

**PROFESSIONAL STANDARDS BUREAU**

**NOTICE**  
1.13

February 7, 2022

**TO:** All Department Personnel

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

**SUBJECT:** BIASED POLICING INVESTIGATION PROTOCOL – UPDATED

Professional Standards Bureau has updated the attached Biased Policing Investigation Protocol, dated January 26, 2022, to serve as a resource for Department supervisors from initial complaint intake to the completion of the investigation. The updated protocol supersedes all previous versions.

To process complaints of bias more efficiently, the investigation strategies leverage video technology and incorporate recent procedural changes, such as considerations for immediate demonstrably false adjudications. The interview questions listed are meant to guide and prompt investigators in conducting thorough investigations and should not be followed in a mechanical or rote fashion.

Questions about this Notice should be directed to Review and Evaluation Section, Professional Standards Bureau, at (213) 996-2771.



MICHAEL P. RIMKUNAS, Deputy Chief  
Commanding Officer  
Professional Standards Bureau

APPROVED:



DANIEL RANDOLPH, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

DISTRIBUTION “D”

Attachment

**Professional Standards Bureau  
Biased Policing Investigation Protocol  
January 26, 2022**

---

## **Introduction**

The Board of Police Commissioners (BOPC) has been working with the Los Angeles Police Department to more effectively approach complaints of bias. It is not the goal of the BOPC or the Department to spend an inordinate amount of time on investigations merely because there is an allegation of bias. The updated protocol incorporates recent procedural changes and leverages technology to address complaints of bias more efficiently. The interview questions are meant to guide and prompt investigators to conduct thorough interviews and should not be followed in a mechanical or rote fashion. This protocol, which supersedes all previous versions, includes strategies to utilize body worn and digital in-car video (BWV/DICV).

## **Policy**

**Department Manual Section 1/345. POLICY PROHIBITING BIASED POLICING.** The Los Angeles Police Department (LAPD or the Department) expressly prohibits all forms of biased policing. This policy re-emphasizes the Department's commitment to serving all members of the public in a just, transparent and equitable manner, consistent with their civil and individual rights, and in accordance with existing policies and procedures.

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 law. 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 consider or rely on** any of the following actual or perceived characteristics or identifiers in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group:

- race
- religion
- color
- ethnicity
- national origin
- age
- gender
- gender identity
- gender expression
- sexual orientation
- disability (to any extent or degree)
- immigration status
- employment status
- English language fluency  
or
- homeless circumstance.

Law enforcement activities include, but are not limited to, traffic or pedestrian stops, actions during a stop, (such as asking questions), frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

Department personnel seeking one or more specific persons who have been identified or described in part by one or more of the above characteristics 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 to be an act of serious misconduct. Any employee who becomes aware of biased policing or any other violation of this policy shall report it in accordance with established Department procedures.

## Investigation Strategies

### Case Preparation

- Gather and review all documents related to the incident, including but not limited to AFDRs, DFARs, FIs, sergeant's logs, arrest reports, traffic citations, and any audio/video recordings (BWV/DICV, or other) of the incident.
- If applicable and/or feasible, determine the final outcome of any related traffic citation or legal proceeding, which complainant alleges was a result of biased policing.
- If complainant alleges officer selectively enforced law, allowing persons of other minority status to avoid similar enforcement, examine enforcement activities for the day around time of incident. Document in an Investigator's Note.
- Obtain photographic/video and visual documentation such as tinting of vehicles, location diagrams, etc.
- Canvass location; interview witnesses.
- Generally, all complainants should be interviewed in person (not by Interrogatory). However, in some instances, letters or other correspondence may provide specific enough information to not require an interview. Decisions to not interview complainants shall be approved by section OICs. Consideration should be given to sufficient specificity in correspondence, ability to interview the complainant, length of time from the incident to the date of correspondence, other existing reviews such as court proceedings, etc. The decision to not interview a complainant shall be documented in an Investigator's Note.
- Generally, all accused officers shall be interviewed in person (not by Interrogatory). In some instances, accused officers may not need to be interviewed when there is evidence which strongly refutes the allegation. The decision to not interview accused officers shall be documented in an Investigator's Note and approved by section OIC's.
- Conduct traffic citation audit for traffic violations unless determined and noted why not appropriate. Include six months of citations for the accused employee(s), but only include demographic information relevant to the specific allegations (i.e., include race if the allegation involves racial bias and/or age if the alleged bias is ageism).

### BWV/DICV

BWV/DICV has proven to be a valuable source of evidence in complaint investigations. Video evidence can reduce the need for canvassing, looking for additional witnesses and eliminate the need for some interviews. Below are additional ways to utilize BWV/DICV in the investigation:

- Hyperlink BWV/DICV into investigation when appropriate.
- After reviewing the video evidence, the complaint may qualify for a Demonstrably False disposition. A Demonstrably False disposition at intake is appropriate and permitted under the following circumstances:
  - The complainant is determined to be vexatious, i.e., the complainant demonstrates an irrational thought process and/or has established a pattern of making chronic or crank complaints; or,
  - BWV, DICV, or other video footage, or audio evidence captured the entire incident or citizen contact, and conclusively shows that the employee(s) did not commit the alleged misconduct or did not violate policy or procedure.

**Note:** Per the Department Manual, when an audio or video recording clearly proves an allegation of misconduct is Demonstrably False, the accused and witness officers do not need to be interviewed regarding the Demonstrably False allegation (DM 3/818. Non-Disciplinary Complaints).

- If a complaint was not closed as Demonstrably False at intake, but meets the criteria, a Case Adjudication Form (CAF) can be used to document the information missed in the intake.

### Interview Techniques to Keep in Mind

- Do not simply read a list of questions. Listen to the responses and adjust follow-up questions accordingly;
- Only ask questions that apply to the circumstances (i.e., do not ask whether the windows were tinted when the complaint stemmed from a pedestrian stop); and
- Ask follow-up questions to clarify and expand on the interviewee's responses.

### Complainant Questions

- Why does complainant believe he/she was the subject of biased policing? *Probe for specific articulation.*
- What behaviors on the part of the officer(s) does the complainant believe support his/her allegation of biased policing? *Probe for specific articulation.*
- Actions of officer(s) at scene?
- Could the officer have seen the complainant's race or other factor for bias prior to the stop? Direction of approach of officer?
- Complainant searched? Location searched? Type of search? Scope of search?
- Length of detention?
- Vehicle windows tinted if driving? Window position at time of stop? (Obtain photo of windows.)
- Complainant's definition or understanding of biased policing? *Probe for specific articulation.*
- Statements made by officer(s) that indicate bias?
- Officer(s) provide explanation for detention or stop?

### Officer Questions

- Reason for the stop, search or detention?
- Obtain details specific to conclusory statements such as, "officer safety," "uncooperative," "high crime area" or "consensual encounter." *Require articulation.*
- Location of officer(s) when first encountered complainant?
- Did officer(s) know the race or other factor of bias of subject prior to the stop or detention?
- Was race or bias category (minority status, etc.) a factor in the stop or detention? If the answer is "yes," have the officer(s) explain.
- If there was a search associated with the stop or detention, ask the officer(s) to articulate the reason(s), scope, type and intent of the search.
- Lighting conditions, distance when the officer(s) made the observations?
- Windows tinted? Position of windows at time of initial observation?

### Additional Questions for Officer - Other than Self-Initiated Activities

- Outside information, which lead to detention, such as a radio call, citizen flag down, etc.?
- If outside initiated information caused the detention, determine if the detention was associated with the information provided in the comments of the call (i.e., the complainant, in fact matched the description provided in the radio call). Determine what factors the officer relied upon in concluding that the suspect matched the description of the call.
- Determine if the officer completed any documentation related to the stop and include this documentation as addenda items. If there are no other extenuating circumstances and the reason for the detention, search or other law enforcement activity is documented in the BWV/DICVs, no further investigation may be necessary with the officer in charge or commanding officer's approval.