

OFFICE OF THE CHIEF OF POLICE

APPROVED BY THE BOARD OF POLICE COMMISSIONERS

NOVEMBER 5, 2019

ADMINISTRATIVE ORDER NO. 19

November 8, 2019

SUBJECT: DEFINITIONS OF TERMS USED IN THE DEPARTMENT MANUAL – REVISED; AND, POLICY PROHIBITING BIASED POLICING – REVISED

BACKGROUND: The Constitution of the United States guarantees equal protection to all individuals within its borders. The Department's mandate to provide Constitutional Policing to all residents of the City regardless of their demographic characteristics was first outlined in Special Order No. 40, *Undocumented Aliens*, dated November 27, 1979. Furthermore, Title VI of the Civil Rights Act of 1964 specifically states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity [of any agency] receiving Federal financial assistance."

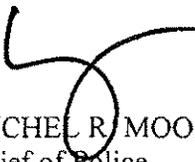
PURPOSE: On March 21, 2017, the Mayor of the City of Los Angeles issued Executive Directive No. 20, *Standing with Immigrants: A City of Safety, Refuge, and Opportunity for All*, to reaffirm the City of Los Angeles' commitment to remain a sanctuary for all persons, regardless of their circumstances. The purpose of this Order is to reiterate the Department's commitment to providing unbiased Constitutional Policing; and, to revise policy prohibiting biased policing based upon immigration or employment status, language fluency, and homeless circumstance.

PROCEDURE:

- I. DEFINITIONS OF TERMS USED IN THE DEPARTMENT MANUAL – REVISED.** Department Manual Section 0/030, *Definitions of Terms Used in the Department Manual*, has been revised and attached, with the revisions indicated in italics.
- II. POLICY PROHIBITING BIASED POLICING – REVISED.** Department Manual Section 1/345, *Policy Prohibiting Biased Policing*, has been revised and attached, with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 0/030 and 1/345 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.


MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL

Volume I

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345. POLICY PROHIBITING BIASED POLICING. Discriminatory conduct on the basis of *an individual's actual or perceived* race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, *immigration or employment status, English language fluency or homeless circumstance*, is prohibited *while performing any law enforcement activity*. All law enforcement contacts and activities, including, but not limited to, calls for service, investigations, 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 laws. *Officers shall not initiate police action where the objective is to discover the civil immigration status of any person and shall strictly adhere to the Department's immigration enforcement guidelines as outlined in Department Manual Sections 4/264.50 and 4/264.55.*

Department personnel may not use race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability (to any extent or degree), *immigration or employment status, English language fluency or homeless circumstance as a basis for* conducting any law enforcement activity, including stops and 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, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability (*to any extent or degree*), *immigration or employment status, English language fluency or homeless circumstance*; may rely, in part, on the specified identifier or description only in combination with other appropriate identifying factors; and may not *grant* the specified identifier or description undue weight.

A failure to comply with this policy is counterproductive to professional law enforcement and is considered serious misconduct. Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established Department procedures.

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030. DEFINITIONS OF TERMS USED IN THE DEPARTMENT MANUAL. The following words and terms have the meanings herein assigned, unless it is apparent from the content that they have a different meaning:

Adult. “Adult” means any person eighteen years of age or older.

Board. “Board” means the Board of Police Commissioners.

Booking. “Booking” means the process of registering in Department records the custody of persons or property.

Business Hours. “Business Hours” means 0830 hours to 1700 hours, Monday through Friday, excluding legal holidays.

CHP. “CHP” refers to the California Highway Patrol.

CHP Officer. “CHP Officer” means those employees of the California Highway Patrol, regardless of rank, defined in Section 2250 of the California Vehicle Code.

Call. “Call” means a visit made by an employee in response to a station assignment, a request from a private person, or a Department communication, or in furtherance of an investigation or an assignment.

Charter. “Charter” means the Charter of the City of Los Angeles.

City. “City” means the City of Los Angeles.

Civilian Employee. “Civilian Employee” means any employee of the Department other than a police officer of the City of Los Angeles, as defined in Section 1302 (a) of the City Charter.

Conduct Evaluation Process. The “Conduct Evaluation Process” is used to determine if the employee engaged in any activity that would legally preclude him *or* her from holding the position of peace officer in the State of California.

Consent Decree. “Consent Decree” means a binding agreement between the United States Department of Justice and the City of Los Angeles.

County. “County” means the County of Los Angeles.

DMV. “DMV” refers to the California State Department of Motor Vehicles.

Department. “Department” means the Los Angeles Police Department.

Department Property. “Department Property” means any City-owned property controlled by the Department.

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Employee/Personnel. The terms “Employee” and “Personnel” are used interchangeably and apply to **any** person employed by the Department. These terms also apply to reserve officers while on-duty.

Employment Status. *The term “Employment Status” means the situation where a person may be perceived as not having gainful employment.*

Extended Leave Officer. An “Extended Leave Officer” means any officer that has been absent from work for any reason, in excess of 365 calendar days, but has not been separated (terminated, resigned, or retired) from the Department, except those assigned to home with pay.

Homeless Circumstance. *The term “Homeless Circumstance” means the situation in which: (i) An individual or family lacks fixed, regular, and adequate nighttime residence; (ii) An individual or family with a primary nighttime residence in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (including a car, park, abandoned building, bus or train station, airport, or camping ground); (iii) An individual or family is living in a supervised publicly or privately operated shelter designed to provide temporary living arrangements (including hotels and motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); or, (iv) An individual or family who resided in a shelter or place not meant for human habitation and is exiting an institution where he or she temporarily resided.*

Immigration Status. *The term “Immigration Status” means the basis for which a non-United States citizen is in the United States (e.g., undocumented, non-immigrant visa, permanent resident).*

Judicially-Restored Officer. A “Judicially-Restored Officer” means any officer that has been terminated from the Department and then ordered to be reinstated by a court of law.

Juvenile. “Juvenile” means any person under the age of eighteen years.

English Language Fluency. *The term “English Language Fluency” refers to ones’s ability to read, write, speak, or understand English. Individuals may also be described as “Limited English Proficiency” or “LEP” persons.*

Metropolitan (Central) Area. “Metropolitan Area” means that territory lying within the geographic limits of Central, Southwest, Southeast, Hollenbeck, Hollywood, Wilshire, Northeast, 77th Street, Newton, Olympic and Rampart Areas.

Minor. “Minor” means any person under the age of eighteen years.

Exception: A person under the age of twenty-one years is be considered a minor with respect to the following:

- Sentencing and commitment of persons to the California Youth Authority.

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- Veterans' benefits.
- Alcoholic Beverage Control Act.

Officer/Sworn Personnel. "Officer" and "Sworn Personnel" are used interchangeably and apply to those employees of the Department, regardless of rank, who are "...sworn in, as provided by law, to perform the duties of a regular police officer of the City of Los Angeles..." [Section 1302 (a) of the City Charter]. These terms also apply to reserve officers while on-duty.

Exception: The term "Officer" when preceded by a modifier may pertain to other than sworn personnel (e.g., detention officer, traffic officer).

Outlying Areas. "Outlying Areas" means that territory lying within the geographic limits of Devonshire, Foothill, Harbor, North Hollywood, Van Nuys, Pacific, West Los Angeles, West Valley, Mission and Topanga Areas.

Permanent Employee. "Permanent Employee" means any person employed by the Los Angeles Police Department who has completed entry-level employment probation.

Photograph. The use of the term "Photograph" includes visual images that are either film-based or electronically captured (e.g., digitally-generated images, videotape still, laser copies of image sources).

Police Work of Major Importance. "Police Work of Major Importance" means police activities involving the arrest, processing, and detention of felony suspects and intoxicated drivers, and activities necessary to the immediate interest of public safety and protection of life and property. *These investigations will be limited to those activities which include felonies, deaths, serious injuries, and City-property involved traffic collisions involving injuries or substantial property damage.*

Rank. "Rank" means the civil service title of the classification held by an officer.

SVS. "SVS" refers to the California Department of Justice, Stolen Vehicle System.

Undercover Assignment. An "Undercover Assignment" consists of an officer assigned to a non-uniform operation requiring anonymity or blending into a group or environment to gather evidence or intelligence. *In these assignments, the disclosure of the employee's identity as a police officer would pose a significant safety risk. This assignment could include the role of an undercover operator, undercover support, close-cover operator or surveillance operator.*