

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 7

August 8, 2019

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON AUGUST 6, 2019

SUBJECT: ACCEPTANCE OF DONATIONS – REVISED; AND, AREA, DIVISION, SECTION, UNIT, AND JOINT FUNDS – RENAMED AND REVISED

PURPOSE: A law enforcement agency plays a unique role in society and must be completely impartial in the application of its duties. The solicitation and acceptance of donations shall be handled in a manner that will not tarnish the Department's image or the public's confidence in the Department and its employees. It is essential that the Department maintain the highest ethical standards by ensuring that all donations are reviewed and approved in accordance with Department policy and the City of Los Angeles Administrative Code. To ensure consistency, this Order streamlines the procedures for requesting the acceptance of donated items. This Order supersedes Administrative Services Bureau (ASB) Notices, *Reporting and Acceptance of Donations – 2011 Revised*, dated July 15, 2011, and September 19, 2011.

PROCEDURE:

- I. ACCEPTANCE OF DONATIONS – REVISED.** Department Manual Section 3/350.20, *Acceptance of Donations*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. AREA, DIVISION, SECTION, UNIT, AND JOINT FUNDS – RENAMED AND REVISED.** Department Manual Section 3/350.30, *Area, Division, Section, Unit, and Joint Funds*, has been revised and renamed as *Office, Bureau, Area, Division, Section, Unit, and Joint Funds*. Attached is the revised Department Manual section with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 3/350.20 and 3/350.30 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

Attachment

DISTRIBUTION "D"

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350.20 ACCEPTANCE OF DONATIONS. *All donations, as that term is used within this section shall be formally accepted by the Board of Police Commissioners (BOPC), or the City Council, as appropriate, before the donation may be used by the Department. Formal acceptance of a donation shall be pursuant to the process and procedures set forth in this section.*

Commanding Officers (including bureaus and offices), shall generate a request to accept a donation and shall forward supporting documentation to the Commanding Officer, Administrative Services Bureau (ASB), via an Intradepartmental Correspondence, Form 15.02.00. The Commanding Officer, ASB, will determine, based on the nature, value and purpose of the donation, if all requirements have been met under this section, and if so, the appropriate level of approval required in accordance with the Los Angeles Administrative Code.

Department Donations – Defined. *Donations subject to the requirements of this section include the following: gifts of money; real property; use of real property (e.g., use of building space); personal property (e.g., supplies and equipment including loaned equipment and equipment transferred from other City departments); services; and, anything else of value that may benefit:*

- Individual employees or their families;
- Groups of employees;
- The Department;
- Department entities (e.g., station funds); or
- Department-sponsored activities (e.g., Department employee athletic teams and youth activities).

Note: *Items are considered to be donations when they are received from any source, including but not limited to individuals whether employed or not by the Department; another City department; a City elected official, the Parker Foundation, the Los Angeles Police Department (LAPD) Memorial Foundation, and Area booster associations.*

Exception: *The following items are exempt from the definition of “Donation” and therefore not subject to the requirements of this section:*

- Proceeds from vending machines and fundraising events (such as bake sales) on Department premises *that are limited in participation to Department employees and volunteers;*
- *Perishable food items meant to be consumed at Department facilities for Department employees and volunteers;*
- *Food and drink intended to be consumed by Department employees, volunteers and guests during informal meetings or gatherings; and,*
- *Items collected for Department-sponsored toy drives and similar events for needy children and members of the community.*

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Catered food donated for large scale formal events (i.e., holiday parties, recognition ceremonies) is a donation for purposes of this section and must comply with the requirements of this section.

Questions regarding whether donated food items are subject to this section should be directed to the Chief of Staff.

Commanding Officer's Responsibilities. Commanding officers are responsible for **all** donations *received* by and used within their command. *Commanding* officers shall submit a Form 15.02.00, via their chain of command, to the Commanding Officer, ASB, requesting approval to accept a donation. A copy of the *Intradepartmental Correspondence* shall be retained for record keeping purposes by the submitting entity. *The donated item shall not be placed into use until either the BOPC or the City Council, as appropriate, formally accepts the item or directs the Department to accept the item.* The submitted *Intradepartmental Correspondence* shall:

- Itemize the donation, including item description, make, model, serial number, quantity and value, and estimates of continuing costs for supplies, service charges or fees, and maintenance of operation, as applicable;
- When applicable, document the inspection and written approval from Information Technology *Group* to accept computer equipment and accessories, from Motor Transport Division for vehicles *or transportation-related equipment (e.g., electric vehicles, trailers, generators, fuel storage containers, items requiring mechanical maintenance and or requiring fuel to operate)*;
- *When applicable, include other approvals required for specialized items, such as Electronics Unit, Technical Investigation Division (TID), if the donation is in reference to digital voice recorders or Photographic Unit, TID, for digital cameras;*

Note: Items received from military, federal or state surplus are not exempt from these requirements.

- Fully identify the donor, reason for the donation, and indicate whether the donation was solicited by or on behalf of the Department, its employees or their families, or whether the donor sought out the Department to make the donation;
- *Describe the relationship the donor has with the Department and/or financial interests with the City to include, but not limited to, the following:*
 - *Has entered into, performs under, or seeks a contract with the Department;*
 - *Has attempted to influence the Department in the past year that would have a direct financial effect on the person or entity;*
 - *Has a license (e.g., Alcohol Beverage Control), permit (e.g., Conditional Use Permit, or Police Commission Permit), or other entitlement for use that the Department has influence over;*
 - *Owns or operates a business within the Area/division receiving the donation; and/or,*

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- *Any other potential factors that may give the appearance that there may be a conflict of interest in accepting the donation.*

Note: None of the above factors would automatically disqualify a person or entity from donating to the Department. Notation of these factors merely ensures transparency and that the BOPC has complete understanding of the source of the donation. For example, many local businesses can appropriately support the Department through a donation; however, commanding officers should be mindful of any actual or perceived conflicts of interest if the Department were to accept the donation. Commanding officers (or any Department employee) shall immediately contact the Office of Constitutional Policing and Policy if they have reason to believe a prospective donor is attempting to influence the Department, a Department employee, or a Department entity, or there is any other appearance of impropriety.

- *Include any correspondence or memoranda regarding the donation from the donor and/or the Department division as an attachment;*
- *Document that the donor was advised that there will be no expressed or implied commitment or promise made by the Department in exchange for the donation and that the donor will not receive any tax advantage, preferential treatment (including use of any LAPD patent), endorsement, or recommendation in exchange for a donation; and,*
- *If a donation requires support such as monthly service fees, lease or rental charges, supplies, telephone lines, cabling or non-City standard equipment maintenance or installation, identify the complete details and anticipated source of funding for those fees/charges.*

Facilities Management Division shall give approval for any donation that involves structural changes to Department facilities (e.g., painting walls, mounting items to walls, installing flooring, installing locks). Depending on the item(s) being donated, additional approval may be required.

*Internal funds established for fallen officers and their families and other catastrophic events that seek donations from other than Department employees shall be reported to ASB via an *Intradepartmental Correspondence*.*

Upon the initial approval for a donation that requires continuing support, such as telephone line charges, cellular telephone service, lease or rental costs, or supplies which come from an outside source, the commanding officer shall submit a new request to accept the donation before the service or contract expiration date of an existing donation.

Small recurring donations of items such as office supplies shall be documented in the initial request to accept the donation. Such documentation shall include the expected duration of the recurring donation and actions the receiving entity will take when donations cease.

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Commanding Officer, Administrative Services Bureau's Responsibilities. Upon receiving a request to accept a donation, the Commanding Officer, ASB shall:

- *Determine if the request to accept the donation complies with the requirements of this section;*
- *Determine if the donation requires acceptance via the Department Trust Fund;*
- *Determine the appropriate level of approval needed (BOPC, City Council, etc.);*
- *Prepare necessary correspondence transmitting the request from the Office of the Chief of Police to the BOPC;*
- *Maintain a database of all requests to accept a donation submitted to ASB by Department entities, including requests to accept donations that are ultimately denied; and,*
- *Include the number and total dollar amount of the donations accepted by the BOPC year to date, for the past three years, for each individual donor.*

Unless otherwise indicated, the contact person listed on the Intradepartmental Correspondence is responsible for responding to any questions the BOPC may have regarding the donation and for monitoring the status of the request.

Administrative Services Bureau will notify Fiscal Operations Division directly when a monetary donation to a Department Cadet Post is accepted.

Audit Division shall have the responsibility for auditing the uses of approved donations to ensure the items or monetary donation were used for the intended purpose.

Appeal of Denied Requests. When a request for the acceptance of a donation is denied by the Commanding Officer, ASB, the *applicable* commanding officer may submit an appeal via *his or her* chain of command to the Chief of Staff (COS). The COS shall review the appeal and render a decision. The COS shall then notify the appealing commanding officer via the *commanding officer's* chain of command, of the decision.

350.30 OFFICE, BUREAU, AREA, DIVISION, SECTION, UNIT, AND JOINT FUNDS.

Office, bureau, Area, division, section, unit, and joint funds (e.g., station fund) shall consist of all monies received from vending machines, ranges, coffee rooms, or other sources which are intended to benefit the members of certain employee groups or the Department as a whole. Dues paid by Department employees or volunteers are not considered Department donations. Funds or items received into an office, bureau, Area, division, section, unit or joint funds from sources outside of the Department shall be reported in accordance with Department Manual Section 3/350.20.

Office, bureau, Area, division, section, unit and joint funds are established for the morale and welfare of the employees. The funds shall not be used to purchase Department uniforms, office supplies or law enforcement equipment.

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Office, Bureau, Area, Division, Section, Unit Funds. The membership of an *office, bureau, Area, division, section, or unit fund committee (e.g., station fund)* shall consist of the commanding officer or Officer in Charge and a minimum of four elected employees of non-supervisory rank. The committee shall contain an odd number of members.

The chairperson of an *office, bureau, Area, or division fund committee* shall be the commanding officer. The chairperson of a section or unit fund committee shall be the Officer in Charge.

Joint Funds. The membership of a joint fund committee shall consist of the commanding officer and a minimum of one elected member of non-supervisory rank for each participating division or Area, and officer in charge and a minimum of one elected member of non-supervisory rank from each participating section or unit which is not a part of a participating *office, bureau, Area or division.*

The chairperson of a joint fund committee involving two or more divisions, or an Area and one or more divisions which are not part of the organizational structure of the Area, shall be one of the participating commanding officers, to be selected by the members of the committee.