PREAMBLE:

The creation of the Office of Inspector General was a key recommendation of the 1991 Independent (Christopher) Commission, which was strongly embraced by the Board of Police Commissioners and police reform advocates. In 1995, the voters of Los Angeles overwhelmingly agreed in passing Charter Amendment 3, and this pivotal Christopher Commission reform recommendation became a reality by the creation of an Inspector General, independent of the LAPD’s self-policing Internal Affairs Division, empowered to audit, investigate and oversee the Department’s internal disciplinary process.

Subsequently, in June 1999, the voters enacted a new Charter which codified the direct reporting by the Inspector General to the Board, and expanded the powers of the Inspector General to include the ability to initiate and conduct investigations of the Department, unless directed by the Board of Police Commissioners to cease an investigation.

Section 573 of the Charter provides that the Inspector General shall carry out his/her duties “…under the rules established by the Board of Police Commissioners . . .”

Accordingly, the following rules are hereby established by the Board. All rules previously established by the Commission pertaining to the work responsibilities of the Inspector General are hereby repealed.

I. DIRECT REPORTING

The Inspector General shall report directly to the Board of Police Commissioners for all purposes.

II. DEFINITION OF TERM “INSPECTOR GENERAL”

As used in Sections III through X herein, excluding IX (B), the term “Inspector General” shall include employees of the Office of the Inspector General.
II) III. DUTY TO PROVIDE ACCESS TO DEPARTMENTAL RECORDS AND INFORMATION

Employees of the Department have an affirmative duty to cooperate fully with the Inspector General and to provide complete, unrestricted and prompt access to inspect and/or photocopy all Los Angeles Police Department records accessible to the Board, including reports, audits, reviews, plans, projections, documents, files, contracts, memoranda, correspondence, data or information on audio/video computer tape/disc or other materials of the Department, including ongoing and in-progress matters. The Inspector General is not required to articulate to the Department any reason or rationale for any specific request, or obtain prior Board approval for requests as described herein.

No Department protocols restricting access to Department records or information shall be applied to the Inspector General. When inspecting or photocopying Departmental records or evidence maintained by the Department, the Inspector General shall follow the same protocols pertaining to chain-of-custody, preservation of integrity of physical evidence and confidentiality applicable to Department personnel.

When requesting materials from an in-progress crime investigation, the Inspector General shall coordinate all activities with the Officer In Charge in a manner which does not interfere with or compromise the investigation.

II) IV. ACCESS TO PERSONNEL

In order to carry out the duties of the office, the Inspector General shall have prompt access to any employee of the Los Angeles Police Department, subject to limitations imposed by law or collective bargaining agreement. The Inspector General shall also have prompt access to any member of the Board of Police Commissioners and the Board’s staff.

II) V. CONFIDENTIALITY OF COMPLAINANTS AND WITNESSES

The Inspector General shall not disclose the identity of a complainant or witness without the individual’s consent, unless such disclosure is unavoidable in order to investigate an allegation effectively or is otherwise required by law or the City Attorney’s Office, provided, however, that the Inspector General shall disclose the identity of such individual to the Board of Police Commissioners, upon request. The Office of the Inspector General is not afforded an absolute privilege protecting conversations with complaining persons or witnesses, as a
matter of law. Accordingly, any individual who requests anonymity from the Inspector General shall be accurately informed of the inability to guarantee anonymity.

VI. PROTECTION AGAINST RETALIATION

It is the policy of the Department that employees are free to contact the Inspector General or respond to queries from the Inspector General without having to fear that their employment might be adversely affected. An employee’s contact with the Inspector General may play no role in any future employment action towards the individual by the Department. Retaliation by adverse employment action or harassment against employees who provide information to the Inspector General is an intolerable violation of Department policy and undermines the effectiveness of oversight efforts of the Inspector General by threatening the continued flow of information. However, the protections of this section shall not apply when the contact was made or the information was disclosed with knowledge that it was false or with willful disregard for its truth or falsity.

The Board, the Inspector General and all Department supervisors shall be vigilant in protecting from reprisal or threat of reprisal any individual who discloses any information to the Inspector General.

In the event the Inspector General concludes that there is reason to believe retaliation against an individual has occurred, the Inspector General shall:

1. conduct an investigation and forward the findings to the Police Commission upon completion; and

2. promptly forward a personnel complaint (except a complaint of misconduct regarding the Chief of Police) to the Commanding Officer of the Internal Affairs Group or promptly request the Board to make a determination whether notice to the Internal Affairs Group should be delayed.

VII. SUBPOENA POWER

In order to carry out the duties of office, the Inspector General shall have the power to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents as may be deemed relevant to any audit, inquiry or investigation undertaken. The Inspector General shall notify the President of the Police Commission of the issuance of a subpoena prior to its
VIII. REPORTS TO THE BOARD OF POLICE COMMISSIONERS

On a monthly basis, or as otherwise directed by the Board, the Inspector General shall advise the Board of Police Commissioners in closed session of the status of pending audits, projects and investigations. Beginning in the year 2001, the Inspector General shall submit a written or oral annual report to the Board of Police Commissioners during open session providing an overview of the Department’s internal disciplinary process.

IX. RULES PERTAINING TO INVESTIGATIONS CONDUCTED BY THE INSPECTOR GENERAL

A. Definition of Investigation

As used herein, “investigation” means inquiry and examination of documents, financial records, evidence, crime scenes or persons, and excludes the routine, passive review of Department produced reports, files or investigations. The mere intake of a personnel complaint is not an investigation as defined herein.

B. Overall Power Of Inspector General To Initiate Investigations Of The Department

The Inspector General is empowered to initiate and conduct investigations of the Department, without limitations as to the type of activity of the Department, including ongoing and in-progress matters, unless directed by the Board of Police Commissioners to cease an investigation.

C. Limitation On Access To Records Of The Inspector General

The Inspector General is not obligated to provide access by the Department to files of the Office of the Inspector General unless ordered to do so by the Board or required by law.

D. Activities of the Inspector General Pertaining To Department Employees

The Inspector General is empowered to conduct investigations of individuals employed by the Department.

The Inspector General shall promptly forward any new personnel complaint
made known to the Inspector General (except a complaint of misconduct regarding the Chief of Police) to the Commanding Officer of the Internal Affairs Group or promptly request the Board to make a determination whether notice to the Internal Affairs Group should be delayed. In forwarding matters to Internal Affairs, the Inspector General shall disclose the identity of an eye-witness (i.e. percipient witness) to misconduct, unless the Inspector General promptly requests the Board to make an individualized determination that disclosure is not necessary in order to investigate the allegation effectively.

The Inspector General shall notify the Board of Police Commissioners of the commencement of any new investigation during the Inspector General’s next monthly status report.

When interviewing Department employees who are reporting misconduct, the Inspector General shall advise the Department employees that a report to the Inspector General does not satisfy their obligation to report misconduct to a supervisor pursuant to Department Manual 3/815.05.

E. Investigation of Individuals Not Employed By The Department

The powers of the Inspector General contained in the City Charter do not encompass the power to conduct investigations of individuals not employed by the Department. The Inspector General may, however, engage in oversight of the Department’s investigations of such individuals. In the event the Inspector General receives a report of criminal activity within the jurisdiction of the Department, the Inspector General shall promptly forward all material information made known to the Inspector General to the appropriate Department investigative unit.

F. Activities At Active Crime Scene

When conducting activities at an active crime scene, the Inspector General shall coordinate all activities with the Officer In Charge of the crime scene in a manner which does not interfere with or compromise the integrity of the crime scene or the Department’s investigation.

X. REFFERAL OF CRIMINAL MATTERS TO OTHER AGENCIES

The Inspector General’s powers do not include the independent power to refer criminal matters to outside law enforcement or prosecutorial agencies. In the event that the Inspector General determines it is appropriate to provide law enforcement officials in agencies outside of the Los Angeles Police Department with information or evidence
relating to criminal acts, the Inspector General shall notify the Chief of Police of the Inspector General’s recommendation. In the event the Chief of Police fails to respond or fails to make the referral, then the Inspector General shall notify the Board of Police Commissioners of the Inspector General’s recommendation, to enable the Board to determine whether to instruct the Chief of Police to make such referral. In the event of a conflict of interest involving the Chief of Police or the Chief of Police fails to comply with the Commission’s instruction to refer a particular matter to an outside agency, the Commission may, in its discretion, make such referral or instruct the Inspector General to do so on its behalf.

XI. PUBLICATION

The document shall be promptly distributed by the Chief throughout the Department in the form of a Special Order and shall be printed in the 2001 edition of the Los Angeles Police Department Manual.

Dated: November 21, 2000

Motion by

Raquelle de la Rocha

Seconded by

Herbert F. Boeckmann, II

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Nays</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11/21/00