>	<b>97</b>	<b>211</b>	<b>283</b>	<b>281</b>	<b>258.3</b>

- In the first half of 2016, 97 complaints were identified as containing allegations of Biased Policing, with a projected annual total of 194.
- The distribution of complaints initiated among the bureaus in the first half of 2016 is roughly similar to the three-year average.
- When compared to the population data, Operations South Bureau had a higher proportion of Biased Policing complaints (27.8%) than the percentage of residents in South bureau (18.2%), while Operations Valley Bureau had a lower proportion of Biased Policing complaints (26.8%) when compared to the percentage of people residing in Valley bureau (37.6%).
- With respect to the distribution of Biased Policing complaints among the geographic Areas, during the first half of 2016, some Areas had a higher proportion of the City's Biased Policing complaints when compared against the percentage of people residing in the Area. For example, Central Area had 8.2 percent of the Biased Policing complaints

<sup>5</sup> Because of rounding, percentages do not always equal 100.

<sup>6</sup> Based on data from the 2010 United States Census, the City has a population of 3.8 million distributed among the four geographic bureaus as follows: Central 20.5%; South 18.2%; Valley 37.6%; and West 23.7%.

while Central Area residents accounted for 1.6 percent of the City population; 77th Street Area had 15.5 percent of the Biased Policing complaints while its residents made up 4.7 percent of the City population; and Pacific Area had 11.3 percent of the Biased Policing complaints while its residents made up 5.4 percent of the population.

**Note:** A complainant may not always be a resident of the Area in which he/she initiates a complaint. Central Area for instance, covers the downtown area and has a large daytime population because of people commuting to work downtown, but a smaller residential population.

Table 2 shows a breakdown of the accused employees by gender, ethnicity, age, and length of service to the Department. The gender and ethnicity of accused employees could not always be determined based on information provided by complainants.

- **Gender representation:** In the first half of 2016, of the 139 accused employees for whom gender was known, female employees formed 16.5 percent of those accused in Biased Policing complaints while male employees formed 83.5 percent of the accused, similar to their respective gender representation in the Department.<sup>7</sup> The representation of female employees among the accused in the first half of 2016 is a slight increase from prior years, when females employees formed a smaller proportion of the accused compared to their representation on the Department. In 2015, female employees were 11.0 percent of the accused but made up 18.8 percent of all sworn employees, and in 2014, female employees were 10.8 percent of the accused but made up 19.0 percent of all sworn employees.
- **Ethnic representation:** Data from the first half of 2016 show the ethnic composition of accused employees was similar to that of all sworn personnel.
- **Age and length of service:** Since summarized information on employee age and length of service is not available in the Department rosters, 3,480 police officers in positions likely to have public contact were chosen as a comparison group (See Table 2, Part 2). The distribution of the accused employees among the age and tenure categories reported remains relatively similar to that of the comparison group. Consistent with prior years, data from the first two quarters of 2016 show that accused employees were most frequently in their thirties and forties with less than ten years of service.

Table 3 shows the accused employees' assignment types at the time the Biased Policing complaint was initiated. For comparison, the table also includes data on the total number of Department employees in each assignment type as of April 2016.

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<sup>7</sup> Sworn Department employee makeup - Gender: Male 81.2% and Female 18.8%; Ethnicity: American Indian 0.3%; Asian 7.5%; Black 10.6%; Filipino 2.3%; Hispanic 45.7%; White 33.2%; and Other 0.2% (Source: Sworn and Civilian Personnel by Sex and Descent, June 12, 2016).

- Patrol: Of the 150 employees accused of Biased Policing during the first two quarters of 2016, officers assigned to patrol functions made up 60.0 percent of the accused.<sup>8</sup> In comparison, 24.6 percent of employees are assigned by the Department to patrol functions. However, the representation of patrol officers among the accused in the first half of 2016 is similar to 2015, when 56.5 percent of the accused were in patrol function assignments, and to 2014 when 66.4 percent of the accused were in patrol functions.
- Gang Enforcement: In the first half of 2016, officers in gang enforcement assignments also formed a higher proportion of the accused (8.7%) when compared to the percentage of employees assigned by the Department to the gang enforcement function (3.4%). The representation of gang enforcement officers among the accused during the first half of 2016 is similar to their representation among the accused in 2015 (9.9%) and in 2014 (9.5%).
- Metropolitan Division: Officers assigned to Metropolitan Division formed 8.0 percent of the accused during the first two quarters of 2016, while sworn employees assigned to Metropolitan Division make up 3.1 percent of the Department. In 2015, Metropolitan Division officers made up 5.9 percent of the accused, and in 2014, they made up 1.3 percent of the accused.<sup>9</sup>
- Traffic Enforcement: During the first two quarters of 2016, officers assigned to traffic enforcement made up 6.0 percent of the accused while traffic enforcement officers make up 1.9 percent of Department employees. The representation of traffic enforcement officers among the accused in the first two quarters of 2016 is similar to 2015, when they made up 6.2 percent of the accused, and to 2014, when they made up 6.5 percent of the accused.

Table 4 shows the types of contact or police encounter that resulted in Biased Policing complaints along with a breakdown of the complainants by gender and ethnicity.

- Consistent with prior years, the type of contact that most frequently resulted in Biased Policing complaints during the first half of 2016 continues to be the traffic stop, accounting for 40 of the 97 complaints (41.2%) initiated. In 2015, traffic stops accounted for 42.7 percent of Biased Policing complaints, and 42.4 percent of the Biased Policing complaints in 2014.

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<sup>8</sup> For purposes of this report, the term patrol includes officers assigned to general patrol as well as officers assigned to patrol with a special enforcement purpose, such as those assigned to the Hollywood Entertainment District or the Safer Cities Initiative.

<sup>9</sup> In mid-2015, because of an increase in violent crime, Metropolitan Division was expanded to flexibly deploy specially trained officers in high crime areas. At the end of 2014, the Department had 255 officers deployed at Metropolitan Division. By the end of 2015, 471 officers had been assigned to Metropolitan Division, an increase of 216 officers from the prior year. As of April 2016, there were 471 officers deployed to Metropolitan Division, with 388 of them assigned to field operations.

- The second most common type of contact in the second half of 2016 was radio calls, accounting for 27 of the 97 complaints (27.8%), followed by pedestrian stops, which accounted for 16 of the 97 complaints (16.5%). This ranking order differs slightly from prior years when pedestrian stops were the second most frequent type of contact followed by radio calls. In 2015, 24.6 percent of the Biased Policing complaints resulted from pedestrian stops, while radio calls accounted for 17.5 percent of the Biased Policing complaints. Similarly, in 2014, pedestrian stops accounted for 20.1 percent of the complaints, while radio calls accounted for 19.4 percent.
- The remaining Biased Policing complaints fall into the generic “Other” category, used for all other types of contacts. During the first half of 2016, “Other” contacts accounted for 14 of the 97 complaints (14.4%).<sup>10</sup>

Table 5 shows the distribution of discriminatory conduct reported. This refers to the law enforcement actions or conduct alleged to have been based on bias. Also included is a breakdown of complainants by gender and ethnicity.

- In the first half of 2016, the three most commonly complained of discriminatory actions or types of conduct were detentions, arrests, and discourtesy. With the exception of the generic “Other” category,<sup>11</sup> this is consistent with the past two years, when detention, arrest, and discourtesy were also the most commonly complained of discriminatory conduct. The remaining types of allegedly biased conduct appeared less frequently,
- Stops/Detentions: The most commonly complained of conduct continues to be the stop or detention itself. During the first and second quarters of 2016, it appeared in 51 of the 97 Biased Policing complaints (52.6%) initiated and accounted for 42.9 percent of all discriminatory conduct alleged. In 2015, it appeared in 132 of the 211 Biased Policing complaints (62.6%) and in 2014, it appeared in 148 of the 283 complaints (52.3%).
- Arrest: Arrest was the second most complained of conduct during the first two quarters of 2016. It appeared in 17 of 97 complaints (17.5%) and accounted for 14.3 percent of all discriminatory conduct alleged. In 2015, arrest appeared in 38 of 211 complaints (18.0%), and 42 of the 283 complaints (14.8%) in 2014.
- Discourtesy: Prior to 2015, ethnic or otherwise objectionable remarks were included in the “Was Discourteous” category. In 2015, “Objectionable Remark” was distinguished as a separate category of discriminatory conduct to isolate ethnic, racial and otherwise derogatory or discriminatory remarks. In the first half of 2016, 14 of the 97 complaints (14.4%) alleged discourtesy, accounting for 11.8 percent of all discriminatory conduct

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<sup>10</sup> “Other” types of contact in the second quarter of 2016 included situations in which complainants went into a police station to report a crime, called a station to inquire about impound fees, and complaints in which complainants would not specify how they came into contact with officers.

<sup>11</sup> “Other” alleged discriminatory conduct reported in the first half of 2016 included complaints related to improper investigations, the issuing of citations, officers favoring the other party in disputes, and harassment.

alleged. In 2015, discourtesy appeared in 30 of 211 Biased Policing complaints (14.2%) and accounted for 10.6 percent of all discriminatory conduct alleged.

Table 6 shows the types of bias alleged along with a breakdown of complainants by gender and ethnicity. Effective January 1, 2016, California Penal Code Section 13012 was amended to require that complaints against peace officers be tracked by specific bias categories. While the Department already tracked Biased Policing complaints by bias categories, new categories were added to be consistent with the new law, including: Age, Gender Identity, Religion (previously tracked as part of Ethnic bias), Physical Disability, and Mental Disability (physical and mental disabilities were previously tracked under the general category of Disability).<sup>12</sup>

With the exception of new bias categories created in 2016 for age, gender identity and religion, the types of bias alleged during the first half of 2016 have remained relatively consistent with the types of bias alleged in prior years.

- **Ethnic bias:** Complaints of discriminatory conduct based on ethnic bias are overwhelmingly the most frequent, even when religion is separated into its own bias category. During the first half of 2016, 86 of the 97 Biased Policing complaints (88.7%) involved at least one allegation of discriminatory conduct based on ethnicity, accounting for 82.7 percent of all biases alleged. In 2015, when ethnic bias included religious bias, 193 of the 211 Biased Policing complaints (91.5%) involved at least one allegation of ethnic bias, accounting for 90.6 percent of all biases alleged. In 2014, 254 of the 283 Biased Policing complaints (89.8%) involved at least one allegation of discriminatory conduct based on ethnicity, accounting for 84.4 percent of all biases alleged.
- **Gender bias:** In the first two quarters of 2016, eight of the 97 Biased Policing complaints (8.2%) involved an allegation of gender bias, accounting for 7.7 percent of all biases alleged. This has fluctuated in prior years: in 2015, no complainant alleged gender bias, while in 2014, ten of the 283 complaints (3.5%) involved at least one allegation of discrimination based on gender. Few complaints fell within the remaining categories.
- **New bias categories:** Of the 97 Biased Policing complaints received in the first half of 2016, three complaints (3.1%) involved allegations of discriminatory conduct based on age, one complaint (1.0%) contained an allegation of gender identity bias, and one complaint (1.0%) involved an allegation of religious bias.

Ethnic Representation of Complainants: Tables 4, 5 and 6 all show that Black males were the most numerous demographic group among the complainants, making up 41 of the 104 complainants (39.4%) in the first two quarters of 2016; 104 of the 215 complainants (48.4%) in 2015; and 149 of the 298 (50.0%) in 2014. Most of their complaints resulted from traffic and

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<sup>12</sup> A category for “Other” bias is included, though no Biased Policing complaints in the first half of 2016 contained allegations that would have been classified as “Other.” In the past, “Other” biases included such categories as homelessness, appearing to be a criminal street gang member, political affiliation, prior arrests, size, stature, or location of residence. “Other” biases are included in Biased Policing complaints only if alleged in combination with ethnic or another categorized bias.



pedestrian stops and predominantly involved allegations that the stop or arrest itself was based on ethnic bias.

Table 7 compares the ethnicity of complainants, broken down by geographic bureau of occurrence, against the City's ethnic composition based on census data from 2010. During the first half of 2016, Black complainants were the most numerous demographic group. Of the 104 complainants, 57 (54.8%) were Black. This number is slightly lower than in prior years, when Black complainants made up 60.6 percent of the complaints in 2015 and 65.0 percent in 2014. In comparison, the 2010 census data shows that 9.4 percent of the City population is Black.

Table 8 provides a comparison of the ethnicities of accused employees and complainants only for cases involving alleged ethnic bias. As noted in prior reports, in the majority of cases, Black complainants accused Hispanic or White employees. This has remained constant since 2014.

### **Adjudication**

The Department's adjudication process begins with the accused employee's commanding officer and goes through multiple levels of review. Upon completion of a complaint investigation, the employee's commanding officer is responsible for reviewing the investigation, determining whether misconduct occurred, and recommending the disposition and penalty, if applicable. The commanding officer submits the investigation and recommendation up the chain-of-command to the bureau chief.

The bureau chief can concur with the recommendation, or if the bureau chief disagrees with the recommended adjudication, the bureau chief will prepare correspondence to IAG explaining the disagreement, the bureau's recommended adjudication, and the rationale for the bureau recommendation. This is referred to as a Military Endorsement. With Biased Policing complaints, if IAG disagrees with the chain-of-command's recommended adjudication, IAG forwards the complaint to the office director in the employee's chain-of-command for a final disposition. While this is generally the Director of the Office of Operations, when an employee is assigned to Metropolitan Division, for example, the complaint would be forwarded to the Director, Office of Special Operations.

For complaints in which the recommended adjudication is to sustain any allegation with a penalty of an official reprimand or greater, there is an additional level of review. With such complaints, IAG submits the completed investigation and recommendation to the Chief of Police for final adjudication.

Consistent with the standards set in place by the Consent Decree in adjudicating complaints, Department managers must determine by a preponderance of evidence whether misconduct occurred. Preponderance of evidence means the weight of evidence on one side is more convincing than the evidence presented for the other side. The Department manager's determination must be based on factual, reasonable consideration of the evidence and statements presented in the investigation.

Under the Department's long-standing practice, and also consistent with the Consent Decree, Department managers take into consideration the credibility of a witness or involved party when deciding if misconduct has been proven by a preponderance of the evidence. In determining credibility, no automatic preference is given to an officer's statement over the statement of any other witness or complainant. An evaluation of credibility must be based on evidence. If evidence shows that a witness or involved party lacks credibility, such as evidence of false statements or misrepresentation of facts, a determination may be made that the evidence weighs in favor of the other side. When a complaint involves conflicting statements from either side, if credibility cannot be determined, then the Department manager must rely on other evidence to adjudicate and recommend a disposition for the complaint. The adjudication disposition terms used in the following discussion are defined below.

An allegation is "Sustained" when the investigation discloses that the act complained of did occur and constitutes misconduct. When the investigation indicates the act complained of did not occur, the allegation is "Unfounded." "Not Resolved" is used when the evidence disclosed by the investigation does not clearly prove or disprove the allegations made. Not Resolved allegations were fully investigated, but without resolution. An allegation is designated "Insufficient Evidence to Adjudicate" when it could not be thoroughly or properly investigated. This may be caused by a lack of cooperation by the complainant or witnesses, or the absence of a critical interview that was necessary to proceed with the investigation, or the available physical evidence or witnesses' statements being insufficient to adjudicate the complaint.

"Guilty" and "Not Guilty" are used subsequent to a Board of Rights tribunal. "Not Guilty" may also be used to denote the final disposition of a complaint in which a Department adjudication of "Sustained" or a Board of Rights finding of "Guilty" is subsequently overturned, such as by a court of law. The full range of adjudication dispositions is outlined in Department Manual Section 3/820.25.

### **Biased Policing Complaints Closed**

In contrast to the section on Biased Policing complaints initiated, which was based on preliminary complaint information, this section presents information on closed complaints drawn from the Complaint Management System.

Table 9 shows how the adjudication of Biased Policing allegations in the first half of 2016 compared to those of the last three years. During the first two quarters of 2016, 121 complaints involving 209 allegations of Biased Policing were adjudicated.

- Of the 209 Biased Policing allegations adjudicated in the first and second quarters of 2016, 156 Biased Policing allegations (74.6%) were adjudicated as Unfounded, a decrease in comparison to the prior three-year average of 83.5 percent.
- Twenty-two allegations closed with the Mediated disposition during the first two quarters of 2016, or 10.5 percent of all Biased Policing dispositions.

- Twenty-one allegations closed in the first half of 2016 with the disposition Insufficient Evidence to Adjudicate, a slightly higher rate (10.0%) when compared to the three-year average (7.0%), though the rate has fluctuated from year to year.
- Nine Biased Policing allegations (4.3%) were adjudicated as Not Resolved during the first two quarters of 2016. The current rate of Not Resolved dispositions is slightly higher than the three-year average of 2.8 percent.

### Video in Adjudication of Biased Policing Complaints

Of the 121 complaints with Biased Policing allegations that closed in the first half of 2016, most occurred in Areas in which Body Worn Video (BWV) and/or Digital In-Car Video (DICV) had not yet been implemented. However, in 43 of the 121 closed complaints (35.5%), the adjudicator had access to video or audio recordings as part of the adjudication process.

Of the 43 Biased Policing complaints with video or audio recordings, eight complaints (18.6%) did not go through the adjudication process because the complaints were referred to the Biased Policing Complaint Mediation Pilot Program and closed as Mediated. The remaining 35 complaints went through the adjudication process, and video or audio recordings assisted in the adjudication of 28 (80%) of those. The table below summarizes how video affected the adjudication process for Biased Policing complaints closed in the first half of 2016, and provides of a breakdown of the types of video available to the adjudicator.

Video in Biased Policing (BP) Complaints-2016 (YTD)	Complaints		Complaints by type of recording			
	121	%	DICV only	BWV only	DICV+BWV	Other
BP complaints closed	121					
No video/audio recording available	78	64.5%				
Video/audio recording was available	43	35.5%	31	1	3	8
<b>Closed BP complaints that had video</b>	<b>43</b>	<b>%</b>	<b>31</b>	<b>1</b>	<b>3</b>	<b>8</b>
Not adjudicated (closed as Mediated)	8	18.6%	5	1	2	0
Went through adjudication process	35	81.4%	26	0	1	8
<b>Adjudicated BP complaints that had video</b>	<b>35</b>	<b>%</b>	<b>26</b>	<b>0</b>	<b>1</b>	<b>8</b>
Video did not assist in adjudication/Not stated	7	20.0%	4	0	1	2 <sup>13</sup>
Video assisted in adjudication of some allegations	26	74.3%	20	0	0	6 <sup>14</sup>
Video proved/disproved entire complaint	2	5.7%	2	0	0	0

The two Biased Policing complaints in which DICV helped to disprove the allegations in the complaint are summarized below.

<sup>13</sup> Complaints in which “Other” recording types did not assist in adjudication included one complaint with cell phone video and one complaint with audio from an officer’s personal recorder.

<sup>14</sup> Complaints in which “Other” recording types assisted in the adjudication process included one complaint with cell phone video, two complaints with Council camera videos, and three complaints with personal audio/video recordings from the officers’ personal recorders.

- In a complaint arising from a traffic stop, the driver alleged that officers were traveling in the opposite direction when they saw the complainant through his car windshield, made a U-turn, and stopped the complainant because of his race. The DICV showed the officers were traveling in the same direction as the complainant and were behind him when they noticed the complainant's car had no rear license plate. The DICV also showed the complainant's windows were rolled up and had dark tinting through which the complainant's race and gender could not be determined.
- The second complaint also arose from a traffic stop. Initially, the driver did not stop after the officers turned on their lights, and drove his car two more blocks before pulling over. The driver was issued a ticket for tinted windows. The driver filed a complaint alleging the officers had no reason to stop him, and did so only because of his race. The complainant also said the officers detained him for 45 minutes but did not tell him the reason for the stop until the very end, pointed a gun at him when they ordered him out of his car, laughed at him, asked him if he was a gang member, removed belongings from his car and left them on the sidewalk, and refused to adjust his handcuffs when he asked them. The complainant also alleged the officers searched his car without cause.

The DICV showed that the complainant's car windows had dark tint and the complainant's race could not be determined by looking through the windows at that time of night. The DICV showed the detention lasted 18 minutes and that officers informed the driver of the reason for the stop within 25 seconds after asking him to step out of his car. The DICV showed the complainant telling the officers he had been cited three times previously for the tinted windows, but it did not show officers removing their guns from their holsters, laughing at the complainant, asking him about gang membership, removing items from the car and leaving them on the sidewalk, or that the complainant ever asked for his handcuffs to be adjusted. The DICV showed an officer asking the complainant for his license and, after being told it was in the glove compartment, looking in the glove compartment, at which time the DICV shows the officer noticing the small container of marijuana in the center console of the complainant's car. The commanding officer adjudicating the complaint noted the complainant's credibility was an issue because the complainant's description of the stop, including what he claimed officers did and said, were contradicted by what was on the DICV.

### **Biased Policing Complaints Referred to the Chain-of-Command Office Director**

As detailed in previous reports, IAG continues to forward Biased Policing complaints to the office director in the employee's chain-of-command when it disagrees with a chain-of-command adjudication. In the second quarter of 2016, IAG referred two Biased Policing complaints to the Director, Office of Operations (OO), for final disposition. In one complaint, the Director disagreed with IAG's recommendation that the complaint be adjudicated as Insufficient Evidence to Adjudicate, and the complaint closed as Unfounded. In the second complaint, the Director requested a supplemental investigation, so a final disposition for the second complaint remains pending. A summary of the dispositions for the nine complaints referred to the Director in the first and second quarters of 2016 appears in the table below.

<b>BIASED POLICING COMPLAINTS REFERRED TO OFFICE DIRECTOR FOR FINAL DISPOSITION</b>			
<b>2016 Quarter</b>	<b>Bureau Recommendation</b>	<b>Internal Affairs Group Recommendation</b>	<b>Office Director Adjudication</b>
<b>1</b>	Unfounded	Insufficient Evidence to Adjudicate	Insufficient Evidence to Adjudicate (OO)
	Unfounded	Insufficient Evidence to Adjudicate	Insufficient Evidence to Adjudicate (OO)
	Unfounded	Insufficient Evidence to Adjudicate	Insufficient Evidence to Adjudicate (OO)
	Unfounded	Insufficient Evidence to Adjudicate	Insufficient Evidence to Adjudicate (OO)
	Unfounded	Not Resolved	Not Resolved (OO)
	Unfounded	Not Resolved	Not Resolved (OO)
	Unfounded	Not Resolved	Not Resolved (OO)
	Unfounded	Not Resolved	Not Resolved (OO)
<b>2</b>	Unfounded	Insufficient Evidence to Adjudicate	Unfounded (OO)
	Unfounded	Not Resolved	Pending supplemental investigation (OO)

Also in the second quarter of 2016, IAG disagreed with a chain-of-command adjudication of Unfounded for a Biased Policing complaint but did not refer it to the Director because the complaint was too close to the statute date. For training purposes, IAG sent correspondence to the chain-of-command explaining the rationale. Through the first half of 2016, there has only been one Biased Policing complaint not referred to the Director because of the statute date.

In total, IAG disagreed with the chain-of-command recommendation for ten Biased Policing complaints in the first half of 2016. Nine of the complaints were referred to the Director, and eight now have a final adjudication. Those eight closed complaints represent 6.6 percent of the 121 Biased Policing complaints closed in the first half 2016. The table below summarizes, from 2014 to present, the number of complaints in which IAG disagreed with the chain-of-command.

<b>Closed Biased Police (BP) Complaints</b>	<b>2016 (YTD)</b>	<b>2015</b>	<b>2014</b>
BP complaints closed	121	264	283
Closed BP complaints in which IAG disagreed with adjudication	8 (6.6%)	8 (3.0%)	16 (5.7%)

### **Biased Policing Complaint Mediation Program**

The Department is in the third year of the 36-month Biased Policing Complaint Mediation Pilot Program (Program). In conjunction with the Los Angeles City Attorney’s Office (LACA), selected complaints of Biased Policing are mediated as an alternative to the traditional complaint investigation procedure. Beginning September 9, 2015, Discourtesy complaints also became eligible for mediation.

Generally, Biased Policing and Discourtesy complaints with no additional allegations of misconduct, or additional minor allegations of misconduct, may be considered for mediation. The Program’s implementation plan provides that complaints involving the following situations should not be mediated, though the Commanding Officer, IAG, makes the final determination of case eligibility:

- Force was used;
- Ethnic remark or other specific discourtesy directed at a class of persons;
- A complainant was arrested;
- An employee was assaulted;
- A lawsuit was filed;
- A person was injured;
- Property was damaged;
- Excessive delay in reporting allegations; and,
- Allegations of criminal misconduct.

During the first half of 2016, 167 complaints were referred to the Program for mediation, and 104 complaints were determined to be eligible, a 62.3 percent eligibility rate. In addition to the nine complaints closed as Mediated in the first quarter of 2016, fourteen complaints (involving 17 employees and 15 complainants) closed as Mediated during the second quarter of 2016, bringing the total number of complaints closed as Mediated to 23 complaints. At the end of the first half of 2016, the Mediation Coordinator was attempting to contact the parties to 27 additional eligible complaints in an effort to obtain their agreement to participate in the Program. The table below summarizes the complaints referred to the Program during the first two quarters of 2016 compared to the total number of complaints referred in 2014 and 2015.

<b>Biased Policing Complaint Mediation Program<sup>15</sup></b>	<b>2016 (YTD)</b>	<b>2015</b>	<b>2014</b>
Total Complaints Referred	167	195	224
Not Eligible	63 (37.7%)	108 (55.4%)	119 (53.1%)
Eligible	104 (62.3%)	87 (44.6%)	105 (46.9%)
Closed with Mediated Disposition <sup>16</sup>	23	34	23

Though employees and complainants do not always provide a reason for declining to participate in mediation, beginning in 2016, the reason for reassignment of eligible complaints is being collected. Of the 104 complaints determined eligible for mediation, 57 (54.8%) were reassigned without mediation, either for full investigation (55 complaints), or because the parties agreed to resolve the complaint through the Alternative Complaint Resolution process (two complaints).<sup>17</sup> The table below provides a breakdown of the reasons for reassignment for the first half of 2016.

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<sup>15</sup> The data in this table include Discourtesy complaints, which became eligible for mediation September 9, 2015. The year-to-date totals for 2016 are significantly higher than in prior years, in part, because Discourtesy complaints are now eligible for mediation through the Program. Currently, Discourtesy complaints make up 45.6 percent the eligible cases referred to the Program for mediation.

<sup>16</sup> These complaints could be from the current quarter or a prior quarter.

<sup>17</sup> Under the Alternative Complaint Resolution (ACR) process, complaints from the public may be resolved outside the traditional complaint investigation procedure if the conduct alleged is non-disciplinary, or disciplinary but very minor in nature, and both the accused officer and the complainant agree to meet and discuss the issues. The meeting is confidential and a Department supervisor facilitates the discussion to help the parties resolve the issues by coming to an understanding of each other. Complaints are closed with the ACR disposition after completion of the process.

<b>Eligible for Mediation but Reassigned</b>		<b>2016 (YTD)</b>	<b>2015</b>	<b>2014</b>
<b>Eligible</b>		<b>104</b>	<b>87</b>	<b>105</b>
<b>Reassigned</b>		<b>57 (54.8%)</b>	<b>61 (70.1%)</b>	<b>72 (68.6%)</b>
	<b>Complainant could not be located/contacted</b>	<b>9 (8.7%)</b>	<b>20 (23.0%)</b>	<b>19 (18.1%)</b>
	<b>Complainant declined</b>	<b>31 (29.8%)</b>	<b>23 (26.4%)</b>	<b>30 (28.6%)</b>
	Too much bother	6 (5.8%)		
	Changed mind/does not wish to pursue	6 (5.8%)		
	Wants full investigation	6 (5.8%)		
	Lack of trust in LAPD	2 (1.9%)		
	Avoid other party	2 (1.9%)		
	No reason given	9 (8.7%)		
	<b>Officer declined</b>	<b>10 (9.6%)</b>	<b>16 (18.4%)</b>	<b>19 (18.1%)</b>
	Wants full investigation	4 (3.8%)		
	Avoid other party	3 (2.9%)		
	Too much bother	1 (1.0%)		
	No reason given	2 (1.9%)		
	<b>Inappropriate for mediation</b>	<b>5 (4.8%)</b>	<b>2 (2.3%)</b>	<b>4 (3.8%)</b>
	<b>Alternative Complaint Resolution</b>	<b>2 (1.9%)</b>		

Of the 14 complaints that closed as Mediated in the second quarter of 2016, four complaints closed as Mediated because the complainant did not attend the scheduled mediation sessions.<sup>18</sup> The remaining ten complaints underwent mediation in the second quarter of 2016. Satisfaction surveys from those ten mediation sessions, representing 11 complainants and 13 employees, were received from the participants. Based on the surveys received, the table below details the participants' responses to four of the survey questions relating to participant satisfaction with the mediation process, whether the process was fair, whether mediation increased understanding of the other party, and whether the participant would recommend mediation to others.

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<sup>18</sup> Under the Program guidelines, when a complainant does not appear for scheduled mediation twice without good cause, the complaint is closed as Mediated.

Participant Mediation Survey Responses 2nd Quarter 2016		Complainants (11)		Employees (13)		Total (24)	
Category	Rating	Total	%	Total	%	Total	%
Satisfaction with Complaint Mediation Process	Very Satisfied	7	63.6%	4	30.8%	11	45.8%
	Somewhat Satisfied	2	18.2%	6	46.2%	8	33.3%
	Somewhat Dissatisfied			2	15.4%	2	8.3%
	Not Satisfied at All	2	18.2%	1	7.7%	3	12.5%
Fairness of Outcome of Complaint Mediation Process	Completely Fair	6	54.5%	9	69.2%	15	62.5%
	Somewhat Fair	2	18.2%	4	30.8%	6	25.0%
	Not Very Fair	2	18.2%			2	8.3%
	Did Not Answer	1	9.1%			1	4.2%
Increased Understanding of Police Work / Community Member	Increased a Great Deal	1	9.1%			1	4.2%
	Increased Somewhat	5	45.5%	4	30.8%	9	37.5%
	Increased a Little	3	27.3%	2	15.4%	5	20.8%
	Did Not Increase	2	18.2%	7	53.8%	9	37.5%
Likelihood of Recommending Complaint Mediation Process	Very Likely	5	45.5%	6	46.2%	11	45.8%
	Somewhat Likely	3	27.3%	5	38.5%	8	33.3%
	Not Very Likely	2	18.2%	1	7.7%	3	12.5%
	Not Likely at All	1	9.1%	1	7.7%	2	8.3%

Data from surveys received from the start of the Program in 2014 through the second quarter of 2016 is provided in Table 10. Though ratings for the various satisfaction categories have fluctuated since 2014, for both complainants and officers, overall satisfaction levels remain high. The data shows the Program has been well-received and is having a positive impact on community members and Department employees. Summarized below are the results for surveys received during the second quarter of 2016.

Satisfaction with the process: In the second quarter, 19 of 24 participants (79.2%) were either “somewhat satisfied” or “very satisfied” with the mediation process. Complainants (81.8%) were slightly more likely to be satisfied with the process than officers (76.9%).

Fairness of the process: Out of 24 participants in the second quarter, 21 (87.5%) indicated the outcome of the mediation process to be “somewhat fair” or “completely fair.” In this category, officers (100%) were more likely to believe the process to be fair than complainants (72.7%).

Understanding of the Other Party: Of the 24 participants in the second quarter, 15 (62.5%) indicated their understanding of the other party increased after the mediation. The percentage of participants who reported an increase in understanding was greater for complainants (81.8%) than it was for officers (46.2%).

Likelihood of Recommending to Others: During the second quarter of 2016, 19 of 24 participants (79.2%) indicated they were either “somewhat likely” or “very likely” to recommend the mediation process to others. The percentage of participants who would recommend the mediation process to others was higher for officers (84.6%) than for complainants (72.7%).



Below are summaries of two of the mediation sessions held recently.

- In a Biased Policing complaint involving sexual orientation bias, the complainant and the officers indicated that there was value in meeting to discuss the issues even though the parties did not come to a final resolution or agreement. There was tension throughout the mediation session. While the parties did not resolve the issues by the end of the mediation, both the complainant and the officers reported some satisfaction with the process, and all the participants believed the process was fair. After mediation, the complainant sent a thank you message to the Mediation Coordinator stating, “I wanted to point out that even though nothing got resolved, I feel as if my voice being heard meant something to me.” Separately, one of the officers told the Mediation Coordinator afterward that he gained a new perspective because of the mediation and would be recommending the Program to other employees.
- In a second Biased Policing complaint involving gender bias, the female complainant misinterpreted an officer’s directional signals at the scene of a traffic collision and drove in the wrong direction. At mediation, the complainant said that the harsh and abrupt way the officer spoke to her made her feel intimidated and afraid, changing her formerly very high opinion of law enforcement. The complainant believed the officer spoke to her in that manner because of her gender. The officer immediately offered an apology and said he felt bad about the incident. The officer became emotional in explaining to the complainant that she reminded him of his own mother, and said he would never have spoken to her that way. The officer said he would be more careful of his tone in the future and asked if the complainant could look beyond the incident. At the end of the mediation session, the complainant’s husband, who had accompanied the complainant at mediation as a support person, asked if he could speak.<sup>19</sup> The husband told the officer that they forgave him, that a heavy burden had been lifted from their home, and that they now felt very safe calling the police if necessary. The husband said he was glad the Program existed. Afterward, in speaking with the Mediation Coordinator, the officer said he was also very glad he participated in the mediation and that he learned a great deal from it.

The Department continues its internal outreach effort to boost program awareness and understanding among employees by providing presentations at Department training schools and various forums including Supervisor Schools and Training Days at various divisions. The Mediation Coordinator also continues to try to make the process as easy as possible for complainants by scheduling mediations at local libraries closer to the complainants’ residences and identifying volunteer mediators to conduct mediations on weekends or during evening hours.

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<sup>19</sup> While mediation is limited to the parties involved, depending on the circumstances and with the agreement of all parties, a support person may be present at mediation but is required to sign a confidentiality agreement and may not participate in the mediation itself.

## **Addenda**

1. Table 1 - Complaints by Bureau and Geographic Area
2. Table 2 - Accused Employee Demographics: Ethnicity and Gender; Age at Date of Incident; Length of Service at Date of Incident; and Age and Length of Service Comparisons
3. Table 3 - Accused Employee Assignments
4. Table 4 - Type of Law Enforcement Contact or Encounter
5. Table 5 - Discriminatory Conduct Alleged
6. Table 6 - Type of Bias Alleged
7. Table 7 - Complainant Ethnicity by Bureau
8. Table 8 - Accused and Complainant Ethnicities for Ethnic Bias Complaints Only
9. Table 9 - Biased Policing Allegation Dispositions for Closed Complaints
10. Table 10 - Biased Policing Complaint Mediation Program Survey Responses

**Table 1 – Complaints by Bureau and Geographic Area**

BUREAUS/AREAS	Population		2016 (YTD)		2015		2014		2013		3-Year Avg. (%) (2013-2015)	
			Complaints		Complaints		Complaints		Complaints			
<b>CENTRAL BUREAU</b>	<b>780,269</b>	<b>20.5%</b>	<b>21</b>	<b>21.6%</b>	<b>51</b>	<b>24.2%</b>	<b>65</b>	<b>23.0%</b>	<b>70</b>	<b>24.9%</b>	<b>62.0</b>	<b>24.0%</b>
Central	61,668	1.6%	8	8.2%	23	10.9%	20	7.1%	30	10.7%	24.3	9.4%
Hollenbeck	179,536	4.7%	2	2.1%	4	1.9%	8	2.8%	6	2.1%	6.0	2.3%
Newton	146,201	3.9%	7	7.2%	16	7.6%	16	5.7%	16	5.7%	16.0	6.2%
Northeast	227,903	6.0%	2	2.1%	2	0.9%	10	3.5%	7	2.5%	6.3	2.5%
Rampart	164,961	4.3%	2	2.1%	6	2.8%	11	3.9%	11	3.9%	9.3	3.6%
<b>SOUTH BUREAU</b>	<b>689,238</b>	<b>18.2%</b>	<b>27</b>	<b>27.8%</b>	<b>56</b>	<b>26.5%</b>	<b>65</b>	<b>23.0%</b>	<b>60</b>	<b>21.4%</b>	<b>60.3</b>	<b>23.4%</b>
77th Street	178,933	4.7%	15	15.5%	14	6.6%	12	4.2%	17	6.0%	14.3	5.5%
Harbor	178,163	4.7%	0	0.0%	3	1.4%	7	2.5%	7	2.5%	5.7	2.2%
Southeast	141,371	3.7%	6	6.2%	12	5.7%	16	5.7%	8	2.8%	12.0	4.6%
Southwest	190,771	5.0%	6	6.2%	27	12.8%	30	10.6%	28	10.0%	28.3	11.0%
<b>VALLEY BUREAU</b>	<b>1,427,148</b>	<b>37.6%</b>	<b>26</b>	<b>26.8%</b>	<b>55</b>	<b>26.1%</b>	<b>74</b>	<b>26.1%</b>	<b>88</b>	<b>31.3%</b>	<b>72.3</b>	<b>28.0%</b>
Devonshire	216,499	5.7%	4	4.1%	11	5.2%	10	3.5%	9	3.2%	10.0	3.9%
Foothill	196,513	5.2%	1	1.0%	5	2.4%	6	2.1%	12	4.3%	7.7	3.0%
Mission	244,576	6.4%	5	5.2%	2	0.9%	11	3.9%	11	3.9%	8.0	3.1%
North Hollywood	203,856	5.4%	6	6.2%	10	4.7%	12	4.2%	18	6.4%	13.3	5.2%
Topanga	193,901	5.1%	5	5.2%	6	2.8%	13	4.6%	9	3.2%	9.3	3.6%
Van Nuys	177,918	4.7%	2	2.1%	13	6.2%	16	5.7%	17	6.0%	15.3	5.9%
West Valley	193,885	5.1%	3	3.1%	8	3.8%	6	2.1%	12	4.3%	8.7	3.4%
<b>WEST BUREAU</b>	<b>900,515</b>	<b>23.7%</b>	<b>22</b>	<b>22.7%</b>	<b>47</b>	<b>22.3%</b>	<b>76</b>	<b>26.9%</b>	<b>61</b>	<b>21.7%</b>	<b>61.3</b>	<b>23.7%</b>
Hollywood	128,999	3.4%	4	4.1%	15	7.1%	17	6.0%	14	5.0%	15.3	5.9%
Olympic	186,615	4.9%	2	2.1%	2	0.9%	14	4.9%	11	3.9%	9.0	3.5%
Pacific	203,623	5.4%	11	11.3%	15	7.1%	20	7.1%	20	7.1%	18.3	7.1%
West Los Angeles	230,275	6.1%	0	0.0%	4	1.9%	9	3.2%	3	1.1%	5.3	2.1%
Wilshire	151,003	4.0%	5	5.2%	11	5.2%	16	5.7%	13	4.6%	13.3	5.2%
OUTSIDE CITY/ UNKNOWN LOCATION	NA	NA	1	1.0%	2	0.9%	3	1.1%	2	0.7%	2.3	0.9%
<b>TOTAL</b>	<b>3,797,170</b>		<b>97</b>		<b>211</b>		<b>283</b>		<b>281</b>		<b>258.3</b>	

(upd., 7/5/2016)

**Table 2 - Accused Employee Demographics (Part 1)**

**Ethnicity and Gender**

Year	Gender	Ethnicity								Gender Total
		American Indian	Asian	Black	Filipino	Hispanic	White	Other	Unknown	
<b>2016 (YTD)</b>	Female		1	1		13	7		1	23
	Male		12	16		50	37	1		116
	Unknown								11	11
	<b>Ethnicity Total</b>	<b>0</b>	<b>13</b>	<b>17</b>	<b>0</b>	<b>63</b>	<b>44</b>	<b>1</b>	<b>12</b>	<b>150</b>
<b>2015</b>	Female		2	3		19	8			32
	Male	1	23	22	2	120	82		8	258
	Unknown								34	34
	<b>Ethnicity Total</b>	<b>1</b>	<b>25</b>	<b>25</b>	<b>2</b>	<b>139</b>	<b>90</b>	<b>0</b>	<b>42</b>	<b>324</b>
<b>2014</b>	Female		4	3		22	17	1	1	48
	Male	2	27	28		194	141	1	2	395
	Unknown								33	33
	<b>Ethnicity Total</b>	<b>2</b>	<b>31</b>	<b>31</b>	<b>0</b>	<b>216</b>	<b>158</b>	<b>2</b>	<b>36</b>	<b>476</b>

(Upd. 7/6/2016)

**Age at Date of Incident**

Year	Age in Years				
	20-29	30-39	40-49	50/+	Unknown
<b>2016 (YTD)</b>	24	58	44	9	15
<b>2015</b>	62	120	73	18	51
<b>2014</b>	97	160	135	40	44

(Upd. 7/6/2016)

**Length of Service at Date of Incident**

Year	Years of Service					
	0-4	5-9	10-14	15-19	20/+	Unknown
<b>2016 (YTD)</b>	28	51	17	25	14	15
<b>2015</b>	49	120	38	44	27	46
<b>2014</b>	74	166	52	90	57	37

(Upd. 7/6/2016)

**Table 2 - Accused Employee Demographics (Part 2)**

**Age and Length of Service Comparisons**

Age in Years	Comparison Group		Accused Employee Percentage		
	Officers	Percentage	2016 (YTD)	2015	2014
20-29	757	21.8%	17.8%	22.7%	22.5%
30-39	1501	43.1%	43.0%	44.0%	37.0%
40-49	954	27.4%	32.6%	26.7%	31.3%
50/+	268	7.7%	6.7%	6.6%	9.3%

(Upd. 7/6/2016)

Years of Service	Comparison Group		Accused Employee Percentage		
	Officers	Percentage	2016 (YTD)	2015	2014
0-4	799	23.0%	20.7%	17.6%	16.9%
5-9	1348	38.7%	37.8%	43.2%	37.8%
10-14	454	13.0%	12.6%	13.7%	11.8%
15-19	553	15.9%	18.5%	15.8%	20.5%
20/+	326	9.4%	10.4%	9.7%	13.0%

(Upd. 7/6/2016)

Accused having unknown Age or Years of Service are excluded from the percentage calculations.

**Comparison Group – 3480 Police Officers**

Rank	Officers	Percentage
PO 1	250	7.2%
PO 2	2519	72.4%
PO 3	711	20.4%

Function	Officers	Percentage
Patrol	2829	81.3%
Specialized Enforcement	261	7.5%
Traffic	390	11.2%