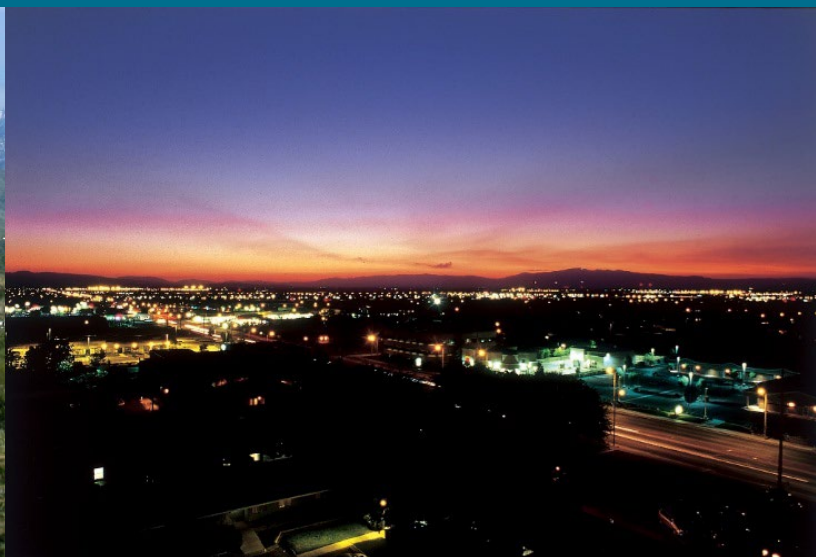


Antelope Valley Monitoring Team 14th Semi-Annual Report



June 2022

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I. INTRODUCTION

In 2020, the Monitors wrote a letter to the presiding judge to alert the court about significant concerns about the lack of progress toward compliance. In that letter and in an accompanying letter to Sheriff Alex Villanueva, we provided examples of key areas of work underway that had been delayed for upward of two years at that time.

Regrettably, in 2022 we continue to find progress being waylaid by unnecessary obstacles and inexplicable internal LASD delays. In fact, of all the examples we provided in the letter two years ago, not a single area of concern has been resolved to date. The crucial guidance that should be provided to deputies in the use-of-force (UOF) policy, the UOF training, the Service Comment Report (SCR) Handbook, the complaints sections of the Manual of Policies and Procedures (MPP), or the Internal Affairs Bureau (IAB) manuals are all yet to be implemented. For the Monitors, this and, more generally, the high number of individual provisions that have been found by our compliance assessments to have not met the Settlement Agreement (SA) requirements or have only partially done so are indicative of a crisis in the implementation of the SA.

Implementation of the SA is more than the number and percentage of SA paragraphs with which LASD has been found in compliance. Implementation has “the goal of ensuring that police services are delivered to the people of Lancaster and Palmdale, and the surrounding unincorporated areas, in a manner that fully complies with the Constitution and laws of the United States” (SA p. 2). More than seven years after the entry of the SA as an Order of the Court, the citizens of the AV should be receiving the police services the SA ordered LASD-AV to provide.

Therefore, the Monitors urgently request the Parties to take steps to obtain the Court’s involvement and, if necessary, intervention in LASD’s essentially stalemated implementation of the SA as permitted by the SA in Section XIV, *Court Jurisdiction, Modification of the Agreement, and Enforcement*.

There has certainly been some progress and successes. The Monitors have determined the Department has been in sustained compliance on all housing-related provisions since August 14, 2020. The housing section requirements led to LASD choosing to cease its practice of conducting housing compliance checks. The Department also was required to develop and implement policies to prohibit any practices that violate the Constitution or the Fair Housing Act so that, in the event the Department might return to the practice of accompanying housing authority representatives in Section 8 compliance checks in the future, these provisions and safeguards will remain in place. As a result, and with the agreement of LASD and DOJ, the Monitors are no longer actively monitoring those provisions. The process still took time, but now the needed policies and training are in place and verified, outcomes assessments are completed, and compliance has been achieved. The Monitors give primary credit to this great success to the quick and definitive action Department leadership took to fix the problem.

The Department has undertaken efforts during this reporting period to overcome some of the challenges and address various deficiencies that have been identified in previous reports. For example, LASD submitted a substantially improved draft of its proposed community engagement training. The AV stations have maintained compliance with respect to the provisions of the Constitutional and Bias-Free Policing trainings. We are also encouraged to see more efforts made to broaden the use of data at the stations to identify problems and trends that require greater attention. The Quarterly

Reports are another promising advancement in the regular use of data and other information to track and respond to potential problems. They are also another example of what the Department is capable of when they take action to embrace and implement SA mandates without waiting for the Monitoring Team (MT) or DOJ to move the work.

We also want to recognize the work and efforts displayed by the members of the Compliance Unit. We greatly appreciate the lieutenant who was recently assigned to lead the unit. Under her leadership and with the ongoing hard work provided by the two sergeants who have been at the core of that unit for some time, we find the Compliance Unit staff are responsive and forthright, focused on seeking practical solutions and intent on developing productive collaborations among LASD, the MT, and DOJ. The efforts of several of the station personnel assigned to SA-related tasks also should be acknowledged.

Unfortunately, these hardworking personnel at the front of LASD's compliance work continue to encounter significant internal barriers that must be overcome if LASD is to achieve compliance with the SA. The ability to ultimately achieve compliance with the full range of SA provisions will require more time, improvements in processes and practices, and an ongoing commitment to working closely with the community while engaging in self-reflection on the purpose of assessing and improving performance.

A. Continuing Obstacles to Compliance

1. Lack of Leadership and Executive Involvement

In the above-mentioned letters to the Court and Sheriff Villanueva, we also expressed concern about what we continue to view as a major contributing factor influencing the delays; namely, the need for more engagement and attention on the part of senior management and executive staff to SA-related work. Regretfully, we have not found this type of leadership to be evident on a consistent basis. We fear that LASD has not approached the SA with a strong management commitment and the necessary allocation of resources that are required to meet the spirit, or even the letter, of the SA.

Most consequential of all has been the lack of the consistent attention and engagement by higher-level North Patrol Division (NPD) managers. This is crucial because the ultimate success of any SA-related effort depends on station and divisional management having buy-in, holding themselves accountable for the end result, and sharing a sense of ownership for those results. The implementation of the SA requires a high level of cooperation and responsiveness from work units that fall outside the NPD chain of command, such as the Training Bureau, Field Operations Support Section (FOSS), and Audit and Accountability Bureau (AAB). Compliance Unit staff cannot by themselves move forward with the policies and trainings or the cultural changes that the SA calls for. Senior managers are necessary to overcome internal bureaucratic hurdles.

Without consistent, centralized, committed, and invested leadership, SA implementation will continue to flounder. And without the appropriate leaders and decision makers being in the room when needed, the SA work is vulnerable in several ways.

First, overcoming institutional lethargy has been a consistent issue since monitoring began, and it has led to unnecessary and expensive delays that keep the AV community from receiving the high-quality policing they deserve. Overcoming obstacles and implementing solutions require a mobilization of resources and shifting of staff priorities—a bureaucratic kickstart—that can happen much more quickly and decisively when leadership is part of the conversation from the start and then carries the work forward.

Second, the lack of high-level effective leadership in the room creates significant delays for the implementation of work that is completed. When tentative agreements are made in the room among DOJ, the MT, LASD, and County Counsel, the necessary level of leadership is not always present or involved in approving those agreements and in shepherding the work through internal LASD approvals. This is especially true with regard to the development, approval, and implementation of policies and training. The Compliance Unit is tasked with getting executive management approval, which often, if not always, results in additional tweaks or wholesale revisions that once again have to be reviewed, discussed, and approved by DOJ and the Monitors.

Third, the lack of active executive leadership creates an excuse for lack of accountability. When the required people are not all in the room, questions or concerns often become lost in translation or sidetracked so that the MT ends up having the same conversation over and over again, but with different LASD personnel. That situation directly contributes to miscommunication and a lack of accountability.

Fourth, inefficiency and backtracking are far too common. Decisions are made and documented, but then they are ignored months or years later. This is sometimes because new personalities are introduced who prefer a different approach and want to revisit the issue and even change the terms of the agreement.

Fifth, there is a lack of continuity. The Compliance Unit leads the work relating to the SA, often taking cues and direction from the County Counsel as much as from NPD leadership. The members of the Compliance Unit are personally capable of this task, but they need higher ranking management to help guide and move the work.

Sixth, without executive leadership in the room, no one is present to redirect unproductive or disrespectful behaviors. Not only is it hard to make decisions that stick, but the lack of sufficient rank being present can result in views being expressed that are not necessarily representative of Department executives' intentions and desires. That sometimes derails what should be productive conversations.

Much of our other observations described below stem from this lack of active leadership.

2. Work Not Yet Attempted by LASD in Seven Years of Monitoring

We have already mentioned the continued delays in completing crucial policies and training. There are also several bodies of work that the Department has not yet attempted to undertake. LASD has yet to produce a strategy to address disparity assessments, let alone complete required assessments on an annual basis (Paragraph 68), and despite the MT producing extensive stops data tabulation and analysis

to facilitate the process, LASD has never undertaken the crucial step of assessing the findings to identify areas that may need intervention and require follow-up action (Paragraphs 84–86). LASD has never conducted the analysis and assessment of UOF data (Paragraphs 120–123). LASD has never attempted to upgrade their data system to allow for the tracking of incidents in which deputies draw or point their firearms in order to facilitate the audit required by Paragraph 152. LASD does not conduct, nor have they submitted a plan to implement, regular testing on training retention, as required by Paragraph 166.

3. Lack of Urgency

The MT acknowledges that the SA represents a significant amount of work, and the original timelines proposed in the SA assumed a very engaged LASD management and a particularly efficient implementation process. LASD originally proposed three years, while expressing determination to achieve compliance in two years. The MT has long noted that LASD does not take deadlines or timelines seriously and, after seven years, the MT still has not seen a demonstrated urgency to reach compliance. Certainly, all the parties, DOJ and MT included, sometimes need to ask for meeting postponements or deadline extensions for any number of reasons. By the same token, LASD, DOJ, and the MT have all put effort into reducing these instances as much as possible. However, the Department has a consistent pattern of slow production of work product, whether it be revisions to documents after receiving DOJ and MT input, garnering internal approval and implementing approved documents or processes, or conducting and producing documentation of regular SA-required reviews and reports (e.g., LASD’s community engagement reports). The MT provided a more detailed monitoring plan, at the county’s request, to help this work stay on schedule, but stronger leadership engagement and prioritization of SA work will also help the Department meet day-to-day deadlines as well as the end results that are sought.

Relatedly, LASD and the County Counsel have spent considerable energy and urgency revisiting and modifying compliance metrics previously approved by the MT, LASD and DOJ. Certainly, metrics are important and some metrics had yet to be approved, but we believe the approach that the County Counsel and Department chose to apply—in particular, asking for full rewrites of previously approved metrics that have not shown themselves to be deficient—has not been productive and that most of that energy would have been better spent being engaged in efforts to actually implement the SA.

4. Insufficient Resources

As we have noted, the County and LASD have never sufficiently staffed the Compliance Unit. We understand that staffing challenges in other areas of LASD may exacerbate the problem, but the SA must be prioritized. The Department originally determined that much-needed upgrades to data systems were cost prohibitive, yet the cost savings realized in staff time for both SA-related work and routine Department operations would quickly outweigh the initial expenditures. For instance, Paragraph 44 requires “a concise narrative articulating specific facts and circumstances that support reasonable suspicion or probable cause for investigative stops and detentions consistent with the radio clearance code,” yet the Department’s outdated computer-aided dispatch (CAD) system presents a barrier to

consistently providing such a narrative. The system also structures the data in such a way as to complicate statistical analysis for the purposes of Departmental and MT review and auditing.

5. Insufficient Use of Data and a Lack of Culture of Transparency

The past several semi-annual reports have emphasized that the Department has yet to develop the internal data management and analysis strategies to identify and correct issues as required by the SA. The Department has not done the necessary follow-up managerial assessment of various data analyses the MT has provided over the past three years. Unfortunately, the MT's findings and those of external sources, including the Office of the Los Angeles County Office of Inspector General (OIG), are typically not well-received by Department managers, and few formal responses have taken place. In fact, recent efforts in this regard appear to be focused on disproving or discounting statistical disparities found in analyses by the MT and other external bodies, which to a large extent misses the point. Messaging from Department leadership should value the identification of issues, even potential disparities, through analysis of data and other sorts of information, recognizing that the purpose is not to blame or shame the Department but to solve problems, manage risk, and build community confidence by ensuring policing strategies and tactics are efficacious and take into consideration potential unintended consequences. The MT is encouraged that the Department has begun conducting its own analysis of stops data and appears to be using those analyses to inform some enforcement strategies. We urge the Department to routinize and expand that practice and to finally embrace the assessment of practices that may "run counter to constitutional and effective policing" (SA, p. 17).

6. Lack of Progress on LASD Internal Audits

The SA requires LASD to conduct semi-annual audits of complaints in the AV (Paragraph 140). The Department has assigned that task to the AAB. To date, no complaint audits have met the requirements of the SA despite extensive efforts by the MT to clarify expectations with the Compliance Unit and the AAB. Also, last year LASD tasked the AAB with conducting the UOF analysis (Paragraph 120–121) and other SA-required data analysis requirements. To date, no analysis or report has been produced. This is particularly troubling because any well-functioning policing organization must conduct regular and ongoing internal assessments to identify and address areas of risk. A productive and effective AAB is essential for both the short-term SA compliance and long-term sustainability.

B. Monitor Recommendations Moving Forward

All of these factors contribute to our urging the Parties to join us on a new path forward beginning, again, with DOJ and LASD to jointly seek status conferences with the federal judge presiding over the SA. If the Parties fail to act jointly or individually within a reasonable time to request intervention by the Court, the Monitors will contact the Court and ask for its active involvement in the enforcement of the SA. We believe the involvement of Judge Walter, as addressed in SA Paragraphs 199–207, will ensure greater accountability on all parties, hasten the Department's compliance with the SA, and, most importantly, help avoid further unnecessary delay in the AV community receiving these basic rights.

To help remedy the institutional delays, the Monitors respectfully request the Department to establish an expectation that the NPD chief or a commander representing him will actively participate in most meetings, including meetings where County Counsel is present, so that all key decision makers are present. In an agency the size of LASD, we understand the sheriff, undersheriff, assistant sheriff over patrol, and even the NPD chief cannot be available for every meeting, and we would not presume otherwise. However, our time and experience here has shown that the lack of consistent involvement by executive leadership—both in meetings and on a daily basis moving the enormous amount of work of Department personnel—has proven to be debilitating.

The MT also would like to reinstate a previous practice of having a monthly meeting, led by LASD, where the Compliance Unit provides updates to LASD executives, the MT, and DOJ. The Compliance Unit should be tasked with identifying internal progress and success, assessing barriers to compliance, and so forth. We expect the NPD chief and his staff will hold responsible managers accountable for completing their tasks in a timely and thoughtful manner. The monthly meetings will begin with updates on previously assigned work and discussion of next steps.

Although the SA is long and written in the language typical of contracts in federal court, at its core, it is not unrealistic or overly complicated to implement. In fact, the SA merely requires what AV citizens are entitled to under the Constitution—fair, bias-free, accountable policing practices. Given LASD's lack of progress in key benchmarks of Constitutional policing as we outline here and in our past several semi-annual reports, the Monitors believe that these additional strategies should be explored to move this work forward.

The Antelope Valley Settlement Agreement: Summary

The Antelope Valley Settlement Agreement (SA) was established between the US Department of Justice, Civil Rights Division (DOJ); the Los Angeles County Sheriff's Department (LASD); and the County of Los Angeles, and it was filed with the US District Court for the Central District of California in April 2015. (DOJ, LASD, and the county are collectively referred to as the Parties.)

The purpose of the SA is to ensure that residents of the Antelope Valley (AV) have police services that are lawful and fully consistent with the Constitution of the United States and contemporary policing practices. The SA specifically identifies, as individual sections, a variety of reforms and objectives to be met by LASD in the AV related to stops, seizures, and searches; bias-free policing; enforcement of Section 8 compliance; data collection and analysis; community engagement; use of force; personnel complaint review; and accountability.

The SA also stipulates that a professional monitor be selected to track and assess LASD's progress in implementing and achieving compliance with the SA, work with the Parties to address obstacles to achieving compliance, and report on the status of implementation to the Parties and the Court. Per SA Paragraph 171, the Monitors submit a semi-annual report every six months. The first of these was issued in December 2015.

The AV lies in the northeast corner of the County of Los Angeles and includes two cities—Lancaster and Palmdale—and several unincorporated communities spread across hundreds of square miles. LASD provides law enforcement services in the unincorporated areas of the AV as well as via contracts with Palmdale and Lancaster. An LASD station serves each city, with law enforcement activities for the surrounding areas split roughly between the two according to their populations.

II. SETTLEMENT AGREEMENT COMPLIANCE

Much of the SA involves developing or revising policies, procedures, and training; putting into place various processes (such as a plan for ensuring all new AV deputies receive training mandated by the SA or additional accountability mechanisms to facilitate peer comparisons); assessing data and information to guide the implementation of required reforms and to determine their effects; and striving to more effectively engage with community organizations and entities, such as the Community Advisory Committees (CACs). This work is usually done collaboratively among the Parties and the MT, with documentation of the change (new policy, revised training, etc.) eventually being formally submitted to the MT and DOJ for approval.

For most provisions, there are several steps involved before the Department can reach full implementation (SA Paragraph 20) and thus achieve the status of being in full compliance. Paragraph 149 states, "Compliance with, or implementation of, a material requirement of this Agreement means that LASD has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as

necessary to fulfill their responsibilities pursuant to the requirement; and (c) ensured that the requirement is being carried out in practice.”

Any approved policies related to the SA must be distributed to every deputy according to SA-required procedures and, as necessary, incorporated into training curricula. An approved training curriculum will require documentation that appropriate personnel received the training. New procedures and processes must be successfully instituted. Most importantly, each of the established improvements must be proven effective and practical in the real world—that is, they are assessed through MT activities such as reviews, audits, interviews, observation, and data analysis to establish whether they are successfully reflected in law enforcement practices and achieve the intended qualitative and quantitative impacts on the AV community.

Changes to policy and practice also must be incorporated into LASD-AV’s accountability practices. The reviews, analyses, studies, and audits that the SA requires LASD to conduct must use appropriate methodologies, and, in turn, their findings must be used effectively to inform policies and practices.¹ Finally, this level of performance must be sustained for one year to achieve full and effective compliance and to satisfy the terms of the SA (Paragraph 205). In some cases, the SA requires ongoing improvement in the delivery of services (Paragraph 15).

This process of achieving compliance is laid out in various provisions of the SA, especially through the following paragraphs.

- In Paragraph 20, implementation is defined as “the development or putting into place of a policy or procedure, including the appropriate training of all relevant personnel, and the consistent and verified performance of that policy or procedure in actual practice.” What is meant by “consistent and verified performance” is to be laid out in compliance metrics for each provision.
- According to Paragraph 205, the terms of the SA will have been met when “the County has achieved full and effective compliance with the Agreement and maintained such compliance for no less than one year.”
- In Paragraph 15, full and effective compliance is defined as “achieving both sustained compliance with all material requirements of this Agreement and sustained and continuing improvement in constitutional policing and public trust, as demonstrated pursuant to the Agreement’s outcome measures.”

Compliance metrics or measures represent the specific quantitative and qualitative criteria by which the MT will assess compliance with each SA provision. The written metrics reflect the language of the SA, but they also ensure the Parties and the MT agree on how the SA language translates into workable and measurable standards for LASD-AV policy and practice and for assessing compliance.

¹ Paragraph 171b gives a summary of the stepwise process by which the Monitors assess compliance and document their findings. Each provision of the SA needs to be “(1) incorporated into policy; (2) the subject of sufficient training for all relevant LASD deputies and employees; (3) reviewed or audited by the Monitor to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitor to have been fully implemented in practice.”

It is important to note that the SA was not written in a “check the box” fashion that would require or allow each provision to stand separately such that it would then be evaluated based on a single, straightforward compliance metric for each provision. The assessment work that is required to evaluate the intended outcome for one provision is sometimes dependent upon the activities of and relationship to other provisions, and therefore they are interconnected. For example, the Department cannot draw conclusions about the potential disparity in its programs and activities (SA Paragraph 68) without completing the assessments required of deputy performance, stops, community input, uses of force, and complaints (SA Paragraphs 67, 82–86, 88, 120–123, 140). Similarly, the MT’s compliance assessment for one provision may partially depend on the compliance assessment for another. In short, in some cases, as long as the Department is not in compliance with one provision, it necessarily will be out of compliance on one or more other provisions.

This report addresses SA provisions where the MT considers the Department to be in compliance or to have made substantial progress toward compliance. Also discussed are provisions that require additional work, with emphasis on those that will likely require substantial time and resources for the Department to come into compliance or for the MT to effectively assess levels of compliance. When possible, this report also summarizes the sequence of activities and steps the Department must take to achieve full compliance.

III. WORK TO DATE

As in previous reports, work by the Parties and the MT is iterative in nature, so it is often necessary to provide information on activities and issues that have appeared in previous reporting periods. This information is provided to give an accurate picture of progress and to provide the “qualitative assessment of LASD’s progress in achieving the desired outcomes for each area covered by the Agreement, noting issues of concern or particular achievement,” as required by SA Paragraph 171f.

The evaluation of the current state of compliance that has been achieved is sometimes based on audits or reviews that occurred in earlier reporting periods and is therefore influenced by data and information collected prior to this reporting period. The results of these reviews are still valid and relevant, and they often are—or should be—the primary focus of the current work being undertaken by LASD. The prior reviews and audits that are emphasized in this report provide an update on how the Department has or has not responded to the findings of those audits and reviews, especially on key issues in the SA, including enhancing the relationship between LASD-AV and “youth and communities of color” (SA Paragraph 88), UOF policies and training, management review of complaints, and Constitutional stops practices. Where a new review or audit has not been conducted, it is usually because there are indications that the results would not show significant improvement, and therefore the time and cost required for those assessments would be better spent on moving the work forward. For instance, we have not conducted a new complaints audit because the Department has not addressed some of the out-of-compliance findings from the earlier audits, they have not instituted and fulfilled Corrective Action Plans as they have indicated they would, and the revised SCR Handbook has not been published and deputies and supervisors have not been trained to its new requirements and direction. Similarly with use-of-force audits, the Department does not have an approved UOF policy or an approved UOF training, so completing a new force audit would be premature.

A major focus of the SA is management review of not just deputy conduct but also supervisorial and management behavior, along with the Department's many accountability systems and processes. The expectation is that executive- and management-level personnel—with the assistance of various support units, such as the AAB and Discovery and Data Systems—conduct routine monitoring of all Department activities and apply professional vigilance, scrutiny, and skepticism to these reviews to ensure the accountability systems are consistent and effective.

A. Monitor Activities in This Reporting Period

To inform compliance assessments of all areas of the SA, the Monitoring Team conducted a variety of work activities in this reporting period, including regular meetings with the Parties, the CACs, and community members; site visits; ongoing telephone and electronic communications with community members; and observations of the Crime Management Forums and the Risk Management Forum, including review of accompanying materials. We drafted a monitoring plan and then revised that plan to include additional detail at County Counsel's request. We generated our regular semi-annual compliance report. Because County Counsel and LASD has of late expressed confusion regarding how the MT was assessing each provision and felt having more detail about this information would help the Department make more progress toward implementing SA reforms, the MT also generated a lengthy appendix for this report that includes, for each SA paragraph currently being monitored, a detailed history of work conducted, current compliance status, a summary of monitoring methods, and a discussion of recommendations for furthering compliance and upcoming work expected for LASD and the MT. At LASD's request, we continued a process of revisiting previously established compliance metrics and developing new metrics for those paragraphs without them. The MT reviewed drafts of proposed compliance metrics and/or drafted metrics and revised metrics and participated in discussions of those drafts with the Parties. The Monitors held ongoing meetings with members of the MT to assess progress toward compliance. We also reviewed and discussed County Counsel's concerns regarding the MT stops audit with LASD executives.

1. Additional Work Focused on Stops and Bias-Free Policing

The MT has continued the critical work of assessing stops data for compliance with the SA sections Stops, Seizures, and Searches and Bias-Free Policing, in accordance with the MT Stops/Bias-Free Policing Audit Plan, including organizing the data from LASD's CAD system to identify the samples of the population to be used to conduct our audit and began coding the sample of stops and backseat detentions (BSDs) as part of the audit. The MT provided an update to LASD regarding the progress and shared the specific samples that were selected for review. Additionally, the MT reviewed, provided feedback on, and held discussions of the AAB work plan for an audit related to stops in the AV.

The MT has participated in numerous meetings with LASD and DOJ to discuss how to use stops data to better understand LASD's enforcement efforts and activities in the AV and has reviewed data tables related to stops produced by LASD. The MT also reviewed two reports authored by OIG, including "The Sheriff's Department's Underreporting of Civilian Stop Data to California Attorney General" and

“Allegations of Racial Disparities in Contacts with High School Students by the Sheriff’s Department’s Lancaster Station.”

The MT attended the SA-required full-day trainings for Constitutional Policing and Bias-Free Policing. The MT observed the presentation of the training and the process used by the Compliance Unit to track attendance for the course. Additionally, the MT was provided with information to conduct verification for attendance of training at the required quarterly roll call briefing. For the roll call training, the MT verified attendance for the fourth quarter of 2021 and the first quarter of 2022. Additionally, the MT provided a memorandum to LASD with recommendations to begin the process for assessing all programs, initiatives, and activities to look for disparate impact that unlawfully discriminates against a group of people based on race or a protected class.

2. Additional Work Focused on Housing

The MT received, reviewed, and approved LASD’s submission of its housing policy receipts for SA Paragraphs 75 and 164, as it relates to housing, for the fourth quarter 2021. Subsequently, the Monitors issued the SA Paragraph 150 recommendation for Paragraphs 73–80 and Paragraph 164 as they relate to housing.

3. Additional Work on Community Engagement

In addition to the community meeting mentioned earlier, members of the MT observed three CAC town hall meetings. The MT reviewed the materials provided to verify deputy participation in community engagement events and documented recommendations to improve the Crime Management Forums (CMFs) and the use of community policing models in a memo to LASD. The MT checked with the youth diversion programs in the AV and both AYC Youth & Family Services and the Soledad Enrichment Center confirmed they continue to receive referrals from LASD through the County’s youth diversion program.

There was no data collection for the community survey during this reporting period. However, the research team did determine that Year 4 Community Survey data collection will begin in Fall 2022. To prepare for data collection, the research team will meet with the MT and the Parties to discuss a couple potential revisions to the Year 4 data collection process, including discontinuing survey administration at AV high schools due to low response rates in the past. The research team and the MT are considering other strategies to ensure the perspectives of younger AV residents are still captured in the general survey.

4. Additional Work on Use of Force

MT members reviewed drafts and held discussion on Department’s policies related to the use of force, including the Department’s Use-of-Force Policy, Taser/CEW Policy, and Body Worn Camera Policy. At the Department’s request, MT reviewed a draft of a Central Patrol Division Body Worn Camera Order for SA compliance as it relates to the review of use-of-force incidents and the supervisory review and evaluation of body worn camera recordings.

The MT also conducted a multiple reviews of the Department's use-of-force training and attended and evaluated an eight-hour use-of-force training day at the Department's Star Center for SA compliance. A comprehensive evaluation of the training, with recommendations on how the Department can further develop the training to satisfy the mandates of the SA was provided to, and discussed with, the Department.

MT reviewed two Category 3 uses of force reviewed by the Critical Incident Review Panel (CIRP) and a total of eight homicide and IAB investigations for Category 3 uses of force reviewed by the Executive Force Review Committee (EFRC) and observed meetings. We also evaluated two cases that were initially classified as Category 3 uses of force but downgraded to a Category 2. In both cases, that decision appeared to be justified. The MT prepared an analysis of those cases and submitted it to the Department with a request to meet with a Department representative so we can make an informed evaluation of Department compliance with several SA paragraphs, including Paragraph 114 and Paragraph 181 regarding the policies, rules, and procedures for removing deputies from then returning them to field duty.

5. Additional Work Focused on Complaints

The MT received and reviewed two community complaints regarding the way in which a personnel complaint was investigated by the Department. The MT reviewed both investigations and prepared an internal report on our findings. No significant compliance concerns were noted.

We also reviewed a complaint audit work plan, prepared a report on our findings, and submitted it to the Department, followed by discussions with the Parties.

6. Additional Work Focused on Accountability

The MT conducted a review of the Quarterly Reports that are prepared by the two AV stations. We developed a process map of so that the Parties and MT have a shared understanding on the various processes supporting the production and review of the Quarterly Reports. We also began a series of compliance assessment reviews. We provided the Department a report on the results of one such review on June 21, 2022. We have also begun a review of the Department's policies and procedures regarding their Performance Mentoring Program (PMP).

B. Stops, Seizures, and Searches

In the SA, the preface to the Stops, Seizures, and Searches summarizes the overall goals of this section.

LASD agrees to ensure that all investigatory stops, seizures, and searches are conducted in accordance with the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. LASD shall ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-productive divisions

between LASD and the community, and are adequately documented for tracking and supervision purposes. (SA p. 7)

The SA requires LASD management to (1) provide direction in the form of policy to deputies; (2) train deputies on conducting Constitutional stops; (3) collect accurate data on their stops; and (4) use these data and other sources of information to (a) identify deputies or practices that have potential for displaying bias or counterproductive impacts; (b) determine whether deputies' stops are lawful; and (c) inform, and track the outcomes of, any necessary corrective action and to guide community policing strategies.

To summarize the update for this reporting period provided below, the MT found the Department continues to have policies in place addressing SA stops provisions and has continued to provide full-day Constitutional and Bias-Free Policing training sessions. As noted in our previous report, in 2021 LASD did not offer SA-required roll call trainings but did put a plan in place to ensure compliance with deputies receiving the training throughout 2022, and this seems to be back on track. The Department has begun producing its own tabulation and analysis of basic stops data and managers are taking steps to track that data and use it to inform some crime intervention and prevention efforts. The MT applauds this work and, to meet SA requirements, expects that practice to expand to include more thorough analysis of available data and information, the regular integration of the findings into crime prevention strategies, and regular assessments of potential disparity impact.

1. Full-Day and Roll Call Training

a. *Constitutional Policing Training*

Trainings on Constitutional policing (Paragraph 57) and bias-free policing (Paragraph 70 in the next section) were developed to meet SA requirements for stops, seizures, and searches; bias-free policing; and housing. Each AV deputy of any rank is required to take the eight-hour trainings once. By agreement of the Parties and the MT in late 2020, embedded units that work in the AV but assigned to other commands also now receive the trainings. These include deputies assigned to Operation Safe Streets, COPS, Parks, Narcotics, and County Services Bureau.

To verify implementation of the training, on a quarterly basis the MT reviews signed training attendance sheets and compares them with station personnel rosters to assess whether at least 95% of available personnel have received the approved training. As was agreed to by the Parties and the MT, this training is offered twice per year. With most current deputies having already received the training, the Department is focusing its effort on ensuring all newly assigned deputies receive the trainings, as well as those assigned to the AV who have thus far been unavailable or unable to attend.

We found the Department in compliance for the second half of 2021, with 98% of all available deputies assigned to the AV stations having attended the Constitutional Policing training. During this reporting period, the Constitutional policing full-day training was offered once, on June 14, 12, 2022. Because the training took place so late in this reporting period, the MT will need to assess attendance compliance in the next reporting period; however, the Department will remain in compliance for this period pending review of attendance data.

b. Observation of Constitutional Policing Training

The MT attended the full-day Constitutional Policing training on June 14, 2022, at the Lancaster station. Thirty-three deputies and sergeants from both AV stations attended this training. The instructor provided the approved curriculum to the students. The students were engaged in the training, and the instructor facilitated discussion of the material throughout the course. The instruction provided updated legal requirements on the Fourth Amendment as it relates to LASD deputy enforcement activity, such as contacts, backseat detentions, probation/parole searches, stops based on reasonable suspicion and/or probable cause, citations, arrests, searches of persons and property, and seizures of property. The instructor discussed the consequences and penalties of Fourth Amendment violations. The instructor emphasized the importance of these topics, both from the standpoint of reaching compliance with the SA, but also because it is a critical element in all law enforcement contacts.

The instructor broke the class into small groups to discuss a three-question quiz that asked students to categorize certain fact-based scenarios as either a voluntary contact, a detention, or an arrest. As would be expected with this type of training quiz, only one of the students, a sergeant, answered all three questions correctly. This provided an opportunity to discuss in greater detail the critical differences between these interactions. Students had a lively discussion about what those interactions look like in real life, which added to the training. The students completed the required test at the end of the course. The Compliance Unit monitored the course throughout the day to ensure each student remained present for the entire course and successfully completed the required test at the end of the day.

This training plays a critical role for LASD-AV stations by ensuring each deputy has the same understanding of the law as it relates to the scope of enforcement allowed by the Fourth Amendment. As discussed in the training, intentional and even unintentional violations of the Fourth Amendment can erode trust between LASD and the community it serves in the AV. To LASD's credit, it has a system in place to ensure that LASD-AV deputies and embedded units in the AV attend this important training. Once trained, it's crucial that deputies' documentation of stops is routinely reviewed and that deputies are held accountable for any violations of the policies and trainings. This supervisor and manager review is the subject of an ongoing MT audit.

The MT notes that with increasing prevalence, throughout our site visits in March and in June—whether in meetings with the station compliance personnel, in hallway discussions, and during side conversations during the training days—we heard a shared narrative that it is the “Monitors’ fault” that LASD is not in compliance. Repeatedly, MT members heard station deputies and management lament that they believe the AV has already met all the compliance obligations, but the MT “keeps moving the finish line,” and some noted it felt like they would never be out of the SA.

The Monitors are concerned that this attitude among line staff may be reflective of the messaging they receive from some station and divisional managers. Anyone in the Department who perpetuates this false narrative is hindering LASD's progress and undermining the requirements of the SA. The MT has also found that this attitude is sometimes expressed to CAC members and the general community. This represents a failure of executive leadership and station managers, as well as of the Department's community engagement efforts. The MT encourages LASD-AV leadership to provide consistent messaging supporting the goals of the SA—which includes ensuring that LASD-AV deputies are best

prepared to provide safe, effective, and Constitutional policing in the AV—and regular updates on the SA to Lancaster and Palmdale stations to keep all ranks informed and to increase deputy morale.

The MT was pleased that the training we observed included an introduction by station leadership. To ensure all deputies receive a unified message, we recommended to LASD that the division chief record a preface to the training that stresses the importance of the training and the SA; we are encouraged that he has indicated he will produce such a recording. We also suggest that the division chief require commanders be required to express a similar unified message when engaged with deputies. We encourage the chief's discussion to stress the importance of taking the unintended negative impacts of law enforcement efforts seriously and of critically looking inward to seek solutions to address real or perceived disparities. The talk should also stress the relevance of the training specifically to LASD-AV, such as by referencing the recent reports from the OIG or citing data from LASD's own disparity assessments once they begin.

Though training alone will not lead to Constitutional policing, this training plays a critical role in moving LASD-AV toward gaining compliance with the SA and more importantly, in building trust and strengthening relationships with the communities they serve and of which they are a part. The training must be constantly reinforced by supervisors and leadership, and they must make their expectations clear that deputies consistently adhere to the principles learned at training. We recommend the division chief take further steps to emphasize the importance of conducting close and critical reviews of detentions and searches, retraining deputies who are not meeting expectations, and imposing discipline where appropriate. In the Bias-Free Policing section of this report, the MT discusses past reports from the OIG regarding the underreporting of stops in the AV and racial disparities related to discipline of Black high school students in Lancaster. These types of reports serve as an indication that managers need to continually assess that training is sufficient, that supervisors conduct careful reviews, and that deputies receive clear instructions regarding their enforcement practices and priorities.

Aside from being intended by the SA, the type of thinking referenced in the previous paragraphs is indicative of an organization committed to the community and, moreover, to every facet of the community. It is not about forgetting victims' rights or backing away from needed enforcement. It is about law enforcement recognizing that enforcement actions have a profound impact, even in totally lawful and uneventful stops. It is about the expectation that law enforcement be more targeted and strategic in its efforts. This is the new expectation and norm for law enforcement across the country.

c. Quarterly Roll Call Training for Constitutional Policing, Bias-Free Policing, and Housing

The full-day Constitutional and Bias-Free Policing trainings are reinforced through quarterly roll call briefings (SA Paragraph 71 in Bias-Free Policing). For these briefings, seven distinct scenarios (A–G) were developed and, after a review process, were approved by the MT and DOJ. The Department also developed a train-the-trainer course whereby supervisors learn to conduct the trainings during regular roll call briefings. Only approved supervisors who attend the train-the-trainer course may provide the roll call briefing. Each available deputy receives two of the briefings in each quarter (with only one in the fourth quarter), so they receive all seven each year.

The MT assesses training receipt compliance in the same way as with the full-day trainings. To verify attendance, the MT receives monthly personnel rosters from each station and compares the names against the attendance rosters. Personnel not available for the training are excluded from the attendance requirement, as are personnel who transferred into the station after the training was offered. (Note: Deputies who are considered not available for training are those who are off of work from an injury, extended military leave, or an emergency.) The MT calculates the final percentages for attendance from the class.

The MT has found the Department in compliance in several quarters since implementation but not consistently. During several site visits, the MT observed roll call briefings to assess if the briefings were delivered in the agreed-upon manner. The MT was pleased to observe the training delivered in the manner designed.

Unfortunately, LASD did not consistently provide the required roll call training in 2021; however, Palmdale station corrected this issue and again began providing the required training in the third quarter of 2021, and Lancaster got back on track in the fourth quarter. This progress continued in the first quarter of 2022, and the Monitors are hopeful the roll call trainings will be in compliance at the end of this year. LASD has instituted new practices and a tracking system to ensure deputies are provided with these important briefings. The stations' poor performance last year in meeting the roll call training requirements was discouraging (see our 13th semi-annual report), but the Monitors are encouraged by the improvements so far this year.

We do reiterate the importance of maintaining the regular, agreed-upon roll call briefing schedule and delivering the training as approved and intended so sessions are properly spread out for optimal learning and reinforcement. In a related point, while reviewing rosters during the verification process, the MT identified some occasions when only one student was listed as present during the session. While we did count these for compliance, this is not optimal because the briefings are designed to have a facilitated discussion among the students. The Compliance Unit informed us that, in those instances, other deputies may have been present who did not sign the roster because they had already received the training at a previous time. LASD should make efforts to ensure each presentation of the training has at least two students present so that the deputies can learn from each other's experience. Also, hearing the experiences of a peer can help reinforce key points in the material. The MT will discuss ways the stations can document how many deputies are present at each briefing, perhaps by a simple notation on the roster by the instructor.

The MT recognizes and appreciates that LASD would like a larger selection of quarterly roll call training scenarios available for staff to keep the material fresh for deputies who continue to be assigned to the AV over a period of time. This issue was also discussed in the MT's 13th semi-annual report; it is mentioned again here because it is still pending. The MT and DOJ have provided LASD with suggestions for additional training scenarios. The recommendations included the incorporation of video to highlight key points and new scenarios to raise further discussion during the training sessions. In the meantime, the existing training procedures should continue until any new training is developed and finalized. The Department committed to providing draft curricula for additional roll call training by the end of 2021 but has since requested more time to complete those drafts. LASD has not indicated when it will be able to provide those drafts.

d. Observation of Training

The MT attended a portion of the train-the-trainer course at the Lancaster station on June 16, 2022. The course was attended by sergeants and a lieutenant. The instructor stressed the importance of the roll call training as an opportunity to provide staff with critical reminders regarding professionalism, the law, Departmental expectations, and reviewing and discussing scenarios from the trainings. The instructor emphasized that the key for supervisors reviewing trainings with their deputies was to thoroughly explain the answers—not just what the answers are, but why they are the correct answers. The training taught the skills necessary for supervisors to provide training in a roll call setting for LASD deputies, including proper facilitation, managing small-group discussions, and allowing time to practice the skills with the class. The students were responsive to the instructor’s questions and probes. The sergeants who attended, all of whom were relatively new to their position (about six months), appeared to be actively listening to the instructor.

2. LASD Use of Data

This section describes what the SA requires and expects of LASD managers in their use of stops data for analysis and assessment purposes, which applies to the Stops section and several other sections as well. The preface to the Stops section calls for crime prevention strategies that integrate stops data analysis with prevention tactics to plan and track interventions. SA Paragraph 46 requires assessment of the efficacy of probation and parole searches. Paragraph 62 requires the tracking of stops data for supervisory review purposes. Other sections require use of stops data for assessment of all LASD programs, initiatives, and activities for potential disparity (SA Paragraph 68); for review of each deputy’s ability to practice bias-free policing as a factor in annual performance reviews (SA Paragraph 67); for further disparity analysis (Paragraphs 81–86); for analyzing uses of force (SA Paragraph 120–123); and for deputy- and unit-level accountability (Paragraphs 141–143).

There is no question that stops conducted at a deputy’s discretion can be a valuable tool to identify and cite or arrest offenders; however, stops also can have significant negative impacts on the community, especially when disparity in stops erodes the community’s trust in the agency. It is critical for LASD to provide a significant level of supervision and review of stops. Regular reviews of stops, both at the individual deputy level and station level, are important parts of management practices to ensure policing strategies meet constitutional standards. The use of such data provides key insights into the enforcement practices and activities of staff who interact with AV community members. The data must be used to inform possible revisions to crime suppression efforts, enforcement practices and strategies, and, in particular, the potential unintended impact those may have on the community.

a. LASD Analyses of Stops Data

In the previous reporting period, the Department began producing data tabulations and analysis for LASD-AV managers. The Department has filled a data analyst position, which the Monitors hope can not only provide basic data tabulations and analysis to the stations—as has been recently occurring— but can also work with LASD-AV managers to provide useable data responsive to community concerns and to inform strategic plans. These monthly reports, titled *Palmdale Stops Data Review* and *Lancaster Stops*

Data Review, contain information for decision making related to crime-reduction activities that staff engage in, such as information about stops, the number of stops by race and by area of the city, demographics on those who are asked if they were on probation/parole, the person's response, the reasons for any subsequent searches, whether contraband was seized, and the number of stops by unit that included backseat detentions, seizures, and arrests. The MT has observed LASD station captains refer to the stops information during CMFs. The Compliance Unit creates its own Top Ten lists (deputies with the highest numbers in certain categories for each station). The Compliance Unit sends these to the MT; most recently in June 2022. In January 2022, the AV station captains informed the MT that they spoke with the deputies on the Top Ten list to ask about the stops that resulted in them being placed on the list.

These are encouraging early steps to the more extensive analysis and thorough managerial assessment envisioned by the SA. These reports and, indeed, most data analysis is the relatively easy, straightforward part of the process. As stated in several past semi-annual reports, the Department needs to plan and document how they make use of those reports and apply the data in a way that informs managers how best to proceed, or make any changes if warranted, in existing law enforcement and community policing strategies and activities. The Department should work to produce their reports in a manner they find most helpful, including the formatting, time period addressed, specific variables included, and disaggregation conducted. The Department must also provide managers and their staff the training and support to make the most use of the analyses to advance this work. (See further discussions on this in Data Collection and Analysis and in Accountability.) The quality of the reports and related efforts should be measured in their effectiveness in helping the AV stations' managers identify issues and develop interventions as needed. (See also the Accountability section for a discussion of managers' use of Performance Recording and Monitoring Systems [PRMS] data.)

The Department will also need to get in the habit of documenting actions taken based on their data assessments and to track the outcomes of those actions. For instance, to our knowledge they have not kept track of or documented the discussions with deputies regarding the Top Ten lists or any further inquiries or actions or the outcomes of those discussions. The MT looks forward to hearing how LASD will use the data to inform supervision and management of personnel and units needing attention.

The MT awaits a copy of the Community Policing Plans for each station as required by the LASD policy for Community Policing and Engagement (MPP 301/110/00). These documents will help inform the discussion of key programs, initiatives, or activities required for assessment under this provision as well as provide insight into other ways the Department can integrate information from the community gathered through community engagement and problem-oriented policing activities with stops data and other data analyses like that of PRMS data for the Quarterly Reports (see Accountability).

Note that the thoroughness and reliability of the CAD data being used in these analyses is also a concern given the age and limitations of LASD's CAD system. This is discussed elsewhere in this report, especially, for stops data, in Bias-Free Policing and, for PRMS, in Accountability.

b. *Prior MT Analyses of Stops Data*

Over the past several years, the MT has provided LASD various types of analyses of AV stops information. See our last semi-annual report for a description of the trend, disparity, and targeted analyses we have provided the Department. While some of the analyses, such as the disparity analysis, were also part of MT outcome assessments required in Paragraph 153, the purpose of the MT's effort to present these data reports to LASD was to demonstrate for the Department the types of analyses and the subsequent managerial assessment of findings that the SA requires the Department to do. These data reports and subsequent discussions were meant to jumpstart AV station managers' practice of: identifying and tracking trends, both positive and concerning, in their enforcement activities; assessing the efficacy of various enforcement tactics and strategies; identifying areas where unintended effects or disparities may exist; and developing, implementing and tracking strategies meant to ensure LASD-AV deputies provide effective and Constitutional policing that strengthens rather than weakens trust in the community. To the same end, our six-month reports have included not only tabulations of three years of stops data but detailed illustrations of how Department managers could become active consumers of the data available to them (see stops data tabulations and discussion of analyses of backseat detentions and of probation and parole searches in our 12th and 13th semi-annual reports). Again, in addition to providing current data tabulations and analysis, these reports by the MT were intended as examples of how the Department could effectively use its own data and create its own reports to and to demonstrate for the Department the kinds of questions that could be asked and addressed when conducting SA-required reviews and analysis.

As a next step regarding disparities analysis, LASD should expand their queries to consider issues such as where the disparities are happening, why they are happening, whether the disparities are due to crime strategies and whether those strategies are aligned with LASD law enforcement practices, and what remedial actions the Department can take, when appropriate, to address possible disparate impact. Many factors may contribute to findings of disparities, including crime rates; geography; access to resources; city, county, and state laws; law enforcement strategies; policies and practices; and overt bias.²

² See www.ojp.gov/ncjrs/virtual-library/abstracts/reducing-racial-disparity-criminal-justice-system-manual
Courts have adopted a three-part test to determine whether a recipient's policy or practice violates the Title VI disparate impact regulations. First, does the adverse effect of the policy or practice disproportionately affect members of a group identified by race, color, or national origin? Some courts refer to this first inquiry as the "prima facie" showing. If so, can the recipient demonstrate the existence of a substantial legitimate justification for the policy or practice? *N.Y. Urban League*, 71 F.3d at 1036. A violation is still established if the record shows the justification offered by the recipient was pretextual. See *Elston v. Talladega Cty. Bd. of Educ.*, 997 F.2d 1394, 1407 (11th Cir. 1993) (citing *Georgia State Conf. v. Georgia*, 775 F.2d 1403, 1417 (11th Cir. 1985)). Finally, is there an alternative that would achieve the same legitimate objective but with less of a discriminatory effect? If such an alternative is available to the recipient, even if the recipient establishes a justification, the policy or practice will still violate disparate impact regulations. See <https://www.justice.gov/crt/fcs/T6Manual7>.

3. LASD AAB Stops Audits

a. *Completed AAB Audits*

Since 2016, MT has reviewed AAB reports for audits of detentions of individuals and data collection (aka stops audits).³ We have not assessed these detentions audits for compliance since they are not required by the SA, but the audits provided information we found useful in our informal tracking of the AV stations' progress toward compliance on some of the stops and bias-free policing provisions. The audits showed some important improvements in the percentages of cases in compliance for documentation of stops and supervisory review. For example, for reasonable suspicion (Paragraph 44), the AAB found Lancaster met the criteria 86% of the time in 2020 versus 83% in 2019, and for Palmdale, 77% versus 65%.⁴ For supervisor and commander review of stop entries from CAD (Paragraph 59), the AAB found Lancaster met the criteria 95% of the time in 2020 versus 80% in 2019 and for Palmdale, 77% versus 57%.

b. *AAB Audit Plans*

The Monitors are hopeful that we will be able to more formally incorporate AAB audits into our compliance assessments for stops and bias-free policing as per Paragraph 149, thereby avoiding the costs of doing parallel audits and ensuring LASD is implementing a sustainable process for self-assessment. The MT will necessarily scrutinize AAB's audit methods more closely if they are meant to be part of formal compliance assessments. Using AAB audits in this way will require the AAB audit plans to be approved by the MT and DOJ before the AAB begins its audit and approval of the final audit report to ensure that all the required variables are addressed, that the report is thorough and sufficiently detailed, and that conclusions are based on the SA, agreed-upon compliance metrics, and the approved audit plan. (Until this reporting period, the AAB's practice has been to not share their detentions audit plans in advance, but instead show us the completed reports and spreadsheet used for the audit when requested.)

To that end, LASD submitted stops (and complaints) audit plans for DOJ and MT review on April 28, 2022. The MT and DOJ presented various concerns about the AAB stops audit plan in writing on May 18, 2022; these were discussed with the Compliance Unit, AAB and County Counsel on May 31, 2022. At the same meeting, we also discussed the AAB's plan for an audit of complaints. (See the Complaints section.) The concerns raised mainly focused on concerns regarding the scope of the AAB's audits and its sampling methodologies.

Regarding the AAB's sampling methodology, for the purposes of the AAB's review of backseat detentions, it is reasonable to limit the population from which the sample is selected only to stops that include a backseat detention. However, the SA covers all stops, not only those that result in a backseat

³ The AAB conducted audits for both Lancaster and Palmdale stations in 2020 and, before that, alternated years between the AV stations. The MT reviewed audit numbers 2020-11-A (Lancaster), 2020-9-A (Palmdale), 2019-11-A (Lancaster), 2018-6-A (Palmdale), 2017-14-A (Lancaster), and 2016-2-A (Palmdale).

⁴ Determine if deputies documented the specific facts and circumstances that support the reasonable suspicion for conducting the stops and detentions in the clearance narrative section of their MDC patrol logs.

detention. The AAB's stops audit plan indicated that the bureau would draw a sample from only those stops that include a backseat detention even when assessing other outcomes, such as consent searches. Stops that result in a backseat detention may be qualitatively different from stops that result in a search. The population used to create each sample must be all the stops with the particular characteristic being assessed (e.g., all stops resulting a backseat detention, or all stops with a consent search). Otherwise, the samples may not be representative, making the audit results unreliable.⁵

Furthermore, this methodology introduces the potential for what is called participant bias. The AAB audits are done on a semi-regular basis, and the bureau indicated it has used largely the same sampling methodology in previous audits. Theoretically, if deputies and their supervisors know that the stops reviewed by the AAB will mainly be stops with backseat detentions, those types of stops may receive extra attention and scrutiny by line staff and thus may not represent the conduct, supervision, or record keeping typical of stops in general. Auditors typically do not want their subjects to know what they will be tested on. At the May 19 meeting, the AAB managers and members present, including the AAB's chief auditor, were not certain of why their audit limited the samples in that way; they requested some time to review their methodologies before providing an explanation.

Other suggestions expressed by the MT and DOJ regarding the AAB audit plan included:

- Broadening the number of audit objectives to address more SA provisions (and thereby making the audits more useful to the stations and more closely aligned with the MT's compliance assessments);
- Broadening the methods AAB proposed using to validate their population; and
- Considering incorporating body-worn camera (BWC) footage into their reviews.

DOJ also noted, with the MT in concurrence, that shortcomings in the Department's CAD system complicate and, in some cases, inhibit, MT compliance assessment as well as the AAB's internal audits. Examples of this include the lack of a code to identify stops involving detentions, the limited number of characters allowed in the narrative fields, and the system's limited capacity to capture stops data in multi-deputy or multi-person stops so that each action or decision can be attributed to a specific deputy or each outcome to a specific civilian.⁶ DOJ requested a future meeting to discuss the possibility that the Department's data systems need to be changed to allow for these assessments. The Monitors agree with the need to discuss this issue.

⁵ There may be factors inherent in particular stops that make them more likely to lead to particular outcomes. By that token, stops that include a backseat detention may be and likely are qualitatively different than stops that do not. A factor could be, for instance, the deputy who makes the stop. Certain deputies are known to conduct more backseat detentions than others. This could be for a variety of reasons, including time of shift, patrol area, years on the job, the types of enforcement action they typically conduct, etc. If a sample is drawn from a population of only stops with a backseat detention, that sample will likely disproportionately contain stops with certain qualities, such as stops by certain deputies, and thus will not be representative of all stops.

⁶ To address this concern in its stops compliance assessment, the MT will look at all available documentation for a stop, not just CAD data, to gain a better understanding of what took place during the stop. We will also incorporate body worn camera footage review into our assessments. However, these additional reviews are not possible for stops that have no additional documentation besides CAD data.

Another topic discussed at the May 19 meeting was a prior AAB request (submitted May 11, 2022) that the Parties and the MT consider a change to the AAB's audit plan. Specifically, the AAB asked to reduce the population time period for the whole audit, from one month to one week in the next AAB audit. The AAB believed this will increase the efficiency of its audits. The MT and DOJ expressed general support for this move, but the Parties and the MT decided further discussion was warranted to discuss the details of the change.

Shortly after the May 19 meeting, the MT emailed the AAB to set up a meeting to continue the conversation about the AAB's request to change its audit plan and about the concerns raised by the MT and DOJ about the AAB's audit methodology. Since the May 19 meeting, AAB has not provided revised methodologies or indicated it was prepared to discuss the issues raised. The MT looks forward to this discussion and generally supports methodologies that increase the timeliness of audit results without sacrificing the quality of the findings. The MT has suggestions for the AAB to consider as a way to reduce the effort needed to identify the population for their audit.

4. MT Stops Compliance Assessment

Since 2016, the MT has conducted periodic stops data reviews and discussed its findings and observations, including preliminary determinations of compliance, with the Department so that the Department could take corrective action, inform training at the stations, and increase the likelihood that the eventual formal MT stops/bias-free policing audit finds compliance. Particular focus was placed on thorough and accurate data entry and narratives to ensure MT reviews would be based on reliable information. From its own reviews and based on AAB audits, the Compliance Unit had significant concerns that the CAD data was not accurate or reliable; therefore, it implemented further training at the stations to correct this. It was agreed that a formal MT audit or systematic review would not occur until the Department had time to respond to the MT's early reviews and the Compliance Unit's training.

In the last reporting period, LASD indicated it felt it was ready for the MT's formal review and, to that end and pursuant to Paragraph 159, the MT presented to the Parties our draft compliance assessment plan for the Stops and Bias-Free Policing sections (titled "MT Stops/Bias-Free Policing Audit Plan", Version November 19, 2021).⁷ The original draft audit plan was provided to the Parties on October 18, 2021. We received written comments from LASD (via County Counsel's outside counsel) on October 22 and from DOJ on November 3, followed by extensive discussions on the plan at the October 2021 onsite visit.

Based on those comments and discussions, we submitted the revised plan November 20, 2021, and received written comments from DOJ on December 3, 2021. LASD did not provide comments on our revised audit methodology but did provide comments on the stops and bias-free policing compliance metrics included in the plan in a letter about the compliance metrics and the revised plan dated

⁷ SA Paragraph 159: "At least 45 days prior to initiation of any outcome measure assessment of compliance review, the Monitor shall submit a proposed methodology for the assessment or review to the Parties. The Parties shall submit any comments or concerns regarding the proposed methodology to the Monitor within 15 days of the proposed date of assessment or review. The Monitor shall modify the methodology as necessary to address any concerns, or shall inform the Parties in writing of the reasons s/he is not modifying the methodology as proposed."

December 22, 2021. The assessment will use, as mandated by the SA, both quantitative and qualitative methods and include detailed review of samples of stops, searches, backseat detentions, etc., as well as review of several other sources of information such as disparity analyses, stops trends analysis, training, and community input. Some details of the compliance metrics for some stops and bias-free policing provisions are still being discussed.

The MT made the initial request for stops data for the audit on November 14, 2021, with follow-up requests for additional information on February 4, 2022, and April 7, 2022. LASD provided the requested data, respectively, on December 10, 2021, February 17, 2022, and May 5, 2022. In January 2022, the MT began formal review of the documentation sent by LASD in response to our request for stops data. On April 13, 2022, the MT proactively and for purposes of transparency, shared with the Parties: (1) the preliminary sample of 100 stops;⁸ and (2) the backseat detention oversample, to ensure we will be able to evaluate enough backseat detentions. On May 16, 2022, the MT sent a request to the Compliance Unit to ensure we received all related BWC footage regarding three consent searches the MT reviewed as part of its formal assessment. The MT's assessment work will continue in the next reporting period. Also, County Counsel sent a letter questioning the MT's methodology on June 21 that will be discussed in the next reporting period.

5. Discussion of Management Accountability Related to Stops

One key tool for LASD to reach compliance with this provision is the effective use of CMFs. LASD uses the CMF to discuss crime reduction efforts in the community. CMFs play an important role for LASD high-level managers to discuss the effects and impact of LASD policing strategies and tactics in the community. Since interaction between deputies and community members mostly commonly occurs during stops, it is only appropriate that some stops data analysis is part of the CMF, which is addressed in Paragraph 90 in the Community Engagement section of the SA. The MT has seen some improvement in the CMFs over the past year, particularly with the use of data and the SARA and SPATIAL problem-solving models and the division chief asking more probing questions about strategies employed in the AV and potential community impacts, but the meetings do not include the in-depth discussions required for compliance with this provision. The MT provided LASD with a memorandum dated June 3, 2022, that includes substantive recommended improvements to the CMFs; these are detailed in the Community Engagement section.

The MT attended a CMF on June 27, 2022, and observed the AV station captains organize part of the presentation of a discussion of the response to the increase in gun violence using SPATIAL or mention the use of SARA to understand and address slow response times to non-emergent crimes. The MT encourages LASD to continue to incorporate the suggestions we provided to build a robust CMF to meet multiple provisions throughout the SA.

As discussed more extensively in the Bias-Free Policing section of this report, the MT expects LASD managers to fully engage with the stops data and analyze enforcement efforts in the AV and the

⁸ For purposes of our review, the MT excludes traffic-only violations because CAD data for traffic citation-only stops usually do not include a descriptive narrative. The MT notes that the SA identifies specific circumstances in which a concise narrative is required, and traffic citations are not identified specifically as one of those circumstances. Also, a narrative description of traffic citation-only stops would only provide marginal information for purposes of the analysis of the stops.

potential impacts to the community. This is a recurring concern for the MT throughout the report because we believe it is a core component to reach sustained compliance with the SA.

6. Stops, Seizures, and Searches Compliance Status

Table 1 provides the compliance status for each paragraph in the Stops section. (See Appendix C for more detailed information about the status of each paragraph.)

Table 1					
Stops, Seizures, and Searches Compliance Status Table					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
41	Stops and detentions are based on reasonable suspicion.	Yes 05/15/17	Partial	Partial	No
	Notes: The MT has seen no indication of recurring or systematic violations of this provision, and the MT has found the Department in partial compliance pending a full assessment that began January 2022. The delivery of the training is measured in SA Paragraphs 57, 70, and 71. The Department is in compliance for the full-day trainings but not for the roll call briefings, hence is in partial training compliance for this provision.				
42	Elements of procedural justice are incorporated into training.	NA	Yes 06/15/2017	Yes 08/17/2018	Yes 08/17/2019
	Notes: The principles of Procedural Justice are incorporated in the eight-hour Bias Free Policing training. The delivery of the training is measured in Paragraph 70.				
43	LASD-AV does not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor in establishing reasonable suspicion or probable cause, except as part of actual and credible description(s) of a specific suspect or suspects.	Yes 05/15/17	Partial	Partial	No
	Notes: See Paragraph 41.				
44	Stops are accurately and thoroughly documented in MDC patrol logs.	Yes 05/17/17	Yes 08/16/2018	Partial	No
	Notes: A formal MT review began in January 2022 to assess compliance. The delivery of the training is measured in SA Paragraphs 57 and 70.				
45	Accurate and specific descriptive language (non-boilerplate) is used in reports.	Yes 05/03/16	Yes 08/16/2018	Partial	No
	Notes: A formal MT review began in January 2022 to assess compliance. The delivery of the training is measured in Paragraphs 57 and 70.				
46	Efficacy and impact on the community of searches based on probation and parole are assessed.	NA	NA	Partial	No
	Notes: LASD has begun tabulating statistics related to the number of parole and probation searches. LASD needs to show documentation of its assessments of the data and how it addresses problems identified. The MT has found the Department in partial compliance pending completion of a formal compliance assessment.				

Table 1					
Stops, Seizures, and Searches Compliance Status Table					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
47	Backseat detentions require reasonable suspicion and reasonable safety concerns.	Yes 05/15/17	Yes 08/16/2018	Partial	No
	Notes: MT ad hoc reviews and AAB audits found compliance with some of the elements of Paragraph 47. The MT has found the Department in partial compliance pending completion of a formal assessment. The delivery of the training is measured in SA Paragraph 57.				
48	Backseat detentions are not conducted as a matter of course.	Yes 05/17/17	Yes 08/16/2018	Partial	No
	Notes: See Paragraph 47.				
49	Deputies respond to complaints about backseat detentions by calling supervisor.	Yes 05/15/17	Yes 08/16/2018	Partial	No
	Notes: See Paragraph 47.				
50	Deputies do not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation in exercising discretion to conduct a search, except as part of an actual and credible description of specific suspect(s).	Yes 05/17/2017	Partial	Partial	No
	Notes: See Paragraph 41.				
51	Deputies do not conduct arbitrary searches.	Yes 05/17/2017	Yes 08/16/2018	Partial	No
	Notes: The MT has seen no indication of recurring or systematic violations of this provision, and the MT has found the Department in partial compliance pending a full assessment that began January 2022. The delivery of the training is measured in SA Paragraph 57.				
52a	Deputies equipped with BWCs record requests for consent to search.	Yes 05/03/2016	Yes 08/16/2018	Partial	No
	Notes: The MT has found the Department in partial compliance pending completion of a formal assessment. LASD comprehensively deployed Axon body cameras to both AV stations by July 2021. The MT recently received access to the system and will be assessing compliance with this provision in its formal review. The delivery of the training is measured in Paragraph 57.				
52b	Outreach is conducted about the right to refuse or revoke consent.	NA	NA	Yes 02/19/2019	Yes 02/19/2020
	Notes: This requirement was completed with the CACs' assistance and a brochure that is written in English and Spanish.				

Table 1					
Stops, Seizures, and Searches Compliance Status Table					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
52c	Individuals with limited English proficiency (LEP) are informed in appropriate non-English language.	Yes 04/08/2018	Yes 08/17/2018	Partial	No
	Notes: LASD implemented the MT and DOJ-approved LEP plan on April 8, 2018. The MT has assessed this provision through complaint reviews, ride-alongs, and community input. The MT has found the Department in partial compliance pending completion of a formal assessment. The delivery of the training is measured in SA Paragraph 70.				
52d	Supervisors are notified before home-based search.	Yes 05/15/17	Yes 08/16/2018	Partial	No
	Notes: With regard to housing-related searches, the Department is in compliance with this provision. The MT will assess other home searches in a formal assessment. The delivery of the training is measured in SA Paragraph 57.				
53	Reasonable number of deputies are present at a search.	Yes 05/03/16	Yes 08/16/2018	Partial	No
	Notes: With regard to Section 8 housing related searches, the Department is in compliance with this provision. The MT will assess other home searches. The delivery of the training is measured in Paragraphs 57 and 70.				
54	Section 8 compliance checks require articulated safety concerns.	Yes 03/14/18	Yes 08/16/2018	Yes 05/31/19	Yes 02/28/22
	Notes: LASD-AV included this requirement in policy and training and was found to be in implementation compliance based on the lack of any indication of housing-related enforcement activity. See the Housing section for more information. The delivery of the training is measured in Paragraphs 57 and 70.				
55	During home searches, individualized suspicion or probable cause determines who, besides subject of search, is subject to detention or search and for how long they are detained.	Yes 05/03/16	Yes 08/16/2018	Partial	No
	Notes: The MT has found the Department in partial compliance pending completion of a formal assessment that began in January 2022. The delivery of the training is measured in Paragraphs 57 and 70.				
56	Probation and parole searches are carried out only when search conditions are established and in accordance with the Stops section.	Yes 05/15/2017	Yes 08/16/2018	Partial	No
	Notes: The MT has found the Department in partial compliance pending completion of a formal assessment that began in January 2022. The delivery of the training is measured in Paragraph 57.				

Table 1

Stops, Seizures, and Searches Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
57	Constitutional policing training is provided.	NA	Yes 06/14/2017	Yes 08/16/2018	No
	Notes: The training began on June 14, 2017, for deputies assigned to the AV stations. Based on MT quarterly review of training verification documentation, the Department has been in continual compliance with Paragraph 57 since August 16, 2018, for deputies assigned to the AV stations, and now it also trains embedded deputies. The MT is awaiting verification of training attendance by embedded units and believe they will reach compliance in the next reporting period. The outcome of this training is measured through the practice provisions of this section of the SA.				
58	Additional accountability and supervision to ensure unlawful stops and searches are detected and addressed.	Yes 05/03/16	Partial	Partial	No
	Notes: The MT has found the Department in partial compliance pending completion of a formal assessment that began in January 2022. MT ad hoc reviews and AAB audits found compliance with some of the requirements of Paragraphs 58–63.				
59	Supervisors review CAD logs.	Yes 05/03/16	Partial	Partial	No
	Notes: The MT has found the Department in partial compliance with Paragraphs 59–63 pending completion of a formal assessment that began in January 2022. MT ad hoc reviews and AAB audits found compliance with some of the requirements of Paragraph 59.				
60	Supervisors review justification for stops and searches.	Yes 05/03/16	Partial	Partial	No
	Notes: See Paragraph 59.				
61	Supervisors and station commanders address all violations and deficiencies in stops and searches.	Yes 05/03/16	Partial	Partial	No
	Notes: See Paragraph 59.				
62	Supervisors and station commanders track repeated violations of this SA and corrective action taken.	Yes 05/03/16	Partial	Partial	No
	Notes: See Paragraph 59.				
63	AV supervisors and commanders are held accountable for reviewing reports and requiring deputies to articulate sufficient rationale for stops and searches under law and LASD policy.	Yes 05/03/16	Partial	Partial	No
	Notes: See Paragraph 59.				

C. Bias-Free Policing

The preface of the SA's Bias-Free Policing section states "LASD agrees to deliver police services that are equitable, respectful, and bias-free in a manner that promotes broad community engagement and confidence in the department." The other paragraphs further describe expectations and some of the pathways to achieve that outcome, many of which are closely linked to those in the Stops section. The primary goal of section is encapsulated in SA Paragraph 64:

In conducting its activities, LASD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. Deputies shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

The Department has maintained compliance with the full-day Bias-Free Policing Training but is out of compliance with the provision related to refresher roll call trainings. The MT has noted improvements in efforts to compile data and information that can be used to identify and respond to problematic trends and patterns that might indicate potential bias or disparate impacts. The Department is now producing reports that managers can use to glean indicators of both desired and undesired impacts of enforcement strategies and practices. Establishing the capacity for meaningful data analysis is the first step in determining whether the Department is on the correct path in its efforts to comply with the provisions relating to carrying out systematic reviews of Department activities and addressing any trends of concern. Ongoing management attention is needed here to ensure the data systems are sufficient and the results of the analyses are being routinely used in efforts to meet the SA objectives and organizational expectations.

1. Full-Day and In-Service Training

a. *Bias-Free Policing Training*

During the previous reporting period, the Bias-Free Policing full-day training was offered once, on October 13, 2021. The MT worked with the Compliance Unit to verify training rosters. We found them in compliance for both trainings for the second half of 2021, with 97% of all available deputies assigned to the AV stations having attended the Bias-Free Policing training. In this reporting period, the Department provided the training on June 15, 2022. Because the training took place so late in this reporting period, the MT will need to assess attendance compliance in the next reporting period.

b. *Observation of Training*

The MT attended the full-day Bias Free Policing and the Fair Housing Act training on June 15, 2022, at the Lancaster Station. (See other observations about the trainings in the Stops section.) The instruction covered updated legal requirements related to the Fourth and 14th Amendments, law and bias-free policing, as well as LASD policy on the Fair Housing Act. The topics included cross-cultural communication, understanding critical aspects of explicit and implicit bias, discriminatory policing and

its consequences, the importance of bias-free policing, and the importance of community involvement in policing, all of which serve to promote effective policing strategies and achieving better outcomes.

As he did the day before in the Constitutional Policing training, the instructor stressed the importance of these topics and shared his personal and professional view that this type of training should be routine today, given its importance and relevance in modern-day law enforcement. The MT urges LASD-AV leadership to reinforce the importance of this sentiment on behalf of LASD. During the MT observation period, there was no material interaction by station leadership to support and stress the importance of the training or the SA overall. This would have provided a good opportunity to impress upon the students the importance of reaching overall sustained compliance and the seriousness with which it must be taken.

The students were present for the entire course and completed the required test at the end of the day. On the second day of training, deputies appeared to be more comfortable with speaking out, engaging with the instructor, and with each other during conversations that drew upon their field experiences relating to the topics of the training. In conversations with some of the attendees, many of them shared that they felt they had more time and space to be more interactive on the second day. The MT encourages such future trainings consider how to intentionally create more opportunities for such conversations to occur.

c. Quarterly Roll Call Training

The required quarterly roll call trainings contain important information related to stops in the previous section and Bias-Free Policing. As mentioned in the Stops section, both stations failed to consistently deliver the refresher quarterly roll call trainings in 2021 until the 4th quarter. See the Stops section for a full discussion of the results and MT comments on the delivery method for the courses.

2. LASD-AV Assessments of Disparity and Other Issues and Trends

The Bias-Free Policing section requires LASD to ensure that all members of the public receive constitutionally required equal protection. To address this, LASD must analyze several types and sources of data and use those results to identify problematic trends. These activities are described in Paragraphs 68 (disparity assessment) and in 69 and 72 (the deputy and community surveys), and they are essential to compliance with Paragraphs 64 (equal protection) and 67 (personnel performance reviews).⁹ Note also that stops are a key LASD activity—the primary way they engage with the community—and that the stops analysis in Paragraphs 81–86 constitutes one of the assessments of disparate impact envisioned by Paragraph 68. In this reporting period, there was some opportunity to make progress in these provisions, as described here.

⁹ In another example of the interconnectedness of the SA's sections, it is notable that the reviews that need to be conducted either by the Department or the MT or both for the Bias-Free Policing section also apply directly or are closely aligned with those required in the following sections: Stops, Seizures, and Searches (SA Paragraphs 41, 43, 46, 50, 62); Data Collection and Analysis (81–86); UOF (117, 120–123); and Accountability (141–143).

a. Assessment for Disparities of LASD-AV Programs, Initiative, and Activities

Paragraph 68 requires the Department to review every program, initiative, or activity involving the AV stations for potential disparate impact and to ensure that none of these activities involves unlawful discrimination. On November 18, 2021, the Department took the first step in that process by producing a list of the programs, initiatives, and activities it believes applies to Paragraph 68. While creating this list is a necessary step forward, the MT is concerned that this is the extent of the work done by LASD on this issue in the past seven years. As we have repeatedly emphasized, one of the barriers or obstacles to progress on the SA has been the failure to use available data to inform, evaluate, and adjust policing strategies. These practices have started, but it will take time for them to reach the level foreseen by the SA and to become a routine part of LASD's culture.

The MT has provided recommendations to support LASD in forwarding the work for Paragraph 68. The first recommendation is to start with examining and evaluating a single program or strategy and then be open to questions and feedback. The second recommendation is to prioritize which programs or strategies should receive the most attention. To that end, on February 25, 2022, the MT sent a memorandum to LASD which consolidated DOJ's December 2021 comments to the Department's list and included a proposal to group the activities and programs into tiers of evaluation, with those activities with highest potential for significant negative impact garnering more urgent and intensive reviews. On May 16, 2022, the Compliance Unit advised the MT that work on this topic was underway, and that it would provide a response soon. The MT looks forward to receiving this response. The Community Policing Plans for each station as (required by the LASD policy for Community Policing and Engagement MPP 3-01/110/00) will also help inform which programs should be prioritized.

A third recommendation is to use existing materials and reports that have been generated, such as the 2020 Monitor's Stops Report, documentation related to the Community Policing and Engagement policy, or the OIG report described below, and review them with an eye on their constructive recommendations rather than responding defensively. Where there is evidence of disparities noted in the reports, use those as a starting point for better understanding the findings and determining a possible course of action. A fourth recommendation is to examine data against each station's crime prevention strategies. (See "Crime Prevention Strategies" box.)

b. OIG Analyses

SA Paragraph 169 states, "The Monitor will also review and consider the relevant reports of the Office of the Inspector General and IMPAAC [now known as AAB]." In June 2022, the OIG released two reports related to bias-free policing issues in LASD that had ramifications for MT and LASD stops data analyses and for the Department's community engagement efforts.

The OIG report released June 10, 2022, identified shortcomings of LASD stops data systems that, among other things, resulted in the substantial underreporting of stops being submitted to the state of California as required by the Racial and Identity Profiling Act (RIPA). OIG reported that stops of Latinos were the most underreported (which could lead to findings of disparities in reports based on this data to be underestimated). Some of the issues the OIG reported included the inability of the antiquated CAD system to interface with the SACR system used by the state and difficulty in accessing CAD data for

stops involving more than two civilians. LASD's response to the report indicated it has already implemented many of the recommendations listed in the OIG report. LASD stated that the AAB will complete a follow-up report to highlight the implementation of the recommendations. This report raises questions about the reliability of the data used for any number of purposes by the Department, the MT, and external watchdog groups. For example, the Monitors have already commented on concerns related to the CAD data system structure.

The OIG's second report, released June 15, 2022, is titled, "Allegations of Racial Disparities in Contacts with High School Students by the Sheriff's Department's Lancaster Station." The OIG analyzed data from the 2019–20 school year. The report showed the following: (1) Black students were cited more than any other race; (2) Black students were arrested more than any other race; and (3) Black students were subjected to calls for service more than any other race.¹⁰ The report highlighted disparities occurring via school discipline, particularly Black students being disciplined at a higher rate than their peers of other races and ethnicities. It found that the schools share responsibility as they are the ones that call LASD to their school campus to address student behavior, again at higher rates when the discipline involves Black students. This report represents an opportunity for the Department to illustrate a process of introspection and exploring potential solutions to this issue, many of which are under consideration or have already been implemented by law enforcement agencies across the country. This is also an opportunity for the Department to improve their public response to these sorts of reports and to provide information to the public about steps the Department has taken to review and address the issues raised.

The MT realizes these two OIG reports were released toward the end of this reporting period and thus may not have allowed sufficient time for LASD to provide an informed, comprehensive response prior to the release of this report. Nevertheless, the OIG reports provide significant findings that warrant swift review and response by the Department. The Parties and MT discussed similar reports in the last reporting period, including a ProPublica report on overrepresentation of Black teenagers in deputy contacts with students (which instigated the OIG report, which confirmed its findings) and a Neighborhood Legal Services of LA County report about disparities in the rate of stops among AV communities of color.¹¹ On those previous occasions, as in this reporting period, the MT has seen LASD take a defensive posture and express a resistance to engaging in meaningful reflection or, in some cases, providing a considered public response to the reports and related issues. A constructive skepticism about research is helpful, but it should not preclude assessment of possible reasons for disparities or if changes should be made to the Department's policies and/or crime strategies that could reduce disparities without reducing public safety.

It is incumbent on LASD to understand where and why disparities are occurring in these enforcement categories and to determine how to best address any disparities. The reports are also a community engagement issue. Real or perceived disparities have a significant negative impact on community trust

¹⁰ Allegations of Racial Disparities in Contacts with High School Students by the Sheriff's Department's Lancaster Station.pdf (kc-usercontent.com)

¹¹ See the report at www.propublica.org/article/in-a-california-desert-sheriffs-deputies-settle-schoolyard-disputes-black-teens-bear-the-brunt and school-related news coverage at www.newsweek.com/students-teachers-fight-police-antelope-valley-school-california-1602562
The Neighborhood Legal Services report is available at https://nlsa.org/wp-content/uploads/2021/10/Mapping-Racially-Biased-Policing-in-the-AV_compressed.pdf

in LASD. As we have consistently expressed, the MT will continue to make ourselves available for any assistance we can provide to LASD, in particular regarding the connections between data analysis (both by LASD and by external researchers), potential disparate impact, and community trust and relationship building. The MT looks forward to discussions with LASD-AV leadership regarding next steps and reviewing any responsive communications to the community regarding these types of reports.

Crime Prevention Strategies

Crime prevention strategies encourage an organized and consistent approach to crime intervention and prevention based on manager-driven priorities and tactics, effective and efficient allocation of resources, and accountability. They also provide a framework for gathering and incorporating community input so that community members are co-producers of public safety.

Although there are a variety of approaches to crime prevention strategies, at a minimum, effective strategic plans include common elements such as goals, objectives, directed activities, data collection and analysis, and designation of staff assignments and timelines for completing specific tasks. They also incorporate community perceptions and input regarding enforcement priorities and crime prevention activities. Input from AV community members can be gathered through numerous avenues, including the CACs, the annual Community Survey, community engagement events, one-on-one engagement with community members (recorded as stat code 755 in the AV), and designated meetings to discuss specific issues or areas. Implementing the plan requires the support of Divisional managers but is directed and conducted at the station level.

Management must actively assess where bias may be present in station-directed enforcement efforts in the AV. This involves many of the reviews already underway, such as Deputy Daily Work Sheet (DDWS) reviews, reviews of reports, and supervisory observations of deputies in the field. Additionally, management must supplement efforts with the use of stops and enforcement information. This involves more than analyzing deputies' individual actions; it includes an analysis of the impact of larger enforcement efforts in the AV, including potential disparities.

For example, the overreliance on vehicle stops in an area to address criminal behavior could have a disparate impact on a specific community. It is incumbent on LASD to use the data to identify disparities and address the findings. In some circumstances, there may be a reason for a disparity, but LASD must be able to clearly explain the reasons for the disparity and efforts to ensure its decision making and/or enforcement direction is free of bias or disparate impacts. Compliance with the SA is incumbent on clear evidence that LASD management both holds deputies accountable for engaging in bias-based practices and identifies and addresses any LASD enforcement strategies that result in bias or disparate impacts in the community.

3. Personnel Performance Reviews

Personnel performance reviews (SA Paragraph 67) need to include genuine assessments of a deputy's ability to effectively practice bias-free policing, and added training, supervision, and/or mentoring

should be given if issues are noted. Any potential indicators of bias need to be accurately captured and readily available to supervisors conducting performance evaluations so they have a thorough understanding of each deputy's history and how that history compares with other deputies and Department norms and standards. With every stop being another instance of community engagement, deputies must be comfortable with and effectively represent the Department's values of equal protection and respect.

4. Discussion of Management Accountability for Bias-Free Policing

Bias-free policing is not an issue unique to the paragraphs covered in this section; rather, it is an issue that transcends other sections of the SA and was a major factor and consideration that led to the SA. In addition to the stops disparities report and results of the complaints audits reported in previous semi-annual reports, and the two OIG reports released in June 2022, there are continuing signs of potential disparate impact or bias in the AV that warrant closer scrutiny from management.

The MT has observed LASD management in the AV to often be defensive about information and reports that are impactful and could be helpful to the stations and the communities they serve. For example, when media outlets reported on the ProPublica report describing allegations of disparate treatment of Black students, an LASD manager was quoted in an article as saying that it was "a very entertaining piece of fiction." This brought attention from the Los Angeles County Civilian Oversight Commission.¹² The OIG subsequently conducted a review of the matter and published a formal report substantiating ProPublica's claims of biased treatment of African American students.

The MT has observed and experienced similar responses in discussions with the Parties, including meetings in which senior management was present but did nothing to suggest that the defensive comments made by lower-level sergeants, lieutenants, or captains did not have the support of or reflect the views of Department leadership. This is an area where different sections of the SA interconnect; in this case including Stops, Bias-Free Policing, Community Engagement and Accountability. LASD must take allegations more seriously at the outset and proactively use mechanisms to identify potential areas of concern. If areas of concern are identified, the station managers can decide if intervention or change of practices is warranted. When there is a demeaning comment made in response to a report or media article, especially one that matches the experiences or perceptions of many community members, then it is not likely the community will trust station managers to appropriately address the concerns raised by the report or, for that matter, other concerns community members raise themselves.

Station captains and other managers should publicly demonstrate that LASD takes the matter seriously and indicate that they have done or will do their own analysis and/or review and will meet with concerned groups to discuss the issues, findings, and next steps that may be needed. The Department has indicated they have taken this approach in some cases.

¹² <https://www.msn.com/en-us/news/us/a-sheriffs-captain-called-our-investigation-an-%e2%80%9centertaining-piece-of-fiction%e2%80%9d-an-inspector-general-disagrees/ar-AAYB0K2?li=BBnb7Kz>

In the MT's experience, the community watches law enforcement leadership very closely to look for indications that leadership values and models a commitment to bias-free and Constitutional policing. Thoughtful and clear evaluation of the already available data will pay significant dividends in the trust-building efforts with the community. Law enforcement leaders who actively and openly engage with the community and use the data to address disparity where possible can then share their efforts with the community and show there is a commitment to these high standards. Thoughtful and clear evaluation of the already available data will pay significant dividends in the trust-building efforts with the community.

The MT has spoken to many deputies during site visits, and they have consistently expressed a common theme: They joined the Department to help their community. We see commitment and dedication to protect and serve their community from the deputies we meet, interview, or accompany on ride-alongs, but we also observe the impact that management and supervisors have on them, as is the case in all law enforcement agencies. The management culture directly influences the culture and attitudes of street cops. Management and supervisors should consistently lead by positive example and model behavior that LASD takes allegations and findings of disparities, community mistrust, and commitment to the SA seriously. Similarly, data and other information need to be regularly and critically reviewed across units, shifts, supervisors, and so forth, so that the efficacy of routine enforcement practices, as well as their impact on the community, can be measured against those same values. The Department has many options regarding enforcement strategies and tactics. Which ones are chosen must factor in their likelihood to increase or decrease community trust in law enforcement.

5. Bias-Free Policing Compliance Status

Table 2 provides the compliance status for each paragraph in the Bias-Free Policing section. (See Appendix C for more detailed information about the status of each paragraph.)

Table 2

Bias-Free Policing Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
64	Members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. Deputies do not initiate stops or other field contacts because of an individual's actual or perceived immigration status.	Yes 05/15/2017	Partial	Partial	No
	Notes: Formal MT review/audit began in January 2022 to assess compliance. The MT notes that this assessment began at this later date to accommodate LASD and give them time to adjust procedures and generate more reliable data to analyze. (See Appendix C for Paragraph 41 and 64 for more information.) The MT has created a summary of stops and enforcement statistics in previous six-month reports. LASD has assigned a dedicated person to generate regular reports for the AV stations. This regular reporting of stops statistics is a significant step forward for LASD and will assist LASD's efforts in ensuring bias-free policing.				
65	Museum of Tolerance and other experts are consulted on prohibited conduct, bias-free policing, implicit bias, and stereotype threat.	NA	NA	No	No
	Notes: LASD and the Museum of Tolerance had a working relationship previously, but the MT is not aware of any collaboration between the Museum of Tolerance and LASD recently. In spring 2021, LASD requested to replace the Museum of Tolerance with an organization with local, relevant expertise; MT and DOJ were amenable to this change, but the MT is not aware of any further progress made to replace the Museum.				
66	Effective communication and access to police services is provided to all AV members, including those with limited English proficiency (LEP).	Yes 04/08/2018	Yes 08/16/2018	Partial	No
	Notes: LASD implemented the MT and DOJ approved LEP plan on April 8, 2018. The MT assesses this provision through complaint reviews, ride-alongs, and community input. The MT has found the Department in partial compliance due to observations made and interviews done during site visits, but it cannot do a full evaluation on compliance until we do a full assessment.				
67	Bias-free policing and equal protection requirements are incorporated into the personnel performance evaluation process.	Yes 05/03/16	NA	No	No
	Notes: In previous semi-annual reports, the Department was previously found in partial compliance with this paragraph. However, the MT and Parties continue to discuss how LASD will use enforcement statistics for stops as a part of their performance evaluation process. LASD has indicated it may be more appropriate to address this provision in other types of reviews rather than the annual performance evaluations. The Parties and MT still need to identify a method for establishing an appropriate sample which the MT will use to assess compliance.				
68	All LASD-AV programs, initiatives, and activities are analyzed annually for disparities.	NA	NA	No	No
	Notes: In February 2022, the MT provided comments to LASD's draft list of programs, initiatives, and activities to be included in the annual reviews, which consolidated DOJ's December 2021 comments to that list, into a proposal to advance monitoring in this area. The list and methods for review need to be further discussed.				

Table 2

Bias-Free Policing Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
70	Bias-free policing training is provided.	NA	Yes 08/16/2018	Yes 08/17/2018	No
	Notes: The training began on June 15, 2017, for deputies assigned to the AV stations. Based on MT quarterly review of training verification documentation, the Department has been in continual compliance with Paragraph 70 since August 17, 2018, for deputies assigned to the AV stations. Eventually the training requirement was expanded to include LASD units embedded in the AV. The MT will be able to assess compliance for LASD-AV deputies and embedded units combined the next reporting period. The MT is awaiting verification of training attendance by embedded units and believe they will reach compliance in the next reporting period. The outcome of this training is measured through the practice provisions of this section of the SA.				
71	Quarterly roll call briefings on preventing discriminatory policing are provided.	NA	Yes 02/01/2019	No	No
	Notes: Approved briefings began February 1, 2019, but have not been consistently in compliance based on MT quarterly review of training verification documentation. LASD has instituted new practices to ensure deputies are provided with this important training.				

D. Enforcement of Section 8 Compliance

The MT's 13th semi-annual report described LASD as poised to receive the MT recommendation, pursuant to SA Paragraph 150, that the MT refrain from conducting further compliance audits or reviews of the SA housing Paragraphs 73–80 and 164 as it relates to housing. The only hurdle that remained for LASD to cross was the timely submission of its fourth quarter 2022 SA Paragraphs 75 and 164 housing policy receipts verifications data and acknowledgment forms.

As described below, LASD did timely submit its fourth-quarter housing policy receipts and verification data, the MT verified that it met SA Paragraphs 75 and 164 compliance requirements, and the MT issued its SA Paragraph 150 recommendation for SA Paragraphs 73–80 and 164 as it relates to housing compliance ("SA Housing Provisions").

1. Monitoring the Fourth-Quarter Housing Policy Receipts

SA Paragraph 75 requires any deputies newly assigned to LASD-AV be provided a copy of the Housing Non-Discrimination (HND) policy and the Department secure a signed HND policy receipt acknowledgment from each deputy that the policy has been read and understood. Also, SA Paragraph 164 requires each newly assigned deputy read and complete the Housing Authority Investigations/Inspections FOD 12-02 Form (Accompaniment Policy Acknowledgment Form) within 30 days of arrival at their assigned station.

The MT received LASD's fourth quarter 2021 housing policy receipts information on January 21, 2022. The MT reviewed the materials and verified the Compliance Unit's assessment that the documentation demonstrated compliance with Paragraphs 75 and 164. There were 10 newly assigned deputies to Lancaster and eight newly assigned deputies to Palmdale. All 18 of the deputies signed the required HND Policy receipts within 15 days of their assignment and the Accompaniment Policy Acknowledgment forms within the 30 days required by SA Paragraph 164.

2. Issuance of the Monitors' SA Paragraph 150 Recommendation

According to SA Paragraph 150, "where the Monitor recommends, and the Parties agree, the Monitor may refrain from conducting a compliance audit of a requirement previously and consistently found to be in compliance by the Monitor pursuant to audit or review. Thereafter the County will be deemed to have achieved compliance with those requirements ..."

On February 28, 2022, a memo invoking Paragraph 150 for the SA housing section was issued to the Parties. It set forth the following:

- The dates each SA housing provision came into sustained compliance and that sustained compliance had been maintained for more than one-year.
- The recommendation that the MT refrain from conducting further compliance reviews of the SA housing provisions.

- Absent evidence to the contrary, that LASD and the County were deemed to have achieved compliance with the SA housing provisions.
- That throughout the remaining life of the SA, the Department will continue to comply with the requirements contained in the SA Housing Provisions and maintain records of compliance in accordance with general document retention policies.
- A process for responding to and resolving any future housing-related issues was established.

LASD stated its approval of the MT's SA Paragraph 150 recommendation on March 4, 2022, and the DOJ stated its approval May 4, 2022.

This milestone followed, over the past several years, the development and implementation of two MT- and DOJ-approved housing-related policies, the development and implementation of MT- and DOJ-approved training regarding those policies and the Federal Housing Act (which continues to be monitored via the Bias-Free Policing section, Paragraphs 70 and 71), and the implementation of several data entry measures so that any LASD-AV housing-related enforcement activity is recorded and tracked. Most importantly, the MT has not found any indication that the Department has participated in the housing-related enforcement practices identified in DOJ's finding letter of 2013.

The Monitors acknowledge the Department's early recognition of the importance of changing its practices regarding Section 8 accompaniment and, more broadly, the Federal Housing Act that were identified in the US DOJ's Findings Letter. We also appreciate the Department's establishment of crucial accountability safeguards against the former practices returning, including implementing housing policies, personnel training, and data collection and review. The Department's 150 status demonstrates the progress that can be made when Department managers clearly articulate to their personnel the Department's commitment to meeting SA requirements.

3. Monitoring of Housing Policy Receipts Moving Forward

The Monitor's SA Paragraph 150 recommendation having been submitted, and the Parties having approved it, the Department is deemed to have achieved compliance with the SA Housing Provisions and, absent evidence to the contrary, the MT will not monitor SA Housing Provisions moving forward.

The agreed-upon process for responding to housing-related issues that may arise is as follows. In the future, any housing-related issues that may arise from any source will be flagged during MT reviews and observations of a wide array of sources. Any indication of incidents or activities that may not appear to comply with SA Housing Provisions will be explored further by the MT, beginning with the validation of the facts and circumstances of the situation. If the MT believes further attention is warranted after this initial review, the MT will conduct a more formal inquiry, which may include document and data requests and interviews. Particular attention will be given to whether the Department's accountability processes identified and responded to the issue. The MT will discuss findings from that inquiry with the Parties and determine next steps, which could include a range of responses ranging from no change in compliance status, to additional scrutiny being applied from an accountability perspective, or a return to more intensive housing monitoring.

4. Housing Compliance Status

Table 3 provides the compliance status for each paragraph in the Enforcement of Section 8 Compliance section. (See Appendix C for more detailed information about the status of each paragraph.)

Table 3

Enforcement of Section 8 Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance				
		Policy	Training	Implementation	Sustained	Paragraph 150
73	New Housing Non-Discrimination (HND) policy is implemented.	Yes 2/23/2018	Partial	Yes 05/31/2018	Yes 05/31/2019	Yes 02/28/2022
	Notes: The SA-mandated training related to housing is monitored in the Bias-Free Policing Training (Paragraph 70, in compliance) and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G (Paragraph 71, not in compliance). The MT submitted a memo dated February 28, 2022, subsequently approved by the Parties, invoking Paragraph 150 for Paragraphs 73–80.					
74	All current deputies acknowledge receipt and understanding of HND policy.	Yes 2/23/2018	Partial	Yes 5/31/2018	Yes 05/31/2019	Yes 02/28/2022
	Notes on policy receipt verification process: After publishing the housing policies (Paragraphs 73, 76, and 77), the Department provided station rosters and documentation of receipt of the policy by AV personnel. This initially addressed personnel currently assigned to one of the AV stations and, subsequently, personnel newly assigned to the AV. This documentation was generally provided on a quarterly basis. Also on a quarterly basis, the MT verified the receipt records and made a determination if compliance—at least 95% of available personnel receive policies in specific time period—was achieved. This verification process found the Department in compliance in most but not all quarters since the policies were published. When compliance was not achieved, the MT and LASD discussed the reason why, which was sometimes insufficient deputies receiving the policies on time and sometimes paperwork issues. Consistent compliance was achieved May 31, 2018, and sustained compliance May 31, 2019. Training is monitored in Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					
75	All newly assigned deputies acknowledge receipt and understanding of HND policy within 15 days.	Yes 2/23/2018	Partial	Yes 5/31/2018	Yes 09/14/2020	Yes 02/28/2022
	Notes: Training is monitored in Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					
76	Policies regarding the review of requests from a housing authority for deputy accompaniment are revised.	Yes 03/14/2018	Partial	Yes 5/31/2018	Yes 05/31/2019	Yes 02/28/2022
	Notes: Training is monitored in Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					
77	Accompaniment policy regarding LASD housing investigations is implemented.	Yes 03/14/2018	Partial	Yes 05/15/2018	Yes 05/31/2019	Yes 02/28/2022
	Notes: Training is monitored in Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					

Table 3

Enforcement of Section 8 Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance				
		Policy	Training	Implementation	Sustained	Paragraph 150
78	Deputies document all voucher holder compliance checks using stat code 787.	Yes 03/14/2018	Partial	Yes 05/31/2018	Yes 05/31/2019	Yes 02/28/2022
	Notes: The Parties and MT agreed that if there was no indication that LASD participated in housing-related enforcement actions, including Section 8 compliance checks, they would be found in compliance with Paragraphs 78, 79, and 80. On this basis, the MT found the Department in compliance after review of several years of community input and Department documentation of stops, arrests, and other actions indicated no such actions occurred. Training is monitored in the Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					
79	Deputies document each independent investigation for fraud based on voucher holder compliance with the voucher holder contract using stat code 787.	Yes 03/14/2018	Partial	Yes 5/31/2018	Yes 5/31/2019	Yes 02/28/2022
	Notes: Training is monitored in Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					
80	Deputies document housing-related activity using stat code 787 and do not inquire into an individual's Section 8 status.	Yes 03/14/2018	Partial	Yes 05/31/2018	Yes 5/31/2019	Yes 02/28/2022
	Notes: Training is monitored in Paragraph 70 (in compliance) and Paragraph 71 (not in compliance).					

E. Data Collection and Analysis

The preface to the Data Collection and Analysis section of the SA states:

To identify shortcomings, assess improvement, and increase community confidence in LASD's law enforcement activity in the Antelope Valley, LASD agrees to enhance its data collection, analysis, and reporting as set out below. LASD will develop and implement a protocol for the collection and regular analysis of data to assess whether there are trends and patterns that indicate bias or practices that otherwise run counter to constitutional and effective policing. (SA p. 17)

Briefly stated, Paragraphs 81–86 require LASD to routinely analyze a wide variety of stops-related data in order to identify any discernable disparities based on race or ethnicity and other demographic variables or other issues that may inhibit effective policing. The data analysis is an important part of this process, but the management review of and, when needed, action on that analysis is the critical factor. The Department must then use this data to identify and address any problematic issues or trends and, on an annual basis, publish a public report that includes any issues identified and how they were addressed. The elements of Paragraphs 81–86 include the following.

- LASD conducts analysis of a wide variety of variables.
- LASD incorporates regular analysis of this data into its routine operational decisions.
- The analysis answers these questions.
 - » Does LASD-AV law enforcement activity have a disparate impact on any racial or ethnic group or otherwise compromises Constitutional and effective policing?
 - » Are LASD-AV deputies more likely to conduct enforcement actions based on race or ethnicity?
 - » Are there reporting districts or deputies with potentially problematic trends?
- The enforcement activities analyzed include the following.
 - » Ask about probation or parole status.
 - » Ask for consent searches.
 - » Stop or search, including for discretionary offenses, such as jaywalking or walking on the wrong side of the street, and non-violent offenses.
 - » Cite or arrest.
 - » Impound or store the vehicles.

- The analysis controls for other variables that may impact the findings, such as demographics and crime rates.
- The Department reviews the statistical finding and identifies any problematic issues or trends.
- For any issues or problematic trends, the Department develops corrective action. Potential responses include reviewing and revising policies or training and assessing whether any practices should be changed in order to ensure adherence to Constitutional requirement and/or more effective policing.
- LASD issues an annual public report summarizing the results of the AV data collected, and the steps taken to correct problems and build on successes.

1. Status of the Work for This Section

LASD has made no material progress on these provisions to date. In the previous reporting period, the Monitors reported that LASD made some progress in that it hired an analyst and set timelines. Specifically, in October 2021, LASD committed to submitting an analysis plan for Paragraphs 82–85 by May 31, 2022, with a draft of the semi-annual report due to the Parties on July 1, 2022. To date, no plan or report has been provided for review. We have not been updated on whether any work has been done on the analysis plan.

It is unfortunate that this work has not begun so far into the monitoring period. To be effective, there needs to be reports for multiple reporting periods that examine trends over time—this is why the SA mandated the work be done often, twice in the first year and once per year thereafter. Also, as noted throughout this report, generating usable data and utilizing data have not been departmental strengths demonstrated so far. There has been progress in the last year or so in the application of data in certain activities as described elsewhere in this report, but not in this section. Moreover, meeting the expectations of the SA in terms of the advanced level of analysis, the integration of different sources of information into the analysis and subsequent managerial assessment, and the incorporation of data into routine operations and decision making will take time. And it will take practice. The sooner LASD starts the work for this section, the sooner the Department can make progress toward compliance. These efforts take time to mature and become part of standard operating procedures. The delays in getting started will be felt for some time, but, again, the MT applauds the recent progress. As with many aspects of the SA, the sooner LASD fully embraces this work, the sooner it can make substantial progress toward compliance.

While LASD has produced no compliant data analysis to date or made any other substantive progress on Paragraphs 82–86, there have been *opportunities* to make progress, particularly on the paragraphs that require that management review findings, identify any problems or trends, develop corrective action as appropriate, and issue public reports on the steps taken to correct problems. Unfortunately, not only did the Department fail to take advantage of those opportunities, LASD eschewed those opportunities.

- As discussed in previous reports, the MT produced a statistical report in September 2020 titled *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the*

Antelope Valley. Methodologies and findings were shared and discussed in advance of the report. The report was submitted for review by the Parties before it was published. The Parties and Monitors also held discussions on the results of that report, which found evidence of potential disparity, and on how station and Division managers should use the data to fulfill the SA requirements for Paragraphs

83–85. While the analysis is conducted by a data analyst, the critical next step of assessing the findings is done by Department managers who have the expertise and knowledge to identify problems and develop corrective action. However, the Department did not attempt those assessments and therefore, with no documentation or report on which to conduct a compliance assessment, the Monitors continue to find the Department out of compliance with Paragraphs 84–86, which, again, address the steps the Department needs to take after the data analysis is complete. Notably, at no point in the process of reviewing the analysis plans or the draft report were significant criticisms from LASD shared with the MT. More recently, the Department raised concerns about the methodology used in the 2020 MT report. This criticism of analysis conducted on LASD data is becoming a trend. (See discussion in Bias-Free Policing.)

- The MT provided stops analysis for six consecutive six-month time periods from July 2018 through June 2021 that indicated potential disparities similar to those in the 2020 report. Besides conducting some of the efficacy analysis of probation and parole searches required by Paragraph 46, the Department did no other assessments and took no steps to ameliorate the apparent issues.
- Since stops are one of the Department’s major activities, the type of assessment required by Paragraphs 83–85 would be included in the assessment required by Paragraph 68. Unfortunately, the Department has conducted none of the annual disparity assessments of its programs, initiatives and activities required by Paragraph 68, notwithstanding work regarding the efficacy of probation and parole searches (Paragraph 46).
- LASD has not altered its data systems to routinely collect the data necessary for the MT to conduct audits of incidents where deputies draw or point their firearms as required by Paragraph 152. Departmental data systems are not conducive to the identification of cases or arrest reports that involve the drawing or pointing of firearms.
- As discussed in the Accountability section, the Department and the County at this point have decided against upgrading LASD data systems to support decisions in matters related to risk and management and services reviews. Instead, LASD continues to rely on hard working sergeants hand calculating numbers to put into a table. Also, we discuss elsewhere in this report shortcomings of the Department’s CAD data system and some concerns about the accuracy of data in PRMS (see Stops, Bias-Free Policing, and Accountability).
- The Department has done no follow-up to the three annual Community Surveys that reflected a lack of trust in the Department among people of color in the AV community.

The MT’s disparity analysis report, produced in September 2020, was intended to provide the data for the Department required in Paragraphs 81–83 and 85. The MT’s role, the analysis, was just the beginning of the task at hand. The Department was then supposed to make an assessment of the

findings and decide how to respond, which they never did. The report found racial disparities at several levels of stops data, including stops, searches, searches based on probation and parole status, and vehicle impoundments; this can be found at the Monitors' website.¹³ As discussed in the Data Collection and Analysis section, LASD has recently become critical of the analysis in that report, yet the Department has still failed to undertake its own annual analysis that centers on statistical modeling and, most importantly, managerial assessment of "whether law enforcement activity has a disparate impact on any racial or ethnic group" after controlling for other factors such as demographics and crime rate (Paragraph 83). While the MT welcomes discussions on our methods, we also stand by the work conducted in our reports. Also, we note that considerable time has elapsed, and we believe a more prudent use of county resources is to work collaboratively with the MT on subsequent analysis and to focus on LASD methodologies for future reports. And again, LASD needs to (1) conduct their own tabulations/analysis, and (2) do the crucial next step of assessing the findings and deciding which may be problematic and need corrective action. For the long-term sustainability of the reforms contemplated by this Agreement, the ability to analyze data and, most importantly, have meaningful introspection in how it may impact the Department and the service it provides, is critical.

Again, being aware of the limitations of research reports from any source is helpful to understanding the findings and conclusions drawn, and can inform future study. However, it is possible that the Department has the misperception that a finding of statistical disparity is an end in itself—that is, a finding of fault or bias that the Department needs to defend itself against or prove wrong. This is not the case. What was—and is—expected of the Department is to understand that stops and other enforcement actions have a significant impact on the community and that while a statistical disparity may or may not indicate unlawful or unjustified policing, it certainly means certain groups are feeling the brunt of those consequences more than others. And, with that reality in mind, the Department is expected to take an honest look at how their enforcement strategies, tactics, and decision making may increase or decrease those disparities and to take action to reduce the disparity and/or ameliorate its impact where appropriate.

The Monitors agree with the Department that statistical regressions cannot account for every legitimate explanation for apparent disparities. It is also true, on the flipside, that regressions do not account for the degradation in trust that occurs when law enforcement practices routinely impact certain groups more than others. Unfortunately, deputies can experience that lack of trust when their interactions with community members are characterized by a lack of understanding, respect, and cooperation. Perceptions play an enormous role in community–Department relations, and LASD management needs to do more to acknowledge and respond to that reality, beginning with giving honest attention to the data available to them and to embrace the purpose and goals of this section, which is, as the preface states, to "identify shortcomings, assess improvements, and increase community confidence in LASD's law enforcement activity in the AV."

2. Data Collection and Analysis Compliance Status

Table 4 provides the compliance status for each paragraph in the Data Collection and Analysis section. (See Appendix C for more detailed information about the status of each paragraph.)

¹³ <https://www.antelopevalleysettlementmonitoring.info/>

Table 4					
Data Collection and Analysis Compliance Status Table					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
81	LASD collects data related to bicycle stops, backseat detentions, probation and parole stops and searches, consent searches, and vehicle impoundments.	NA	NA	Partial	No
	Notes: LASD has assigned a full-time analyst to meet the requirements of this paragraph. The MT found LASD in partial compliance pending completion of a formal assessment that began in January 2022.				
82	LASD conducts semi-annual analysis of various data documenting stops, searches, seizures, backseat detentions, arrests, vehicle impoundments, uses of force, civilian complaints, and Section 8 voucher compliance checks.	NA	NA	No	No
	Notes: LASD committed to producing a draft report by May 31, 2022. No draft report has been produced. Moreover, no work plan, methodology, or preliminary analysis have been produced, and no update on progress has been provided.				
83	LASD's semi-annual data analysis includes regressions, including appropriate controls, to determine if law enforcement activity has a disparate impact on any racial or ethnic group.	NA	NA	No	No
	Notes: See Paragraph 82.				
84	From the analysis, LASD identifies any trends or issues that compromise Constitutional policing and respond accordingly by, for instance, reviewing and revising as necessary policy, training or practice.	NA	NA	No	No
	Notes: LASD should also examine, publicly respond to, and potentially use to inform practice analysis provided by the Monitors and the reports presented by OIG, local universities, and ProPublica.				
85	LASD's analysis identifies any problematic trends among reporting districts or deputies and takes appropriate corrective action. LASD's analysis is incorporated into routine operational decisions.	NA	NA	No	No
	Notes: LASD has not incorporated the required data analysis and assessment into routine operational decisions.				
86	LASD produces a semi-annual report describing summarizing the results of the analysis and steps taken to correct problems and build on successes. The report is publicly available in English and Spanish and posted on LASD's website.	NA	NA	No	No
	Notes: No single report has been produced, accepted, and published for compliance.				

F. Community Engagement

The Community Engagement section of the SA begins:

LASD agrees to promote and strengthen partnerships within the community, to engage constructively with the community to ensure collaborative problem-solving and bias-free policing, and to increase community confidence in the Department (SA page 20)

Community engagement involves a wide range of endeavors and activities by the Department to collaborate with and constructively involve the community in achieving desired, and mutually agreed upon, public safety outcomes. Foremost among those endeavors is the need to engage with the community in fundamental and meaningful ways—facilitating their involvement as a co-producer of public safety, in efforts to build and maintain trust and confidence in the Department, and proactively engaging with all sectors of the community, including with the harder-to-reach or alienated groups such as youth and communities of color.

The MT has found LASD to have maintained much of the early progress that had been noted in previous reports but there have also been signs of regression in some areas. Progress has been evident in the efforts to develop the crucially important Community Engagement training curriculum, with the proposed training now addressing most of the required elements identified in the SA. The Monitors have also noted recent improvements in the content of CMF discussions now giving acknowledgment to the importance of considering community priorities and including discussions about the application of problem-solving strategies to address those issues.

However, two areas where the Department had previously been in at least partial compliance but is now out of compliance involve insufficient documentation of individual deputy engagements with the community and the Community Engagement Reports. Generally speaking, the MT has found the Department is doing well when the assessment of progress or compliance is based on a straightforward measurement of an activity or a narrowly defined result, such as providing the CACs with logistical support or assisting the Monitors in administering the annual Community Survey. However, as has been mentioned in previous reports, the MT continues to find that the Department struggles to listen to, synthesize, and respond to community concerns.

1. Integrating Community Voice Into Practice

The CACs and LASD regularly facilitate quarterly public meetings to discuss the Monitor's reports and obtain public feedback. Attendance has been progressively improving as the community becomes more comfortable in returning to meetings and being in public spaces as the COVID restrictions are being lessened. CACs have been leading the discussions in reporting out on the MT's assessment of compliance. During these town halls, there is time allocated to hearing community questions, and it appears the community is becoming more comfortable in speaking out about their concerns.

For several years, there has been a sentiment repeated in community meetings and captured in monitoring reports: LASD community engagement has improved, but they must do better. Over the past couple of years, the tone of community meetings seems to be shifting toward increased division,

particularly in Lancaster, between law enforcement and community. The MT continues to hear concerns and complaints expressed by members of the AV community, including CAC members, that LASD is not actually interested in or sufficiently committed to positively engaging with some segments of the community, and some staff fail to listen to questions and entertain concerns that may challenge their beliefs and assumptions. These concerns are present or even prevalent in town hall meetings, CAC meetings, and other community meetings with monitors present. Also, several community members and even CAC members have contacted the MT with concerns about LASD's openness to feedback or criticism.

In past reports, the MT has noted specifics around particular cases or concerns, yet we do not see any evidence that identifying and sharing particulars has helped or encouraged the Department to develop better ways of interacting with the community. In this report, we offer a different strategy. We would like to challenge LASD and the CACs to improve their own documentation of issues, concerns, and problems identified during community outreach efforts and track those concerns over time. We ask that monthly CAC meetings include time dedicated to discussion of these issues, and that the meeting minutes or notes document LASD's responses and intentions, with follow-up on outcomes and lessons learned in subsequent meetings. This process, routinized as a practice, would impact many compliance provisions. It will also be helpful to LASD in promoting trust and transparency with the community as well as serve the SA's requirements of reflecting on outreach efforts and informing community policing strategies. We believe that once LASD and the CACs build their capacity to hold each other accountable, we will see gains in compliance.

2. Review of LASD-AV Deputy Community Engagement Activities

Paragraph 88 of the SA requires deputies and all sworn staff in the AV stations to "actively attend community meetings and meetings" with the objective being to communicate and engage with the community in substantive ways that help promote meaningful dialogue around community expectations and concerns. Compliance with this provision by AV deputies is measured, in part, by their attendance at community meetings and their efforts to document what are referred to as "755s," or contacts that are self-initiated, positive engagements with members of the community. The MT continues to review documentation on events attended and 755s conducted by LASD-AV personnel.

The MT has reviewed the community engagement tracker annually for compliance. In previous years, LASD has provided the tracker, unprompted and within a few months of the end of the year. In this report period, the MT requested the tracker it to do so on June 1, 2022. The MT received Palmdale's partially completed community engagement tracker on June 13, 2022, and received Lancaster's on June 16. The associated documentation was insufficient, and the MT requested but did not receive this in time to ensure a thorough assessment of compliance. Also, Lancaster's own internal assessment indicated that the station was not in compliance. This is an unfortunate slide backward, as the Department previously had been found to be in partial compliance in the past several semi-annual reports. This is a routine, ongoing activity for LASD that should be achievable for compliance.

After reviewing the data and information last submitted by LASD into the development of this report, the MT discovered that several Lancaster deputies who were marked as in compliance by LASD were not in compliance with the compliance metrics of Paragraph 88 of the SA. But the Lancaster station did

remain exactly at the rate of compliance, with 95% of sworn staff attending the required number of events or conducting 755s. The MT did not receive the requested information from the Palmdale station in time to assess for this report, and therefore Palmdale is not in compliance.

The MT also notes that Paragraph 88 requires that the Department use the results of the annual community surveys and feedback from the CACs to inform its plan for deputy community engagement activities. One of the objectives is to ensure consideration of the need to enhance relationships with groups such as youth and communities of color. The Parties and the MT approved the community engagement plan in October 2020, but the MT has not seen documentation of any subsequent assessment or consideration of changes or improvements based on these factors and community input.

Moving forward, the MT is requesting that the stations report on their internal assessment of progress on this SA requirement, as well as their community engagement tracker, on a quarterly basis as required by the compliance metrics. The Compliance Unit had indicated they prefer the MT to initiate requests for routine documentation like the tracker; however, the process will be more efficient if the Compliance Unit submits the materials when they are due without being prompted. The Compliance Unit and station personnel should complete the needed document review on a regular basis and submit it to the MT when it is complete rather than have the MT request the information, which too often begins a back-and-forth due to incomplete or unclear documentation. The revised Monitoring Plan reflects these regular reporting activities. The MT believes this will better position LASD for ensuring accountability so that the station leadership can more readily course correct and address compliance issues during the calendar year. Also, it will prevent LASD from being out of compliance for failure to submit end-of-year materials in a timely manner. The MT will continue to attend meetings with deputies as well as conduct ride-alongs to observe 755s to ensure the requisite quality of community engagement.

3. LASD Annual Community Engagement Report

SA Paragraph 91 requires that LASD assess and report on the impact of its community engagement initiatives and issue a public report on station community engagement efforts. This is another regular reporting activity, in this case annual, with which the Department needs to comply. The report identifies successes, obstacles, and recommendations for future improvement. The MT has not received LASD's annual AV Community Engagement Report for 2021. The MT requested that this document be submitted by May 31, 2022, in a monitoring plan that was discussed and reviewed by the Parties. No voiced or documented concerns were expressed regarding the due date, yet no draft of this report has been submitted in this reporting period. The MT again prompted the Compliance Unit for this report on June 10, 2022.

The MT has determined that LASD is out of compliance on Paragraph 91. This is seen as a step backward on a provision where LASD had made progress. The MT has approved two previous Community Engagement Reports, albeit after significant revisions that were submitted for compliance. Even for those approved reports, the MT noted that while they were in technical compliance, the reports could be improved with more thoughtful scrutiny of successes, obstacles, and recommendations for future improvement. When done thoroughly, the report will include a recount of how adjustments made based on the previous report (in this case, 2019) have fared. LASD needs to conduct this internal assessment, and do so as soon as possible after the start of the year so that the captains can make

adjustments on what is working and what is not working. Unfortunately, this delay represents another instance of the Department not taking the opportunity to reflect upon and make use of data and information available to it—in this case, its own compilation and assessment of 2020 community engagement activities—to improve its practice.

4. Community Engagement Training

Paragraph 89 of the SA requires LASD to “provide structured annual in-service training on community policing and problem-oriented policing methods and skills for all AV deputies, including station supervisors and unit commanders.” Paragraph 89 also lists several subjects that must be covered in the trainings.

As reported in the last semi-annual report, LASD has recently made strides toward compliance with the Community Engagement training. LASD’s Training Bureau is working to modify a course on Principled Community Policing that would largely comply with Paragraph 89. In feedback, the MT and DOJ acknowledged the quality of the training curriculum that was submitted was a significant improvement. The MT determined the training curricula in its current form complies with all but two of the elements prescribed in Paragraph 89. Those in compliance include (a) methods and strategies to improve public safety and crime prevention through community engagement; (b) scenario-based training that promotes the development of new partnerships between the police and community targeting problem-solving and prevention; (c) leadership, ethics, and interpersonal skills; and (d) and problem-oriented policing tactics.

DOJ and the MT proposed a number of enhancements to the Principled Policing Training that the Department should consider. In particular, the MT continues to strongly recommend that efforts be made to include a community member to assist in the instruction; this is viewed as a best practice among adult learning experts for this type of training. We recognize that the Department has not found this feasible to date. Nevertheless, we reiterate that at a minimum, the facilitator in the course could pose a series of questions in an interview format with the community member and/or the community member may choose to share personal experiences that deputies may otherwise not have the opportunity to learn from. Partnering with community members is not only responsive to the spirit of several SA sections, but it also helps personalize such experiences for the deputies, instead of reading or hearing about community concerns and opinions in a theoretical, impersonal manner.

The elements of Paragraph 89 not addressed in the proposed training include (e) community engagement techniques, including how to establish formal partnerships and actively engage community organizations, including youth, immigrant, and LGBTQ communities; and (f) conflict resolution and verbal de-escalation of conflict. According to LASD’s response to the MT’s previous feedback, they believe section (d) and (f) could be fulfilled by other existing training. To assess if those expectations are correct, the MT and DOJ will need to evaluate those trainings, including reviewing the curricula and observing training delivery.

It should be noted that LASD provided a revised curriculum on February 3, 2022, and did not receive feedback from the MT or DOJ until June 6, 2022. The MT will make every effort to avoid such a long delay in the future. In fact, the MT has developed a more detailed monitoring plan that will be reviewed

monthly with LASD leadership and DOJ, and we hope this will make all Parties more accountable to deadlines.

The MT looks forward to observing a pilot Community Engagement training as an opportunity to evaluate the training delivery as well as allowing the Department, DOJ and the MT to identify any gaps or inadequacies in the curricula. Following eventual approval, the Department will implement the training, and the MT will assess whether appropriate personnel receive it. We believe that the already implemented Virginia Community Policing Institute (VCPI) training and the future Community Engagement training will provide a strong basis for both line deputies and managers to forward LASD-AV's success with its community policing and community engagement efforts.

5. Diversion

The MT followed up on the youth diversion programs in the AV and both Asian Youth Center (AYC) Youth & Family Services and the Soledad Enrichment Center confirmed they continue to receive referrals from LASD through the County's youth diversion program.

6. Crime Management Forums

Paragraph 90 of the SA states:

LASD agrees to ensure that monthly Crime Management Forum (CMF) meetings with the Assistant Sheriff or his designee and semi-annual Risk Management Forum meetings include discussion and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them. LASD agrees to use techniques such as spatial mapping and scientific deployment analysis to enable the Risk Management Forum to better support and measure community and problem-solving policing efforts.

Members of the MT attended each of LASD's monthly CMF meetings for the Northern Patrol District, which includes Lancaster and Palmdale. As noted in previous reports, in an October 2019 memorandum, the MT documented our recommendations to achieve compliance with the CMF including key considerations for assessing and managing responses to crime and risk management issues, such as:

- Identify areas of concern regarding community priorities and other issues;
- Develop appropriate interventions to address these priorities;
- Use sound techniques that support these actions and then;
- Measure and evaluate outcomes of community and problem-solving policing strategies.

In part, that memorandum suggested a variety of sources to use and activities to identify community priorities, including (1) "collaborative problem-solving" with the community (Community Engagement preface, SA page 20); (2) "partnerships between the police and community targeting problem solving and prevention" (Paragraph 89b); (3) consultation with the CACs (Paragraph 93b); (4) AV personnel's active participation at various community meetings and events; and (5) 755 interactions (Paragraph 87-88)."

In the past year, progress has been made in the CMF meetings toward compliance with SA Paragraph 90. On June 3, 2022, the MT submitted a very detailed memo to LASD regarding needed CMF improvements as well as acknowledgment of where progress has been made.

A few of the advancements include efforts by the NPD chief and other command staff to pose appropriate questions, probing for more information about the policing strategies employed and about whether intended results are being met; increased application of the SARA and SPATIAL models by both AV and non-AV captains alike; use of density mapping and other best practices required by the SA; and a focus on station-specific crime issues rather than issues generic to the County, which is in line with the expectation that, in addition to enforcement actions identified through the Department's own assessment of crime data, the CMF should also begin to address concerns heard directly from local community members.

Recommendations for improvements included extending the length of the meetings so that there is time for more analysis and open discussion; using the stages of the SARA or SPATIAL models to guide the conversation to ensure each aspect is considered and tracked; increased emphasis on community input and on the connection between the Department's other community engagement activities and community policing; and routine follow-up from one meeting to another regarding the outcomes and lessons learned from previously discussed efforts. The MT also emphasized that the Department's existing policy MPP section 3-01/110.00 on Community Policing and Engagement addresses many of the elements of community policing, community engagement, and crime prevention strategies that the MT regularly urges the Department to adopt and which should be integral to the CMF process. Finally, in order to provide more thorough compliance assessments, the MT requested to be informed of any related discussions that are scheduled, materials used in preparation for the meetings, or follow-up required that affects the AV stations.

7. Community Survey

SA Paragraphs 98 and 99 require LASD to assist the Monitors in conducting an annual Community Survey that is reliable, comprehensive, and representative of the community and makes a special effort to promote the inclusion of arrestees and Section 8 voucher holders, among others. The purpose of the SA-mandated survey, which is conducted by an independent survey team, is to assess community perceptions of the relationship between LASD and the AV community and to measure how the SA reforms are influencing that relationship, if at all. The annual surveys also track changes in the relationship over time.

There was no data collection for the Community Survey during this reporting period. However, the Parties and the MT did determine that the Year 4 Community Survey data collection will begin in fall of 2022. To prepare for data collection, the research team will meet with the MT and the Parties to discuss potential revisions to the Year 4 data collection process, including discontinuing survey administration at AV high schools due to low response rates in the past. The Department has also requested a discussion about possible changes to some questions on the survey with the goal of the survey gathering more actionable information. The research team and the MT will be considering other strategies to ensure the perspectives of younger AV residents are still captured in the general survey.

During the next reporting period, the Community Survey will be administered, and the data analysis and accompanying report are expected to be completed by the end of this calendar year.

The MT is optimistic that Year 4 data collection will not be inhibited by the challenges presented by the COVID-19 pandemic during the previous survey. Methods such as in-person data collection and the use of paper surveys helped boost survey participation in Year 2 but were not feasible in Year 3 due to public health concerns. The MT also hopes to continue to work with various community-based organizations, individual community members, the CACs, and LASD to collect survey data via online methods in Year 4.

8. Community Engagement Compliance Status

Table 5 provides the compliance status for each paragraph in the Community Engagement section. (See Appendix C for more detailed information about the status of each paragraph.)

Table 5

Community Engagement Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
69 (In Bias-Free Section)	Annual organizational culture and climate study including using experts and the Community Survey to study organizational climate and culture in the AV stations to aid in developing the requirements in the section. Personnel will be allowed to confidentially provide information for the study.	NA	NA	Partial	No
	Notes: The MT considers LASD in partial compliance with annually conducting the Deputy Survey because the survey has been conducted but LASD has not informed the MT or provided documentation of the ways it uses the survey to study organizational climate and culture in the AV stations. The MT and DOJ requested the next administration of the Deputy Survey be deferred pending a discussion with the Department. The Department has not informed the MT or provided documentation of how it uses the Community Survey to inform community engagement activities (Paragraph 88).				
72 (In Bias-Free Section)	LASD agrees to use experts and a survey to study organizational climate and culture in the AV stations to aid in developing Bias-Free Policing Training requirements.	NA	NA	Partial	No
	Notes: See Paragraph 69.				
87a	Actively participate in community engagement efforts, including community meetings.	Yes 12/11/2019	NA	Yes September 2021	No
	Notes: The mechanisms for deputy participation in community engagement efforts are in place; the extent and quality of that participation are measured in Paragraph 88.				
87b	Be available for community feedback.	Yes 12/11/2019	Partial	Partial	No
	Notes: As described in this section, the MT has observed indications that Department managers may not be open to all feedback. Also in this section, the MT provides guidance on how to better document feedback received and responded to. The eventual community engagement training (Paragraph 89) will address productive Department-community interactions.				
87c	Develop CACs.	Yes 12/11/2019	NA	Yes June, 2016	Yes
	Notes: The CACs existed before the SA, but were implemented in accordance with the SA in 2016.				
87d	Work with the community to develop diversion programs.	Yes 12/11/2019	NA	Yes September 2021	No
	Notes: The MT found the Department in compliance with the diversion program provision through the review of LASD documentation, direct observation, and discussion with community members.				

Table 5					
Community Engagement Compliance Status Table					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
88	Ensure all sworn personnel attend community meetings and events, and take into account the need to enhance relationships with particular groups within the community including, but not limited to, youth and communities of color.	Yes 1/10/2019	Partial	Partial	No
	<p>Notes: LASD published an approved Attendance Work Plan (on January 10, 2019; revised April 1, 2020). The MT assesses this provision through review of LASD documentation of events/755s, direct observation, and discussion with deputies and community members. Training is addressed in Paragraph 89. The MT, which has not yet formally assessed the qualitative requirement to genuinely engage in events/755s, has found LASD:</p> <ul style="list-style-type: none"> • In compliance with the quantified metrics for deputy attendance at events and/or 755s.¹⁴ • Out of compliance with the qualitative requirements to account for the need to enhance relationships with particular groups. • Out of compliance with using the annual Community Survey to inform changes to the attendance plan, if needed. 				
89	Provide in-service training on community policing and problem-oriented policing to all AV personnel.	NA	Partial	No	No
	<p>Notes: The MT notes that LASD has implemented a portion of Community Engagement training: the VCPI training, a two-hour online introduction to COP/POP, was implemented; LASD, working with the MT and DOJ, has tried to develop a complete training to address Paragraph 89. The latest iteration is currently under review. Note that after full implementation of the training, outcomes related to each aspect of the Community Engagement training will be measured in other provisions.</p>				

¹⁴ The MT is reviewing documentation submitted this week. Will update this before publication.

Table 5

Community Engagement Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
90	Revise content of CMFs and risk management forums (RMFs) to include discussion and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them using techniques to better support and measure community and problem-solving policing efforts.	NA	NA	Partial	No
	Notes: The MT observes every RMF and CMF. The MT has reported to the Parties that the CMFs and RMFs are improving, especially with regard to using and applying data, identifying and examining trends, and engaging in critical thinking. Each of those activities needs to be further developed to reach compliance. Also, some of the other areas that need further development include identification and incorporation of community priorities and strategies to address them, discussion and assessment of the potential for disparate impact from new and existing strategies, and routine follow-up to matters discussed in previous meetings.				
91	Complete reports on the impact of community engagement efforts, identifying successes, obstacles, and recommendations for future improvement in order to continually improve police–community partnerships.	NA	NA	No	No
	Notes: In the previous semi-annual report, the MT deemed LASD to be in compliance on this paragraph. The Department fell out of compliance on this provision because the 2021 report has not been submitted at the time of this report submission.				
92	Seek community assistance in disseminating SA.	NA	NA	Yes	Yes
93	Support and work with CACs to help them meet their mission to leverage the insights and expertise of the community to address policing concerns, including, but not limited to, racial or ethnic profiling and access to law enforcement services, and to promote greater transparency and public understanding of LASD.	Yes 9/27/2014 2/11/2015	NA	Yes	No
	Notes: The Department continues to support and work with the CACs. To ensure the CACs effectively function in the manner envisioned by the SA, moving forward the Monitors challenge LASD and the CACs to improve their own documentation of issues, concerns, and problems identified during community outreach efforts and track those concerns over time. We ask that monthly CAC meetings include time dedicated to discussion of these issues, and that the meeting minutes or notes document LASD’s responses and intentions, with follow-up on outcomes and lessons learned in subsequent meetings. This process, routinized as a practice, would impact many compliance provisions.				

Table 5

Community Engagement Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
94	Memorialize CACs and facilitate quarterly meetings.	Yes 02/11/2015	NA	Yes 02/11/2015	Yes
	Notes: See the Notes for Paragraph 93 for the MT’s expectations of improved documentation of the CAC meetings and communications with Department between meetings. Also, in the next reporting period the stations will need to put greater effort into ensuring youth representation on the CACs.				
95	Post CAC reports on LASD-AV website and respond to recommendations.	NA	NA	Partial	No
	Notes: The MT has posted most CAC reports on their website, but in the last reporting period, the Department’s responses to those reports were not posted.				
96	Provide administrative support and meeting space for CACs.	Yes	NA	Yes	Yes
97	Ensure CACs have no access to non-public information.	Yes	NA	Yes	Yes
98	Assist the Monitors in annual Community Survey.	NA	NA	Yes	Yes
99	Cooperate with independent researcher in conducting annual Community Survey and deputy survey.	NA	NA	Yes	Yes
100	Cooperate with administration of the annual Community Survey and focus groups.	NA	NA	Yes	Yes
101	Post annual Community Survey report on LASD-AV website.	NA	NA	Yes	Yes

G. Use of Force

The use of force (UOF) by peace officers is unfortunately inevitable in the police profession. This inevitability makes it critical that peace officers are knowledgeable and expertly trained for their own safety and well-being as well as for the communities they police. The lives of community members and peace officers can be dramatically impacted, or taken, when peace officers do not use reasonable and proportional force in the performance of their sworn duties. Many considerations come into play when reviewing a UOF incident. Those factors include, but are not limited to the following.

- Was the force used lawful, necessary, reasonable, and proportional with the law enforcement objective the force was being employed to achieve?
- Was the force used consistent with the Department's policy and training?
- Is the Department's policy associated with the use of force consistent with best practices?
- Has the deputy been properly trained in the de-escalation and use of force?
- Was the use of force competently investigated?
- Was the use of force thoroughly reviewed and adjudicated by executive management?

The SA requires the Department to implement many changes to its UOF policy, training, and practices to ensure that deputies have the knowledge and training to de-escalate incidents whenever possible and provide sufficient guidance for deputies to avoid the use of force or to safely use force when it becomes necessary. The SA also requires that supervisors adequately investigate the use of force by AV deputies and, of even greater importance, that LASD managers and executives review, judiciously adjudicate, and track UOF incidents. Unfortunately, the Department is not yet in compliance with many of these SA agreed-upon mandates. The Monitors note that the SA is not unique in its requirements relating to the use of force. Many, if not all, of the requirements are mirrored in California state law, the California Commission on Peace Officers Standards and Training (POST), and basic professional practices.

1. UOF Policy

Section VIII of the SA encapsulates the UOF requirements the Department has agreed to implement, beginning with revisions to the Department's UOF policy:

LASD agrees to revise its force policies and practices to reflect its commitment to upholding the rights secured or protected by the Constitution of the United States, protecting human life and dignity of every individual, and maintaining public safety (Preface, p 24).

Over three years ago, in April 2019, DOJ, the Monitors and Department representatives reached a tentative agreement on many aspects of an updated and improved UOF policy. Unfortunately, the Department's executive management team never responded to the agreed-upon changes. However, a

year and a half later, in January 2021, the Department unilaterally implemented a new UOF policy, which did not satisfy several SA mandates, and without concurrence from the Monitors or DOJ as required by the SA:

LASD will submit policies, training curricula, and lesson plans required to be written, revised, or maintained by the Agreement to the Monitor and DOJ prior to publication and implementation (SA Paragraph 160)

Even though the Department was updating the policy as they should to meet state law, the Department made no effort to ensure, or chose to ignore, the SA requirements that should have been incorporated. Moreover, there are significant costs associated with a Department-wide implementation of an updated UOF policy and training. Despite this missed opportunity, LASD continued discussions with the MT and DOJ and subsequently submitted drafts of the UOF policy on August 19, 2021. On September 16, 2021, the Department, Monitors, and DOJ discussed the use-of-force policy. On November 8, 2021, the Department provided a revised use-of-force policy that included changes to reflect new California laws. The Monitors and DOJ provided comments to that draft policy on December 8, 2021. The Department agreed to meet and discuss the updated use-of-force policy in February 2022, but at the last minute the Department postponed the meeting, stating it did not have sufficient time to review the draft policy. On March 23, 2022, the Department submitted a revised use-of-force policy that still did not include many of the agreed-upon changes. The Monitors and DOJ provided comments on April 18, 2022. Then on April 21, 2022, the parties again met and discussed the policy. A week later, County Counsel submitted a revised policy, as well as an email agreeing to many, but not all, of the previously agreed-upon changes. On May 25, 2022, the Monitors and DOJ provided comments to the revised policy. The Department, Monitors, and DOJ were scheduled to meet to discuss the policy on June 8, but the Department canceled the meeting and has not provided proposed dates to discuss the policy.

We appreciate that LASD recently assigned a County Counsel to this process who has significant UOF expertise. The policy discussions are progressing better now with his involvement, and the tone of the meetings has been pragmatic. The remaining, unaddressed SA compliance-related issues from the MT and DOJ include the tracking of deputy intentional pointing of firearms incidents. The MT and DOJ consider this is a use of force, and it is required to be reported by both the California Commission on Peace Officers Standards on Training (POST), Standard No. 6, and by SA Paragraphs 108 and 152. The Department's UOF policy or other directives are silent on this matter and do not include any guidance on or provide direction governing the categorization, reporting, documentation, investigation, and adjudication of those uses of force. It should be noted that DOJ has additional concerns with the policy including, but not limited to, the categorization and investigation of deputy uses of force involving the use of improvisational weapons and techniques.

The Department remains out of policy compliance on all related paragraphs as noted in the compliance table, as well as with the preface of the UOF Section of the SA requiring the Department to revise its UOF policies. The Department is also out of compliance with SA Paragraph 160 because it implemented its current UOF policy without submitting it to the Monitors or to DOJ to determine whether the revised policy is in compliance with the Agreement, best practices, and current professional standards, which it is not. Policies will always need to be updated as laws and Department guidelines change, but making those updates is not incompatible with meeting SA requirements, and the Department had ample time to comply before moving forward with the publication of the policy.

2. UOF -Related Policies

a. *Taser Policy*

LASD/County Counsel submitted a revised Taser policy on April 13, 2022. The DOJ and MT reviewed this policy and responded to LASD with feedback on May 12, 2022. During the next reporting period, the parties will meet to discuss policy revisions.

b. *Body-Worn Camera Policy*

The MT and DOJ also reviewed LASD's body-worn camera (BWC) policy in 2020. That policy addresses issues spanning SA requirements related to use of force, complaints, and supervisory reviews. The MT found that the policy as written conflicted with the Personnel Complaints section, Paragraph 130, which states "LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant." During supervisory review of BWC footage, if an allegation of misconduct is identified, an SCR must be initiated. However, the BWC policy discourages taking action unless very serious misconduct is identified and does this as a result of creating a narrow pathway to that action. Without the initiation of an SCR, the allegation is never recorded and does not become part of the deputy's work history. The Parties have not resolved this issue, but the Department unilaterally published and implemented the BWC policy as they did the UOF policy. Since that time, the Department has not met with the MT or DOJ to discuss concerns raised with the BWC policy.

c. *CPD Order Regarding Supervisor Review of BWC Footage*

On April 28, 2022, the NPD chief and the Compliance Unit submitted a Central Patrol Division (CPD) Order for review in advance of countywide implementation to assess if it would trigger any SA compliance issues. In light of the prior policy discussion, the MT is particularly appreciative of this proactive request for review. On June 23, 2022, the MT and DOJ met with LASD leadership to share questions and suggestions for revision to the order to avoid any potential conflicts with the SA. The MT submitted those suggestions on June 27, 2022, and they are under consideration by the Department and County Counsel at this time.

3. UOF Training

The Department's UOF training must reflect a compliant UOF policy as well as numerous provisions requiring that AV deputies and their supervisors receive specific training on the use of force. According to the requirements outlined in SA Paragraph 119, LASD shall provide all AV deputies with annual or biennial use of force training. The topics will include the following.

- Proper UOF decision making, including when force may be unnecessary in response to minor resistance (biennial).

- Role-playing scenarios and interactive exercises that illustrate proper UOF decision making, including training deputies on the importance and impact of ethical decision making and peer intervention (annual).
- Principles of procedural justice and avoiding the use of force in response to minor resistance (biennial).
- De-escalation techniques that encourage deputies to make arrests without using force (annual).
- Threat assessment, including how race can impact deputies' threat assessments (biennial).
- LASD-AV deputies will attend LASD's Tactics and Survival (TAS), also known as the Laser Village tactical firearms training (biennial).
- Supervisors shall receive initial and annual refresher training on conducting UOF investigations, how to effectively direct deputies to minimize uses of force and to intervene effectively to prevent or stop unreasonable force, using LASD's accountability and disciplinary systems after encountering a potentially unreasonable use of force, and supporting deputies who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force (annual).

The MT has been working with the Department to revise its UOF training for over two years. Initially, the Department asserted that even without an SA-compliant policy, their training was consistent with the SA mandates. Upon our request, LASD produced UOF training materials for our review in May 2020. An assessment of those materials immediately revealed they were not consistent with the SA mandates. That was promptly communicated and discussed with the Department and County Counsel.

On June 17, 2020, the Compliance Unit submitted additional training documents. Again, the MT and DOJ reviewed the documents and immediately notified the Department that they did not satisfy the SA's requirements governing the use of force as mandated by SA Paragraph 119, including but not limited to proper UOF decision making, role-playing scenarios with interactive exercises, principles of procedural justice, de-escalation techniques, and how race can impact deputies' threat assessments. Several productive in-person and virtual meetings followed with MT members and Compliance Unit representatives, NPD, County Counsel, and Training Bureau.

On March 24, 2021, nine months later, the Department provided to certain MT members 10 new modules of UOF training instruction from the Department, which included course outlines. Those documents represented a dramatic improvement and addressed many, but not all, of the critical areas previously pointed out to the Department. Two MT members promptly reviewed the training documents and returned them to the Department on March 28, 2021, with several recommendations, requesting that the Department respond to the recommendations and forward the documents to the Monitors and DOJ for review. The Department then formally submitted those lesson plans and course outlines to the Monitors and DOJ on May 24, 2021. DOJ provided comments on July 2, 2021.

On July 21, 2021, the Monitors met with representatives from the Department's Training Bureau, the Compliance Unit, and DOJ and discussed the Department's UOF training and SA requirements at

length. The MT again offered its assistance with the development of the Department's UOF training. Toward that objective, on August 7, 2021, the Monitors submitted multiple experiential learning role playing UOF scenarios to the Department for its consideration. This suggestion stemmed from a conversation regarding the best practice of making trainings directly relevant to deputies. The scenarios were based on actual cases assessed during our UOF audits and included several timely and relevant topics, including consensual encounters, racial profiling, contacts with subjects with limited mental capacities, and the de-escalation of tense and evolving incidents. We were thanked for the documents and informed that the Department would be improving its scenarios; however, that has not occurred.

In September 2021, the Department provided revised UOF course materials and asked that the MT and DOJ do not provide comments until after they observed the training.

d. MT and DOJ Observation of the UOF training

In addition to reviewing the curriculum and accompanying documents, The MT observed two trainings, one on December 21, 2021 (virtually) and the other on March 16, 2022 (onsite at the STAR Center). The MT and DOJ noted a number of concerns and shared documentation with the Department on April 19, and April 20, 2022, respectively. Since that time, LASD has not provided revised trainings or requested a meeting to discuss how to improve trainings. Some of the MT's concerns with LASD's current training are outlined below.

i. Lethal Use of Force Instruction

The module on the use of lethal force was presented by a deputy assigned as a defensive tactics instructor. The Department's decision to have a defensive tactics instructor provide instruction on the Department's lethal UOF policy is imprudent. There is no higher inherent risk in the policing profession than the use of lethal force, which should be taught by a qualified Department executive. We realize that the frequent availability of an executive at the level of commander or above, with the necessary subject matter expertise in the use of lethal force, is unlikely. So we have suggested consideration that this instruction could be recorded and then presented and facilitated by a Training Bureau instructor, preferably of the rank of lieutenant or captain.

ii. The Use of Carotid Restraints

At one point during the March 16, 2022, class, the defensive tactics instructor covered Assembly Bill (AB) 1196, which prohibits California law enforcement agencies from authorizing the use of carotid restraints. Then, after clearly stating that the Assembly bill prohibits the authorization of such holds, the instructor stated that carotid restraints could be used in situations where use of lethal force was justified. This statement amounts to a tacit authorization by a Department UOF instructor and is in direct conflict with the law and guidance from the California Commission on Peace Officers Training.

iii. Instructors for Case and Statutory Laws Module

The instruction included an overview of case and statutory law including:

- *Terry v. Ohio* (detentions and pat-down searches);
- 243(f) PC (definition of serious bodily injury);
- 835 (a) PC (use of Force by peace officers);
- *Young v. County of Los Angeles* (UOF on a probation officer);
- First Amendment (religion, assembly, speech and petition of government);
- Fourth Amendment (unreasonable search and seizure);
- Eighth Amendment (unusual punishment and excessive fines); and,
- 14th Amendment (due process and equal protection)
- Circuit Court decision associated with the classification of intermediate levels of force and related force options including Tasers and OC spray.

The Department's decision to have a defensive tactics instructor provide case and statutory law instruction associated with the use of force is unwise. Those classes should be taught by a law instructor or qualified attorney, in a recorded format if necessary, which can be facilitated by a Training Bureau instructor, preferably of the rank of lieutenant or captain.

iv. Duty to Intervene

The instruction that was provided relating to the deputies' duty to intervene if they witness clearly excessive force was overly succinct and essentially just repeated the policy requirement. This is a critical requirement that includes a significant level of inherent risk, so the training lesson plan and instruction delivery must ensure deputies are given the specific tools needed to safely intervene in such incidents. That clearly did not occur.

v. Defensive Tactics Instruction

It was very apparent that the instructors are subject matter experts in defensive tactics. The instruction on how to handcuff a resisting person in the "turtle position" using lateral head displacement was excellent and indicative of the skills displayed by the instructors. There was one issue of concern associated with the instruction on the use of personal weapons, specifically relating to closed-fist punches. LASD's Field Operations Manual and Defensive Tactics Manual emphasizes that in cases where personal weapons are used, deputies should use palm strikes to lessen the chance of injury to their

hands and to suspects¹⁵. However, the training spent far more time on punching drills, with minimal instruction on the actual use of palm strikes. The instructors should increase the time they are allocating to teach palm strikes in order to reinforce the policy.

vi. Use of Force Involving Persons in Behavioral or Mental Health Crisis

Our audits have revealed that a high percentage of uses of force in the AV involve persons in either behavioral or mental health crisis. While the SA outlines no distinct requirements related to behavioral or mental health issues, it should be noted that in our March 2022 site visit, both AV station-based compliance lieutenants stressed that when use of force is used, behavior or mental health issues are usually associated. Station management from both stations stated that the AV has disproportionate concentrations of individuals experiencing mental illness problems or who are on probation or parole and maintain this leads to higher rates of UOF. and maintain this leads to higher rates of use of force. (The MT has not looked at this data but anxiously awaits the AAB's submission of UOF analysis required of Paragraph 120 and 121.) The training did not provide deputies with specific techniques for dealing with the mentally ill other than saying to contact a Mental Evaluation Team (MET), which is inconsistently available in the AV. This is not a criticism of the instructor as we have previously pointed out the allotted time for the course is not sufficient to effectively address the myriad high-risk topics included in the lesson modules.

vii. UOF Decision Making

SA Paragraph 119 (a) requires that the Department's UOF training include "proper use of force decision making, including when force may be unnecessary in response to minor resistance." That training requirement was not included in the training.

viii. UOF Role Playing Scenarios

SA Paragraph 119 (b) requires that the Department's UOF training include "role-playing scenarios and interactive exercises that illustrate proper use of force decision making, including training deputies on the importance and impact of ethical decision making and peer intervention." That training requirement was not included in the training.

ix. Principles of Procedural Justice

SA Paragraph 119c requires that the Department's UOF training include "principles of procedural justice, and avoiding the use of force in response to minor resistance." That training requirement was not included in the training.

¹⁵ See [AV Use of Force 2nd MT Audit Report July 2021](http://www.antelopevalleysettlementmonitoring.info/) at <http://www.antelopevalleysettlementmonitoring.info/>

x. De-escalation Techniques

SA Paragraph 119d requires that the Department's UOF training include "de-escalation techniques that encourage deputies to make arrests without using force." Throughout the course of this training, the instructor repeatedly referenced the need for deputies to "de-escalate" the amount of force they use once they are able to gain control of a combative suspect. This is, of course, important instruction. However, very little time was dedicated to providing instruction on the skills, techniques, resources, or expectations to proactively de-escalate tense and evolving incidents with the purpose of avoiding having to use force whenever feasible. Additionally, there appeared to be confusion or lack of awareness surrounding the importance of using terminology that serves to clearly distinguish the difference between proactive "de-escalation" efforts, which should be undertaken to avoid or reduce the need for force, versus the expectation that the amount of force that is used, when necessary, will be reduced ("force reduction" efforts) once the subject is under control.

xi. Threat Assessment

SA Paragraph 119e requires that the Department's UOF training include "threat assessment, including how race can impact deputies' threat assessments." That training requirement was not included in the training.

e. LASD has not yet provided any training documents related to Paragraph 119f or 119g.

LASD will remain out of compliance with Paragraph 119a–g until the training curriculum is revised to address the related provisions in the SA for AV deputies, then approved by the MT and DOJ, and successfully piloted. We recognize that LASD is attempting to train the entire Department on the newly implemented but non-compliant policy, and we appreciate the Department's Training Bureau's instructors' commitment and desire to do so. With that said, the finest instructors in the nation could not adequately teach the volume of material contained in the training modules, all of which is important, during the allotted eight hours. Our observation of the training confirmed this problem, and we had clearly communicated those concerns to the Department when we reviewed those modules in March 2021. The allotted training time, however, was not the most egregious issue with the UOF training. The training currently being offered by LASD is a clear indicator that management and executive staff are not focusing sufficient attention on the integration of the court-ordered reforms of the SA into practice in the AV.

The MT acknowledges that the Training Bureau instructors are doing their best under the circumstances and the above comments are not intended to question their abilities. The Training Bureau instructors are teaching what they are told to teach by management, in the time allotted by management, from the Department's published UOF policy, which is not compliant with the SA and which must also abide by POST minimum training guidelines.

f. Monitor Recommendations to Address Training Issues

The Monitors have provided the Department with a complete assessment of its UOF training, including many recommendations for the Department's consideration to improve the training and achieve SA compliance. Our recommendations include, but are not limited to the following.

- The case and statutory law update should be developed and presented in person, or video format, by County Counsel or an adequately trained law instructor.
- The instruction on the Department's policy for the use of lethal force should be further developed and provided by a Department executive, which is something that can be done in video format, given the content and frequency of these presentations.
- The Department needs to clearly distinguish the terms and concepts of "de-escalation" and "force reduction."
- Comprehensive lesson plan(s) and video module(s) of instruction should be developed with an emphasis on de-escalating tense and evolving incidents.
- While not specifically mandated by the SA, the Department should include a comprehensive lesson plan taught by subject matter experts on techniques for effectively engaging with persons with mental illness or emotional crises in its use of force training.
- The Department needs to specifically prepare and deliver instruction on all of the requirements of SA Paragraph 119.
- The time allotted for the training should be increased. The UOF is arguably the most significant risk management issue faced by the Department and the County. Additionally, it is one of the most prevalent issues LASD deals with and a common community concern. LASD and the County should dedicate sufficient time and resources to ensure effective training is being provided.

The MT also recommends that, if the Department believes that other training received by AV deputies addresses the topics discussed here, the Department should provide documentation of those courses in case they can help hasten SA compliance.

4. UOF Audits

The SA requires the following.

- The Monitor will assess the County's progress in implementing and achieving compliance with the Agreement, and report on the status of implementation to the Parties and the Court (Paragraph 146).

- In order to assess and report on LASD's implementation of this Agreement and whether implementation is resulting in Constitutional policing, the Monitor shall conduct compliance reviews and audits and outcome assessments as specified below (Paragraph 148).
- The Monitor will conduct an ongoing review and report on LASD use of force on restrained individuals, use of force in response to spitting, and use of OC spray (Paragraph 151).
- The Monitor, in conjunction with LASD, will conduct an ongoing audit of incidents where deputies draw or point their firearms. The audit will include a review of all civilian complaints and an appropriate sample of police reports related to any use or display of a firearm (Paragraph 152).

Despite LASD not being in policy or training compliance on the UOF paragraphs, the MT has assessed implementation/outcomes on many of these provisions. This was done to provide guidance on what is needed with regards to policy and training. To date, AAB is not conducting regular, internal compliance audits of deputies' use-of-force in the AV to provide this feedback to the department. The MT has completed three audits evaluating the Department's compliance with the SA's UOF requirements. The first audit was for all Category 1 and Category 2 uses of force that occurred in the AV from January 1 through March 31, 2017. The second audit was for Category 3 uses of force in the AV between January 1, 2015, and March 21, 2018. The third audit was for Category 1 and 2 uses of force that occurred in the AV from October 1, through December 31, 2019.^{16,17,18,19}

Our audits have documented that the Department is in implementation compliance with the SA paragraphs associated with the objective reasonableness and de-escalation of force for non-categorized force incidents (NCIs) and Categories 1 and 2 uses of force. For example, in our last audit of NCI and Categories 1 and 2 force, in 92% of cases, deputies satisfied the SA's requirements to de-escalate tense and evolving incidents without using force, and for using objectively reasonable force when necessary.

However, those audits documented ongoing critical deficiencies with the Department's supervisory UOF investigations and more importantly, the management review of those investigations. For example, our audits found that Department management has failed to ensure the Department's policy on providing and documenting Taser warnings, prior to the use of a Taser, is being followed. Of greater concern,

¹⁶ <http://www.antelopevalleysettlementmonitoring.info>.

¹⁷ Category 1 Force involves any of the following where there is no injury: searching and handcuffing techniques resisted by a suspect; hobbling resisted by a suspect; control holds or come-alongs resisted by a suspect; Takedowns; or Use of oleoresin capsicum (OC) spray.

¹⁸ Category 2 Force involves any of the following: Any identifiable injury; A complaint of pain that a medical evaluation determines is attributable to an identifiable injury; or Any application of force other than those defined in Category 1 Force that does not rise to the level of Category 3 Force.

¹⁹ Category 3 Force involves any of the following: All shootings in which a shot was intentionally fired at a person by a Department member; Any type of shooting by a Department member that results in a person being hit; Force resulting in admittance to a hospital; Any death following a UOF by any Department member; All head strikes with impact weapons; Kick(s), delivered from a standing position, to an individual's head; Strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object.

Department management has consistently failed to comply with the SA and Department-mandated policy on the initiation of complaint investigations for substantive allegations of misconduct that are discovered during the management review of UOF investigations. The fact that Department management consistently fails to initiate investigations into clear allegations of misconduct associated with the use of force is indefensible.

Our audit of the Department's EFRC reviews of Category 3 uses of force found two of the 13 uses of force (15%) as out of policy. (See next section.) That resulted in the Department being found out of compliance for Category 3 uses of force as the shortcomings in these two cases resulted in a compliance percentage of 85%, which is below the 95% standard agreed upon by the Parties. It should be noted that Category 3 uses of force are reviewed by station captains, division chiefs and commanders, and the EFRC.

With all this review, ample opportunity exists to correct shortcomings. While we have not conducted another full audit of Category 3 uses of force, we have continued to evaluate AV Category 3 uses of force as they are routinely scheduled for review by the EFRC.²⁰ Although we have documented numerous significant concerns associated with the supervision and tactics associated with those cases and with the lack of completeness in the EFRC's review processes, there have not been any additional cases where the Monitors assessed the force used as having been out of policy.

a. Management Review of Critical Incidents—Executive Force Review Committee

As with most law enforcement agencies, management review of critical incidents occurs in two stages: a preliminary review soon after the incident occurs to address any pressing issues, then a more thorough review after the investigation is complete.

The Department convenes a CIRP within a week or two of any major Category 3 UOF to conduct a "preliminary risk management and professional best practice analysis of critical incidents."²¹ When a deputy has been in three or more shootings or a shooting needs immediate assessment of tactics, training, or risk management, the CIRP activates the Shooting Advisory Committee (SAC), which submits a written report of its findings to the CIRP.

The EFRC is the LASD management entity charged with the post-investigation review and adjudication of Category 3 uses of force. The EFRC is also responsible for recommending a penalty or other corrective action when it determines a deputy violated policy. The EFRC evaluates every shooting and force incident requiring activation of Force/Shooting Response Team of the Internal Affairs Bureau (IAB). Homicide Bureau also responds when the incident involves an in-custody death or a deputy-involved shooting that results in someone being shot. Homicide Bureau's criminal investigation takes precedence, so IAB's investigation is usually held in abeyance while Homicide Bureau conducts its

²⁰ The agreed upon compliance metric for Category 3 uses of force is that at least 95% of the Category 3 UOF incidents are assessed as objectively reasonable; however, the Department will not be held out of compliance if one Category 3 use of force in a calendar year is found to have violated the SA, but the Department's investigation identified the violation and prompt appropriate corrective action was taken.

²¹ MPP 3-09/330.00 Critical Incident Review Panel

investigation. When the Homicide Bureau concludes its investigation and the district attorney issues its findings letter, IAB will resume its investigation. This practice results in a delay of several years between the time the incident occurred and its final adjudication by the EFRC.

It is the Monitor's position that the EFRC, and by extension CIRP, are responsible for providing the level of management oversight required by the SA for the most significant uses of force that occur in the AV, including, but not limited to, deputy-involved shootings, force resulting in the subject's hospitalization, and force resulting in skeletal fractures.²² That oversight includes ensuring that deputies use persuasion instead of force whenever possible (Paragraph 103), use force only in proportion to the threat or resistance posed by the subject (Paragraph 104), and reduce force immediately as resistance decreases (Paragraph 103). It includes ensuring that UOF investigations are thorough and complete, and that management's findings are supported by a preponderance of evidence (Paragraphs 111–113). Because the EFRC recommends a corrective action for policy violations, it is also responsible for holding deputies accountable for using force in violation of Department policy (Paragraph 115) and supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or contrary to Department policy (Paragraph 116).

During the last reporting period, the Department limited the Monitor's access to its management review and adjudication of Category 3 uses of force. Despite the Parties' approved compliance metric from 2019, LASD executive management opined that monitoring of compliance with SA Paragraph 114 should be limited to determining if the required cases were referred to and reviewed by the EFRC. According to the Department and County Counsel, assessing the quality and thoroughness of those reviews was not an aspect of compliance with Paragraph 114. That position is inconsistent with the SA and obstructed the Monitors' ability to determine if the most serious uses of force occurring in the AV were adequately investigated and if managers thoroughly reviewed those cases for compliance with Department policies. After numerous lengthy discussions, the Department has now agreed with the Monitor's position that the SA's investigative and management oversight provisions apply to the EFRC. The Monitors will continue to assess whether the Department demonstrates their commitment to this decision by, for instance, informing the MT about all relevant EFRCs and by supporting the development of compliance metrics that reflect this understanding.

We continue to experience difficulty in being notified of management reviews for those uses of force occurring in the AV that involve non-AV deputies. In one case involving a shooting by a Lancaster deputy and Operation Safe Streets detective, the CIRP requested a Shooting Analysis Committee (SAC) review of the OSS deputy's prior shootings. Apparently because it involved an OSS deputy, the Monitors were not notified of the SAC meeting or the CIRP meeting to review the SAC report, both in violation of SA Paragraph 181. We brought this to the Department's attention and were assured that the Monitors will have access to those reviews. We also asked for the SAC and second CIRP report several months ago. We received the SAC fairly promptly but did not receive the second CIRP report, the document authorizing the deputy's return to field duty, until very recently because it has been lost, requiring the creation of a duplicate report.

These difficulties notwithstanding, we continue to see improvement in the management review of Category 3 uses of force since we first observed EFRCs in 2016. Managers seem to be reviewing these

²² Those cases are assigned to the IAB Force/Shooting Response Team.

cases more thoroughly and are asking more probing questions. However, the improvement remains inconsistent. For example, one EFRC review thoroughly examined an incident where unauthorized equipment was carried by one deputy, and an out-of-policy PIT maneuver was used by a supervisor. The EFRC recommended formal discipline for both violations. Yet in other cases, serious tactical lapses went unaddressed. The most frequent lapse was not identifying deputies' tactical failings such as engaging suspects while remaining seated in their patrol car, a very dangerous habit.

Finally, comments made by several review board members during their meetings indicate that discussions take place and decisions are being made before the review board has been convened. We have asked to monitor any pre-meeting discussions and have been told they do not occur, but they obviously do.

We are also finding what appears to be inconsistencies in the CIRP and EFRC's documentation for deputies being removed from and returned to field duty after a deputy-involved shooting. In one case, the CIRP recommended that a deputy remain "restricted from field duties until after the EFRC reviews this incident." When the EFRC met several months later, it never discussed or addressed the deputy's duty restriction or his current duty status. In another case, the CIRP recommended that the two deputies "remain restricted from field duties for one year and/or adjudication at Executive Force Review." There was no management review built into the one-year restriction. To make an informed evaluation of Department compliance with several SA paragraphs, including 114 and 181, the Monitors have asked to meet with Department representatives to obtain a better understanding of its policies, rules, and procedures for removing deputies from the field and then returning them to field duty. While it is quite possible a better understanding of the process will resolve this issue, formal reports from management review bodies in matters such as this should be consistent.

Our first audit of Category 3 EFRC cases was published in November 2019 and found the Department out of compliance with SA Paragraph 114. Our findings were discussed extensively with Department managers, including the managers who regularly served on the EFRC, and with County Counsel. While improvement has been noted since then, we agreed with the Department that conducting another EFRC audit at this juncture would only serve to document a process that everyone agrees needs to be improved. The MT will continue to monitor CIRP and EFRC cases (as we did so for ten cases in this reporting period) and provide the Department with constructive interim feedback. Once the Department has had adequate time to make additional improvements and believes they are in compliance, we will initiate our second formal audit of the management review process for Category 3 uses of force.

b. LASD UOF Analysis

SA Paragraphs 120–123 require the Department to complete an analysis and publish a public report on its UOF data, to include the identification of related trends, and adjustments made to Departmental policy and training, where appropriate. Those requirements have been assigned to the AAB. The previous NPD commander asked that we treat the 2020 report as a "dry run" to work out the methodology and the reporting requirements. As noted in the 13th semi-annual report, an analysis strategy was produced, and feedback was provided for the 2020 UOF data. Since then, we have been repeatedly told that the AAB is in the process of conducting an analysis of the Department's 2020 UOF

data, which is an ongoing annual requirement, but we have seen no draft report. No analysis plan has been produced for the 2021 data. No attempt to comply with Paragraphs 120–123 has been completed to date. The Department remains out of compliance with these SA paragraphs.²³

c. Need for Greater Department Leadership Across Units in Achieving SA Compliance

The Monitors and DOJ recognize that several Department Units are involved in any revisions made to the UOF policy. The Compliance Unit and NPD are under a different command and thus do not have control over the Department’s Training Bureau or Field Operations Support Services (FOSS) Unit, whose duties respectively include Department-wide training and revising the Department Manual of Policy and Procedures. Yet these activities are essential to progress required in the SA. In our previous report, the MT indicated that the responsiveness of the Training Bureau has improved, as had the quality of draft training curriculums. Unfortunately, the unit experienced turnover in the leadership position, and progress once again stalled. Similarly, the Compliance Unit does not have control over the Department’s Professional Standards Bureau, which handles revisions to the UOF policy. In order to achieve SA compliance, the Department needs to focus increased attention on, and stress the importance of, the executive management team ensuring that entities under their command are responsive and timely when dealing with SA-related mandates.

5. UOF Compliance Status

Table 6 provides the compliance status for each paragraph in the UOF section. (See Appendix C for more detailed information about the status of each paragraph.)

²³ The Department has also committed to conduct an assessment of the Department’s 2021 UOF data by the end of June 2022. That assessment has not begun.

Table 6					
Use of Force Compliance Status Table ²⁴					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
102, 104, 105	The reasonable use of force	No	No	Cat 1 and 2: Yes Cat 3: No	No
	Notes: Paragraphs 102, 104, and 105 were in compliance for both of the Category 1 and 2 audits, but not in compliance for the Category 3 audit				
103	Use of de-escalation techniques before resorting to force and reducing force as resistance decreases	No	No	Cat 1 and 2: Yes Cat 3: No	No
	Notes: Paragraph 103 was in compliance for both of the Category 1 and 2 audits, but not in compliance for the Category 3 audit.				
106g	Inhibiting, using force on person legally recording incident	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
	Notes: Paragraph 106g was in compliance for all three audits.				
107	Head strike with impact weapon	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
	Notes: Paragraph 107 was in compliance for all three audits.				
108	Deputies reporting force incidents	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
	Notes: Paragraph 108 was in compliance for all three audits.				
109	Accurate UOF reports without boilerplate language	No	No	Cat 1 and 2: Yes Cat 3: No	No
	Notes: Paragraph 109 was in compliance for both of the Category 1 and 2 audits, but not in compliance for the Category 3 audit.				

²⁴ Notes:

- The MT has done two audits of the lesser uses of force (Categories 1 and 2) and one audit of the most serious use of force (Category 3).
 - » 1st Category 1 and 2 Audit: October 2018
 - » 2nd Category 1 and 2 Audit: July 2021
 - » 1st Category 3 Audit: November 2019
- The existing UOF policy addresses many of the SA requirements, but policy compliance is based on the Department having an MT and DOJ approved policy in place that addresses all relevant SA provisions.
- Implementation Compliance is based on the most recent audit of each type.

Table 6

Use of Force Compliance Status Table²⁴

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
110	Immediate supervisory notification of the use of force	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
	Notes: Paragraph 110 was in compliance for all three audits.				
111 a–d	Thorough UOF investigations	No	No	Cat 1 and 2: No Cat 3: Yes	No
	Notes: Paragraph 111a–d was in compliance for the first Category 1 and 2 audit but not the second. It was in compliance for the Category 3 audit.				
111e	Supervisory review of deputies’ UOF reports	No	No	Cat 1 and 2: No Cat 3: No	No
	Notes: Paragraph 111e was in compliance for the first Category 1 and 2 audit but not the second. It was also not in compliance for the Category 3 audit.				
112a	Independent supervisory UOF investigations	No	No	Cat 1 and 2: No Cat 3: Yes	No
	Notes: Paragraph 112a was not in compliance for either of the Category 1 and 2 audits but was in compliance for the Category 3 audit.				
112 b–e	Completeness of UOF investigations	No	No	Cat 1 and 2: No Cat 3: Yes	No
	Notes: Paragraph 112b–e was in compliance for the first Category 1 and 2 audit but not for the second. It was in compliance for the Category 3 audit.				
113	Management review of UOF investigations	No	No	Cat 1 and 2: No Cat 3: No	No
	Notes: Paragraph 113 was in compliance for the first Category 1 and 2 audit but not for the second. It was not in compliance for the Category 3 audit.				
114	Thorough reviews by Executive Force Review Board	Yes	NA	Cat 1 and 2: NA Cat 3: No	No
	Notes: LASD has policies in place for the EFRC review process. Paragraph 114 was not in implementation compliance for the Category 3 audit. (Paragraph 114 does not apply to Category 1 or 2 uses of force.)				
115	Deputies held accountable for force that violates policy	No	No	Cat 1 and 2: No Cat 3: No	No
	Notes: Paragraph 115 was not in compliance in any of the three audits.				

Table 6					
Use of Force Compliance Status Table ²⁴					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
116	Supervisors held accountable for inadequate investigation	No	No	Cat 1 and 2: No Cat 3: No	No
	Notes: Paragraph 116 was not in compliance for the second Category 1 and 2 audit or the Category 3 audit. In the first Category 1 and 2 audit, the MT was unable to determine compliance because non-force issues, i.e., deputy misconduct and risk management issues, required improvement.				
117	AV commanders identify and curb problematic UOF trends.	NA	UTD	Cat 1 and 2: No Cat 3: No	No
	Notes: The MT has attended several RMFs, which review uses of force, including deputy-involved shootings and unintentional discharges, and other risk management issues for each command. The Monitors are unable to make a determination as to compliance with Paragraph 117 at this time pending our formal review of the RMF process and the establishment of a compliance metric by the Parties.				
118	LASD and AV unit commanders will regularly review and track "training and tactical reviews."	Yes	No	Cat 1 and 2: No Cat 3: No	No
	Notes: The Parties and the MT have not agreed to a compliance metric for this paragraph. The MT has not found indication that informal supervisory feedback was replacing the need for formal discipline, but all three audits found that LASD data systems were not able to store the training and tactical review section of UOF reports. The Department has since reported it has developed a plan for tracking this information; the MT will review the plan and its implementation when appropriate.				
119	Development and delivery of UOF training	No	No	No	No
	Notes: Since early 2021, LASD has been working to revise the UOF training to meet SA requirements for Paragraph 119a–e. The MT and DOJ have reviewed iterations of the curriculum, observed trainings, and given feedback to the Department, which will provide a newly revised curriculum shortly. An audit plan for Paragraph 119f and 119g will be developed independently as they pertain to tactical firearms and supervisor investigations which are separate trainings.				
120–123	Annual management analysis and public report on UOF data and trends	NA	NA	No	No
	Notes: The Parties and MT have developed a plan for the Department to begin fulfilling this requirement. LASD submitted a partial work plan, and the MT and DOJ provided feedback, for the first annual UOF analysis report in November 2021. LASD is now preparing an initial analysis report based on 2020 data. The MT and DOJ will provide feedback to this report, based upon which the Department will then submit a new work plan for 2021 data. Once that plan is approved, the Department will conduct the analysis and submit a full report that, once approved by MT and DOJ, will be made available to the public. Subsequent annual reports will be conducted similarly, with a work plan and then a report reviewed and, when appropriate, approved by the MT and DOJ before being posted for the public.				

H. Personnel Complaint Review

The Personnel Complaint section of the SA requires that the Department improve its handling of public complaints so that public complaints are willingly accepted, thoroughly investigated, and adjudicated using a preponderance of evidence and that deputies who commit misconduct are held accountable. Seven years into the SA, most of these basic requirements are not yet being met by the Department.

1. SCR Handbook Revision

The Department provided the Monitors and DOJ with the first revision to the SCR Handbook on January 29, 2018. Since that time, several iterations of the handbook have been submitted to the MT and DOJ for review; in each case, it was found to be out of compliance. However, in 2021 we noted some progress. In fact, in our last semi-annual report, we optimistically announced that the Department had reached a major milestone with the Monitors and a compromise between DOJ and the Department that allowed for the revised SCR Handbook to be published. While the Monitors approved it in October 2021, DOJ expressed continued concern about the efficacy of a complaint process where nearly every complaint is handled as a “service comment” with training, rather than discipline, as the only disposition available. While a service comment can be elevated to an administrative investigation opening the door to discipline, that rarely occurs. In fact, none of the complaints reviewed in either of the MT’s audits was elevated to an administrative investigation even though several of them involved serious allegations. Nevertheless, the DOJ sent an email on November 3, 2021, describing these concerns but agreeing to allow publication of the SCR Handbook provided that:

The Parties will revisit these structural concerns and revise SCR policies and the SCR Handbook should future Monitor audits (i.e., those after the Handbook goes into effect) reveal that LASD is out of compliance with provisions of Paragraphs 127–132.

In an email dated December 14, 2021, while attempting to assure DOJ that its concerns were unnecessary, the external counsel brought in to assist LASD and County Counsel on this matter recognized that “the time has come to move forward on this.” In a meeting two days later, LASD then agreed to DOJ’s proposed compromise. At that time, the Department estimated it would need three months to publish the Handbook. However, more than six months have elapsed since the Monitors and DOJ gave their approval. Yet the revised SCR Handbook has still not been published. The Monitors have made repeated inquiries about the status of the Handbook’s publication and received a variety of responses.

This continued delay is concerning for several reasons. The SCR Handbook provides Department managers and complaint investigators with direction on how to investigate and adjudicate public complaints. We acknowledged in previous semi-annual reports that LASD has attempted to resolve some, but not all, of MT’s concerns by issuing unit orders to provide guidance to the AV stations. However, this was meant as an AV-specific, short-term solution to what is essentially a Department-wide issue. Unlike the interim orders issued by AV commanders, the SCR Handbook changes how the entire Department will respond to public complaints. For example, it will implement complaint classifications identified in the Penal Code (sustained, not sustained, exonerated and unfounded) rather than the “could have been better” or “should have been different” classifications the Department

currently uses. Adopting the Penal Code terms will also assist in reporting public complaints to California DOJ as required by California law. Additionally, the publication will be a critical first step in revising several other Department publications (primarily the MPP and the Administrative Investigations Handbook), and associated training so that Department employees receive clear, complete, and consistent direction regarding the handling of public complaints (Paragraph 127).

The failure to publish the SCR Handbook paralyzes various aspects of the process in monitoring the Department's compliance with the complaint provisions of the SA and results in a continued out-of-compliance finding for the SA policy and training requirements for several complaint paragraphs, but in particular Paragraph 127, which requires Department-wide policy alignment and training. A third audit cannot be undertaken until the Handbook is published, employees have been trained on the new requirements, time has elapsed to ensure the new changes have taken root, and, accordingly, a sufficient number of cases have been reviewed by Department managers.

2. Corrective Action Plans

Another factor in the Department's continued difficulty in achieving compliance with the SA Complaints section is their inaction on instituting changes based on the MT's previous audits. The MT published our systematic compliance assessment titled "Second Audit of Public Complaints" on December 15, 2020. At the February 2021 site visit, the Department committed to generating a Corrective Action Plan to track the action(s) taken by the Department on the issues identified in the MT audits. We believed this to be an encouraging step and welcomed those efforts to focus on the problems identified and instill an internal sense of urgency to correct them (see our 12th report). A key reason the MT compliance audits are spaced apart is to allow the Department time to address the identified problems documented by our reviews (and/or AAB audits) and allow those changes to take hold in practice. Corrective Action Plans provide a way to hasten the implementation of changes and track their progress so that audits can be scheduled accordingly, and the community can have some assurance that issues are being addressed. Obviously, this becomes a fruitless endeavor if corrective action is not pursued in a timely manner.

On May 25, 2022, one and a half years after the second MT audit was published, we finally received the Department's Corrective Action Plan, which was signed a few days earlier (May 20, 2022). We noted that the Corrective Action Plan does not provide a remedy to all of the problems identified in our compliance assessments. Specifically, it does not address the outstanding recommendations from the Monitor's prior (first) audit of public complaints. More importantly, some of the "solutions" are confusing or insufficient. For example:

MT Recommendation 3: *The Department needs to provide the entire complaint form on their website in both English and Spanish.*

CAP Response: *The new process should include ability to service LEP persons. The manner in which the data are collected falls within the purview of the programing unit at DSB.*

This response does not address the MT recommendation, and, more importantly, it does not remedy compliance metrics with SA Paragraphs 124–125, which require complaint forms and informational materials be made available in the English and Spanish.

Here is another example:

MT Recommendation 5: *Once again, we recommend the Department ensure their 800 number for making public complaints is either answered by someone or allows the caller to leave a message that can be returned the next business day.*

CAP Response: *As of 2/11/21, the 800 line (single non-rollover line) is not manned after hours. The message on the line refers callers to the Department website where an online complaint can be submitted and advises the caller to call back during normal business hours.*

This proposed solution assumes most callers have internet access and know-how, which many do not, or asks them to call back when the Department is open for business. It also ignores the simple solution of adding a voicemail to the telephone line. These responses typify why the Department is not in compliance with the majority of the SA's complaint requirements.

3. LASD Audits of Personnel Complaints

The Department decided years ago to use AAB, their internal auditors, to conduct the required semi-annual, randomized audits of the complaints process as required by the SA (Paragraph 140). Over the years, AAB has submitted periodic audits of public complaints, typically every two years even though the SA requires that the AAB produce two semi-annual audits for each station every year.

Unfortunately, as discussed in previous reports, none of these audits was found to be in compliance with SA Paragraph 140. To support efforts to produce the audits required by the SA and which might be helpful to the Department in reaching compliance with the other provisions of the SA Complaints section, the Monitors and DOJ have asked the Department to submit audit work plans to ensure mutual understanding regarding the audit scope and methodology. AAB audits will be most beneficial and cost effective when the Department takes into consideration Monitor and DOJ input, feedback, and any concerns regarding compliance before the Department spends significant resources to conduct an audit.

To date, AAB has submitted several completed audits without having an approved work plan and, predictably, none of the audits complied with the SA. For example, one audit stopped short of evaluating the Unit Commander's adjudication (SA Paragraphs 127, 128, 130, and 140) because commenting on the work of a high-level manager in the Department was viewed as being something that is beyond the scope of an auditor's role or responsibility. This is despite SA Paragraph 140's requirement that Department complaint audits determine if "complaint dispositions are consistent with a preponderance of the evidence." There are other cases where work plans were submitted and MT and DOJ suggestions were provided with requests that the work plan be revised and resubmitted, but AAB conducted the audit without an approved work plan, producing audits that did not meet the SA's

requirements. This has resulted in frustration on all sides and, most importantly, no progress toward achieving compliance with the SA's requirements for internal auditing.

On April 28, 2022, the Compliance Unit forwarded three proposed work plans from AAB for Monitor and DOJ approval. Two of those work plans were for the audit of stops data and one was for public complaints. Our review of the audit work plan (shared on May 18, 2022) for complaints showed that, with four exceptions, the work plan was nearly compliant with the SA's requirements. The Monitors submitted a report listing our four concerns that the work plan and audit needs to: (1) account for all complaints initiated during the audit period, not just the ones that have been completed; (2) inspect all the locations identified in Paragraph 124; (3) determine whether an interpreter should have been provided in cases, not just based on if one was provided; and (4) determine if each allegation was adjudicated using a preponderance of evidence. DOJ submitted additional concerns with the AAB audit work plan on May 18, 2022.

On May 19, 2022, the Parties met to discuss the complaint audit work plan. After a lengthy discussion, consensus was reached on several modifications to the work plan. When the Monitors asked the Department to resubmit a revised work plan, the AAB's Chief Auditor informed everyone that this work plan would be for a master work plan for all complaints audits beginning with the next audit (also asserted in email communication on April 28), but not the one already being done for AV public complaints.

The MT is not in agreement with this proposal. First, this assertion fails to consider that the AAB has not submitted an audit for complaints that was deemed to be in compliance. Second, the AAB's position ignores the substantial changes to the complaint process that will occur with publication of the SCR Handbook and subsequent changes to other Department publications and the likelihood that audit methodologies will need to be adjusted to reflect these long-awaited changes to the complaint process.

Since the monitoring began, the MT has encouraged the AAB to lean into compliance assessments. Not only does the SA require that the AAB conduct semi-annual, randomized audits of LASD-AV's complaint process, but the SA allows the Monitors to include the AAB's audits in our compliance assessments. Specifically, Paragraphs 149 and 154 state the following.

Monitor shall conduct compliance reviews or audits as necessary to determine whether LASD has implemented and continues to comply with the material requirements of this Agreement. Where appropriate, the Monitor will make use of audits conducted by the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC, now AAB) taking into account the importance of internal auditing capacity and independent assessment of this agreement. (SA Paragraph 149)

In conducting audits, reviews, and outcome assessments, the Monitor may use any relevant data collected and maintained by LASD that the Monitor and DOJ deem reliable and sufficiently complete, provided that the Monitor has determined, and the Parties agree, that this data is reasonably reliable and complete. (SA Paragraph 149)

Furthermore, the MT firmly believes that a strong and independent audits function is critical to the success of the monitoring and the ultimate goals of the SA. The extent to which the MT can confidently rely upon the AAB audits in our compliance assessments is also directly related to achieving significant time and cost savings in the future. Most important, a strong, impartial and diligent audits bureau is essential for the sustainability of compliance and is a critical component that must be in place in order to bring an end to the external monitoring role.

4. Next Steps for Complaints Monitoring

Once the SCR Handbook is published and personnel have been trained, we will consider initiating our third audit of public complaints. Meanwhile, the Department must produce updated drafts of the Department Manual sections and IAB manuals for MT/DOJ review.

The Monitors and DOJ recognize that the Compliance Unit and NPD do not have control over several Department entities that are currently responsible for certain SA tasks. But to achieve SA compliance, the Department needs to dramatically increase the active involvement and accountability of entities, such as the AAB, to ensure they complete the tasks they are responsible for and do so in a timely manner that complies with the SA.

LASD needs to incorporate feedback about the AAB audit plan from the DOJ and MT that was provided at the May 19, 2022, meeting. LASD also needs to follow that work plan and conduct an SA-compliant audit of complaints for both stations in the next reporting period.

5. Personnel Complaints Compliance Status

Table 7 provides the compliance status for each paragraph in the Complaints section. (See Appendix C for more detailed information about the status of each paragraph.)

Table 7					
Personnel Complaint Review Compliance Status Table					
SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
Preface	Complaints are fully and fairly investigated and personnel are held accountable	Partial	Partial	No	No
	Notes: The preface was not in compliance on either audit.				
124	Public access to complaint forms and information	Partial	Partial	Partial	No
	Notes: Paragraph 124 was not in compliance for the first audit, and the MT was unable to assess compliance in the second audit due to COVID-19 restrictions. During a site visit this reporting period, the MT documented that complaint forms were available in six of seven locations. Our third audit is on hold pending publication of the SCR Handbook and time to train everyone on its requirements. Training is monitored in Paragraphs 138–139.				
125	Accept all complaints	Partial	Partial	No	No
	LEP language assistance	Partial	Partial	Partial	No
	Notes: Paragraph 125 was not in compliance with regard to accepting all complaints in either audit. The requirement for providing language assistance was not in compliance for the first audit but was in compliance for the second audit. Training is monitored in Paragraphs 138–139.				
126	Impeding the filing of a complaint grounds for discipline	Partial	Partial	UTD	No
	Notes: Paragraph 126 was not in compliance for the first audit. In the second audit, we identified no complaints that alleged a complainant was impeded and we were unable to determine compliance. If no such cases arise in the next audit, the Parties and MT will discuss how to proceed with compliance assessment Training is monitored in Paragraphs 138–139.				
127	Revise MPP, SCR, and IAB manual so they are complete, clear, and consistent	No	No	No	No
	Notes: The Monitors and DOJ authorized the Department to move forward with the revised SCR Handbook on November 2, 2021, but six months later, the Department has not published it. ²⁵ The other documents cannot be revised until the SCR Handbook is published. Training is monitored in Paragraphs 138–139.				
128	Service versus personnel complaints	Partial	Partial	No	No
	Notes: Paragraph 128 was in compliance for the first audit but not in compliance for the second. Training is monitored in Paragraphs 138–139.				

²⁵ On November 2, 2021, DOJ stated: “DOJ is willing to agree to not withhold approval of the SCR Handbook pursuant to Paragraphs 160–163 with the understanding that the Parties will revisit these structural concerns and revise SCR policies and the SCR Handbook should future Monitor audits (i.e., those after the Handbook goes into effect) reveal that LASD is out of compliance with provisions of Paragraphs 127–132.” In December 2021, LASD agreed to this compromise.

Table 7

Personnel Complaint Review Compliance Status Table

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
129	Revise policies for allegations requiring IAB investigation and behavior requiring formal discipline	No	No	No	No
	Notes: The Monitors and DOJ approved the draft SCR Handbook on November 2, 2021, but six months later, the Department has not published it. The revisions required here cannot be addressed until the SCR Handbook is published. Training is monitored in Paragraphs 138–139.				
130	Ensure each complaint is appropriately classified at outset and review	Partial	Partial	No	No
	Investigate every allegation even if the complainant did not specifically articulate it.	Partial	Partial	No	No
	Notes: Paragraph 130 was not in compliance for either audit. Training is monitored in Paragraphs 138–139.				
131	Investigations are as thorough as necessary to reach reliable and complete findings	Partial	Partial	No	No
	Notes: Paragraph 131 was not in compliance for either audit. Training is monitored in Paragraphs 138–139.				
132	Refer appropriate cases to IAB or Internal Criminal Investigations Bureau (ICIB)	Partial	Partial	No	No
	Notes: Paragraph 132 could not be determined in the first audit because there were no relevant cases in the audit population. But there were in the second audit and they were not referred as required. Training is monitored in Paragraphs 138–139.				
133	Investigation conducted by uninvolved supervisor	Partial	Partial	Yes 12/15/2020	No
	Notes: Paragraph 133 was not in compliance in the first audit but was in compliance in the second audit. Training is monitored in Paragraphs 138–139.				
134	Identify all persons at scene	Partial	Partial	Yes 12/15/2020	No
	Notes: Paragraph 134 was in compliance for both audits. Training is monitored in Paragraphs 138–139.				
135	Obtain a full statement from all persons at scene	Partial	Partial	No	No
	Notes: Paragraph 135 was in compliance in the first audit but was not in compliance in the second audit. Training is monitored in Paragraphs 138–139.				

Table 7

Personnel Complaint Review Compliance Status Table

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
136	Investigator interviews complainant in person or gives justification	UTD	UTD	UTD	No
	Notes: Paragraph 136 has not been found in compliance in the MT audits. In our second audit, we recommended to the Parties that the investigator be allowed to rely on the intake interview providing it addressed all the issues. We were unable to determine compliance pending a discussion among the Parties and MT about that recommendation. Training is monitored in Paragraphs 138–139.				
137	Interview witnesses separately	Partial	Partial	No	No
	Use uninvolved interpreter for people with LEP	No	No	Yes 12/15/2020	No
	Notes: Paragraph 125 was not in compliance in either audit with regard to interviewing witnesses separately. Paragraph 125 was not in compliance for the first audit but was in compliance for the second audit with regard to using an uninvolved interpreter. Training is monitored in Paragraphs 138–139.				
138	Training on intake and investigations	NA	Partial	Partial	No
	Notes: Directives were issued in 2018, and watch commanders have been trained to those directives. After publishing of the SCR handbook, the MT will assess whether any changes need to be made to annual and refresher trainings and will verify that all appropriate personnel have received those trainings. Training is monitored in Paragraphs 138–139.				
139	Training on investigations	NA	Partial	Partial	No
	See Paragraph 138.				
140	Semi-annual audit of public complaints	NA	NA	No	No
	Notes: The Department has produced three complaint audits in the past seven years (not the 14 required) and none of the three audits complied with the SA's requirements				

I. Accountability

The accountability section of the SA requires that LASD “strengthen its accountability mechanisms to provide personnel with the support, mentoring and direction necessary to consistently police constitutionally.” It establishes requirements relating to data functionality and accuracy, risk-management trend analysis, management reviews and performance mentoring. During this reporting period, the MT completed a detailed review of the Quarterly Report system, which underpins the Department’s risk management analysis efforts.²⁶

1. LASD Data Systems and Data Reliability

SA Paragraph 141 requires Performance Recording and Monitoring Systems (PRMS) to “continue to serve as an LASD-wide decision support system in matters related to risk management and service reviews.” It also says PRMS must be modified “so that it can make peer comparisons between deputies and units.” If successful modifications cannot be made, the SA allows comparisons to be made “through an alternative process.” Similarly, Paragraph 142 requires that PRMS or an alternative process be capable of providing access to and reporting of specific data required per the SA. That paragraph also holds AV commanders responsible for the accuracy of their data.

In 2018, the MT met with Department managers to review and confirm how AV stations conduct the oversight required by the SA’s accountability paragraphs. The Department acknowledged that PRMS cannot meet the SA’s requirements and indicated that upgrading PRMS or implementing a new system at that time to address these provisions was cost prohibitive. As we have noted, the SA does allow the Department to develop an “alternative process.” After numerous discussions, NPD elected to implement what is now known as the Employee Quarterly Review (aka Quarterly Report). With the approval of the Monitors and DOJ, that process was ultimately codified in North Patrol Division Order 19-01, issued August 30, 2019, then reissued February 19, 2020.²⁷

While the MT has found the Quarterly Reports to be a significant step forward, we are aware of concerns in the Department and agree that these reports are labor intensive, requiring considerable time and effort to prepare.

The AV stations developed their own local databases and processes that are used to compile data for the Quarterly Reports. The MT acknowledges the tremendous effort that has been undertaken to implement those reports. Similar processes are used to provide data tabulations for the CMF and RMF, which are vehicles by which the Department can meet some of the data analysis and comparisons required in the SA Accountability section. Those internal systems are not integrated, are time-intensive, and may be impractical as a Department-wide alternative as is required by Paragraph 141. Currently, multiple steps are required to assemble the data, which limits management’s ability to readily review and analyze results in a timely manner. For example, stops data are accessed through CAD, community engagement data are accessed through each station’s Community Engagement Tracker, and obstruction arrests are accessed through the station’s Obstruction Arrest Tracker database. AV

²⁶ AV Station 2021 Quarterly Reports MT Review and Analysis June 22, 2022.

²⁷ Orders need to be reviewed and reissued with a change of command.

personnel have been trained on compiling the quarterly reports and we have found them to be diligent and conscientious in doing so. However, it is clear this process is quite labor intensive and may not be sustainable in the long term. Although each station developed detailed instructions on where to obtain and how to compile the data, the process will continue to be unnecessarily cumbersome in the long term without at least some automation assistance. Data required for assessing SA compliance should be integrated and readily available to AV managers, with as much automation and interoperability between databases as possible.

The compliance metrics for Accountability (approved October 17, 2019) indicate that compliance will be achieved when PRMS has the capacity to, among other things, "Provide pre-set or automatic report generation to alert supervisors and managers to potentially problematic or risk-related patterns, trends, outliers, and 'red flags,'" and "Allow ad hoc queries of any relevant data sources by supervisors and managers to follow up on possible patterns, issues or 'hunches.'" The metrics also set the expectation that "Unit commanders and supervisors will be encouraged, and provided technical support, to perform their own ad hoc reviews in order to gain deeper understanding of their unit's data and explore possible issues, patterns or 'hunches.'" The SA and metrics also require the Department to take steps to ensure the accuracy and thoroughness of PRMS data. The Quarterly Reports in themselves can address some but not all of these requirements.

We have also expressed ongoing concerns surrounding the accuracy and reliability of data displayed in the Quarterly Reports. We have found data errors stemming from the Quarterly Report preparation process and, through UOF and complaints audits, at least two issues with the PRMS data on which the reports are based.

- A recent small, preliminary sampling of UOF cases among deputies who are appearing on the Quarterly Report showed a UOF incident had "no issues" despite managers having found the tactics used in that use of force to be out of policy. (See Appendix C, Paragraph 118 for more information.)
- Several data reliability issues have arisen regarding PRMS. The Monitoring Team has used extracts of data and information from PRMS in each of its five audits (two of which were for public complaints and three were for uses of force) as well as for the reviews conducted of the semi-annual RMFs and the Quarterly Reports. We have found PRMS to be consistently unreliable, largely due to errors in the critical data entered into it. For example, during each of our audits, it took weeks to determine how many uses of force or public complaints occurred during the identified audit periods. Also, until recently, PRMS would only accept a single disposition to be entered for an employee accused of misconduct, irrespective of the number of different allegations made or any variation that might be made in the disposition of those separate allegations.
- The Department stopped entering NCI uses of force into PRMS, but resumed entering them when the MT and DOJ raised concerns. The Department decided to not retroactively enter the approximately six months' worth of NCIs that occurred in the interim. That skewed PRMS's UOF data and potentially impacted archival comparisons. (NCI uses of force are a subset of what historically was classified as Category 1 force.) This causes reliability issues because, for instance, the number of Category 1 uses of force for a certain deputy or unit will not be comparable

across time because the counts will be based on different calculations, depending on whether the comparisons involve incidents occurring when the Department had made this change. Whether or not this impacts the accuracy and usefulness of the Quarterly Reports, it is an example of how unilateral procedural decisions the Department makes can negatively impact the reliability of its data systems. And, again, the MT discovered this issue through a UOF audit—a scrutiny of data reliability might reveal more issues. Another issue here is that the Department did not inform the MT or DOJ of their decision to not enter NCIs into PRMS. The Department not informing the DOJ or MT about decisions and activities that have SA ramifications has been a pattern since monitoring began, Examples include policies issued or revised, implementation of the zone deputy program, the use of the WRAP, and others. Recently, the Department has improved its transparency in this regard(see discussion of CPD order regarding supervisory review of BWC) , but issues still arise.

Even if the data were pristine, PRMS does not have the flexibility to provide “peer comparisons between deputies and units” as required by the SA. The Quarterly Reports do allow for peer comparisons, but they are not conducive to comparisons between units, nor is that being done at this time.

With respect to the requirement that Performance Log Entries (PLEs) be “maintained in an electronic format and noted in PRMS,” our second audit of public complaints showed that both AV stations are now maintaining their PLEs electronically. However, PLEs are not “noted in PRMS” as required by Paragraph 142. If the Department decides it cannot include PLE information in PRMS, it will need to provide documentation of an acceptable alternative to the MT and DOJ.

2. Management Reviews

SA Paragraph 141 requires that AV Unit Commanders and supervisors conduct periodic reviews of all deputies and units under their command to identify potential trends. Paragraph 143 requires the Department develop a plan to analyze PRMS data and respond to concerns and trends identified through public complaints, the CAC, Community Surveys, and other means.

There are three primary processes or systems being used to gather data on employee performance, compare station level activity, and then assess performance and results achieved. The Quarterly Report has become the primary method for reviewing the performance of individual deputies in the AV. The semi-annual RMF is used to focus on station performance in certain risk management categories. That process is Department-wide and compares the Department’s four patrol divisions to one another, then compares data among the stations within the particular Patrol Division that is under review during that meeting. The monthly CMF is intended to provide a timely review of each station’s performance in addressing Part I and other crime categories, recent trends and other public safety matters of note (which can include traffic issues, public disorder complaints, etc.). Each of these serves as a vehicle by which the Department can address the specific requirements in the Accountability section. However, there is no formalized process by which the Community Survey or CAC information is addressed. The CMF has recently begun to address some community concerns but not, thus far, any trends or concerns that are being identified through the CAC or Community Survey.

The main source of data and information for the Quarterly Reports is the Department's Sheriff's 11 Report. The Sheriff's 11 Report consists of 11 separate reports available through PRMS. Those reports identify deputies who exceed the Department's minimum threshold in categories such as deputy-involved shootings, other uses of force, lawsuits, claims, and personnel complaints that occurred during the preceding 24 months. The quarterly reports are a useful tool for managers when reviewing, monitoring, and evaluating factors that influence changes in the performance of their deputies. These reports include important risk-management elements and provide a ready overview of those deputies whose performance may require closer attention and oversight. It is also a valuable tool that can be used to identify and correct discrepancies between databases.

Our recent analysis of the Quarterly Reports provided several recommendations to improve the process and help the Department achieve compliance with this SA paragraph. These recommendations include removing the very low-level NCI uses of force (minor force, no injury, no complaint) from the Quarterly Report calculations so as to focus more attention on higher risk exposure;²⁸ listing the number of consecutive quarters a deputy has been on the Quarterly Report; indicating whether the deputy is in a leadership position or new to patrol; providing more information on obstruction arrests; and indicating whether those deputies on performance mentoring are actually improving or not, and if not, what steps are being taken to gain that improvement. The MT stresses that changing the thresholds or removing NCIs from the Quarterly Reports may be temporary changes. The current thresholds are resulting in too large of a population to effectively focus supervisory efforts on areas of greatest risk; that is, more serious uses of force. For the time being, the MT suggests instituting these changes with the understanding they may need to be reconsidered in the future when, presumably, the impacts of interventions that are taken based on the Quarterly Reports are realized.

The quarterly reports are now providing a more comprehensive review of individual deputies, but we have not yet seen evidence of sufficient attention being focused on units, shifts or supervisors, or attention focused on managers questioning any obviously flawed data being presented to them in those reports. The MT has found the Department to be committed to making the Quarterly Reports as reliable and useful as possible. In that same vein, we request the Department develop proposals for solving these shortcomings. Future reviews of Quarterly Reports by management staff should address this and will be evaluated by MT for that purpose.

3. Performance Mentoring

Paragraphs 144 and 145 establish requirements for Unit and Department Performance Mentoring.

The performance mentoring process has been operational for several years. In May 2022, we received the most recent version of the handbook covering the Department's PMP. That manual is currently under review by the MT, and an assessment of the PMP process and its effectiveness will have to be conducted after the review of the handbook. The MT has not yet conducted an evaluation of the Unit and Department PMP but intends to do so during the next reporting period.

²⁸ It should be noted that while the MT is recommending removal of the NCI cases from the current list of categories used to establish thresholds for the Quarterly Reports, we believe this is an area the stations should continue to closely monitor and evaluate for the purpose of identifying potentially troublesome trends relating to low-level uses of force or other behaviors that are inconsistent with professional policing practices, organizational values, and community expectations.

4. Available Data Technologies

Modern law enforcement agencies, from small local jurisdictions to major city and county institutions, are built and managed by data. Data are a through line of a healthy management culture. When a station or division manager in one of those agencies sits in front of their computer, they can instantly access and review easily comprehensible dashboards showing recent changes and longer-term trends in the practice areas that they have determined are most important. They are pushed current and relevant information—again, based on their own design—that they can immediately use to make decisions and inform hourly, daily, weekly, monthly, seasonal, or annual law enforcement strategies and practice, not to mention to address resource allocation, risk management, and personnel issues. Early warning notices and alerts are automatically prioritized. The data presented can reflect regression analyses to account for mediating variables. They can, on the spot, make their own queries and conduct deeper dives into the data. In minutes, they can have printed reports showing all the relevant information for a particular issue or concern, even if it only arose that day. The concerns, perceptions, and attitudes of the community can be woven into this information so that community–agency relations and community trust in the agency are not an afterthought or an issue for the public relations unit but are an integral part of daily decision making.

LASD currently has the capacity for literally none of these functions, although they are common in many jurisdictions across the country. And it is sorely needed. SA Paragraphs 46, 68, 90, 81–86, 120–123, and others all require regular review of data. For instance, Paragraph 85 states: “LASD will make efforts to incorporate regular analysis of this data into its routine operational decisions.” LASD is encouraged the Department to continue to explore data solutions that will support more of these modern functionalities and improve managers’ ability to analyze and synthesize existing data. We note that these overlays can only be as reliable and accurate as the underlying data systems; a full system revamp may be required.

A key benefit of modern data systems is that they allow managers and their command staff to spend their valuable time and apply their greatest resource—their own professional experience and judgment—to interpreting and making judgments based on the information, deciding how to prioritize and plan, and taking quick action rather than digging through paperwork, comparing output from multiple data sources, using staff resources to do further analysis and waiting for the results, and potentially never viewing critical information. We also encourage the Department to provide the training, support, and encouragement that will be needed for managers to fully embrace and utilize any advancements. The Compliance Unit and station staff work diligently to collect and compile the data and other information managers need to meet some SA requirements—and to conduct effective policing—and station managers are beginning to use the product of that hard work. Managers need to continue to improve the comprehensiveness, depth and level of critical thinking in these reviews in order to make effective use of the data in meeting the mandates of the SA.

5. Next Steps

The AV has made notable progress in several areas as a result of the implementation of the Quarterly Report system. Automated support is sorely needed and recommended, and more attention must be devoted by managers to ensuring the accuracy of the data. The parties and the MT should review and

discuss the MT's recommendations. Meanwhile, more automated support should be implemented to replace the labor-intensive system that is required to currently produce these reports. The Department should prioritize making a decision on this matter and initiate actions to either acquire and implement new software solutions to automate the processes involved in producing the Quarterly Reports or expand the use of the existing Quarterly Report process so that it is being done Department-wide. The Department's exploration of options should include consideration of the many software products on the market that could fully automate the production of the Quarterly Reports, as well as data tabulations for other crucial activities like the CMF, RMF, disparity analyses, efficacy assessments, and UOF analysis (see Appendix C, Paragraphs 46, 68, 90, 81–86, 120–123).

Additionally, the stations, in consultation with the MT and DOJ, should develop a plan or system to better integrate and use community feedback and input, such as can be obtained from the Community Surveys and CAC input as required under Paragraph 143. This can provide valuable insights concerning the community's views of policing strategies, priorities, and practices.

The Department should determine whether it intends to acquire and implement a software solution to automate some of the processes required to produce the Quarterly Reports or whether it intends to expand use of the existing AV Quarterly Report system. Meanwhile, AV stations need to ensure that data presented in the Quarterly Reports is complete and accurate.

The Department needs to determine how it can best compensate for PRMS's shortcomings and find a practical solution. Meanwhile, stations need to review the way data are captured for the Quarterly Reports to ensure accuracy and thoroughness.

Future MT reviews will assess (1) whether the Quarterly Reports adequately and effectively address all of the Accountability section requirements; (2) if other alternative processes exist, or need to be developed, to address any requirements that are not addressed by the Quarterly Reports; (3) whether station managers are effectively using these various sources to identify issues and implement appropriate interventions; and (4) if divisional managers are adequately tracking this work at the stations as part of an effective accountability system. These reviews will also address data accuracy and reliability factors as well as the Performance Mentoring Program (SA Paragraphs 144–145).

6. Accountability Compliance Status

Table 8 provides the compliance status for each paragraph in the Accountability section. (See Appendix C for more detailed information about the status of each paragraph.)

Table 8

Accountability Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
141	<ul style="list-style-type: none"> PRMS as LASD-wide decision support system Peer-to-peer comparisons of deputies and units AV commanders' periodic reviews of all personnel to identify trends 	Partial	Partial	Partial	No
	<p>Notes: LASD published North Patrol Division Order 19-01 on August 30, 2019, and then reissued it again on February 19, 2020. The MT has begun an accountability compliance review, beginning with a focus on Quarterly Reports. Since the fourth quarter 2019, the Department has been producing Quarterly Reports, which list various information about deputies who have reached thresholds for certain potential risk factors, such as uses of force, complaints, errors logging stops data, etc. Additional policy, procedures, or training may be necessary to address (see Appendix C for Paragraph 141).</p>				
142	<ul style="list-style-type: none"> Modifications to PRMS to access additional info Electronic PLEs PRMS accurate; accountability for errors 	Partial	Partial	Partial	No
	<p>Notes: Because PRMS cannot perform some SA-required functions, LASD has developed alternative methods, most significantly the Quarterly Reports. The MT has begun an accountability compliance review, beginning with a focus on Quarterly Reports, their effectiveness as an accountability tool, and its progress in meeting SA requirements. Additional policy, procedures, or training may be necessary (see Appendix C for Paragraph 142).</p>				
143	LASD establishes a plan for periodic review of trends at stations	Partial	TBD	Partial	No
	<p>Notes: The plan needs to encompass NPD managers' review of the way station commanders use data and other information to respond to issues. The Quarterly Reports are one element of this plan, as are performance evaluations, CMF/RMF, shooting reviews, EFRC, Sheriff's 11, AAB audits, etc. A purpose of the MT's compliance review will be to assess the success of the plan to ensure accountability across all these tools and processes.</p>				
144	Modifications to Performance Mentoring Program (PMP); 30-day turnaround	Partial	TBD	Partial	No
	<p>Notes: The mentoring programs are established and functioning. The qualitative effectiveness of those programs and the effort to comply with SA Paragraphs 144 and 145 will be assessed in the next reporting period.</p>				
145	Coordination between Department-wide and Division PMP	Partial	TBD	Partial	No
	<p>Notes: See Paragraph 144.</p>				

IV. CONCLUSION

In the next reporting period, the Monitors look forward to continuing to engage with the Parties and the AV community to move this work toward SA compliance.

Appendix A

Monitoring Team and Website

Monitoring Team

The court-appointed Monitors—Dr. Angie Wolf and Joseph Brann—have assembled an experienced team with credentials and skills uniquely suited to the SA work. The membership of the MT was finalized in March 2016. The two Monitors and seven team members have extensive expertise and experience in monitoring and evaluation work in policing and corrections.

Additionally, most of the MT members have served in law enforcement or continue to have distinguished careers in this field, several in the Los Angeles area. Several have served in leadership positions in law enforcement or corrections agencies during the implementation of the compliance period of a settlement agreement or consent decree and therefore understand the unique challenges that large organizations face in those circumstances. The MT members also have expertise in dealing with the diverse issues addressed in the SA, such as those related to UOF, training, the Fair Housing Act, data collection and analysis, survey methods, and the complexities of community engagement.

Antelope Valley Monitoring Website

This website allows AV community members to learn more about the SA, the backgrounds of MT members, and the monitoring activities; access documents related to the monitoring work, including each semi-annual report, each Community Survey report, MT audits, and MT data analyses; follow links to LASD's homepage and other relevant websites; and, importantly, submit questions and comments directly to the MT.

The website's URL is www.antelopevalleysettlementmonitoring.info

Appendix B

How the Parties and Monitoring Team Work

To complete the work of the SA, the Parties (US DOJ, LASD, and the County of Los Angeles) and the MT communicate daily through a variety of means. In each six-month period, the Parties and the MT hold multiple meetings at LASD headquarters; the offices of the Compliance Unit; other administrative offices; Palmdale and Lancaster stations; and various community centers, schools, and places of worship in the AV. The MT periodically meets in person with the captains of both AV stations and their staff and participates in multiple onsite meetings with LASD's Compliance Unit, usually regarding specific issues such as policy or protocol review or data system discussion.

The MT also holds meetings with units or leadership from other operations that are critical to this reform work, such as the AAB or the commander in charge of training. The MT typically observes the semi-annual LASD risk management meeting and the CMF. Although some of these meetings and events are general in scope and pertain to several sections of the SA, most are related to specific sections or provisions of the SA. The Parties and the MT also participate in several small- and larger-group community meetings in Palmdale and Lancaster—often with the CACs—where various topics are discussed, such as the MT semi-annual reports, LASD and CAC community engagement reports, community perceptions about LASD and its approach to policing, and other topics.

In addition to in-person meetings, a variety of conference calls take place each month, along with daily email or telephone communication among representatives of the Parties and the MT. The MT and DOJ participate in a bimonthly call to address substantive issues and planning; a similar bimonthly call involves the MT, DOJ, and the Compliance Unit; and the MT and the Parties, including the Office of County Counsel and extended LASD command staff, participate in a monthly telephone conference call to discuss workflow, future events and meetings, and other salient topics. Several times per year, onsite meetings are held where most participants from the Parties and the MT spend several days together doing intensive work on various topics.

Videoconferencing is used whenever possible when all are not able to be physically present in meetings. Documents are shared extensively via email for the purposes of review and collaborative development of the various policies and procedures, training curricula, community engagement materials, audits, and other written elements of the SA. LASD shares departmental data in various formats with the MT via secure email and digital media.

Appendix C

Supplemental Information for Each SA Paragraph

- A. Stops, Seizures, and Searches
- B. Bias-Free Policing
- C. Enforcement of Section 8 Compliance
- D. Data Collection and Analysis
- E. Community Engagement
- F. Use of Force
- G. Personnel Complaint Review
- H. Accountability

A. STOPS, SEIZURES, AND SEARCHES

Paragraph 41

LASD-AV deputies shall only conduct investigatory stops or detentions where the deputy has reasonable suspicion that a person has been, is being, or is about to be engaged in the commission of a crime.

Work Conducted

Since 2016, the MT has conducted periodic ad hoc stop data reviews and discussed its findings and observations, including preliminary determinations of compliance, with the Department so that the Department could take corrective action, inform training at the stations. The reviews included reviews of documentation related to these and other SA items, reviewing CAD data extracts, observations of the Watch Sergeants, ride-alongs, interviews of deputies, review of AAB audits (per Paragraph 149), and listening to community comments regarding LASD and LASD activities and noted observations in previous reports. Particular focus was placed on thorough and accurate CAD data entry and narratives to ensure MT reviews would be based on reliable information. From their own reviews and based on the audits by the Accountability and Audit Bureau (AAB), the Compliance Unit had significant concerns that the CAD data was not accurate or reliable and implemented further training at the stations. It was agreed by the MT and the Parties that a formal systematic compliance review would not occur until the Department had time to respond to the MT's early reviews and the Compliance Unit training.

In the last reporting period, we agreed with LASD that it was time for a formal review. To that end, we provided our work plan to the Parties on October 18, 2021. The MT received written comments from LASD's Compliance Unit on October 22 and from DOJ on November 3, 2021, followed by extensive discussions on the plan at the October 2021 onsite. Based on those comments and discussions, we submitted a revised plan November 20, 2021, regarding which we received written comment from DOJ on December 3, 2021. In a letter about the revised plan dated December 22, 2021, LASD provided comments on the stops and bias-free policing compliance metrics included in the plan. The MT began its data and information requests for the assessment in November 2021 and LASD began providing data in December 2021; these requests and responses continued into this reporting period. Also in this reporting period, the MT began its processing and review of the data provided. The MT assessment uses both quantitative and qualitative methods and includes detailed review of samples of stops, searches, backseat detentions, etc., as well as review of several other sources of information such as disparity analyses, stops trends analysis, and community input.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the MPP 5-09/520.00 "Constitutional Policing and Stops" and 5-09/520.05 "Stops, Seizures, and Searches" policies which address Paragraph 41. LASD published these policies on 05/15/2017 and began disseminating them to deputies. LASD distributes policies in orientation packets for new patrol deputies and deputies newly assigned to one of the AV stations. Verification of compliance that all appropriate personnel received and understood policies is addressed in SA Paragraph 164.

Training Compliance: **Partial Compliance**

Training for this provision is addressed in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings, addressed in the appendices for SA Paragraphs 57, 70 and 71, respectively. (See those paragraphs in Appendix C.) The Department was found to be in partial compliance because although they are in compliance with the Constitutional and Bias-Free Policing trainings, they are not in compliance for roll call briefings.

Implementation Compliance: **Partial Compliance**

As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending completion of a formal assessment that began in January 2022. The MT notes that this assessment began at this later date to accommodate LASD and give them time to adjust procedures and generate more reliable data to analyze.

Overall Assessment of Progress Toward Compliance

Largely due to the efforts of the Compliance Unit to provide extra guidance at the stations, the Department has made progress in the accuracy and thoroughness of deputy CAD entries and in the supervisory review of stop documentation. Hence we have begun our formal assessment.

Recommendations to Achieve Full Compliance

The MT recommends LASD-AV deputies and supervisors work diligently to ensure they only conduct stops or detentions where there is reasonable suspicion that a person has been, is being, or is about to be engaged in a crime, to record accurate and thorough documentation of all stops and calls for service, to conduct thorough supervisory review, and to incorporate the routine use of data to analyze and track their stops data for the purposes of ensuring Constitutional policing practices and providing clear guidance to deputies.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable to Constitutional policing. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival (see Appendix C, Paragraph 164).

Paragraph 42

LASD agrees to incorporate the following elements in its training of Antelope Valley deputies:

(1) introducing themselves at the initiation of contact with a civilian when reasonable and practical; (2) stating the reason for an investigatory stop or detention as soon as practicable; (3) ensuring that an investigatory stop or detention is no longer than necessary to take appropriate action; and (4) acting with professionalism and courtesy throughout the interaction.

Work Conducted

See Appendix C, Paragraph 70.

Policy Compliance: **NA**

There is no policy component associated with this provision.

Training Compliance: **In Compliance**

The principles of Procedural Justice are incorporated in the approved eight-hour Bias-Free Policing training., (See Appendix C, Paragraph 70.)

Implementation Compliance: **In Sustained Compliance**

The Department provides the approved full-day Bias-Free Policing training to all available LASD-AV personnel assigned to the AV stations and to embedded personnel assigned to other units. (See Appendix C, Paragraph 70.) Outcomes for this provision are measured in other SA provisions.

Overall Assessment of Progress Toward Compliance

LASD has been taking the appropriate steps necessary to continue to comply with this provision, putting themselves in a position to ensure Constitutional policing in the AV and to build a more positive and trusting Department-community relationship.

Recommendations to Achieve Full Compliance

LASD must continue to provide Bias-Free training twice a year to all required AV personnel.

Work to be Completed During the Upcoming Reporting Period

Though the MT finds the Department in sustained compliance with adding elements of procedural justice into their trainings, the Department will continue to provide this training and comply with this provision as required by the SA and facilitate the MT's compliance assessments.

In the next reporting period, the MT will assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival (see Appendix C, Paragraph 164) and will continue its formal assessment of whether these procedural justice principles are being practiced in the field.

Paragraph 43

LASD-AV deputies shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, except as part of actual and credible description(s) of a specific suspect or suspects in any criminal investigation.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the MPP 5-09/520.00 "Constitutional Policing and Stops" and 5-09/520.05 "Stops, Seizures, and Searches" policies which address this provision. LASD published these policies on May 15, 2017, and began disseminating them to deputies.

Training Compliance: **Partial Compliance**

Training for this provision is addressed in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings, addressed in the appendices for SA Paragraphs 57, 70, and 71, respectively. The Department was found to be in partial compliance because although they are in compliance with the Constitutional and Bias-Free Policing trainings, they are not in compliance for roll call briefings.

The most recent full day trainings of Constitutional and Bias-Free Policing occurred on June 14–15, 2022, which will not allow the MT to do a full assessment until mid-July in the next reporting period.

Implementation Compliance: **Partial Compliance**

As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending a full assessment.

Overall Assessment of Progress Toward Compliance

LASD has not been deemed compliant as this area has not yet been fully assessed by the MT. As discussed in the work conducted section above, there were significant shortfalls in the documentation of stops in CAD.

Recommendations to Achieve Full Compliance

To reach full compliance, LASD must continue to ensure LASD-AV deputies have received the policies related to this provision and received the required training.

LASD must ensure the following.

- Deputies are following this provision in practice.
- Supervisors and commanders actively look for and detect/address violations of this provision. (The reviews of investigatory stops and detentions primarily occur via the weekly Deputy Daily Worksheet [DDWS] at the stations by supervisors. LASD supervisors and commanders must also regularly review reports and other documentation when completed for stops to ensure the deputies comply with this provision. Although mentioned here, the supervisory requirement for review of report, documentation and DDWS compliance is measured for compliance in other areas of the SA.)
- LASD leadership actively uses enforcement information and data analysis to track and address patterns that may show a violation of this provision.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities

pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 44

LASD-AV deputies shall document the following information about patrol activity in their MDC patrol logs:

- a. the deputy's name;*
- b. the date and time of the stop;*
- c. the location of the stop;*
- d. the race/ethnicity of each individual stopped, detained, or searched;*
- e. the disposition of the stop, including whether a citation was issued or an arrest made;*
- f. a concise narrative articulating specific facts and circumstances that support reasonable suspicion or probable cause for investigative stops and detentions consistent with the radio clearance code (Noting a radio clearance code, or the code for the resulting citation or other result, will not be deemed sufficient articulation of legal support for the stop or search.);*
- g. whether they asked an individual about his/her probation or parole status, and what the answer was;*
- h. where a backseat detention was conducted, a narrative articulating a reason, consistent with LASD policy and the law, as to why each backseat detention was necessary, as well as the reasonable suspicion for the investigation;*
- i. the length of any backseat detention;*
- j. whether a consent search of an individual was conducted, and if so, the reason for seeking consent; and*
- k. whether a vehicle was impounded and the justification for the impoundment.*

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the MPP 5-09/520.00 "Constitutional Policing and Stops" and 5-09/520.05 "Stops, Seizures, and Searches" policies which address these provisions. LASD published these policies on May 15, 2017, and began disseminating them to current and newly assigned LASD-AV deputies.

Training Compliance: **In Compliance**

Deputies are provided a review of these policies in their orientation packets when they arrive at the AV stations. Training for this provision is addressed in two trainings: Constitutional Policing, Bias-Free Policing, and addressed in the appendices for SA paragraphs 57 and 70, respectively.

Implementation Compliance: **Partial Compliance**

MT ad hoc reviews and AAB audits found compliance with some of the aspects of Paragraph 44, but not all. The MT has found the Department in partial compliance pending a full assessment which began in January 2022.

Overall Assessment of Progress Toward Compliance

In past reporting periods, the MT reviewed the AAB audit of CAD data related to stops made in the AV. The AAB audits are completed for each station. This is consistent with previous audits completed for detentions of individuals and data collection in the past. The recent audits showed higher percentages of compliance as well as areas that fall short. Additionally, the MT has conducted ad hoc reviews of wider sources of information and found LASD in partial compliance across several provisions in the Stops and Bias-Free Policing SA sections. These additional sources of information include complaint and incident reports.

The AAB audits focus on the review of data related to backseat detentions, exclusively. The MT has discussed the goal of eventually integrating regular AAB audits into compliance assessments. The MT will discuss next steps with the Compliance Unit and the bureau to support the AAB in providing timely interim assessments of compliance with the SA. Prior to the use of an AAB audit, the MT will need to review and approve the AAB audit work plans before the bureau begins its audit and review and approve the audit report to ensure that all the required variables are addressed, that the reporting is thorough and provides sufficient detail, that conclusions are based on the SA and agreed-upon compliance metrics, and that both stations are assessed. The MT has met with the AAB to review and discuss the audit methodology and have generally approved it. With the exception of one recent time, the AAB's practice has been not to share their audit plans in advance, but instead show us their completed reports.

Recommendations to Achieve Full Compliance

To reach full compliance, LASD must continue to ensure LASD-AV deputies have received the policies related to this provision and received the required training. LASD must ensure that deputies follow this provision in practice, supervisors and commanders actively look for and detect/address violations of this provision, and LASD leadership actively uses enforcement information to track and address patterns that may show a violation of this provision. LASD must continue to ensure deputies enter data into CAD correctly. For the reasons stated above in the Implementation Compliance section, LASD's antiquated CAD system may serve as an obstacle for the LASD to reach compliance with this provision. The reviews of investigatory stops and detentions primarily occur via the weekly DDWS at the stations by supervisors. LASD supervisors and commanders must also regularly review reports and other documentation when completed for stops to ensure the deputies comply with this provision.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

On May 11, 2022, the AAB asked the Parties and the MT to consider reducing the population time period from one month to one week. The AAB believes this will increase the efficiency of their audits. The MT looks forward to this discussion and generally supports methodologies that increase the timeliness of audit results without sacrificing the quality of the findings. The MT has suggestions for the AAB to consider as a way to reduce the effort to identify the population for their audit. The MT is prepared to meet for this discussion regarding this request.

In the next reporting period, the MT will assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 45

LASD-AV deputies shall use accurate and specific descriptive language and not rely solely on "boilerplate" or form language in any reports describing factual circumstances of investigatory stops, detentions, and searches.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Lancaster Unit Order 68 and Palmdale Unit Order 14-05, which state, "Deputies shall use accurate and specific descriptive language and not rely solely on 'boilerplate' or form language in any reports describing factual circumstances of investigatory stops, detention, and searches." LASD published the policy approved by DOJ and the MT on May 3, 2016. LASD distributes policies in orientation packets for current deputies and deputies newly assigned to one of the AV stations.

Training Compliance: **In Compliance**

Deputies are provided a review of these policies in their orientation packets when they arrive at the AV stations. Training for this provision is addressed in two trainings: Constitutional Policing and Bias-Free Policing, addressed in the appendices for SA Paragraphs 57 and 70, respectively.

Implementation Compliance: **Partial Compliance**

MT ad hoc reviews found no routine violation of this provision. MT has found the Department in partial compliance pending a full assessment.

Overall Assessment of Progress Toward Compliance

LASD has not been deemed compliant as this area has not yet been assessed by the MT. As discussed in the work conducted section for Paragraph 41 above, there were significant shortfalls in the documentation of stops inputted in CAD. The MT will continue to rely on reviewing reports.

Recommendations to Achieve Full Compliance

LASD must ensure that deputies follow this provision in practice, supervisors and commanders actively look for and detect/address violations of this provision, and LASD leadership actively uses enforcement information to track and address patterns that may show a violation of this provision. LASD must continue to ensure deputies use accurate and specific descriptive language and not rely solely on "boilerplate" or form language in any reports describing factual circumstances of investigatory stops, detentions, and searches. The reviews of investigatory stops and detentions primarily occur via the weekly DDWS at the stations by supervisors. LASD supervisors and commanders must also regularly review reports and other documentation when completed for stops to ensure the deputies comply with this provision.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164).

Paragraph 46

LASD-AV shall collect and analyze data related to searches based on probation or parole status. LASD shall assess the efficacy of this tactic and its impact on the community and make policy changes accordingly.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **NA**

After a review process, the MT and DOJ approved the MPP 5-09/520.00 "Constitutional Policing and Stops" and 5-09/520.05 "Stops, Seizures, and Searches" policies which address this provision. LASD published these policies on May 15, 2017, and began disseminating them to current and newly assigned LASD-AV deputies.

Training Compliance: **NA**

This training component for this provision is the same as SA Paragraph 44 regarding accurate and thorough data entry but there is no specific training requirement for this provision.

Implementation Compliance: **Partial Compliance**

The MT has found the Department in partial compliance pending a formal assessment of the assessment and potential corrective action required of this provision.

Overall Assessment of Progress Toward Compliance

The Department has assigned staff to create the monthly reports, which allow station managers to track relevant information for LASD-AV deputies. The stations have reported using this data as a basis for informal training on the issue with deputies. The key is that managers use that information routinely to inform practice and comply with the SA. For MT review purposes and, more importantly, for the Department to track the impact of any additional supervision, training or other corrective action, station managers must document their findings, interventions, and outcomes.

Additionally, the MT is waiting to receive a formal community policing plan from LASD (per LASD's policy 3-01/110.00–Community Policing and Engagement). This will help the MT understand the priorities of LASD in how the use of parole or probation searches fits into those plans. The lack of a formalized community policing plan makes it very difficult to assess the efficacy or impact of a tactic in the community.

Recommendations to Achieve Full Compliance

LASD will not reach compliance until it (1) has an approved plan to assess the efficacy of this tactic and its impact on the community and make policy changes accordingly; and (2) implements this plan.

The stations can approach this and other data-based mandates in a variety of ways. An example that the stations have used to some extent is Top Ten lists, which can be used by the Department to assess deputies conducting certain types of enforcement activities. For example, determining which deputies conduct the most probation/parole searches may result in an analysis if the parole/probation searches are over target at one racial group versus another. For more information about the MT's recommendation in applying data analysis to inform practice, see Appendix A from the MT's 12th Semi-Annual report.²⁹

Additionally, LASD leadership can assess if this high level of activity is supporting LASD's overall crime prevention strategy in place. LASD's efforts on this provision has positive implications for other provisions for the SA requiring the collection, analysis, and use of data and other information to inform action to address efficacy and impacts of efforts in the AV. (For examples, see Appendix C, Paragraphs 46, 68, 81–86.) See also Appendix C, Paragraph 68, for a detailed discussion of how data must be used to assess Bias-Free Policing efforts.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices. LASD will need to show documentation of the assessments required for this provision, use of data and how they address problems identified.

The MT needs to receive a plan from LASD on how it intends to use data related to searches based on probation or parole status to assess this tactic's efficacy. The impact on the community must be clearly explained. After approval of said plan, LASD must then implement it.

Paragraph 47

LASD will revise its policy and training about backseat detentions to ensure that they only occur when a LASD-AV deputy has individualized reasonable suspicion that justifies the detention and when a deputy can articulate reasonable deputy safety concerns, and to ensure that supervisors understand how to assess the reasonableness of a backseat detention.

²⁹ The report may be found on the MT's website: [Monitoring of the Antelope Valley Settlement Agreement \(antelopevalleysettlementmonitoring.info\)](https://www.antelopevalleysettlementmonitoring.info)

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the backseat detentions policy on May 15, 2017. The policy covers this provision by specifically stating that backseat detentions “shall not be used except when the deputy has individualized reasonable suspicion ... and an articulable reasonable belief.” LASD distributes policies in orientation packets for current deputies and deputies newly assigned to one of the AV stations.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing Training. See Appendix C, Paragraph 57.

Implementation Compliance: **Partial Compliance**

The MT considers SA Paragraph 47 to be primarily a policy and training requirement whose outcomes are addressed by SA Paragraphs 48 and 49. The MT has found the Department in partial compliance pending an ongoing formal assessment.

Overall Assessment of Progress Toward Compliance

These requirements for backseat detentions have been incorporated into policy and training.

Recommendations to Achieve Full Compliance

The requirements of this provision will be measured in SA Paragraphs 48 and 49.

Work to be Completed During the Upcoming Reporting Period

The Department will continue to ensure the training remains incorporated in the training as required. The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT’s assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 48

LASD-AV deputies may not conduct backseat detentions as a matter of course during routine traffic stops or domestic violence situations. When LASD-AV deputies do conduct backseat detentions, LASD shall continue to require deputies to explain to civilians in a professional and courteous manner why they are being detained in the backseat of patrol cars. LASD will not permit backseat detentions based on unreasonable or factually unsupported assertions of deputy safety. Backseat detentions shall not be used except where the deputy has an objectively reasonable belief that the detained person may pose a threat or be an escape risk. In instances where the backseat detention is premised on weather conditions or the detainee's articulated desire for privacy or personal safety, the deputy will inform the individual that the detention is optional.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

See Appendix C, Paragraph 47.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing Training. See Appendix C, Paragraph 57.

Implementation Compliance: **Partial Compliance**

MT ad hoc reviews and AAB audits found compliance with some of the aspects of Paragraph 44. The MT has seen no indication of recurring or systematic violations of this provision. MT has found the Department in partial compliance pending a full assessment, which began in January 2022.

Overall Assessment of Progress Toward Compliance

LASD has not been deemed compliant because this area has not yet been assessed by the MT. As discussed in the Work Conducted section above, there were significant shortfalls in the documentation

of stops in CAD. AAB audits have shown improvement, and the MT began the formal assessment of this provision in January 2022. The MT notes that this assessment began at this later date to accommodate LASD and give them time to adjust procedures and generate more reliable data to analyze.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 49

LASD policy will specify that if an individual complains about being detained in the backseat of a patrol car, the LASD-AV deputy shall call for a field sergeant to respond to the scene and take the individual's complaint. If the individual does not want to wait for the field sergeant to respond to the scene, the deputy shall provide the individual with a complaint information brochure, currently called "Procedures for Public Comment" and the deputy's business card.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the backseat detentions policy on May 17, 2017. The policy covers this provision by specifically stating in instances "where an individual complains about being detained in the backseat, the deputy shall call for a field sergeant to respond." LASD distributes policies in orientation packets, to include the backseat detentions policy, for current deputies and deputies newly assigned to one of the AV stations.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing Training. See Appendix C, Paragraph 57.

Implementation Compliance: **Partial Compliance**

As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending the ongoing formal assessment. The MT has conducted observations during site visits, observations of the Watch Sergeants, ride-alongs, and reviews of documentation related to other SA items. In all work, the MT is mindful of the SA provisions related to Constitutional Policing requirements. For example, if during the complaints audit there is a concern about the legality of an enforcement stop by a deputy, the MT assesses the propriety of that stop and consults with the MT member who monitors that area. The assessments of the stops determined to be problematic are shared with the Parties.

Overall Assessment of Progress Toward Compliance

During site visits, ride-alongs, and time spent with the Watch Supervisors, the MT has not seen any systematic violations of this provision. The complaint audits conducted by the MT did not find LASD in violation of this provision.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing policies, training, supervising, and ensuring deputies remain aware of the requirement of this SA requirement.

In the next reporting period, the MT will continue work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 50

LASD-AV deputies shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, sexual orientation, or gender identity in exercising discretion to conduct a search, except as part of an actual and credible description of a specific suspect or suspects in any criminal investigation.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

See Appendix C, Paragraph 41.

Training Compliance: **Partial Compliance**

Training for this provision is addressed in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings. For compliance status and other details regarding these trainings, see Appendix C, Paragraph 57, 70, and 71. The Department is found to be in partial compliance because even though the Constitutional and Bias-Free Policing trainings are in compliance, the quarterly roll call briefings remain not in compliance.

Implementation Compliance: **Partial Compliance**

The MT has conducted observations during site visits, observations of the Watch Sergeants, ride-alongs, and reviews of documentation related to other SA items. In all work, the MT is mindful of the SA provisions related to Constitutional Policing requirements. For example, if during the complaints audit there is a concern about the legality of an enforcement stop by a deputy, the MT assesses the propriety of that stop and consults with the MT member who monitors that area. The assessments of the stops determined to be problematic are included in the audit report and shared with the Parties. As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision. The MT has found the Department in partial compliance pending a formal assessment.

Overall Assessment of Progress Toward Compliance

LASD has not been deemed compliant because this area has not yet been fully assessed by the MT. The MT's formal assessment of this provision and other related paragraphs began in January 2022. The MT notes that this assessment began at this later date to accommodate LASD and give them time to adjust procedures and generate more reliable data to analyze. As discussed in the work conducted section above, there were significant shortfalls in the documentation of stops in CAD. The AAB audits began in 2016, and the most recent audits occurred in 2020. The audits have shown higher percentages of

compliance with the entry of stop information related to backseat detentions than in the previous AAB audits of backseat detention stops.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 51

LASD-AV deputies shall not conduct arbitrary searches. The request to conduct a consent search must be reasonable and a deputy must be able to articulate a valid reason under law and LASD policy for initially having stopped the individual.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

See Appendix C, Paragraph 41.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing Training. See Appendix C, Paragraph 57.

Implementation Compliance: **Partial Compliance**

As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending completion of a formal assessment.

Overall Assessment of Progress Toward Compliance

MT ad hoc reviews have found the Department in partial compliance pending a full assessment.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will continue to work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 52a

All LASD-AV deputies equipped with a body worn audio or video recorders shall record all requests for consent to search and the individual's response.

Work Conducted

The MT has requested and received access to body-worn camera (BWC) footage in the new Axon system and has viewed a test sample of video for the review of consent searches currently underway. After reviewing the test sample, the MT sent the Compliance Unit a list of follow-up questions regarding the footage and is awaiting a response. We appreciated the hard work on the part of the Compliance Unit to get the MT and DOJ access.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the Lancaster Unit Order 68 and the Palmdale Unit Order 14-05 on May 3, 2016, stating that “deputies equipped with LASD issued body worn audio or video recorders ... shall record all requests for consent to search and the individual’s response.” LASD distributes policies in orientation packets for current deputies and deputies newly appointed to an AV station.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing Training. See Appendix C, Paragraph 57.

Implementation Compliance: **Partial Compliance**

The MT’s formal review began in January 2022. LASD comprehensively deployed Axon body cameras to both AV stations by July 2021. The MT recently received access to the system and will be assessing compliance with this provision in its formal review.

Overall Assessment of Progress Toward Compliance

The MT has tested the BWC footage access system by requesting three consent search incidents and ensuring we are able to retrieve all the documents and footage for consent searches in the AV. The MT will report the findings in the next reporting period.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT’s assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 52b

LASD agrees to work with Community Advisory Committees (CACs) to conduct outreach to explain to AV residents their right to refuse or revoke consent before or during a search. This outreach will include a one-page written explanation of an individual's right to refuse or revoke consent. This written explanation will be posted on the LASD-AV website and provided at community meetings.

Work Conducted

The MT has recently confirmed the availability of brochures about what to do in case one is stopped by a deputy in the AV. The MT observed the informational brochures at libraries, courts, and sheriff stations in the AV. The MT also verified access for the information forms on the LASD Compliance Unit website at <https://lasd.org/antelopevalleycomplianceunit/>. The brochures are available in English and Spanish.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training component required for this provision.

Implementation Compliance: **In Sustained Compliance**

This requirement was completed in February 2019, when the brochure about residents' rights was published by LASD. The brochure is available in English and Spanish in most of the AV's libraries, courthouses, and LASD stations.

Overall Assessment of Progress Toward Compliance

Department is in compliance with this provision.

Recommendations to Achieve Full Compliance

LASD should continue working with the CAC to conduct outreach to explain to AV residents their right to refuse or revoke consent before or during a search and continue to make the brochures accessible to the public on the website.

Work to be Completed During the Upcoming Reporting Period

LASD will provide documentation that they continue to work with the CAC to conduct outreach to explain to AV residents their right to refuse or revoke consent before or during a search and will keep the brochure available on their website.

The MT will periodically inspect locations to ensure brochures are available to the community and expects regular updates from LASD regarding their work with the CACs to conduct outreach to explain to AV residents their right to refuse or revoke consent before or during a search.

Paragraph 52c

Where a subject is Limited English Proficient, the deputy shall affirmatively inform the subject in the appropriate non-English language.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

In December 2017, the MT and DOJ approved MPP Section 3-09/004.0 "Limited English Proficiency and Language Assistance Plan," which mandates the Department "to provide accurate and effective communication with members of the public regardless of their level of English proficiency." LASD published this policy on April 8, 2018. LASD distributes policies, including this LEP plan, in orientation packets for new patrol deputies and deputies newly appointed to an AV station.

Training Compliance: **In Compliance**

The LEP plan is discussed in the full-day Bias-Free Policing training, which was approved June 15, 2017. (See Appendix C, Paragraph 70 for discussion of training compliance.) The MT has found the Department in partial compliance pending completion of a formal assessment that began in January 2022.

Implementation Compliance: **Partial Compliance**

LASD implemented and the MT and DOJ approved the LEP plan on April 8, 2018. The MT assesses this provision through reviews of complaint investigations, ride-alongs, community input, and interviews. As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending a formal assessment.

Overall Assessment of Progress Toward Compliance

The MT has not formally assessed that each deputy has received this policy, but the MT is aware that the LEP plan is included in the packet of policies provided to staff upon assignment to an AV station.

Recommendations to Achieve Full Compliance

- LASD must ensure the deputies receive and understand the LASD LEP plan.
- LASD deputies must take reasonable steps to provide timely, meaningful language-assistance services to LEP individuals.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

The MT will formally verify the LEP Plan receipt by current and incoming deputies in the next reporting period. The Parties and the MT will establish the methodology for a formal implementation assessment. The MT will look for documents showing an individual was in need of translation in another language.

Paragraph 52d

An LASD-AV deputy shall immediately notify a supervisor when considering a home search based on consent, and the supervisor shall approve the search before it is conducted.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved MPP 5-09/520.05 "Stop, Seizures, and Searches," and LASD published it May 15, 2017, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing training. (See Appendix C, Paragraph 57).

Implementation Compliance: **Partial Compliance**

As of June 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending a formal assessment.

Overall Assessment of Progress Toward Compliance

The MT has focused on assessing home searches involving Section 8 housing, which has specific requirements for supervisor approvals. During site visits, ride-alongs, and time spent with the Watch Supervisors, the MT has not seen any systematic or patterns of violations of this provision.

Recommendations to Achieve Full Compliance

To reach full compliance, LASD must continue to ensure LASD-AV deputies have received the policies related to this provision and received the required training. LASD must ensure that deputies are following this provision in practice, supervisors and commanders actively look for and detect/address violations of this provision, and LASD leadership actively uses enforcement information to track and address patterns that may show a violation of this provision.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 53

In conducting searches, particularly searches related to Section 8 compliance checks, LASD-AV will use only the number of deputies reasonably necessary for efficacy and officer safety based on the circumstances of the search. A supervisor must approve the use of more than two deputies for any consent search. If a supervisor is not available within a reasonable amount of time, a supervisor will review the documentation or recording of consent as soon after the search as possible.

Work Conducted

See Appendix C, Paragraph 41. It should be noted that the Department has been found in compliance with provisions associated with the Section 8 housing enforcement. (See the Housing section and Appendix C, Paragraphs 73–80.)

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Lancaster Unit Order 68 and Palmdale Unit Order 14-0.5 and LASD published the policy on May 3, 2016, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **In Compliance**

Training for this provision is addressed in trainings for Constitution Policing and Bias-Free Policing. (See Appendix C, Paragraphs 57 and 70.)

Implementation Compliance: **Partial Compliance**

The Department is in compliance with this provision related to Section 8 housing related searches. During site visits, ride-alongs, and time spent with the Watch Supervisors, the MT has not seen any systematic or patterns of violations of this provision. The MT has found the Department in partial compliance pending a formal assessment.

Overall Assessment of Progress Toward Compliance

Other than the components related to Section 8, LASD has not been deemed compliant because this area has not yet been assessed by the MT.

Recommendations to Achieve Full Compliance

To reach full compliance, LASD must continue to ensure LASD AV deputies have received the policies related to this provision and received the required training. LASD must ensure that deputies follow this provision in practice, supervisors and commanders actively look for and detect/address violations of this provision, and LASD leadership actively uses enforcement information to track and address patterns that may show a violation of this provision.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 54

LASD-AV deputies shall only be involved with a Section 8 compliance check where the housing authority agent has sufficiently articulated legitimate safety concerns.

Work Conducted

See Appendix C, Paragraph 41. It should be noted that the Department has been found in compliance with provisions associated with the Section 8 housing enforcement. (See the Housing section and Appendix C, Paragraphs 73–80.)

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the Field Operations Directive 12-02, "Housing Authority Non-Criminal Investigations/Inspections," and LASD published it on March 14, 2018, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing and Bias-Free Policing trainings. (See Appendix C, Paragraphs 57 and 70.)

Implementation Compliance: **In Sustained Compliance**

LASD-AV included this requirement in policy and training and was found to be in implementation compliance based on the lack of any indication of housing-related enforcement activity. The Department was found to be in compliance on May 31, 2019. (See the Housing section and Appendix C, Paragraphs 73–80.)

Overall Assessment of Progress Toward Compliance

LASD has stopped playing a significant role in inspections for Section 8 housing. The MT will look to see if there are any more instances where LASD accompanied the Housing Authority on home searches to assess compliance with the provision.

Recommendations to Achieve Full Compliance

LASD reached sustained compliance with this SA paragraph on February 28, 2022.

Work to be Completed During the Upcoming Reporting Period

The MT encourages LASD to continue its efforts in this area.

Paragraph 55

When LASD-AV deputies conduct searches or Section 8 compliance checks and individuals other than the subject of the search are present, the individuals shall not be detained longer than reasonably necessary to conduct the search and secure the area, and the individuals shall not be subject to frisk or search without the legally requisite level of individualized suspicion or probable cause.

Work Conducted

See Appendix C, Paragraph 41. It should be noted that the Department has been found in compliance with provisions associated with the Section 8 housing enforcement. (See the Housing section and Appendix C, Paragraphs 73–80.)

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Lancaster Unit Order 68 and Palmdale Unit Order 14-05, LASD published the policy approved by the DOJ and MT on May 3, 2016, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing and Bias-Free Policing trainings. (See Appendix C, Paragraphs 57 and 70.)

Implementation Compliance: **Partial Compliance**

The MT has found the Department in partial compliance due to ad hoc reviews, observations made, and interviews done during site visits, pending a full assessment.

Overall Assessment of Progress Toward Compliance

LASD has stopped playing a significant role in inspections for Section 8 housing. The MT will look for instances where LASD accompanied the Housing Authority on home searches to assess compliance with the provision. In all work, the MT is mindful of the SA provisions related to Constitutional policing requirements. For example, if during the complaints audit there is a concern about the legality of an enforcement stop by a deputy, the MT assesses the propriety of that stop and consults with the MT member who monitors that area. The assessments of the stops determined to be problematic are included in the audit report and shared with the Parties.

During site visits, ride-alongs, and time spent with the Watch Supervisors, the MT has not seen any systematic or patterns of violations of this provision.

Recommendations to Achieve Full Compliance

To reach full compliance, LASD must continue to ensure LASD-AV deputies have received the policies related to this provision and received the required training. LASD must ensure that deputies follow this provision in practice, supervisors and commanders actively look for and detect/address violations of this provision, and LASD leadership actively uses enforcement information to track and address patterns that may show a violation of this provision.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in

Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance, and further develop its use of data to identify and respond to potential unconstitutional practices.

The MT will work on the assessment of compliance for this provision in the next reporting period. The MT will review LASD documentation of searches through various means, potentially including entry and search waiver forms, search warrants, CAD data, parole and probation checks, incident reports, arrest or stop documentation, BWC footage, recordings, and other relevant documentation and reports of stops related to those cases. MT will request and review the minimum number of sources to make a determination of compliance.

Paragraph 56

LASD-AV deputies shall only conduct searches of individuals on probation or parole in accordance with the provisions of this section and when knowledge of a probation or parole search condition has been established.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the MPP 5-09/520.00, "Constitutional Policing and Stops" and 5-09/520.05, "Stops, Seizures, and Searches" policies, which established that investigatory stops and detentions shall be initiated and carried out based on the tenets of Constitutional policing and bias-free policing. LASD published the policy on May 15, 2017, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **In Compliance**

Training for this provision is addressed in the Constitutional Policing Training. See Appendix C, Paragraph 57.

Implementation Compliance: **Partial Compliance**

During site visits, ride-alongs, and time spent with the Watch Supervisors, the MT has not seen any systematic or patterns of violations of this provision. A formal MT review began in January 2022 to assess compliance.

Overall Assessment of Progress Toward Compliance

The AAB audits have shown improvement and the MT began the formal assessment of this provision in January 2022.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will continue the practices of distributing SA-associated policies, training, supervising, recording stops data, reviewing data and reports to hold deputies accountable for engaging in Constitutional policing, and provide data and information to the MT. LASD will also cooperate with the MT's assessments of compliance and further develop its use of data to identify and respond to potential unconstitutional practices.

The MT will continue to work on the assessment of compliance for this provision, which began in 2022.

Paragraph 57

LASD shall provide all Antelope Valley deputies with training on stops, searches, and detentions, including the requirements of this Agreement. Such training shall be taught by a qualified legal instructor with significant experience in Fourth Amendment issues, and shall:

- a. ensure officers understand Fourth Amendment and related legal restrictions on searches and seizures, including consent searches, backseat detentions, probation and parole searches, and Section 8 related activity, as well as additional limitations under LASD policy;*
- b. address the differences between various police contacts by:
 - 1. the scope and level of police intrusion,*
 - 2. differences between probable cause, reasonable suspicion, and mere speculation, and*
 - 3. true voluntary consent;**
- c. provide guidance on the facts and circumstances in addition to legal and policy limitations, that should be considered in initiating, conducting, terminating, and expanding a stop or search, including consent searches, probation and parole searches, backseat detentions, and Section 8-related activities;*
- d. incorporate role playing scenarios and other adult-learning mechanisms to facilitate deputy ability to exercise good judgment about whether and how to stop and search individuals; and*
- e. provide guidance on stopping and/or searching individuals for discretionary and non-violent offenses, including providing guidance about procedural justice, alternatives to conducting investigatory stops and searches, and the impact on civilians of conducting apparently arbitrary stops and searches.*

Work Conducted

The trainings were developed and, after a review process, approved by the MT and DOJ. The training began on June 14, 2017, for deputies assigned to the AV stations. AV deputies and managers participate in the eight-hour Constitutional Policing course and complete a required test at the end of the full-day training. To verify implementation of the training, on a quarterly basis the MT reviews signed training attendance sheets and compares them against station personnel rosters to assess whether at least 95% of available AV personnel have received the approved training. As agreed to by the Parties and MT, this training is offered twice per year. Each AV deputy (including all ranks) is required to take the eight-hour training once.

The Constitutional Policing content was created through discussions with the parties and nationally respected trainers. A trainer was selected and agreed to by the Parties and MT, and the training was offered to LASD deputies in the AV. After several training sessions were offered, the trainer elected to not provide the training. The trainer for the Constitutional Policing course took over both courses. After an accelerated period of training at the start of the program because of the large number of people to train, the full-day training sessions are offered twice per year in the AV.

Although the MT attended these training sessions at the outset, the MT attended the Constitutional Policing training June 14, 2022. The instructor provided the agreed-upon curriculum to the students. The students were engaged in the training, and the instructor facilitated discussion of the material throughout the course. The instruction provided updated legal requirements related to the Fourth Amendment as it relates to LASD deputy enforcement activity, such as, contacts, backseat detentions, probation/parole searches, stops based on reasonable suspicion and/or probable cause, searches of persons/property, and seizures of property. The CU monitored the courses throughout the days to ensure each student remained present for the entire course and completed/passed the required test at the end of each day. The Compliance Unit shared with the MT attendance sheets after the completion of the full training.

Policy Compliance: **NA**

A policy is not required for this paragraph.

Training Compliance: **In Compliance**

There is no training component for this paragraph because the implementation for this paragraph is the implementation of a training program.

Implementation Compliance: **In Compliance**

The Department began providing the approved Constitutional Policing Training to all available personnel assigned to the AV on June 14, 2017. Based on MT quarterly review of training verification documentation, the Department has been in continual compliance with Paragraph 57 since August 16,

2018, for deputies assigned to the AV stations. (By agreement, compliance assessment for the full-day training sessions were suspended during the first half of 2021 due to COVID-19 restrictions.)

After discussion with the Parties and MT, the Department began providing the trainings to embedded units—deputies assigned to non-AV station units but working in the AV on a regular basis. To allow time for the Department to adjust, training receipt verification was initially calculated separately for deputies from embedded units, and they were not included in compliance assessment. In June 2022, the Department provided the MT with attendance rosters that include the embedded units. Because the training took place so late in this reporting period and we are awaiting the final June station personnel rosters, the MT will need to assess attendance compliance in the next reporting period. The outcomes related to this training are measured in other provisions.

Overall Assessment of Progress Toward Compliance

If the Department continues to consistently provide the Bias-Free Policing training and have AV personnel participate in these required trainings, they will be in a position where they will be more equipped to build a more positive and trusting relationship with the community. It is the hope of the MT that LASD heed the advice of the training instructor and incorporate this training on a regular basis moving forward, beyond the SA requirements.

Recommendations to Achieve Full Compliance

In order to reach sustained compliance with this provision, LASD must continue to provide the Bias-Free Policing training to all required AV personnel through June 15, 2023. Even after LASD reaches sustained compliance for this provision, they must continue giving the training until the termination of the Settlement Agreement.

Work to be Completed During the Upcoming Reporting Period

The MT applauds the Department's implementation compliance with this provision and is hopeful LASD will continue complying to reach full compliance in June 2023. The MT will continue to assess the delivery of this critical training.

Paragraph 58

LASD agrees to implement additional accountability and supervision practices outlined below in the Antelope Valley, and ensure that existing policies are followed, to ensure that unlawful stops, searches, and seizures are detected and effectively addressed.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Lancaster Unit Order 69, "Supplemental Supervisory Responsibilities," and Palmdale Unit Order 14-06, "Supplemental Supervisory Responsibilities," which established the required additional accountability requirements. LASD published the policy on May 3, 2016, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **Partial Compliance**

Supervisors are provided a review of these policies in their orientation packets when they arrive at the AV stations. The foundation for the supervisors to conduct the assessments under this provision comes from attending and participating in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings, addressed in the appendices for SA paragraphs 57, 70 and 71, respectively. The Department was found to be in partial compliance because although they are in compliance with the Constitutional and Bias-Free Policing trainings, they are not in compliance for roll call briefings.

Implementation Compliance: **Partial Compliance**

MT ad hoc reviews and AAB audits found have found progress on this provision. The MT has found the Department in partial compliance pending a full assessment.

Overall Assessment of Progress Toward Compliance

In this reporting period, the MT reviewed the most recent AAB audits of detentions of individuals and data collection, which address CAD data related to stops made in each AV station. Some of the findings are summarized below. Compared with previous AAB audits, these showed higher percentages of compliance in some areas, as well as areas that continue to fall short. The audits measured compliance with the required supervisory and commander review of CAD stop entries by deputies (SA Paragraph 59). In this category, Lancaster reported meeting 95% of the criteria in 2020, which is a notable increase from 80% in 2019. For the same category, Palmdale reported meeting 77% in 2020, which is also a notable increase from 57% in 2018.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will hold AV supervisors and commanders accountable for ensuring that existing policies are followed, and ensure that unlawful stops, searches, and seizures are detected and effectively addressed.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV supervisors have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Paragraph 59

Sergeants assigned as raters shall regularly audit their assigned deputies' stop, search, and seizure documentation in addition to arrest reports and citations for completeness, accuracy, and legal sufficiency. Sergeants shall audit at least one CAD log for each deputy under their supervision each week. Sergeants shall conduct further review as indicated by weekly audits, PPI information and other indicia.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

See Appendix C, Paragraph 58.

Training Compliance: **Partial Compliance**

See Appendix C, Paragraph 58.

Implementation Compliance: **Partial Compliance**

See Appendix C, Paragraph 58.

Overall Assessment of Progress Toward Compliance

See Appendix C, Paragraph 58.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will hold AV supervisors and commanders accountable for failure to comply with this provision. LASD-AV will provide data and information to the MT in cooperation with the MT's assessments of compliance.

In the next reporting period, the MT will work on the assessment of compliance for this provision.

Paragraph 60

If a deputy's stop, search, or seizure documentation does not provide sufficient detail or articulate sufficient legal and policy justification for the action, the supervisor shall review the action with the deputy to determine whether there was sufficient legal and LASD policy justification.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

See Appendix C, Paragraph 58.

Training Compliance: **Partial Compliance**

See Appendix C, Paragraph 58.

Implementation Compliance: **Partial Compliance**

See Appendix C, Paragraph 58.

Overall Assessment of Progress Toward Compliance

See Appendix C, Paragraph 58.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will hold AV supervisors and commanders accountable for failure to comply with this provision. LASD-AV will provide data and information to the MT in cooperation with the MT's assessments of compliance.

In the next reporting period, the MT will work on the assessment of compliance for this provision.

Paragraph 61

Antelope Valley supervisors and commanders shall take appropriate action to address all violations or deficiencies in stops, searches, or seizures including non-disciplinary corrective action for the involved deputy, and/or referring the incident for disciplinary action.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

See Appendix C, Paragraph 58.

Training Compliance: **Partial Compliance**

See Appendix C, Paragraph 58.

Implementation Compliance: **Partial Compliance**

See Appendix C, Paragraph 58.

Overall Assessment of Progress Toward Compliance

See Appendix C, Paragraph 58.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will hold AV supervisors and commanders accountable for failure to comply with this provision. LASD-AV will provide data and information to the MT in cooperation with the MT's assessments of compliance.

In the next reporting period, the MT will work on the assessment of compliance for this provision.

Paragraph 62

Antelope Valley supervisors and commanders shall track repeated violations of the provisions of this agreement or deficiencies and the corrective action taken, if any, in PPI.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Lancaster Unit Order 69 "Supplemental Supervisory Responsibilities," and Palmdale Unit Order 14-06, "Supplemental Supervisory Responsibilities," which established the required additionally accountability requirements. LASD published the policy on May 3, 2016, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **Partial Compliance**

Deputies are provided a review of these policies in their orientation packets when they arrive at the AV stations. Training for this provision is addressed in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings, addressed in the appendices for SA Paragraphs 57, 70, and 71, respectively. The Department was found to be in partial compliance because although they are in compliance with the Constitutional and Bias-Free Policing trainings, they are not in compliance for roll call briefings.

After discussion with the Parties and MT, the Department began also providing the trainings to embedded units—deputies assigned to non-AV units but working in the AV on a regular basis. These embedded units were initially not included in the assessment of compliance. They are now included in the regular verification process.

Implementation Compliance: **Partial Compliance**

MT ad hoc reviews and review of Quarterly Reports have found progress on this provision. MT has found the Department in partial compliance pending a full assessment.

Overall Assessment of Progress Toward Compliance

LASD-AV supervisors track repeated violations of the SA provisions in different ways. One of the ways supervisors hold deputies accountable for compliance is by reviewing DDWS. In this reporting period, the AAB has not conducted audits of these DDWS. Supervisors at the stations provide review of incident reports and documentation to ensure compliance with the law and SA provisions. In the past, the MT has observed the supervisors engaged in these important reviews.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will hold AV supervisors and commanders accountable for failure to comply with this provision. LASD-AV will provide data and information to the MT in cooperation with the MT's assessments of compliance.

In the next reporting period, the MT will work on the assessment of compliance for this provision.

Paragraph 63

LASD agrees to hold accountable supervisors and Antelope Valley commanders for appropriately and thoroughly reviewing reports and documentation related to stops, searches, and seizures, and requiring deputies to articulate sufficient rationale under law and LASD policy.

Work Conducted

See Appendix C, Paragraph 41.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Lancaster Unit Order 69, "Supplemental Supervisory Responsibilities," and Palmdale Unit Order 14-06, "Supplemental Supervisory Responsibilities," which

established the required additional accountability requirements. LASD published the policy on May 3, 2016, and began disseminating it to current and newly assigned LASD-AV deputies.

Training Compliance: **Partial Compliance**

Deputies are provided a review of these policies in their orientation packets when they arrive at the AV stations. Training for this provision is addressed in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings, addressed in the appendices for SA Paragraphs 57, 70, and 71, respectively. The Department was found to be in partial compliance because although they are in compliance with the Constitutional and Bias-Free Policing trainings, they are not in compliance for roll call briefings.

After discussion with the Parties and MT, the Department began also providing the trainings to embedded units—deputies assigned to non-AV units but working in the AV on a regular basis. These embedded units were initially not included in the assessment of compliance. They are now included in the regular verification process.

Implementation Compliance: **Partial Compliance**

MT ad hoc reviews and AAB audits found have found progress on this provision. MT has found the Department in partial compliance pending a full assessment.

Overall Assessment of Progress Toward Compliance

See Appendix C, Paragraph 63.

Recommendations to Achieve Full Compliance

See Appendix C, Paragraph 43.

Work to be Completed During the Upcoming Reporting Period

The Department will hold AV supervisors and commanders accountable for failure to comply with this provision. LASD-AV will provide data and information to the MT in cooperation with the MT's assessments of compliance.

In the next reporting period, the MT will work on the assessment of compliance for this provision and assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

B. BIAS-FREE POLICING

Paragraph 64

In conducting its activities, LASD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. Deputies shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

Work Conducted

This is a wide-reaching provision, and the MT assesses it through a variety of methods. Throughout the course of monitoring, the MT has conducted observations during site visits, observations of the Watch Sergeants, and ride-alongs, reviews of documentation related to other SA items, and it has listened to community comments regarding LASD and LASD activities and noted observations in previous reports. See also Appendix C, Paragraph 41.

The MT has also produced, at the request of the Department, several analyses and Top Ten lists that can be used by the Department and the MT to assess LASD's compliance with this provision. (See Appendix C, Paragraphs 46, 68, and 81–86.) The Department has developed monthly reports that allow station managers to track relevant information for LASD-AV deputies. (See the Accountability section and Appendix C, Paragraphs 141–143). In 2020, the MT produced "*An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the Antelope Valley*," which showed that African Americans were stopped at higher rates and disproportionate rates than other race/ethnicity groups in the AV.

In the last reporting period, we agreed with LASD that it was time for a formal review. To that end, we provided our work plan to the Parties on October 18, 2021. The MT received written comments from the Compliance Unit on October 22, 2021, and from DOJ on November 3, 2021, followed by extensive discussions on the plan at the October 2021 onsite visit. Based on those comments and discussions, we submitted a revised plan November 20, 2021, and we received written comment from DOJ on December 3, 2021. In a letter about the revised plan dated December 22, 2021, LASD provided comments on the stops and bias-free policing compliance metrics included in the plan. The MT began its data and information requests for the assessment in November 2021, and LASD began providing data in December 2021; these requests and responses continued into this reporting period. Also in this reporting period, the MT began its processing and review of the data provided. The MT assessment uses both quantitative and qualitative methods and includes a detailed review of samples of stops, searches, backseat detentions, etc., as well as review of several other sources of information such as disparity analyses, stops trends analysis, and community input.

Policy Compliance: **In Compliance**

The Parties agreed to a division order in 2017. LASD published a new Bias Free Policing policy on 07/22/21, but LASD did not provide it to the MT and DOJ until 8/31/21 for the first time after it was published. The MT and DOJ stated that it was in conflict with the Division Order from 2017. LASD advised that if there is conflict between the MPP and the Division Order, that the DO trumps the MPP. Thus, LASD has taken the position that the MPP does not need to be approved by the Parties. The MT will assess both the DO and policies to determine continued compliance with the SA. The Parties and MT will address this issue in the next reporting period.

Additionally, in the next reporting period, the MT will assess whether all current LASD-AV deputies have received, read, and understood their responsibilities pursuant to their policy or procedure and that newly assigned deputies do so within 30 days of arrival. (See Appendix C, Paragraph 164.)

Training Compliance: **Partial Compliance**

Training for this provision is addressed in three trainings: Constitutional Policing, Bias-Free Policing, and quarterly roll call briefings, addressed in Paragraphs 57, 70, and 71, respectively. The Department was found to be in partial compliance, although they are in compliance with the Constitutional and Bias-Free Policing trainings (as of October 2021), they are not in compliance for roll call briefings. The most recent full-day trainings of Constitutional and Bias-Free Policing occurred June 14–15, 2022, which will not allow the MT to do a full assessment until mid-July in the next reporting period.

Implementation Compliance: **Partial Compliance**

LASD is in partial compliance with the provision based on having some mechanisms in place to assess data where bias or disparity is present in their enforcement efforts, but LASD falls short with the level of critical analysis required for compliance with this provision. LASD did assign a dedicated analyst to generate regular reports for the AV stations in November 2021. Although the person was not assigned until November 2021, the Compliance Unit shared with the MT that the analyst was working on Quarterly Reports and Top Ten lists beginning in late 2020. This regular reporting of descriptive stops data is a step forward for LASD and will assist them in assessing whether AV community members receive equal protection of the law. LASD needs to show its methodology and articulate how it intends to use the data gleaned from the reports. We have not seen evidence that it is making sufficient progress in implementing data into its law enforcement efforts and strategies.

Overall Assessment of Progress Toward Compliance

Compliance will be achieved when there is a regular review of data, a real and documented effort to identify issues, and evidence of taking appropriate corrective action when warranted. There have been indications based on various MT-generated analyses, as well as those conducted by external organizations, that LASD-AV enforcement activity reflects possible racial and ethnic disparity. Despite this evidence, the MT has found no indication that the Department has (a) made a genuine effort to

assess these various findings and identify any strategies or practices that should be adjusted in order to reduce the disparities; and (b) taken action; or (c) provided any convincing explanation or justification that the disparities are an unavoidable consequence of necessary law enforcement activity. SA Paragraph 84 requires that "LASD will identify any trends or issues that compromise constitutional policing and respond accordingly." Appropriate responses include revising policy or training and "assessing whether any practices should be changed to ensure adherence to constitutional requirements and/or more effective policing."³⁰

The MT's previous reports provided stops analysis for six consecutive six-month time periods from July 2018 through June 2021. These MT reports identified areas where African Americans were stopped at higher rates. Each of these findings represent a place to start further exploration. Yet, again, while these findings were presented and discussed with the Department, the MT has not found any further assessment conducted by Department management or that any steps to reconsider strategies and practices were taken.

An action the Department did take was to inform the MT and DOJ on an October 21, 2021, videoconference that it had concerns with the analysis methodology and felt it presented a misleading picture to the public; this was reiterated again by LASD in a January 2022 meeting with the MT and DOJ. The MT reminded the Department that the plan for the study was discussed among the Parties, that the Department was given the opportunity to make suggestions and changes before the work began, and that the analysis was conducted in alignment with best practices. Further, LASD provided feedback to the report before it was published but did not mention these new concerns.

The fact that the Department let almost two years pass from the publication date of the report without doing any genuine reflection on these findings, or the myriad other parallel indicators that disparity is both an actual and perceived problem in the AV, leaves the intentions of their late complaint about the study methodology in question.

Recommendations to Achieve Full Compliance

To reach full compliance, LASD must continue to ensure LASD-AV deputies have received, read, and understood the policies related to this provision and received the required training. LASD must ensure that deputies follow this provision in practice, supervisors and commanders actively and consistently look for and detect/address violation of this provision, and LASD leadership actively uses enforcement information to track and address patterns that may show a violation(s) of this provision.

³⁰ Courts have adopted a three-part test to determine whether a recipient's policy or practice violates the Title VI disparate impact regulations. First, does the adverse effect of the policy or practice disproportionately affect members of a group identified by race, color, or national origin? Some courts refer to this first inquiry as the "prima facie" showing. If so, can the recipient demonstrate the existence of a substantial legitimate justification for the policy or practice? *N.Y. Urban League*, 71 F.3d at 1036. A violation is still established if the record shows the justification offered by the recipient was pretextual. See *Elston v. Talladega Cty. Bd. of Educ.*, 997 F.2d 1394, 1407 (11th Cir. 1993) (citing *Georgia State Conf. v. Georgia*, 775 F.2d 1403, 1417 (11th Cir. 1985)). Finally, is there an alternative that would achieve the same legitimate objective but with less of a discriminatory effect? If such an alternative is available to the recipient, even if the recipient establishes a justification, the policy or practice will still violate disparate impact regulations. See <https://www.justice.gov/crt/fcs/T6Manual7>.

Compliance with this task requires that LASD leaders, both at the station and leaders of the North Patrol Division, be fully engaged with the various sources of data related to their enforcement efforts. This will help them analyze the efficacy of their overall enforcement efforts in the community, as well as help them assess whether all members of the AV community are receiving equal protection under the law.

LASD must regularly consider all community complaints regarding bias and conduct research on these complaints to determine if intervention or change of enforcement strategy is needed.

As discussed in the Crime Management Forums discussion in the Community Engagement section of this report (Paragraph 90), meaningful analysis will require the AV stations to have an articulated Crime Strategy Plan.

In the 12th Semi-Annual Report, the MT provided LASD with examples for using the data to address identified areas of concerns with disparate treatment.

Work to be Completed During the Upcoming Reporting Period

There is a wide array of activities LASD must conduct to ensure compliance, such as a reviewing and synthesizing relevant material—including reports, CAD data, community complaints, and data—to identify and address problematic trends. The MT will continue to assess how consistently LASD identifies issues and responds to trends that might indicate disparate impact or unequal protection under the law.

The MT will continue to assess compliance with this provision in the SA and examine how LASD is using data in a practical manner to inform its activities and strategies. The MT will continue to meet with LASD to discuss ways to more fully engage with the stops data, review crime reduction plans, and measure the impact or results.

Paragraph 65

LASD agrees to continue to consult with the Museum of Tolerance personnel and others to ensure clear guidance for LASD-AV deputies, through policy, training, and supervision, on prohibited conduct, including selective enforcement or non-enforcement of the law and the selection or rejection of particular tactics or strategies, based upon stereotypes or bias. LASD agrees to consult with experts to ensure that the manner in which guidance is provided to personnel takes into account the influences of implicit bias and stereotype threat.

Work Conducted

In February 2018, the MT met with the Compliance Unit and a representative of the Museum of Tolerance. The representative reported that deputies from various LASD stations, including the AV and the Training Bureau, have participated in Museum of Tolerance’s cultural awareness and implicit bias training. In February 2020, the Museum of Tolerance staff observed the training session for Bias-Free

Policing, but the MT is not aware of any further collaboration between the Museum of Tolerance and LASD as a result from attending the training.

In spring 2021, for the purpose of achieving compliance with this provision, LASD requested to replace the Museum of Tolerance with an organization that has local, more relevant expertise. The MT and DOJ were amenable to this change; however, the MT is not aware of any further activity on this front or any progress made with replacing the Museum of Tolerance as a provider of such training. The Department did not report any work on this provision in this reporting period.

Policy Compliance: **NA**

A policy is not required under this paragraph.

Training Compliance: **NA**

There is no training required with this paragraph.

Implementation Compliance: **Not in Compliance**

The Department has not provided any documentation of continuing work with the Museum of Tolerance or any other experts since a representative from the Museum attended the training in February 2020. Also, the Department has not reported any progress in establishing a new working relationship with other experts in place of the Museum of Tolerance.

Overall Assessment of Progress Toward Compliance

LASD has not reported on any actions taken or progress on this matter.

Recommendations to Achieve Full Compliance

The MT recommends that LASD-AV leadership revisit this requirement and provide the MT with a list of organizations it can work with as an alternative to the Museum of Tolerance. Once an organization is agreed upon, LASD can restart the process toward compliance. LASD should be able to find organizations that can work with them and meet this objective, so we look forward to working with LASD in identifying such an organization.

Work to be Completed During the Upcoming Reporting Period

LASD must research and identify a list of organizations to replace the Museum of Tolerance and provide it to the MT and DOJ for approval. Once approved, they should begin to consult with said organization or experts.

Paragraph 66

1. *LASD agrees to effectively communicate with and provide timely and meaningful access to police services to all members of the Antelope Valley community, regardless of their limited ability to speak, read, write, or understand English. To achieve this outcome, LASD agrees to:*
 - a. *develop and implement a language assistance plan and policy that 4 complies with Title VI of the Civil Rights Act of 1964, as amended, (42 5 6 7 8 U.S.C. § 2000d et seq.) and other applicable law, and comports with best practices and current professional standards; and*
 - b. *ensure that all LASD personnel shall take reasonable steps to provide timely, meaningful language assistance services to LEP individuals they encounter.*

Work Conducted

The MT has reviewed policies and conducted interviews of deputies during site visits and engaged in ride-alongs, paying particular attention to deputy–community interactions.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved the “Limited English Proficiency and Language Assistance Plan” (LEP Plan) in December 2017; LASD published the policy on April 8, 2018. LASD distributes policies in orientation packets that include the LEP plan.

Training Compliance: **In Compliance**

The LEP plan is discussed in the full-day Bias-Free Policing training. (See Appendix C, Paragraph 70 for discussion of training compliance.)

Implementation Compliance: **Partial Compliance**

LASD implemented the MT- and DOJ-approved LEP plan on April 8, 2018. The MT assesses this provision through reviews of complaint investigations, ride-alongs, community input, and interviews. As of June 1, 2022, the MT has seen no indication of recurring or systematic violations of this provision; however, this is based on informal and preliminary assessment. The MT has found the Department in partial compliance pending a formal assessment.

Overall Assessment of Progress Toward Compliance

Overall, the MT believes that LASD has made considerable progress. Policies have been agreed to and implemented. Policies and acknowledgment forms required by the policies, to include the LEP plan, are provided in a packet deputies receive and sign for upon assignment to the AV.

The MT has found the Department in partial compliance based on observations and interviews during site visits, which have revealed no violations. Full compliance will be determined pending formal review.

Recommendations to Achieve Full Compliance

The MT recommends that LASD include this provision in regular audits of AV stations' practices.

Work to be Completed During the Upcoming Reporting Period

The MT will formally verify the LEP plan receipt by current and incoming deputies in the next reporting period. The Parties and the MT will establish the methodology for a formal implementation assessment.

Paragraph 67

LASD-AV agrees to incorporate requirements regarding bias-free policing and equal protection into its performance assessment processes, including giving significant weight to an individual's history of sustained bias-related violations, as well as using all available methods to assess the individual's ability to effectively practice bias-free policing.

Work Conducted

Since 2016, the Department has included language in each annual performance evaluation that indicates it is the supervisors' determination that the deputy can effectively practice bias-free policing. During recent discussions regarding compliance metrics and the MT's audit of stops and bias-free policing, the Parties and the MT discussed the methodologies that may be used to assess whether "significant weight" is given to the deputy's work history and if all available methods are used in the assessment.

Policy Compliance: **In Compliance**

After a review process, the MT and DOJ approved Palmdale Unit Order 14-06 and Lancaster Unit Order 69, titled "Supplemental Supervisory Responsibilities," in January 2016. These unit orders address this provision. LASD published the policy on May 3, 2016, and began disseminating it to current and newly assigned LASD-AV deputies.

The MT has found LASD in policy compliance with this provision since May 3, 2016.

Training Compliance: **NA**

Agreement will need to be reached as to the scope of this assessment in the performance evaluation, prior to determining what supervisor training may be needed to carry out the assessment of this provision in the course of performance evaluations.

Implementation Compliance: **Not in Compliance**

In previous semi-annual reports, the Department was found in partial compliance with this paragraph based on confirmation that on May 3, 2016, LASD required summaries be entered into the performance evaluations. The MT finds the Department out of implementation compliance for this provision because LASD has yet to provide the MT with evidence that it is using "all available methods to assess the individual's ability to effectively practice bias-free policing," including using deputies' statistics for stops and other enforcement actions, and how they fit into the stations' enforcement activities and strategies. The Parties and the MT need to create a method for establishing an appropriate sample that the MT will use to assess compliance. Also, LASD has indicated it may be more appropriate to address this provision in other types of reviews rather than the annual performance evaluations because the annual evaluation is not as in depth as the reviews conducted when a potential problem is identified. A specific plan will provide supervisors with a significant tool to measure a deputy's performance and ability to practice bias free policing.

Overall Assessment of Progress Toward Compliance

The Parties are discussing the best way to measure compliance with this provision. This section requires the use of "all available methods to assess the individual's ability to effectively practice bias-free policing." The methods may include annual evaluations, the Quarterly Reports, Sheriff's 11, Top Ten lists, and regular supervision. Additionally, this section is closely tied to LASD creating formal crime reduction/community policing plans. The plans are the way staff receive direction for enforcement efforts and are critical for determining if deputies are working toward the goal of LASD in a coordinated fashion.

Recommendations to Achieve Full Compliance

LASD must ensure all reasonable available methods to assess compliance with this provision are identified and used. This includes the following.

- Identifying methods to assess the individual's ability to effectively practice bias-free policing, such as DDWS reviews; review of police reports, arrest reports, complaints, and other relevant supplemental reports; review of Watch Commander logs and sergeant field activity logs; regular day-to-day supervision; feedback from peers; community feedback; annual performance evaluations and, when applicable, unit level performance reviews; supervisory and management reports, including PLEs and PRMS; and results of LASD deputy-specific disparity analysis as described in Paragraph 85.
- Ensuring deputies are aware of their role and expectations as a part of the overall crime reduction efforts and they are provided clear direction of their responsibilities in the plans.
- The personnel evaluations must contain documentation of the required assessment for this provision. If warranted, there must be documentation of action taken to reward the deputies for their efforts and/or interventions made to address violations of this provision.

LASD executives and management should take steps to reinforce a bias-free culture. Management can regularly highlight deputies who are performing their duties in alignment with community policing and problem-solving endeavors and who do so without indication of bias. Conversely, LASD can provide thoughtful direction and reinforce expectations with deputies, sergeants, and management alike when potentially biased language seeps into meetings and discussions or interactions with the public.

Work to be Completed During the Upcoming Reporting Period

LASD has submitted no documentation that this is occurring, and while there have been discussions with the Parties and the MT regarding how to appropriately assess compliance for this provision, a method for establishing an appropriate sample has not been agreed upon. The MT requested the plans as required by LASD policy for Community Policing and Engagement (MPP 3-01/110/00). As of the date of this report, the MT has not received the Community Policing Plans.

Paragraph 68

Within one year of the Effective Date, and annually thereafter, LASD will assess all programs, initiatives, and activities involving the Antelope Valley Stations to determine the extent of any disparate impact and to ensure that no program, initiative, or activity is applied or administered in a manner that unlawfully discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation.

Work Conducted

In this reporting period, the Parties and the MT discussed the full list of programs, initiatives, and activities that should be included in the Paragraph 68 disparity assessment. This represents the first work the Department has done on this paragraph in seven years.

Policy Compliance: **Not in Compliance**

LASD must establish a process related to this provision, which may or not be to establish a policy. Prior to any implementation, DOJ and the MT will review the plan for consistency with this paragraph.

Training Compliance: **Not in Compliance**

After LASD creates an approved policy or plan, LASD will have to create an associated DOJ- and MT-approved training plan.

Implementation Compliance: **Not in Compliance**

Overall Assessment of Progress Toward Compliance

Paragraph 68 requires the Department do a disparity assessment of all the key activities its personnel take part in. In seven years, the Department has not conducted such an assessment. The disparity analysis conducted by the MT provided statistics on disparities related to stops—certainly one of the most important and impactful LASD activities—but Department management has failed to follow up the analysis with an assessment of disparity and of any needed corrective action so that there is no unlawful discrimination. In the last reporting period, the Department provided a list of other programs, initiatives, and activities that it proposed including in the assessment. Establishing the list is an initial step toward compliance, but it is important to note that the Department should not need discussion with DOJ or the MT in order to identify the vast majority of activities that would fall under this provision. Also, it is the Department's responsibility to put forth a proposed methodology for conducting the assessments. To that end, the MT has proposed a tiered approach to account for the fact that some programs have more potential for disparate impact than others. The Department has yet to submit a plan, proposal, or an example of an approach.

Recommendations to Achieve Full Compliance

The Monitors recommend that LASD dedicate significant time to developing a plan or pilot an approach for how it would conduct this work. To reach full compliance, LASD must develop the ability to do regular internal assessments. Throughout this report and previous reports, the MT has noted enough examples of LASD rejecting the opportunity to review its practices in light of potential recognized disparities that we suspect developing this ability will require culture change. To start this process, the

MT recommends that LASD send clear messages from the top and lean into the opportunity to launch this work and refine it through practice. To reach full compliance, LASD must develop the ability to do this kind of regular assessment.

It should be noted that the assessment is dependent on the accurate collection of data as measured in other provisions in the SA, community input or surveys, and available sources "to ensure that no program, initiative, or activity is applied or administered in a manner that unlawfully discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation" (Paragraph 68).

Work to be Completed During the Upcoming Reporting Period

The MT looks forward to receiving a response from LASD regarding a memorandum with suggestions for compliance sent to LASD on February 25, 2022. On May 16, 2022, the Compliance Unit advised the MT that work on this topic was underway and a response would be provided soon.

Paragraph 70

LASD will continue to conduct regular training for deputies, training deputies, supervisors, and command staff regarding discriminatory policing. In addition to LASD's current state-mandated training for Antelope Valley deputies, LASD will provide training that emphasizes how bias may occur in law enforcement activity, and the impact of biased policing on effective crime prevention and police legitimacy. This training further shall include:

- a. methods and strategies for more effective policing that relies upon non-discriminatory factors;*
- b. police and community perspectives related to discriminatory policing;*
- c. constitutional and other legal requirements related to equal protection and unlawful discrimination, including the requirements of this Agreement;*
- d. the protection of civil rights as a central part of the police mission and as essential to effective policing;*
- e. the requirements of the FHA, with specific emphasis on discrimination on the basis of race;*
- f. the existence and impact of arbitrary classifications, stereotyping, and implicit or subconscious bias;*
- g. instruction in the data collection protocols required by this Agreement, including reasons for data collection/analysis;*
- h. identification of key decision points where prohibited discrimination can take effect at both the incident and strategic-planning levels; and*
- i. methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including problem-oriented policing strategies.*

Work Conducted

The Bias-Free trainings were developed and, following a review of the curriculum and pilot process, approved by the MT and DOJ. The training began June 15, 2017, for deputies assigned to the AV stations. AV deputies and managers participate in the eight-hour Bias-Free Policing course and complete a required test at the end of the full-day training. To verify implementation of the training, on a quarterly basis the MT reviews signed training attendance sheets and compares them against station personnel rosters to assess whether at least 95% of available AV personnel have received the approved training. As agreed to by the Parties and the MT, this training is offered twice per year. Each AV deputy (including all ranks) is required to take the eight-hour training once.

The MT recently attended the Bias-Free Policing full-day training on June 15, 2022. The instructor provided the agreed upon curriculum to the students. The students were engaged in the training, and the instructor facilitated discussion of the material throughout the course. The instruction included bias-free policing concepts, prevention of housing discrimination, stereotyping, and techniques to address/prevent implicit bias. The Compliance Unit monitored the courses throughout the days to ensure each student remained present for the entire course and completed/passed the required test at the end of each day. The Compliance Unit shared with the MT attendance sheets after the completion of the full training.

Policy Compliance: **NA**

A policy is not required with this paragraph.

Training Compliance: **In Compliance**

LASD has developed a training curriculum that has been approved by DOJ and the Monitor.

Implementation Compliance: **In Compliance**

The Department began providing the approved Bias-Free Policing Training to all available personnel assigned to the AV on June 15, 2017. Based on the MT's quarterly review of training verification documentation, the Department has been in continual compliance with Paragraph 70 since August 17, 2018, for deputies assigned to the AV stations.

After discussion and agreement with the Parties and the MT, the Department began providing this training in October 2020 to deputies in embedded units—deputies assigned to non-AV commands but who work in the AV on a regular basis. To allow time for the Department to adjust, training receipt verification was initially calculated separately for deputies from embedded units, and they were not included in compliance assessments. In June 2022, the Department provided the MT with attendance rosters that include the embedded units. Because the training took place so late in this reporting period and we are awaiting the final June station personnel rosters, the MT will need to assess attendance compliance in the next reporting period.

The outcomes related to this training are measured in other provisions.

Overall Assessment of Progress Toward Compliance

If the Department continues to consistently provide Bias-Free Policing training and ensure all personnel assigned to the AV participate in these required trainings, they will be in a position where they will be better equipped and positioned to ensure the deputies experience a more positive and trusting relationship with the community they serve. It is the hope of the MT that LASD heeds the advice of the training instructor and incorporate this training on a regular basis moving forward.

Recommendations to Achieve Full Compliance

In order to reach sustained compliance with this provision, LASD must continue to provide the Bias-Free Policing Training to all required AV personnel through June 15, 2023. Even after LASD reaches sustained compliance for this provision, they must continue giving the training until the termination of the Settlement Agreement.

Work to be Completed During the Upcoming Reporting Period

LASD will continue to provide the Bias-Free Policing Training to new deputies or new deputies to the AV and document attendance. The MT will continue to verify the training attendance against the station rosters.

Paragraph 71

LASD-AV will conduct roll call trainings at least quarterly to emphasize the importance of preventing discriminatory policing. These roll call sessions will include scenario-based discussions of real and hypothetical situations.

Work Conducted

For the roll call briefings, seven distinct scenarios were developed and, after a review process, approved by the MT and DOJ and began in February 2019. The Department also developed a train-the-trainer course whereby supervisors develop their skills and an understanding of expectations about how to conduct this training during regular roll call sessions. Only approved supervisors who attend the train-the-trainer course may provide the roll call briefing. Each available deputy receives two of the briefings in each quarter (with only one provided in the fourth quarter), so they receive all seven each year.

In 2020, DOJ suggested that LASD develop additional roll call trainings and provided several videos that could be the basis of additional trainings. Drafts were exchanged in 2020, but those have not been

finalized. Those drafts have been with the Department for further review, edits, or development. And those will need to be approved by DOJ and the MT.

The MT has found the Department in compliance in several quarters since implementation, but that has not happened consistently. During site visits, the MT attends roll call briefings to assess if the briefings are delivered in the agreed-upon manner. The MT has also conducted observations during site visits, observations of the Watch Sergeants, ride-alongs, reviews of documentation related to other SA items, and listened to community comments regarding LASD and LASD activities. In this reporting period, LASD instituted new practices and a tracking system to ensure deputies are provided with these important briefings.

Policy Compliance: **NA**

A policy is not required with this paragraph.

Training Compliance: **In Compliance**

LASD has developed a training curriculum that has been approved by DOJ and the monitor.

Implementation Compliance: **Not in Compliance**

The Department was found to be in compliance in several quarters since the rollout of the quarterly roll call briefings on February 1, 2019; however, the Department has not maintained regular consistent compliance. LASD was found to be out of compliance in 2021 because not all the required training was provided each quarter. See Table C1 (below) from the 13th Semi-Annual Report, which provides detailed percentages for the roll-call training sessions for 2021.

Table C1			
Preventing Discriminatory Policing, 2021 Quarterly Roll Call Briefings			
	Quarter	Lancaster	Palmdale
Briefing A	Q1	0%	0%
Briefing B	Q1	0%	0%
Briefing C	Q2	0%	0%
Briefing D	Q2	0%	0%
Briefing E	Q3	15%/79%	98%
Briefing F	Q3	14%/76%	97%
Briefing G	Q4	100%	99%

Overall Assessment of Progress Toward Compliance

LASD has reached the required training percentages for the first quarter of 2022. (See Table C2.) Implementation compliance will occur when the MT is able to confirm all required deputies received and completed Briefings A–G in each quarter for at least one year.

Table C2			
Preventing Discriminatory Policing, 2022 Quarterly Roll Call Briefings			
	Quarter	Lancaster	Palmdale
Briefing A	Q1	99%	96%
Briefing B	Q1	95%	95%
Briefing C	Q2	TBD in Q3	TBD in Q3
Briefing D	Q2	TBD in Q3	TBD in Q3
Briefing E	Q3	TBD in Q4	TBD in Q4
Briefing F	Q3	TBD in Q4	TBD in Q4
Briefing G	Q4	TBD in 2023 Q1	TBD in 2023 Q1

Recommendations to Achieve Full Compliance

With the new procedures instituted at the AV stations to ensure deputies attend the roll call briefings, the MT expects LASD’s ability to achieve consistent progress toward compliance will improve.

Work to be Completed During the Upcoming Reporting Period

At the Compliance Unit’s request, LASD is developing additional quarterly roll call briefings so that the material does not get stale. The MT will observe current briefings and review any newly developed scenarios. The MT will ensure the scenarios include the SA-required subject matter for the briefings. The MT will observe current roll call briefings during site visits and review any newly developed scenarios.

C. ENFORCEMENT OF SECTION 8 COMPLIANCE

Paragraph 73

LASD shall implement a Housing Non-discrimination Policy which reflects LASD’s commitment to the requirements of the FHA and explains how to file a complaint of housing discrimination.

Work Conducted

There has not been any MT work on this provision during the past six months. In 2017, the Parties and the MT engaged in a series of discussions that led to the Department drafting a Housing Non-discrimination (HND) Policy. The Parties and the MT discussed revisions, and ultimately, the MT and DOJ approved the policy after LASD internal reviews and approvals. The policy was subsequently published February 23, 2018.

Policy Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

The HND Policy, FOD 18-001, was published February 23, 2018, after approval from the MT, DOJ, and internal Department, and it was disseminated Department-wide. (HND policy receipt verification is addressed in Paragraphs 74 and 75.) Policy development compliance was based on a qualitative assessment in which the Parties worked with the MT to draft and refine the policy to meet the SA requirements and provide for its practical use by the Department.

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

In addition to development and dissemination of the policy itself, Paragraph 73 also requires implementation, which includes “consistent and verified performance of that policy or procedure in actual practice” (SA Paragraph 20). To assess if the HND policy was reflected in the field, the MT reviewed and assessed LASD stat code 787 data, complaints, administrative investigations, Watch Commander logs, and interviewed community members regarding any incidents of LASD accompaniment of housing authority workers. The MT consistently found no indication of violations of the policy or other housing-related SA requirements; thus, the Department was consistently found in compliance since 2018.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 73 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75, the MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During the Upcoming Reporting Period: **None**

Paragraph 74

LASD shall provide a copy of the Housing Non-discrimination Policy to all sworn LASD-AV deputies. The LASD shall secure signed statements from each individual subject to this paragraph acknowledging that he or she has received and read the Housing Non-discrimination Policy, has had the opportunity to have any questions answered, and agrees to abide by the relevant provisions of this order and the Housing Non-discrimination Policy.

Work Conducted

There has not been any MT work on this provision during the past six months. After the February 23, 2018, publication of the HND policy, LASD developed an internal process for distributing and documenting deputy receipt of the policies. This process included the HND Policy Acknowledgment Form and Supplemental Policy Acknowledgment Form to document appropriate personnel received, understood, and agreed to abide by the HND policy. These forms were approved by the MT and DOJ. The MT and LASD also developed a process for MT verification of LASD documentation of deputy receipt of the policies, which included the MT reviewing Department-provided forms and rosters of deputies assigned to the AV stations.

Policy Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

The MT reviewed policy receipt documentation and determined that the personnel currently assigned to the AV stations have received, executed, and returned the HND Policy Acknowledgment Form in conformity with the approved metric (at least 95% of available personnel) as of May 25, 2018. (The development of the HND policy is described in SA Paragraph 73 appendix. Receipt of policies by newly assigned personnel is addressed in Paragraph 75.)

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A-G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

This provision focuses on receipt of the HND policy by current LASD-AV deputies; see policy compliance above.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 74 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75, the MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During the Upcoming Reporting Period: **None**

Paragraph 75

During the term of this SA, within 15 days after each new deputy is assigned to LASD-AV, LASD shall provide the individual with a copy of the Housing Non-discrimination Policy and shall secure the same signed acknowledgment.

Work Conducted

Following the same process established in 2018, for the fourth quarter 2021, the MT received the Compliance Unit's housing policy receipts materials January 21, 2022. The MT reviewed the materials and verified the CU's assessment that there were 10 newly assigned deputies to Lancaster and eight newly assigned deputies to Palmdale. All 18 of the deputies signed the required housing policy receipts within 15 days of their assignment, and the Accompaniment Policy Acknowledgment Forms within the 30 days required by SA Paragraph 164. LASD has been in sustained compliance with SA Paragraph 75 since September 14, 2020. With the fourth-quarter 2021 compliance determination, the February 28, 2022, Monitor's recommendation that deemed the Department in compliance with housing provisions 73–80 and 164 as it relates to housing pursuant to SA Paragraph 150 was issued.

Policy Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

The MT reviewed policy receipt documentation on a quarterly basis and determined that personnel newly assigned to the AV stations received, executed, and returned the HND Policy Acknowledgment Form in conformity with the approved metric (at least 95% of available personnel) beginning

May 31, 2018, with sustained compliance beginning September 14, 2020. (The development of the HND policy is described in the SA Paragraph 73 appendix.)

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A-G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

This provision focuses on receipt of the HND policy by newly assigned LASD-AV deputies; see policy compliance above.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 75 since September 14, 2020. With Paragraph 75 in sustained compliance—the last element of the housing section provisions to reach that status—the MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During Reporting Period: **None**

Paragraph 76

LASD shall revise its policy regarding the review of requests from a housing authority for deputy accompaniment on compliance checks in Field Directive 12-02. The revised policies shall, among other things, specifically outline the factors to be considered when assessing the need for deputy accompaniment and the number of deputies necessary for accompaniment.

Work Conducted

There has not been any MT work on this provision during the past six months. In 2017 the Parties and the MT engaged in a series of discussions that led to the Department drafting a revised Housing

Authority Investigations/Inspections (Accompaniment) Policy. The Parties and the MT discussed revisions and, ultimately, the MT and DOJ approved the policy after LASD internal reviews and approvals. The policy was subsequently published March 14, 2018.

Policy Compliance: In Sustained Compliance, SA Paragraph 150 Invoked

Policy development compliance was based on a qualitative assessment in which the Parties worked with the MT to revise and refine the Accompaniment Policy to meet the SA requirements. The Accompaniment Policy, FOD 12-002, was published March 14, 2018, after MT, DOJ, and internal Department approval, and it was disseminated Department-wide. The MT reviewed policy receipt documentation and determined that the personnel assigned to the AV stations have received, executed, and returned the Supplemental Policy Acknowledgment forms in conformity with the agreed-upon metrics (at least 95% of available personnel) and SA Paragraph 164 as it relates to housing.

Training Compliance: Partial Compliance

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: In Sustained Compliance, SA Paragraph 150 Invoked

In addition to revision and dissemination of the policy itself, Paragraph 76 also requires implementation, which includes “consistent and verified performance of that policy or procedure in actual practice” (SA Paragraph 20). To assess if the Accompaniment policy was reflected in the field, the MT reviewed and assessed LASD stat code 787 data, complaints, administrative investigations, Watch Commander logs, and interviewed community members regarding any incidents of LASD accompaniment of housing authority workers. The MT consistently found no indication of violations of the policy or other housing-related SA requirements and, in fact, found that LASD-AV deputies did not participate in Section 8 voucher compliance checks; thus, the Department was consistently found in compliance since 2018.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 76 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75, the MT invoked SA Paragraph 150 regarding housing

provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

LASD has been deemed in compliance with housing Paragraphs 73–80 and 164 as it relates to housing pursuant to MT SA Paragraph 150 recommendation since February 28, 2022.

Work to be Completed During the Upcoming Reporting Period: **None**

Paragraph 77

LASD shall institute policies regarding LASD's own independent investigations upon referral of a housing authority of allegations of fraud on the voucher program to ensure that those investigations are not being used to harass residents in their homes or motivate residents to relocate from their homes. LASD's policies shall be revised to include guidance on proper procedures for sharing information with a housing authority and guidelines for referral of cases for criminal prosecution for fraud based solely on compliance with the Section 8 contract.

Work Conducted

There has not been any MT work on this provision during the past six-months. (See Appendix C, Paragraph 76.)

Policy Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

Paragraph 77 was addressed in the revised Housing Authority Investigations/Inspections (Accompaniment) Policy. For details, see Appendix C, Paragraph 76.

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

For details, see Appendix C, Paragraph 76.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 77 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75 the MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During the Upcoming Reporting Period: **None**

Paragraph 78

LASD shall require all deputies to document all voucher holder compliance checks using stat code 787 pursuant to Field Operations Directive 12-02.

Work Conducted

There has not been any MT work on this provision during the past six-months. See Appendix C, Paragraph 76.

Policy Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

Paragraph 78 was addressed in the revised Housing Authority Investigations/Inspections (Accompaniment) Policy. For details, see Appendix C, Paragraph 76.

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

See Appendix C, Paragraph 76.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 78 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75, the MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During the Upcoming Reporting Period: **None**

Paragraph 79

LASD shall require all deputies to document each independent investigation for criminal fraud based on voucher holder compliance with the voucher contract using stat code 787.

Work Conducted

There has not been any MT work on this provision during the past six-months. See Paragraph 76 appendix.

Policy Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

Paragraph 79 was addressed in the revised Housing Authority Investigations/Inspections (Accompaniment) Policy. For details, see Appendix C, Paragraph 76.

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A-G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

For details, see Appendix C, Paragraph 76.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 79 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75, the MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022, which LASD approved on March 4, 2022, and DOJ approved on May 4, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During the Upcoming Reporting Period: **None**

Paragraph 80

LASD shall require all deputies to document calls, observations, or incidents involving voucher holders using state code 787. Nothing in this paragraph shall authorize deputies to inquire into an individual's Section 8 status during routine law enforcement activity.

Work Conducted

There has not been any MT work on this provision during the past six-months. See Appendix C, Paragraph 76.

Policy Compliance: In Sustained Compliance, SA Paragraph 150 Invoked

Paragraph 80 was addressed in the revised Housing Authority Investigations/Inspections (Accompaniment) Policy. For details, see Paragraph 76 appendix.

Training Compliance: **Partial Compliance**

The Department is in compliance on the Bias-Free Policing training and not in compliance on the quarterly roll call trainings.

Training for the HND policy is incorporated into the Bias-Free Policing training and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G; accordingly, training compliance for SA Paragraph 74 is assessed with SA Paragraphs 70e and 71. (See Appendix C, Paragraphs 70 and 71.)

Implementation Compliance: **In Sustained Compliance, SA Paragraph 150 Invoked**

For details, see Appendix C, Paragraph 76.

Overall Assessment of Progress Toward Compliance

LASD has been in sustained compliance with SA Paragraph 80 since May 31, 2019. After the Department reached sustained compliance with Paragraph 75, the Parties and MT invoked SA Paragraph 150 regarding housing provisions 73–80 on February 28, 2022.

Recommendations to Achieve Full Compliance: **None**

Work to be Completed During the Upcoming Reporting Period: **None**

D. DATA COLLECTION AND ANALYSIS

Preface

To identify shortcomings, assess improvements, and increase community confidence in LASD's law enforcement activity in the AV, LASD agrees to enhance its data collection, analysis, and reporting as set out below. LASD will develop and implement a protocol for the collection and regular analysis of data to assess whether there are trends and patterns that indicate bias or practices that otherwise run counter to Constitutional and effective policing.

Work Conducted

When the SA was signed, LASD acknowledged it did not have the internal capacity to produce the data required in this section; therefore, the analysis for this section was outsourced. This early effort to address these provisions was helpful, but the methodology used to conduct the analyses and prepare the report, which had not been submitted for review before the work began, was found to be out of compliance by the MT and DOJ. After much discussion, in 2017 County Counsel noted that SA Paragraph 153 requires the Monitors to produce qualitative and quantitative outcome assessments on each area of the SA and that some of those outcomes overlap considerably with the data analysis responsibilities of LASD, including those in this section.

Subsequently, as described in semi-annual reports, the Compliance Unit and County Counsel requested that the MT produce the analysis for Paragraphs 82, 83, and 85, which the Department would then use to address the requirements in Paragraphs 83–86 that it does its own assessment of the statistical findings for problematic issues and trends, develops and implements any necessary corrective action, and produces a report describing its activities.

The Parties and the MT discussed and came to agreement on the methods to be used for that analysis prior to the MT beginning its work. Subsequently, the MT produced a statistical report in September 2020 titled *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the Antelope Valley*. The Parties and the Monitors then held discussions on the results of that report, which found evidence of potential disparity, and how station and Division managers should use the data to fulfill the SA requirements for Paragraphs 83–85.

However, the Department did not conduct any of the required managerial assessment of the findings presented in the MT's report. The Department also did not request that the MT produce the analysis on a semi-annual basis and has produced no analysis themselves.

In the previous reporting period, the MT provided provisional compliance metrics for this section to help guide the Department in fulfilling its required assessment and action plans. LASD has requested changes to those metrics.

In the previous reporting period, LASD assigned a data analyst to the Compliance Unit to conduct the data analysis for Paragraphs 82–85 and committed to submitting a work plan for MT and DOJ review by end of May 2022.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Partial Compliance**

Apart from the data collection related to Paragraph 81 (which is largely the same as data collection required for Paragraph 44), LASD has made no substantive progress on this section even though LASD has assigned a full-time data analyst dedicated to analytics required by the SA.

Overall Assessment of Progress Toward Compliance

LASD has made minimal effort on conducting the required work. Because LASD assigned a full-time data analyst dedicated to the analytics required by the SA, the MT has expected there to be progress on this section in this reporting period. However, no analysis or methodology or protocol has been developed or implemented. LASD does not routinely review and assess stops trends and patterns that indicate bias or practices that otherwise run counter to Constitutional and effective policing nor does management seem open to doing so. Outside analysis which offers data that may be used to identify

potential disparate practices have been rejected. For more discussion of this issue, see the Data Collection and Analysis section of this report.

Recommendations to Achieve Full Compliance

The MT recommends that LASD executives and the county Board of Supervisors aggressively adopt modern data collection and management systems. In addition to technological upgrades, the MT recommends that LASD executives institute a data culture. They could do this by developing and implementing a protocol and practice for the regular review of stops data by NPD and station managers and also by providing positive reinforcements to station leaders who consistently probe and use stops data to inform their practice. These reviews should expand the station's recent use of data to regularly assess whether there are trends and patterns that indicate bias or practices that otherwise run counter to Constitutional and effective policing and should include connecting the assessments to crime prevention strategies, the exploration of probing questions about the findings, applying potential corrective action where warranted, and tracking the outcomes of any interventions implemented. For more discussion of this issue, see the Data Collection and Analysis section of this report.

Work to be Completed During the Upcoming Reporting Period

The Department needs to produce a work plan for completing the analysis, assessment, potential corrective actions, and report required by this section. With a DOJ- and MT-approved plan, the Department will need to begin the analysis and assessment work.

The monitoring plan distributed to the Parties in October 2021 and updated and shared on May 4, 2022, reflected a deadline for LASD to submit an analysis plan for the Paragraphs 82–86 by May 31, 2022. The MT has updated the monitoring plan to reflect a deadline of August 1, 2022, for the analysis plan. The MT has committed to provide feedback by August 21, 2022. Assuming the analysis plan is approved, the MT has set a deadline of October 31, 2022, for submission of draft report, including methods, findings, dataset, and analysis, with analysis code for validation by the MT. The MT and DOJ will either approve the report or provide questions, concerns, or feedback by December 5, 2022.

Paragraph 81

LASD will continue to collect data currently required by the Statistical Code Guide, Radio Code Book, and related policies and shall create new statistical codes and/or data fields requiring documentation of the following in the MDC patrol log system and Regional Allocation of Police Service (RAPS) database:

- a. bicycle stops;*
- b. backseat detentions;*
- c. probation or parole stops and searches;*
- d. consent searches;*
- e. and vehicle impoundments.*

Work Conducted

See Appendix C, Data Collection and Analysis Preface.

Policy Compliance: **NA**

There is no policy associated with this paragraph.

Training Compliance: **NA**

Implementation Compliance: **Partial Compliance**

The MT has assessed Paragraph 81 in parallel with its assessment of Paragraph 44. The MT has conducted observations during site visits, observations of the Watch Sergeants and ride-alongs. The AAB conducted audits of each of the LASD-AV stations and found compliance with some of the requirements of SA Paragraph 44 and 81. The MT reviewed AAB audits of this requirement and delayed formal assessment of these provisions because key compliance metrics had not been reached; as such, the Department was found to be in partial compliance. The MT's formal assessment for this provision began in January 2022.

Overall Assessment of Progress Toward Compliance

LASD established new procedures and policies to ensure the necessary data were collected by deputies. The MT's preliminary assessment of the thoroughness of that data entry found the Department in partial compliance.

Recommendations to Achieve Full Compliance

If the MT's compliance assessment identifies any issues with data entry, the Department will need to issue Corrective Action Plans. Otherwise, entry of the required data by deputies and supervisorial review of that documentation will need to continue.

Work to be Completed During the Upcoming Reporting Period

The Department needs to continue to require deputies to enter the required information for each stop. The MT's compliance assessment for the stops section begun in this reporting period will also measure the thoroughness of data collection related to Paragraph 81.

Paragraph 82

LASD will conduct at least semi-annual analysis of, at minimum, the following AV data:

- a. stop, search, contraband seizure, and arrest data including backseat detentions, probation and parole searches, and consent searches;
- b. stops, searches, and/or arrests for discretionary offenses such as jaywalking, crossing against a traffic light, failing to yield right of way or walking on the wrong side of the street;
- c. uses of force, including force associated with obstruction arrests and similar violations.
- d. arrest for California Penal Codes 69 (felony obstruction or resisting arrest), 148(a) (misdemeanor obstruction or resisting arrest), and 243(b) (battery on a peace officer or other public officer without infliction of injury);
- e. vehicle impoundments;
- f. civilian complaints, by category; and
- g. Voucher Holder compliance checks involving LASD personnel.

Work Conducted

See Appendix C, Data Collection and Analysis Preface for this description.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Not in Compliance**

See Appendix C, Data Collection and Analysis Preface.

Overall Assessment of Progress Toward Compliance

See Appendix C, Data Collection and Analysis Preface.

Recommendations to Achieve Full Compliance

See Appendix C, Data Collection and Analysis Preface.

Work to be Completed During the Upcoming Reporting Period

See Appendix C, Data Collection and Analysis Preface.

Paragraph 83

LASD agrees to base its analysis on accurate, complete, and reliable data. Analysis of this data will include a regression analysis to determine whether law enforcement activity has a disparate impact on any racial or ethnic group. This regression analysis will control for factors other than race, including but not limited to demographics and crime rates, in describing and potential disparate impact. The regression analysis will include determining whether, after controlling for alternate explanations:

- a. LASD deputies working in the AV are more likely to stop, cite, search, or arrest based on race or ethnicity;
- b. LASD deputies working in the AV are more likely to ask persons of certain races or ethnicities for consent searches, and about their probation or parole status;
- c. LASD deputies working in the AV are more likely to stop or search persons of certain races or ethnicities for discretionary or non-violent offenses; and
- d. LASD deputies working in the AV are more likely to impound or store the vehicles of personas of certain races or ethnicities.

Work Conducted

See Appendix C, Data Collection and Analysis Preface for this description.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Not in Compliance**

See Appendix C, Data Collection and Analysis Preface.

Overall Assessment of Progress Toward Compliance

See Appendix C, Data Collection and Analysis Preface.

Recommendations to Achieve Full Compliance

See Appendix C, Data Collection and Analysis Preface.

Work to be Completed During the Upcoming Reporting Period

See Appendix C, Data Collection and Analysis Preface.

Paragraph 84

Through this data analysis, LASD will identify any trends or issues that compromise constitutional policing and respond accordingly. Appropriate responses may include reviewing and revising any policies or training that may lead to problematic trends; and assessing whether any practices should be changes to ensure adherence to constitutional requirements and/or more effective policing.

Work Conducted

See Appendix C, Data Collection and Analysis Preface.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Not in Compliance**

See Appendix C, Paragraph 83.

Overall Assessment of Progress Toward Compliance

In addition to the text provided in the preface of this section, the MT also stresses that not only has the Department not conducted the required data analysis, including regressions, but LASD also has refused to consider the review of the findings from other reputable sources, including the OIG. While including data analysis from outside sources is not a direct requirement in this section, the immediate rejection and criticism of these sources is notable. For more discussion of this issue, see the Data Collection and Analysis section of this report.

Recommendations to Achieve Full Compliance

In addition to the recommendations included in the preface, the MT recommends that LASD acknowledge and consider data from other reputable sources. The OIG is tasked with an oversight function by the Board of Supervisors, and the results of its analysis should be considered and responded to thoughtfully. We also recommend that LASD use the analysis of outside sources to start building a culture and practice of managing by date until LASD is able to produce its own data. We also recommend that LASD shares how it is responding to data publicly to assure the public that the Department is invested in using data to inform policing and community engagement.

Work to be Completed During the Upcoming Reporting Period

See Appendix C, Data Collection and Analysis Preface.

Paragraph 85

This analysis will also determine whether there are reporting districts and deputies with potentially problematic trends and respond accordingly. LASD will make efforts to incorporate regular analysis of this data into routine operational decisions.

Work Conducted

See Appendix C, Data Collection and Analysis Preface.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Not in Compliance**

In addition to the information provided in the preface, the MT notes that no analysis has been proposed that includes reporting districts. See Appendix C, Paragraph 83.

Overall Assessment of Progress Toward Compliance

See Appendix C, Data Collection and Analysis Preface.

Recommendations to Achieve Full Compliance

See Appendix C, Data Collection and Analysis Preface.

Work to be Completed During the Upcoming Reporting Period

In addition to the information provided in Appendix C, Data Collection and Analysis Preface, the MT notes the expectation that analysis examines differences by reporting districts.

Paragraph 86

On a semi-annual basis for the first year of the agreement and annually thereafter, LASD agrees to issue a report summarizing the results of the AV data collected, and the steps taken to correct problems and build on successes. The report will be publicly available in English and Spanish and posted on LASD's website.

Work Conducted

See Appendix C, Data Collection and Analysis Preface.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Not in Compliance**

See Appendix C, Data Collection and Analysis Preface and Paragraph 83.

Overall Assessment of Progress Toward Compliance

See Appendix C, Data Collection and Analysis Preface.

Recommendations to Achieve Full Compliance

In addition to the recommendations provided in the preface, in order to achieve full compliance on this provision, the MT recommends that LASD begin to procure a translation service that specializes in translating this kind of data analysis of potential disparate impact into Spanish so that when the report is approved, the lack of translation services will not be a barrier to compliance.

Work to be Completed During the Upcoming Reporting Period

In addition to the information provided in the preface, once approved, the aforementioned stops report needs to be made publicly available in both English and Spanish.

E. COMMUNITY ENGAGEMENT

Paragraph 69

LASD agrees to utilize experts and the community survey outlined below to study organizational climate and culture in the Antelope Valley stations to aid in developing the requirements of this section. Personnel will be allowed to confidentially provide information for the study. LASD will conduct longitudinal climate and culture studies during the course of this Agreement.

Work Conducted

The Parties and MT have developed an online deputy survey that has been administered twice, the first time by Evident Change and the second by the Department. The MT has produced a report describing the methods and tabulating findings. After the first administration, the Department informed the MT and DOJ that the results of the survey were submitted to the station managers who reviewed them. The MT has seen no documentation of that or any further action.

This provision also pertains to the community survey. See Appendix C, Paragraph 98–101.

Policy Compliance: **NA**

There is no policy requirement for this provision.

Training Compliance: **NA**

There is no training requirement for this provision.

Implementation Compliance: **Partial Compliance**

The MT considers LASD in partial compliance with annually conducting the Deputy Survey because the survey has been conducted but LASD has not informed the MT or provided documentation of the ways it uses the survey to study organizational climate and culture in the AV stations or to aid in the development of the bias-free policing or community engagement provisions. The Department has not informed the MT or provided documentation of how it uses the Community Survey to inform community engagement activities (Paragraph 88).

Overall Assessment of Progress Toward Compliance

The Department has been cooperative and resourceful in the administration of the deputy survey, but sufficiently made use of the surveys. See also Appendix C, Paragraph 98–101.

Recommendations to Achieve Full Compliance

The Department should develop a plan for utilizing the results of both the deputy survey and the community survey. See also Appendix C, Paragraph 98–101.

Work to be Completed During the Upcoming Reporting Period

The MT and DOJ requested the third administration of the Deputy Survey be deferred pending a discussion with the Department regarding the survey instrument and the Department’s plan for using the survey to inform their SA-related work. This discussion will be held in the next reporting period and any resulting changes to the instrument or methods made. Then the Department can proceed with the next administration. The next community survey will be administered in this reporting period. See also Appendix C, Paragraph 98–101.

Paragraph 72

ASD agrees to utilize experts and the survey below to study organizational climate and culture in the Antelope Valley stations to aid in developing these training requirements.

Work Conducted

See Appendix C, Paragraphs 69 and 98–101.

Policy Compliance: **NA**

See Appendix C, Paragraphs 69 and 98–101.

Training Compliance: **NA**

See Appendix C, Paragraphs 69 and 98–101.

Implementation Compliance: **Partial Compliance**

See Appendix C, Paragraphs 69 and 98–101.

Overall Assessment of Progress Toward Compliance

See Appendix C, Paragraphs 69 and 98–101.

Recommendations to Achieve Full Compliance

The Department should develop a plan for utilizing the results of both the deputy survey and the community survey, including if they may indicate a need for revisions to the Department’s training related to bias-free policing or community engagement. See also Appendix C, Paragraph 98–101.

Work to be Completed During the Upcoming Reporting Period

The MT and DOJ requested the third administration of the Deputy Survey be deferred pending a discussion with the Department regarding the survey instrument and the Department’s plan for using the survey to inform their SA-related work. This discussion will be held in the next reporting period and any resulting changes to the instrument or methods made. Then the Department can proceed with the next administration. The next community survey will be administered in this reporting period. See also Appendix C, Paragraph 98–101.

Paragraph 87

LASD agrees to actively participate in community engagement efforts in the Antelope Valley including

- a. participating in local community meetings,
- b. making itself available for community feedback,
- c. developing the Community Advisory Committees (CAC), and
- d. working with the community on the development of diversion programs.

Work Conducted

The substantive issues identified in this paragraph are covered in other provisions of the Community Engagement section, with the exception of the requirement relating for developing a diversion

program. As such, monitoring of this provision is solely based on LASD developing a diversion program. The MT reached out to the diversion programs used by the Lancaster station (the Asian Youth Center) and the Palmdale station (the Soledad Enrichment Action) to confirm they are receiving referrals from each station.

Policy Compliance: **In Compliance**

LASD issued an updated policy, 2019-044-02, in December 2019 allowing for diversion of juveniles.

Training Compliance Status: **Partial Compliance**

Issues observed of late by the MT suggest the need for training for station managers and deputies regarding interacting with and accepting feedback from community members. The planned community engagement training should benefit the stations in this way. See Appendix C, Paragraph 89.

Implementation Compliance: **Partial Compliance**

In Compliance for 87a. The mechanisms for deputy participation in community engagement efforts are in place and functioning. The extent and quality of deputy participation in community events and/or 755s are measured in Paragraph 88.

In Partial Compliance for 87b. As described in the Community Engagement section of the report, the MT has observed indications that Department managers may not make themselves open to all feedback and that, at least, documentation would be useful to track and monitor the exchange of information between the community and LASD.

In Sustained Compliance for 87c. The CACs have been in place and the Department and CAC members have been working to fulfill the SA mandate since 2016.

In Compliance for 87d. In September 2021, the MT received confirmation and documentation about the diversion programs from both the Asian Youth Center and the Soledad Enrichment Action.

Overall Assessment of Progress Toward Compliance

The Department is in compliance with most aspects of this provision. Reports from CAC members have indicated the stations are not always receptive to input from CAC members or the community. CAC members, for their part, have not always documented their communications with the Department, which limits both the ability of the Department to hold their personnel accountable to meet SA requirements and the ability of the MT to monitor these exchanges.

Recommendations to Achieve Full Compliance

The Monitors have asked both LASD and the CACs to improve their documentation of issues, concerns, and problems identified during community outreach efforts and track those concerns over time. We have also suggested time be dedicated in regular meetings to discuss these issues including any follow-up by either the CACs or Department and lessons learned regarding both the issues and the exchange process.

Work to be Completed During the Upcoming Reporting Period

LASD and the CACs should develop protocols for sharing, documenting, and tracking written exchanges of information and feedback between the CACs, other community members, and LASD. The CACs should also discuss how to incorporate and document discussions of this exchange into regular meetings.

Asian Youth Center and the Soledad Enrichment Action will continue to submit documentation that appropriate referrals continue. The MT is optimistic that LASD will remain in compliance and will be in sustained compliance with the diversion work in September 2022.

Paragraph 88

All sworn personnel at the Antelope Valley stations shall actively attend community meetings and events. LASD agrees to develop a plan for such attendance based on the results of annual community satisfaction surveys and feedback from the civilian panel, discussed below. The plan shall indicate the number and types of events to be attended on a regular basis and take into account the need to enhance relationships with particular groups within the community, including, but not limited to, youth, and communities of color

Work Conducted

After a prolonged negotiation between the Parties, it was agreed that the following quantitative measures would be used to establish compliance for this provision of the SA.

- LASD deputies are meaningfully participating in community engagement as evidenced by the 755 stat code log and the monthly community meetings report submitted by LASD-AV showing every deputy assigned to an AV station attends (at a 95% compliance rate) community meetings and engages in voluntary, positive, self-initiated community contacts at the following intervals for every calendar year:
 - » For deputies assigned to the AV for six months or more, one of the following:
 - 2 and 2: two community meetings/events and two voluntary, positive, self-initiated community contacts; or

- 1 and 6: one meeting/event and a minimum of six voluntary, positive, self-initiated community contacts; or
- 3 and 0: three community meetings/events and zero voluntary positive, self-initiated community contacts.
 - » For deputies assigned to the AV for less than six months but more than three months, one of the following:
 - 1 and 1: one community meeting/event and one voluntary, positive, self-initiated community contact; or
 - 0 and 3: three voluntary, positive, self-initiated community contacts and zero community meetings/events; or
 - 2 and 0: two community meetings/events and zero voluntary positive, self-initiated community contacts.
 - » For deputies assigned to the AV for three months or less but more than six weeks, one of the following:
 - One community meeting/event; or
 - One voluntary, positive, self-initiated community contact.
 - » There is no requirement for deputies assigned to the AV for six weeks or less.
 - » For deputies who transfer out of an AV station less than 30 days after one of the above time-in-station designations, their requirements will be monitored at the previous benchmark level. For instance, a deputy who transfers out of an AV station after being there for six and a half months would not be held to the six-month requirements of 2 and 2, 1 and 6, or 3 and 0 community events/755s, but would be held to the lower standard of 1 and 1, 0 and 3, or 2 and 0. A deputy who transfers out after seven months or longer (that is, at least six months plus 30 days) would be held to the six-month standard of 2 and 2, 1 and 6, or 3 and 0.
 - » Voluntary, positive, self-initiated community contacts will be logged using stat code 755. The AV stations will provide a Watch Briefing to deputies on how to use the 755 stat code and regularly review deputies' logs to ensure the 755 stat code is being used correctly.
 - » At community meetings, LASD-AV personnel are actively engaged in the community meetings and when the opportunity arises, deputies are expected to engage in discussions and activities with community members.

The MT regularly reviews and audits the Community Engagement Tracker maintained by each station, which includes information of each sworn staff assigned to the station and how many community events they have attended and how many 755s they have performed. Over the past four years, the MT has provided a series of memos to the stations providing guidance on appropriate events and 755s and those that are not acceptable. The MT has also met with station leadership and Compliance Unit members to review these memos.

LASD has usually provided the Tracker, unprompted, for the prior year within a few months of the beginning of the new year. The MT has reviewed the Tracker annually for compliance. The Compliance Unit had requested a change to that norm, whereby the MT requests the tracker.

In this reporting period, on June 1, 2022, the MT asked LASD to provide the Tracker. The MT received both stations' Community Engagement Trackers on June 18, 2022, but information needed to assess compliance was missing. The MT then requested the backup documentation on events attended and self-initiated individual community engagement (755s) for a small sample of sworn staff.

The MT has visited each station to audit the Community Engagement Tracker and request backup documentation, which includes event descriptions, sign-in sheets, and 755 descriptions from CAD. Additionally, every year the MT reviews every single sworn staff's community engagement progress according to the compliance metrics and randomly selects 10 to 15 staff in each station to review their backup documentation.

Policy Compliance: **In Compliance**

LASD published an approved Attendance Work Plan (January 10, 2019; revised April 1, 2020)

Training Compliance Status: **Partial Compliance**

Although AV station personnel were provided with information on how to complete 755s, the community engagement training related to this section of the SA has not yet commenced. The VCPI training provides some background to guide deputies in their community engagement efforts, but full community training will be necessary for deputies to have a thorough sense of the objectives of the community engagement activities and of the techniques they are expected to use.

Implementation Compliance: **Partial Compliance**

- The Department is in compliance with the quantified metrics for deputy attendance at events and/or 755s
- The Department is not in compliance with the qualitative requirements to account for the need to enhance relationships with particular groups.

- The Department is not in compliance with using the annual community survey to inform changes to the attendance plan, if needed.

Overall Assessment of Progress Toward Compliance

LASD has made significant progress toward compliance with this provision and in a previous monitoring period was in full compliance at that time. As detailed in the previous six-month MT report, the following matters still require attention.

- Although improved since we have requested this over the past few years, some of the 755 logs still need to describe how the interaction with members of the public was initiated. The MT included an example of a good description of a deputy's community engagement that should be an example to other deputies.
- Some of the events need better descriptions, especially of how deputies participated and interacted with members of the public.
- Some of the events may not qualify based on how they are currently described, such as attending the grand opening of a gym.
- There were some questionable events listed that do not appear to qualify, as there was no description explaining how deputies engaged the community, including having attended the funeral procession of a fallen WWII veteran.
- On the 755s, deputies are using "self-initiated contact with," which is great. In a few instances, there was no description of how the contact with members of the community was initiated. One 755 said the deputy was "flagged down," something the MT has specifically called out as not qualifying in the past.

Reviews of 755s and community meetings reveal significant efforts are being made to promote public relations and foster a positive impression of the agency; simply being present and visible at these community events is not sufficient. The MT has consistently encouraged LASD to do more to proactively engage in relationship building through ongoing dialogue, such as can be accomplished through cooperative problem-solving endeavors where the community members would be encouraged and expected to take on an active role in carrying out solutions and activities they help design.

Recommendations to Achieve Full Compliance

LASD should ensure deputies are trained in and understand how to best engage community members using the criteria established for 755 documentation. Emphasis should be placed on self-initiated, positive engagement with residents of the AV. Such engagement should be deliberate and meaningful, of sufficient duration and significant enough to advance one or more of the principles outlined in the LASD Community Engagement Attendance Work Plan. The MT also encourages the stations to revisit

more structured and professionally facilitated community meetings that provide additional deputies and community members opportunities to communicate and build relationships (e.g., Day of Dialogue).

Work to be Completed During the Upcoming Reporting Period

LASD should ensure it is in compliance with this provision of the SA by having all sworn personnel attend the required number of events and/or conduct the number of 755s and continue to impart to station personnel the importance of active and meaningful engagement with a wide variety of community members. LASD should also send the Community Engagement Tracker quarterly and complete documentation by February 28 of the following year.

The MT will continue to conduct regular audits of the Community Engagement Tracker, including reviewing backup documentation for community events attended and 755s conducted by sworn staff of the AV stations.

The MT will also observe community meetings attended by LASD-AV personnel to assess if they are actively engaging in the meetings as required by the SA.

Paragraph 89

LASD agrees to provide structured annual in-service training on community policing and problem-oriented policing methods and skills for all AV deputies, including station supervisors and unit commanders. This training shall include: (a) methods and strategies to improve public safety and crime prevention through community engagement; (b) scenario-based training that promotes the development of new partnerships between the police and community targeting problem solving and prevention; (c) leadership, ethics, and interpersonal skills; (d) community engagement techniques, including how to establish formal partnerships and actively engage community organizations, including youth, immigrant, and LGBT communities; (e) problem-oriented policing tactics; (f) conflict resolution and verbal de-escalation of conflict; and (g) cultural awareness and sensitivity training

Work Conducted

The MT has reviewed and provided detailed suggested edits to the relevant training material, including having designed recommended scenarios for consideration; observed trainings; and met with LASD trainers in an effort to support LASD's compliance with this provision. DOJ provided comments and suggestions for improvement on June 6, 2022, and recommended that the next steps would be to prepare the training for delivery. Most recently, the MT provided an updated review of the proposed Community Engagement training curriculum and submitted a memo to LASD on June 7, 2022. The memo included the MT's assessment that the updated curriculum, when implemented, would comply with all but two of the sub-provisions required by Paragraph 89 of the SA. The MT also agrees with the DOJ that there are areas of the curriculum that could be enhanced with additional material.

Policy Compliance: **NA**

Training Compliance Status: **Partial**

LASD is in partial compliance on delivery of the approved trainings because the VCPI training, a two-hour online introduction to COP/POP, was implemented in 2020. As noted earlier, when the updated curriculum developed by LASD's Training Bureau is approved and implemented, all sections of Paragraph 89, except d and f, should be in compliance.

Implementation Compliance: **Not in Compliance**

The primary training related to this provision of the SA has not been implemented.

Overall Assessment of Progress Toward Compliance

Progress on this provision of the SA has been very slow. There was initial, significant disagreement among the Parties on the definition of "in-service" training referred to in Paragraph 89. Then LASD attempted different trainings that only partially complied with all of the enumerated requirements in Paragraph 89. There was also a delay in the implementation of the VCPI online training, which includes problem-oriented policing tactics (89e). Eventually, LASD's Training Bureau developed a Community Engagement training that as very promising and attended to most of the requirements of Paragraph 89.

There are two remaining subjects that are not addressed in the new training material. LASD has reported there are potentially two other existing Department trainings that may suffice to meet the requirements for those subjects. The MT is awaiting that training material to review and assess whether that would be the case.

Recommendations to Achieve Full Compliance

- LASD provides to the MT the training material to address (d) and (f).
- Once approved, LASD trains all sworn staff in the AV in the new Community Engagement training.
- LASD develops and provides quarterly refresher trainings at roll calls.

Work to be Completed During the Upcoming Reporting Period

LASD:

- Provide training material and curriculum for trainings it submits that are in compliance with sections (d) and (f).

- Begin training AV staff on all of the required training, after receiving DOJ and MT approval, observation, and feedback.

MT:

- Review training material LASD submits for compliance with sections (d) and (f) of Paragraph 89.
- Observe and provide feedback on the pilot trainings of the new Community Engagement training.
- Observe pilot of trainings using the new Community Engagement training.

Paragraph 90

LASD agrees to ensure that monthly Crime Management Forum meetings with the Assistant Sheriff or his designee and semiannual Risk Management Forum meetings include discussion and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them. LASD agrees to use techniques such as spatial mapping and scientific deployment analysis to enable the Risk Management Forum to better support and measure community and problem-solving policing efforts

Work Conducted

Members of the MT attend every monthly CMF meeting for the Northern Patrol Division, which includes Lancaster and Palmdale. The MT also attends the semi-annual RMF meetings. The MT has provided two memos over the past three years advising LASD of its non-compliance with this provision of the SA and providing examples and recommendations on how the Department can come into compliance.

Policy Compliance: **NA**

Training Compliance Status: **NA**

Implementation Compliance: **Partial Compliance**

LASD consistently holds monthly CMF meetings and semi-annual RMF meetings. The quality of these meetings has improved in the past few years, and LASD has implemented some the MT's recommendations. In RMF meetings, LASD has long been engaged in monitoring its risk exposure and trends in risk management categories that include topics such as shooting incidents, use of force, misconduct and service complaints, and litigation costs associated with these and other areas of risk.

More recently, the Department has begun incorporating additional data and information, which is required under the SA for the AV stations, to include review of data and assessment of trends in additional areas such as arrests made for obstructing, delaying, or interfering with a peace officer and

evaluating not only whether there might be indications of disparity shown but also whether risk mitigation efforts are proving to be effective or other improvements should be considered. One area where the AV stations are still deficient relates to the CMF meetings and the need to engage with the community in efforts to support and measure community and problem-solving policing efforts. While the stations are identifying problem-solving activities that are driven internally, there has been little to no documentation of how or whether any of these efforts are being undertaken based on community input and identification of their priorities, or that the community has been actively engaged as a co-producer of public safety where those opportunities are present. This is the area that needs to improve for LASD to come into full compliance with this provision of the SA.

Overall Assessment of Progress Toward Compliance

Progress has been made in the CMF meetings toward compliance with Paragraph 90 of the SA, but the two stations still lack adequate identification of community priorities and the development of strategies to address them. Additionally, the MT has suggested that LASD use more of its community policing models to make the CMFs more productive, particularly increased analysis and assessment of challenges and community priorities in order to develop, implement, and assess appropriate responses. On June 3, 2022, the MT submitted a very detailed memo to LASD regarding needed CMF improvements as well as acknowledgment of where progress has been made.

Recommendations to Achieve Full Compliance

The AV stations should broaden their efforts to routinely engage with all segments of the community, seek out and consider community input on policing priorities and strategies where feasible, and ensure feedback is provided to affected stakeholders so that they are made aware of results. Doing this promotes transparency and enhances confidence and trust, while discussing these activities and outcomes in the CMF meetings also promotes both accountability and organizational awareness throughout the ranks. LASD also needs to document and track these efforts.

For example, the Lancaster CAC raised an issue that many community members were complaining about what was perceived as a recent rise in unnecessary stops in the Park Circle apartments. At the CMF it was decided that the Lancaster Captain would review recent stops as well as hold a community meeting in or near the Park Circle area to hear the community's concerns, discuss the station's data and activities in that area to date, and discuss possible activities in which the Department and the community (independently and/or jointly) could engage to address the problem. Once this information is gathered, LASD needs to report back to the community on their response or next steps.

Work to be Completed During the Upcoming Reporting Period

LASD:

- Broaden their efforts to routinely engage with all segments of the community, seek out and consider community input on policing priorities and strategies where feasible, and ensure feedback is provided to affected stakeholders so that they are made aware of results.
- Use the example given above.

MT:

- Continue to attend all CMF and RMF meetings.
- Provide feedback and recommendations after the meetings.
- Assess LASD's progress toward compliance and offer technical support as needed.

Paragraph 91

To continually improve police-community partnerships, LASD will assess and report on the impact of community engagement initiatives. LASD will issue public reports on the Antelope Valley stations' community engagement efforts, identifying successes, obstacles, and recommendations for future improvement

Work Conducted

The MT has approved only two previous Community Engagement reports, albeit after significant revisions that were submitted for compliance. Even for those that were approved, the MT noted that while they were in technical compliance, the reports could be improved with more thoughtful scrutiny of successes, obstacles, and recommendations for future improvement. For this monitoring period, LASD has not yet submitted the Community Engagement report for 2021.

Policy Compliance: **NA**

Training Compliance Status: **NA**

Implementation Compliance: **Not in Compliance**

The MT and DOJ have provided detailed feedback and recommendations related to the Community Engagement report on several occasions in recent years. With respect to the 2020 Community Engagement report, LASD included sections in the report that adequately identified successes, obstacles, and recommendations for future improvement as is required by the SA. At that point, LASD

was in full compliance with this provision of the SA. But at the time of this submission, no report has yet been submitted for 2021. The MT last requested the report on or before May 21, 2022.

Overall Assessment of Progress Toward Compliance

The MT provided LASD a detailed memo on August 26, 2020, highlighting both the progress made and the continued challenges with the annual reports. The MT also provided a recommended outline for the reports that LASD eventually adopted.

The primary challenge and need with respect to LASD's Community Engagement reports has been that they did not adequately address the SA requirement to identify successes, obstacles, and recommendations for future improvement in their community engagement. For their 2020 report, LASD did provide information for these sections and with reasonable content that resulted in a determination of being in compliance with this provision. But as of June 30, 2022, the MT had not yet received LASD's annual AV Community Engagement report for 2021.

Recommendations to Achieve Full Compliance

The MT recommended that LASD review community engagement activities on an ongoing or quarterly basis so that the report is less onerous at the end of the year. We also recommend that the report be submitted to the MT and DOJ no later than March 31 of each year to allow time for MT and DOJ review and more importantly, the implementation of the "recommendations for future improvement" within the year of publication. To promote transparency and accountability to the community, we would also like to see a section in the report dedicated to how recommendations from the previous year were implemented in the reported year.

Lastly, we would like to see improved proficiency in LASD's assessment of successes, obstacles, and recommendations for future improvement of LASD community engagement, especially with youth and communities of color, and adjust plans and strategies accordingly.

Work to be Completed During the Upcoming Reporting Period

LASD:

- Complete the annual reports within three months of the end of the year.
- Continue to improve detailed analysis on successes, obstacles, and recommendations for future improvement of LASD community engagement, especially with youth and communities of color.

Paragraph 92

LASD agrees to seek the assistance of community advocates in widely disseminating to the public, in English and Spanish, the requirements of this Agreement

Work Conducted

LASD has been in compliance with this provision of the SA since December 2015.

Policy Compliance: **NA**

Training Compliance Status: **NA**

Implementation Compliance: **In Sustained Compliance**

After the first year of the SA, LASD produced brochures in English and Spanish explaining the SA, and the brochures were distributed at community meetings and events. LASD also has details about the SA on its website. The CACs also continue to discuss the SA and the latest MT report at quarterly Town Hall meetings.

Overall Assessment of Progress Toward Compliance

Although LASD has remained in sustained compliance with this provision of the SA for several years, the Department would benefit from ongoing efforts to educate newer community members and the youth who are maturing in the community so that they become more invested in sustaining the work that has been accomplished.

Recommendations to Achieve Full Compliance

LASD is in compliance.

Work to be Completed During the Upcoming Reporting Period

This provision of the SA is no longer under active monitoring.

Paragraph 93

LASD will continue to support Lancaster and Palmdale's CACs to advise and provide feedback to the LASD's Antelope Valley stations. The panel will leverage the insights and expertise of the community to address policing concerns, including, but not limited to, racial or ethnic profiling and access to law enforcement services, and promote greater transparency and public understanding of LASD. The civilian panel shall be authorized to: (a) advise the Sheriff and the station commanders on strategies and training to improve community relations, bias-free policing, and access to the civilian complaint system; (b) work with the Sheriff and station commanders to establish and carry out community public safety priorities; (c) provide the community with information on the Agreement and its implementation; and (d) receive and convey to LASD public comments and concerns

Work Conducted

The MT has attended or observed Lancaster and Palmdale CAC quarterly Town Hall meetings, reviewed CAC meeting minutes, met with CAC members, and received and responded to numerous emails and calls from CAC members.

Policy Compliance: **In Compliance**

On September 27, 2014, the LASD Palmdale Station issued a Unit Order codifying the CAC in full compliance of the SA. On February 11, 2015, the Lancaster Station issued Unit Order 72 also with the same information.

Training Compliance Status: **NA**

Implementation Compliance: **In Compliance**

LASD has maintained the CACs at both AV stations throughout the time of the SA.

Overall Assessment of Progress Toward Compliance

LASD has maintained the CACs at both AV stations throughout the time of the SA. The quality and engagement of the CACs have varied widely at different times and among the stations, but they have existed and operated throughout the SA. We would like to challenge LASD and the CACs to improve their own documentation of issues, concerns, and problems identified during community outreach efforts and track those concerns over time. We ask that monthly CAC meetings include time dedicated to discussion of these issues, and that the meeting minutes or notes document LASD's responses and intentions, with follow-up on outcomes and lessons learned in subsequent meetings. This process, routinized as a practice, would impact many compliance provisions.

Recommendations to Achieve Full Compliance

LASD is in compliance.

Work to be Completed During the Upcoming Reporting Period

LASD:

- Allow the CACs as a body and its members to provide genuine input and feedback.
- Provide substantive response to that feedback.
- Provide the space and support for the CACs to operate with a level of independence and to encourage the CACs to seek out information, feedback, and suggestions from members of the community, especially youth and communities of color.

MT:

- Attend CAC meetings.
- Provide the CACs any needed or desired support and technical assistance.
- Stay in consistent communication with members of the CACs.

Paragraph 94

LASD will memorialize the CACs into LASD-AV policy within 90 days of the Effective Date. The policy will establish the number of members and a mechanism to ensure that membership is representative of the diverse communities in the Antelope Valley, including members from each station, faith communities, minority, ethnic, and other community organizations. LASD shall include student or youth organizations on the CACs or create a separate advisory committee made up of youth representatives. LASD will facilitate quarterly public meetings of the CAC to discuss the Monitor's reports and to receive community feedback about LASD's progress or compliance with the Agreement

Work Conducted

The MT has attended Lancaster and Palmdale CAC quarterly town hall meetings, reviewed CAC meeting minutes, met with CAC members, and received and responded to numerous emails and calls from CAC members.

Policy Compliance: **In Compliance**

On September 27, 2014, the LASD Palmdale Station issued a Unit Order codifying the CAC in full compliance of the SA. On February 11, 2015, the Lancaster Station issued Unit Order 72 also with the same information.

Training Compliance Status: **NA**

Implementation Compliance: **In Sustained Compliance**

Both LASD-AV stations issued Unit Orders memorializing the CACs. The CACs have consistently held quarterly town hall meetings, even during the height of the COVID-19 pandemic, and the town hall meetings regularly have portions of the agenda dedicated to the most recent MT six-month report.

Overall Assessment of Progress Toward Compliance

LASD has maintained the CACs at both AV stations throughout the time of the SA. The quality and engagement of the CACs have varied widely at different times and among the stations, but they have existed and operated throughout the SA. Quarterly town hall meetings are held regularly and provide members of the community an opportunity to share their experiences and perspectives with the CACs and LASD.

The MT has worked closely with the CAC. The MT has conducted trainings for the CAC, provided feedback, held frequent meetings, and responded to frequent communication from CAC members.

To maintain compliance, in the next reporting period the stations will need to put greater effort into ensuring youth representation on the CACs.

Recommendations to Achieve Full Compliance

LASD is currently in compliance, but to maintain that status, the stations will need to put greater effort into ensuring youth representation on the CACs. The Monitors acknowledge that there are particular obstacles for youth to consistently attend meetings and to maintain their CAC membership over time, so we give the Department some leeway on this issue, but the SA requirement must be pursued.

Work to be Completed During the Upcoming Reporting Period

MT:

- Continue to attend CAC meetings.
- Provide the CACs any needed or desired support and technical assistance.

- Stay in consistent communication with members of the CACs.

LASD:

- Ensure youth representation on the CACs.

Paragraph 95

The CAC's reports and recommendations will be posted on LASD-AV's website. LASD will consider and respond to the civilian panel's recommendations in a timely manner

Work Conducted

The CACs submit annual reports covering their activities between July 1 and June 30. The reports for 2020/2021 were submitted, reviewed, and feedback given in the previous reporting period and the next reports will be submitted and reviewed in the next monitoring period.

The MT has monitored if LASD has posted the CAC reports on its website and if LASD has provided a response, which has not always been the case.

Policy Compliance: **NA**

Training Compliance Status: **NA**

Implementation Compliance: **Partial Compliance**

Both the Lancaster and Palmdale stations issued reports for the time period from July 1, 2020, to June 30, 2021. LASD posted both reports on its website and provided a response to the Palmdale report but not for the Lancaster report, as of June 13, 2022.³¹

LASD has previously been found to be in compliance with this provision of the SA.

Overall Assessment of Progress Toward Compliance

For the first few years of the SA, the CACs were not issuing reports. The MT worked with each CAC and provided a recommended report outline. The CACs began issuing reports toward the end of 2017 but those first reports did not include all the necessary sections. The reports issued toward the end of 2019, covering the period July 1, 2018, through June 30, 2019, did include all of the necessary sections,

³¹ https://lasd.org/lancaster/#community_advisory_reports

including recommendations to LASD. LASD also responded to those reports and their recommendations, coming into compliance with this provision of the SA in 2020. LASD has not maintained compliance as it has yet to provide and post a response to the Lancaster CAC's report for the period of July 1, 2020, to June 30, 2021.

Recommendations to Achieve Full Compliance

- Consider and respond to the Lancaster CAC's report from July 1, 2020, to June 30, 2021.
- Post the response on the LASD website.
- Consider and respond to CAC recommendations and post both the recommendations and responses on the LASD website.

Work to be Completed During the Upcoming Reporting Period

LASD:

- Consider and respond to the Lancaster CAC's report from July 1, 2020, to June 30, 2021.
- Post the response on the LASD website.
- Consider and respond to CAC recommendations and post both the recommendations and responses on the LASD website.

MT:

- Provide feedback and approve the annual CAC reports.
- Review LASD's response and monitor if the Department posts both the CAC reports and the responses on its website.

Paragraph 96

The County will provide the CAC with reasonable administrative support, including meeting space. In addition, the Monitor may provide advice and technical assistance to the CAC

Work Conducted

The MT has attended Lancaster and Palmdale CAC quarterly town hall meetings, reviewed CAC meeting minutes, met and routinely engaged with CAC members, and continued to receive and respond to numerous emails and calls from CAC members.

Policy Compliance: **Yes**

On September 27, 2014, the LASD Palmdale Station issued a Unit Order codifying the CAC in full compliance of the SA. On February 11, 2015, the Lancaster Station issued Unit Order #72 also with the same information.

Training Compliance Status: **NA**

Implementation Compliance: **In Sustained Compliance**

Both CACs are provided with space to meet at each respective station, and each CAC has a liaison at the station to assist them with administrative needs.

Overall Assessment of Progress Toward Compliance

Since the beginning of the SA, LASD has provided both CACs with space to meet at each respective station, and each CAC has a liaison at the station to assist them with administrative needs.

The MT has worked closely with the CACs has conducted trainings for them, provided feedback, held frequent meetings, and responded to inquiries and requests for assistance and guidance from CAC members. The MT has supported the CACs in the development of their annual reports and conducted presentations at their quarterly town hall meetings.

Recommendations to Achieve Full Compliance

LASD is in full compliance with this provision.

Work to be Completed During the Upcoming Reporting Period

The MT will continue to attend CAC meetings, provide the CACs with any needed or desired support and technical assistance, as well as stay in consistent communication with members of the CACs.

Paragraph 97

The CAC will not have access to any non-public information regarding an individual deputy or allegation of misconduct or disciplinary action

Work Conducted

The MT has attended Lancaster and Palmdale CAC quarterly town hall meetings, reviewed CAC meeting minutes, met with CAC members, and received and responded to numerous emails and calls from CAC members. There is no evidence of non-public information being provided to the CAC.

Policy Compliance: **In Compliance**

On September 27, 2014, the LASD Palmdale Station issued a Unit Order codifying the CAC in full compliance of the SA, including a provision of the Unit Order that states that CAC members will not have access to any non-public information regarding an individual deputy or allegation of misconduct or disciplinary action. On February 11, 2015, the Lancaster Station issued Unit Order 72 with the same information.

Training Compliance Status: **NA**

Implementation Compliance: **In Sustained Compliance**

Palmdale and Lancaster stations issued the CAC Unit Orders prohibiting the CAC members from having access to information regarding an individual deputy or allegation of misconduct or disciplinary action. There have been no reports of CAC members ever receiving or having access to such information.

Overall Assessment of Progress Toward Compliance

LASD has maintained compliance with this provision of the beginning of the SA.

Recommendations to Achieve Full Compliance

LASD is in full compliance with this provision.

Work to be Completed During the Upcoming Reporting Period

The MT will continue to attend CAC meetings, provide the CACs with any needed or desired support and technical assistance, as well as stay in consistent communication with members of the CACs.

Paragraphs 98–101

LASD agrees to assist the Monitor in conducting a reliable, comprehensive, and representative annual survey of members of the Antelope Valley community regarding their experiences with and perceptions of LASD and of public safety (Paragraph 98).

To conduct the annual community survey, the Monitor shall retain an individual or entity that shall: (a) develop a baseline of measures on public satisfaction with policing, attitudes among police personnel, and the quality of police-citizen encounters; (b) design, conduct, and analyze baseline and subsequent annual surveys of a representative sample of Antelope Valley residents, law enforcement personnel, Section 8 voucher holders, and detained arrestees; (c) review and consider prior law enforcement surveys in the Antelope Valley and other cities (including recent community policing surveys in Palmdale and Lancaster), as well as current or recent concerns in the Antelope Valley, in designing the survey; (d) engage in informal conversation with Antelope Valley residents, LASD deputies and command staff, and DOJ representatives, and observe community meetings; (e) ensure that the resident and arrestee surveys are designed to capture a representative sample of Antelope Valley residents including members of each demographic category; (f) conduct the survey in English and Spanish as necessary to ensure representation of the entire Antelope Valley community; and (g) formally discuss the survey methodology with LASD supervisors and DOJ, and consider these opinions in development of the initial survey and improvements to subsequent surveys (Paragraph 99).

LASD agrees to cooperate with the design and conduct of the survey by, for example, helping to organize focus groups of deputies and obtaining and providing previous survey instruments and data (Paragraph 100).

The report of the baseline survey and subsequent annual surveys shall be publicly distributed and posted on the LASD-AV website (Paragraph 101).

Work Conducted

The Parties have worked with an independent research team to conduct three annual Community Surveys in the AV. In addition to the general community surveys, a youth survey has been administered each year and during the first year of the survey, and a series of focus groups were conducted as well. Survey data has primarily been collected online although paper surveys were available prior to the COVID-19 pandemic. Community Survey data has been made available online, and an accompanying narrative report was produced each year as well. Both can be found through the MT's website.

There was no data collection for the Community Survey during this reporting period. However, the research team did determine that Year 4 Community Survey data collection will begin in fall 2022. To prepare for data collection, the research team will meet with the MT and the Parties to discuss a couple of potential revisions to the Year 4 data collection process, including discontinuing survey administration at AV high schools due to low response rates in the past. The research team and the MT will be considering other strategies to ensure the perspectives of younger AV residents are still captured in the general survey. During the next reporting period, the Community Survey will be administered and

the data analysis and accompanying report are expected to be completed by the end of the calendar year.

To our knowledge, LASD has not done much with the results of the survey. We have not seen evidence of its application or been provided any documentation. SA Paragraphs 69, 72, 88, 143, and 153 have ramifications for how LASD should be using the Community Survey data, along with other data sources, in bias-free policing, community policing, and community engagement efforts. LASD did request the raw data so that it could conduct its own analysis, but we have not seen the results of that analysis and do not know their intentions in doing so.

Policy Compliance: In Compliance: **NA**

Training Compliance Status: **NA**

Implementation Compliance: **In Sustained Compliance**

LASD has complied with cooperating with the design of the survey and supporting data collection in each of the previous three years the survey has been administered. LASD has consistently shared the survey with its network via social media, its website, and has publicized the survey at its meetings and events.

Overall Assessment of Progress Toward Compliance

Overall, LASD has made significant progress toward compliance with the Community Survey provisions of the SA. It has cooperated with the design of the survey and supported data collection in each of the previous three years the survey has been administered. LASD has consistently shared the survey with its network via social media, its website, and has publicized the survey at its meetings and events.

Recommendations to Achieve Full Compliance

LASD is in compliance with these provisions.

Work to be Completed During the Upcoming Reporting Period

During the next reporting period, the Community Survey will be administered and the data analysis and accompanying report are expected to be completed by the end of the calendar year.

F. USE OF FORCE

UOF Preface, Paragraphs 109 and 160

LASD agrees to revise its force policies and practices to reflect its commitment to upholding the rights secured or protected by the constitution of the United States. (SA UOF Preface)

The use of force reporting policy shall explicitly prohibit the use of conclusory statements without supporting detail, including "boilerplate" language in all statements and reports documenting use of force. ... Deputies shall be held accountable for material omissions or inaccuracies in their use-of-force statements, which may include being subject to disciplinary action. (SA Paragraph 109)

LASD will submit policies, training curricula, and lesson plans required to be written, revised, or maintained by the Agreement to the Monitor and DOJ prior to publication and implementation. The Parties will share draft policies and meet and confer as needed to reach agreement on whether revised policies and training materials are in compliance with the requirements of the Agreement, the Constitution, federal and statutory law, best practices, and current professional standards. (SA Paragraph 160)

Work Conducted

In April 2019, DOJ, the Monitor, and Department representatives reached a tentative agreement on an updated UOF policy. However, the Department's executive management team was unresponsive to the tentatively agreed-upon policy, and it was never approved. In July 2020, the Department provided a draft use-of-force policy that significantly departed from the tentatively agreed upon policy. The Department, Monitors, and DOJ exchanged written comments and met several times to discuss the draft policy. But in December 2020, the Department indicated that it needed to publish and implement the policy by January 2021 to comply with California law. On June 16, 2021, the Department unilaterally implemented a use-of-force policy, which did not satisfy several SA mandates, without the Monitors and DOJ's approval, which is required by SA Paragraph 160. Despite the policy and related training being implemented, the Parties and MT proceeded to revisit the policy, with many subsequent exchanges of use-of-force policy drafts between the Parties. On September 16, 2021, the Department, Monitors, and DOJ discussed the use-of-force policy. On November 8, 2021, the Department provided a revised use-of-force policy that included changes to reflect new California laws. The Monitors and DOJ provided comments to that draft policy on December 8, 2021. The Department agreed to meet and discuss the updated use-of-force policy in February 2022, but at the last minute the Department postponed the meeting stating it did not have sufficient time to review the draft policy. On March 23, 2022, the Department submitted a revised use-of-force policy that still did not include many of the agreed upon changes. The Monitors and DOJ provided comments on April 18, 2022. Then on April 21, 2022, the Parties again met and discussed the policy. A week later, County Counsel submitted a revised policy, as well as an email agreeing to many, but not all, of the previously agreed upon changes. On May 25, 2022, the Monitors and DOJ provided comments to the latest revised policy. The Department, Monitors, and DOJ were scheduled to meet to discuss the policy on June 8, but the Department cancelled the meeting and has not provided proposed dates to discuss the policy.

The monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3.

- The MT's first audit of Categories 1 and 2 uses of force was published in October 2018. It included a detailed review of 49 investigations of uses of force that occurred between January 1 and March 31, 2017.
- The second audit of Categories 1 and 2 uses of force was published in July 2021 and addressed 73 uses of force that occurred between October 1 and December 31, 2019.^{32, 33}
- The Monitors conducted a separate audit of Category 3 uses of force. Category 3 cases involve the most significant uses of force, including deputy-involved shootings and/or significant injuries sustained by the subject of the force, and they are investigated, reviewed, and adjudicated in an entirely different process from Categories 1 and 2, so the audit methodology is specifically designed to evaluate that process. That audit was submitted to the Department in November 2019. Since Category 3 uses of force are rarer than Categories 1 and 2, that audit used an extended audit population time period, from January 1, 2015, through March 31, 2018, and included 13 cases.

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by the Department's Executive Force Review Committee (EFRC) and two that were assessed by Critical Incident Review Panels (CIRPs).

The MT and DOJ provided feedback to LASD on their Body Worn Camera Policy and on a directive providing instructions on the review of BWC footage for uses of force. See the UOF section of this report for more information.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. Although the Department had ample time to do so, literally years, it chose to unilaterally implement its UOF policy without approval by the DOJ and the Monitors, which is required by SA Paragraph 160.

Significant issues remain unresolved, including, but not limited to, the Department's position governing the categorization, reporting, and adjudication of uses of force that involve the intentional pointing of a

³² The second Categories 1 and 2 use-of-force audit also addressed NCI cases, a new classification given to very minor uses of force.

³³ The Monitors' previous audits have documented extensive delays in the Department's investigation and management review of UOF cases; most investigations are not completed and adjudicated and their data entered into the Department's PRMS database until 10 to 12 months after the incident occurred. The MT has recommended the Department reduce the delays. In the meantime, the MT selects audit periods that allow for these delays and provide a reliable and sufficient population to support the audit's findings while also ensuring sufficient time has passed for the implementation of changes based on the previous audits and any subsequent changes to policy or training.

firearm by a Department employee at a person; as well as other concerns expressed to the Department by the DOJ, including but not limited to, the categorization, investigation, and adjudication of deputies' uses of force that involve the use of improved weapons and/or improvised techniques by deputies.

Training Compliance: **Not in Compliance**

The Department remains out of compliance with the SA's UOF training requirements, which are governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

Implementation Compliance: **Partial Compliance**

Despite good performance on Category 1 and 2 uses of force, the Department is in partial implementation compliance for the SA Use-of-Force Preface due to the continued lack of an approved UOF policy and training and for substantial errors found in the Category 3 UOF audit.

The Department is in compliance for SA Paragraph 109 for Category 1 and 2 uses of force, but out of compliance for Category 3 uses of force.

- In the first Categories 1 and 2 UOF audit, we found no use of boilerplate language. However, we found two cases with substantial report inaccuracies, but in each case the inaccuracies were identified, and supervisory corrective action was taken.
- In the second Categories 1 and 2 UOF audit, we found no instances of substantial inaccuracies. There were a few instances of boilerplate language, but the threshold for compliance was met.
- In the Category 3 audit, we found substantial errors in the reports prepared by deputies in two cases. Those errors were so critically deficient that they rendered their reports unreliable. Those shortcomings should have been identified and addressed by Department managers and, when that did not occur, by the EFRC. That resulted in a compliance rate of 85%, which is below the 95% standard agreed upon by the Parties. Since that time, the Monitors have reviewed ten Category 3 uses of force that were evaluated by the Department's EFRC and CIRP. In those reviews, we have noted significant improvement since the EFRC audit. However, there have been other cases that document deficiencies that were not identified by the EFRC, including but not limited to, understating the number of previous Category 3 uses of force that an involved deputy had been involved in, and inconsistencies in documentation associated with the removal and return to field duty of deputies after a shooting.

The Department is out of compliance with SA Paragraph 160 because it implemented a UOF policy that had not been approved by the MT and DOJ.

Overall Assessment of Progress Toward Compliance

The Department's updated UOF policy represents an improvement over its previous policy, and multiple policy agreements have been resolved. However, significant issues remain unresolved, most of which are associated with the Department's lack of a clear policy associated with the categorization, reporting, documentation, investigation, and adjudication of uses of force that involve the intentional pointing of a firearm by a Department employee at a person, which is required by the California Commission on Peace Officers Standards on Training (POST) Standard No. 6; as well as other concerns expressed to the Department by DOJ including, but not limited to, the use and investigation of improvisational weapons by deputies. The lack of a clear policy and training—to guide deputies working in the field, supervisors conducting UOF investigations, and managers reviewing and adjudicating those investigations—contributes to the lack of compliance in these areas.

Recommendation(s) to Achieve Full Compliance

The Department and the Parties will require additional discussions to resolve the remaining deficiencies with its UOF policy. The Department will then need to publish the updated UOF policy and provide training to ensure that all AV staff have been successfully trained in it.

This process has taken far too long, and the Department has not addressed it with a sense of urgency, and that needs to end if the Department wants to achieve compliance with these provisions. The Department should ensure that the NPD chief becomes more actively involved and participates in future policy discussions with the Monitors and DOJ. Furthermore, the Sheriff must take an active interest in the Department achieving SA compliance and ensure that Department entities that have functional control over achieving SA compliance, including Training Bureau and Field Operations Support Division, be held accountable for providing the leadership and direction to complete the SA requirements under their areas of responsibility.

Work to be Completed During the Next Reporting Period

The Department, DOJ and Monitors need to further attempt to resolve the remaining use-of-force policy issues. In the event that cannot be achieved SA Paragraph 162 requires: *"If LASD, DOJ, and the Monitor do not all agree that the policy, training curriculum or lesson plan is consistent with this Agreement, legal requirements, and best practices, either Party or the Monitor will provide the rationale for its objection in writing and the Parties and Monitor will attempt to confer to resolve the Agreement. If the disagreement remains unresolved, either Party or the Monitor may petition the Court thereafter to resolve."*

SA Paragraphs 102, 104, 105 and 106g (Use of Force)

LASD agrees to continue to prohibit the use of force above [compliant] handcuffing to overcome passive resistance, except where physical removal is permitted as necessary and objectively reasonable.

(Paragraph 102)

LASD agrees to clarify that Antelope Valley deputies may not use force against individuals who may be exhibiting resistive behavior, but who are under control and do not pose a threat to the public safety, themselves, or to other deputies. LASD agrees to continue to require that Antelope Valley deputies assess the threat of an individual prior to using force and emphasize that a use of force must be proportional to the threat or resistance of the subject. If a threat or resistance no longer exists, deputies cannot justify the use of force against a subject. (Paragraph 104)

LASD agrees to explicitly prohibit the use of retaliatory force, particularly against subjects who express criticism of, or disrespect for, LASD Antelope Valley deputies. (Paragraph 105)

LASD agrees to explicitly prohibit interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the member of the public is lawfully present. Such prohibited interference includes: (Paragraph 106)

g. Using force upon that person; (Paragraph 106g)

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. (See Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

The Department's remains out of compliance with the SA's UOF training requirements, which are governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

Implementation Compliance: **Partial Compliance**

The Department has achieved implementation compliance with SA Paragraphs 102, 104, and 105 for Category 1 and 2 uses of force, but not Category 3 uses of force.

- In the first Categories 1 and 2 UOF audit, no cases were found out of compliance with these provisions.
- In the second Categories 1 and 2 UOF audit, the MT found four uses of force that were not objectively reasonable. However, 95% of the cases reviewed were assessed as objectively reasonable and in compliance, meeting the minimum compliance threshold.
- In the MT's Category 3 UOF audit, the MT found two cases violated SA Paragraphs 102 (use of objectively reasonable force) and 104 (force used for resistive behavior). The MT also found one case out of compliance with SA Paragraph 105 in which LASD failed to "explicitly prohibit the use of retaliatory force" resulting in a compliance rate of 92%, below the approved standard of 95%.

The Department has achieved implementation compliance for Category 1, 2, and 3 uses of force for SA Paragraph 106g. (No cases in the MT UOF audits violated this specific provision.)

The Department is in partial compliance for policy and training compliance for SA Paragraphs 102, 104, 105, and 106g due to the continued lack of approved UOF policy and related training.

Overall Assessment of Progress Toward Compliance

Our audits have found that the Categories 1 and 2 force used by AV deputies has been assessed as sufficiently compliant with Department policy and the mandates of the SA. As previously stated, our audit of the use of Category 3 force in the AV found the Department out of compliance for the use of force. While we have several concerns associated with the completeness of the EFRC review processes, which will be subsequently addressed, our assessments of the cases adjudicated by the EFRC year to date have found that the force used was consistent with Department policy and the SA. This is encouraging; however, a six-month time period does not result in the Department being found in compliance with those uses of force. Additionally, since compliance for this provision requires compliance across all types of use of force, the Department has not achieved implementation compliance with SA Paragraphs 102, 104, and 105.

Recommendation(s) to Achieve Full Compliance

The Parties and the MT will require additional discussions to hopefully resolve the remaining deficiencies with its UOF policy. The most important of those deficiencies is the Department's lack of guidance, categorization, reporting, and managerial review of the intentional pointing of a firearm at a

person by a deputy, which is required by POST standards. The Department will then need to publish the updated UOF policy and provide training to ensure that all AV staff have been trained in it.

Work to be Completed During the Next Reporting Period

The MT will meet with the Department and discuss the steps the Department needs to complete in order to achieve full compliance with these paragraphs. The MT will also submit a UOF audit plan to the Department and DOJ for input and begin the audit.

SA Paragraph 103

Deputies shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force; and de-escalate force immediately as resistance decreases.

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Paragraph 103 is tied to the requirement that LASD "use force as a last resort and de-escalate the use of force at the earliest possible moment" (Use-of-Force Preface, SA page 24). The MT audits assessed Paragraph 103 with regard to both the use of de-escalation techniques whenever possible before resorting to force and, when force is used, reducing the level of force as control is achieved.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. (See Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

The Department's remains out of compliance with the SA's UOF training requirements governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

Implementation Compliance: **Partial Compliance**

Both the October 2018 and July 2021 Categories 1 and 2 UOF audits found the Department in compliance with SA Paragraph 103, but the November 2019, Category 3 UOF audit found the Department out of compliance with that paragraph.

- The first Categories 1 and 2 UOF audit found two instances in violation of this provision, resulting in a 96% compliance rate, exceeding the approved standard.
- The second Categories 1 and 2 UOF audit found six instances where de-escalation or force reduction techniques should have been used but were not, resulting in a 92% compliance rate, which nonetheless exceeded the approved minimum standard of 90%.
- The Category 3 UOF audit found two cases where deputies failed to apply de-escalation technique before using force and failed to reduce the force as control was achieved. This resulted in 85% (two of 11 cases) being out of compliance, below the approved minimum standard of 95%.

The Department is in partial compliance with SA Paragraph 103.³⁴

Overall Assessment of Progress Toward Compliance

While the Department was found to be in compliance for the de-escalation of force in Categories 1 and 2 uses of force, it was found out of compliance for the de-escalation of Category 3 uses of force, which are the more serious uses of force. Since compliance for this provision requires compliance across all types of use of force, the Department has not achieved implementation compliance, or policy and training compliance with SA Paragraph 103.

There are several factors the MT has identified contributing to the delay in the Department reaching compliance here. The MT and DOJ review of the current UOF training identified that the training did not place enough emphasis on the de-escalation of tense and evolving incidents with the goal of resolving those incidents without having to resort to the use of force. Monitors also identified that there was some confusion in the training about the term “de-escalation” as it applies to avoiding using force versus the reduction of force as control is achieved.

The upcoming UOF policy—still under development at this point—should include clearer definitions and instructions for deputies regarding the de-escalation of force and, once that is approved, the UOF training should be updated to reflect that additional clarity.

Recommendation(s) to Achieve Full Compliance

The Department needs to complete and implement an updated UOF policy that is approved by the Monitors and DOJ, and then update its UOF training and increase the supervisory and managerial focus

³⁴ For our assessment of the Department’s EFRC process during this evaluation period please see the UOF section and Appendix C, Paragraphs 114 and 181.

on deputies' use of de-escalation techniques such as the use of time, tone, distance, staff switching, and available resources to resolve tense and evolving incidents without having to use force, and when that is not feasible to use proportional and objectively reasonable force.

Supervisory and managerial review of UOF investigations should give increased attention to the use or non-use of de-escalation elements, and adjudications should include corrective action when necessary. Furthermore, divisional and station managers need to build a culture where de-escalation is valued and reinforced on a daily basis.

Work to be Completed During the Next Reporting Period

The Monitors will work with the Department, DOJ and County Counsel in the development of an updated UOF policy and training that satisfies SA mandates, and develop and submit a UOF audit work plan to DOJ and Department for input, and then begin the audit field work.

SA Paragraph 107

"LASD will continue to require, and emphasize in its training, that a hard strike to the head with any impact weapon, including a baton, is prohibited unless deadly force is justified. Unintentional or mistaken blows to these areas must be reported to ensure that all reasonable care was taken to avoid them."

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. (See explanation in Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

The Department's remains out of compliance with the SA's UOF training requirements governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

On March 22, 2022, the Monitors attended the Department's in-service UOF training, at the Department's Star Center. During that training, the instructor showed a PowerPoint slide that included the Department's Impact Weapons Chart. The chart showed that the subject's head, neck, and spine were vital areas, and that the secondary areas were the arms, chest, stomach, middle and lower back, and groin. The primary target areas were highlighted in green and included the subject's arms, legs, buttocks, hands, and feet. The instructor discussed what target areas could be struck with impact weapons during assaultive high-risk scenarios.

The use of impact weapons is a very high-risk activity, and the subject was not adequately addressed. This finding is not directed at the instructor. During the development of this class, MT members advised the Department that the amount of material covered in this class could not in any way be adequately covered in an eight-hour class, and the Department nonetheless did not expand the allotted time for the class.

Implementation Compliance: **In Compliance**

All of our audits and assessments have documented that AV deputies rarely use impact weapons, and when one is used, it is usually a flashlight in a defensive manner to deflect a suspect's punches. As a matter of fact, in all of our reviews, there has not been one case where a deputy has used a baton. The Department has achieved implementation compliance, but not policy or training compliance with SA Paragraph 107.

Overall Assessment of Progress Toward Compliance

As previously stated, our audits have not documented a single case where an AV deputy used an impact weapon in a manner contrary to Department policy or SA mandates. While the Department has achieved implementation compliance, it is fortunate that AV deputies have organically complied with SA mandates, and significant work remains to be completed with the Department's UOF policy and training.

Recommendation(s) to Achieve Full Compliance

The Parties and the MT will require additional discussions to resolve the remaining deficiencies with its UOF policy. The most important of those deficiencies is the Department's lack of guidance, categorization, reporting, and managerial review of the intentional pointing of a firearm at a person by a deputy, which is required by POST standards, as well as other concerns expressed to the Department by DOJ, including but not limited to the use, investigation, and adjudication of uses of force that involve deputies' use of improvisational techniques and/or weapons. The Department will then need to publish the updated UOF policy and provide additional UOF training to include more specific direction in how deputies can deescalate tense and evolving incidents by using time, tone, distance, staff switching, and available resources to resolve those situations without having to use force, and when that is not feasible to use objectively reasonable and proportional force.

Work to be Completed During the Next Reporting Period

Monitors will continue to work with the Department and make recommendations for the Department to improve its UOF policy and training so it can achieve full SA compliance. Additionally, the Monitors will submit a UOF audit work plan to the Department and DOJ for input and begin the audit field work.

SA Paragraphs 108 and 110

LASD agrees to continue to require deputies to report all uses of force above un-resisted handcuffing. LASD shall continue to require Antelope Valley deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (Paragraph 108)

LASD agrees to continue to require deputies who use or observe force to notify their supervisors immediately following any reportable use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any deputy. (Paragraph 110)

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. (See explanation in Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

The Department's remains out of compliance with the SA's UOF training requirements governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

Implementation Compliance: In Compliance

The October 2018 and July 2021, Categories 1 and 2 UOF audits found the Department in compliance with SA Paragraphs 108 and 110, as did the November 2019, Category 3 UOF audit, as did our evaluations of the Category 3 UOF cases that have been assessed by the Department's EFRC or CIRP processes this year. In all of these reviews, there has not been any indication of the slightest hesitancy by deputies to immediately report a use of force, regardless of how minor it may be, or for deputies who witness a use of force to immediately notify their supervisors. The Department has achieved implementation compliance with SA Paragraphs 108 and 110.

Overall Assessment of Progress Toward Compliance

AV deputies do an excellent job of immediately notifying a supervisor when they are involved in or witnesses a use of force by other deputies. Therefore, the Department has achieved implementation compliance of SA Paragraphs 108 and 110. In order to achieve full compliance, the Department must finish the development of its updated UOF policy, then it has to be reviewed and approved by the DOJ and Monitors. The Department will then have satisfactorily train AV personnel on that policy.

Recommendation(s) to Achieve Full Compliance

The Parties and the MT will require additional discussions to hopefully resolve the remaining deficiencies with its UOF policy and training. The Department will then need to publish the updated UOF policy and provide training to ensure that all AV staff have been trained in it.

Work to be Completed During the Next Reporting Period

The MT will work with the Department and continue to make specific recommendations to help the Department develop UOF policy and training that will better serve the Department and community and satisfy the SA's agreed-upon mandates.

The Monitors will develop and submit a UOF audit work plan to DOJ and the Department for input, and begin the audit field work.

SA Paragraphs 111–113

The following SA paragraphs govern the supervisory investigations of the use of force.

For all reportable uses of force, the investigating supervisor shall conduct a thorough investigation. This investigation will require supervisors to:

- a. respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention from an appropriate medical provider;*

- b. identify and collect all relevant evidence;
- c. canvass for, and interview, civilian witnesses;
- d. collect statements from witness deputies; and,
- e. review all deputy use-of-force statements for adequacy, accuracy, and completeness.
(Paragraph 111)

Following the investigation, each supervisor shall continue to complete a supervisory investigation documented in a "Supervisor's Report on Use of Force." This Report shall include:

- a. the supervisor's narrative description of the incident, including a complete and comprehensive description of the evidence that either justifies or fails to justify the deputy's conduct based on the supervisor's independent review of the facts and circumstances of the incident;
- b. documentation of all evidence;
- c. identities of all deputies witnessing the force;
- d. the investigating supervisor's evaluation of force, including a determination of whether the deputy's actions appear to be within LASD policy and consistent with state and federal law, and an assessment of the incident for tactical and training implications; and,
- e. documentation of any training or tactical concerns, and/or corrective action taken or recommended. (Paragraph 112)

Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command (Paragraph 113- Part 1), which will review the report to ensure that it is thorough and complete, and that the analysis and findings are supported by a preponderance of the evidence. (Paragraph 113- Part 2)

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. (See explanation in Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

The Department's remains out of compliance with the SA's UOF training requirements governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

Implementation Compliance: **Partial Compliance**

The Department was found in compliance for SA Paragraph 111a–d for the first Categories 1 and 2 audit but not the second. The Department was found in compliance for SA 111a-d for the Category 3 audit.

The Department was found in compliance for SA Paragraph 111e for the first Categories 1 and 2 audit but not the second. It was also not in compliance for the Category 3 audit.

The Department was found out of compliance for SA Paragraph 112a for both Category 1 and 2 audits; however, it was in compliance for the Category 3 audit.

The Department was found in compliance for SA Paragraph 112b-e for the first Categories 1 and 2 audit but not for the second. However, it was in compliance for the Category 3 audit.

The Department was found in compliance for SA Paragraph 113 Part-1 for both Categories 1 and 2 audits and the Category 3 audit.

The Department was found in compliance for SA 113 Part 2 for the first Categories 1 and 2 audit, but out of compliance for the second Categories 1 and 2 audit. The Department was also found out of compliance for the SA Paragraph 113 Part 2 for the Category 3 audit.

Overall Assessment of Progress Toward Compliance

The Department has achieved compliance for SA 113, Part 1, because the UOF investigations are routinely forwarded through the chain of command. Our first Categories 1 and 2 UOF audit documented that the Department was in compliance with many of the UOF investigation requirements of the SA. However, our second Categories 1 and 2 UOF audit showed a regression in the completeness of AV UOF investigations. For example, eight of the cases in the audit population (11%) documented a critical deficiency. Six of those eight cases (75%) were because the investigating supervisor did not initiate a Service Comment Report (SCR) when the subject of the force clearly and specifically alleged allegations misconduct by deputies.

Recommendation(s) to Achieve Full Compliance

NPD should provide UOF investigation training to AV supervisors. Additionally, NPD should require closer management scrutiny of supervisory UOF investigations, and require AV watch commanders and

station captains to follow Department policy and initiate SCRs for allegations of misconduct that are discovered during the UOF investigation review processes.

Work to be Completed During the Next Reporting Period

The Parties and the MT will require additional discussions to resolve the remaining deficiencies with its UOF policy. The most important of those deficiencies is the Department's lack of guidance, categorization, reporting, and managerial review of the intentional pointing of a firearm at a person by a deputy, which is required by POST standards, as well as other concerns expressed to the Department by DOJ, including but not limited to the use and investigation of improvisational weapons and techniques by deputies. The Department will then need to publish the updated UOF policy and provide training to ensure that all AV staff have been satisfactorily trained in it.

The Monitors will develop and submit a UOF audit work plan to DOJ and Department for input, and then begin the audit field work. The Monitors will also continue to work with the Department and make recommendations designed to help the Department achieve full compliance with these paragraphs.

SA Paragraphs 114 and 181

114. LASD agrees to continue to require that the Executive Force Review Committee review use- of-force incidents requiring response by the IAB Force/Shooting Response Team under current policy, and to review the incidents for any policy, training, or tactical concerns and/or violations.

181. To facilitate its work, the Monitor may conduct on-site visits and assessments without prior notice to the County. The Monitor shall have access to all necessary individuals, facilities, and documents, which shall include access to Agreement-related trainings, meetings, and reviews such as critical incident reviews, executive force review committee meetings, and disciplinary hearings.

Work Conducted

In November 2019, the Monitors submitted an audit of Category 3 uses of force. Those cases involved the most significant uses of force, including deputy-involved shootings, skeletal fractures, and/or significant injuries sustained by the subject of the force, and they are investigated, reviewed, and adjudicated in an entirely different process from Categories 1 and 2 uses of force, so the audit methodology was specifically designed to evaluate those processes. Since Category 3 uses of force are far rarer than Categories 1 and 2 uses of force, and a previous Category 3 UOF audit had not been conducted, an expanded audit population time period, from January 1, 2015, through March 31, 2018, was used, and it included 13 Category 3 UOF cases.

Policy Compliance: **In Compliance**

The Department has effective policies in place for the reviews of critical incidents by the CIRP and EFRC processes. The Department is in compliance with this provision.

Training Compliance: **Not in Compliance**

The commanders who make up these boards are very familiar with the process, and they are always chaired by an experienced commander; therefore, the Department is in compliance with this provision.

Implementation Compliance: **Not in Compliance**

In the Category 3 audit, we found substantial errors in the reports prepared by deputies in two cases. Those errors were so critically deficient that they rendered their reports unreliable. Those shortcomings should have been identified and addressed by Department managers during the review process, and when that did not occur, by the EFRC. That resulted in a compliance rate of 85%, which is below the 95% standard agreed upon by the Parties. Additionally, the audit also documented that four of the 13 cases in the audit population contained significant allegations of misconduct. Those allegations were for excessive force, vandalism, racial profanity, and racially motivated excessive force. However, only the allegation of vandalism, which was recorded and played on social media and the news, was investigated and adjudicated by Department management.

Since that time, the Monitors have reviewed eight Category 3 uses of force that were evaluated by the Department's EFRC and two by a CIRP. In recent EFRC reviews, we have noted improvement, but it is inconsistent. For example, in a recent case the NPD chief identified that a sergeant involved in a pursuit was not trained or authorized to perform a pursuit intervention technique (PIT), and that the deputy who became involved in the subsequent deputy-involved shooting had an unauthorized extended magazine in his semi-automatic duty pistol. Both of those issues were thoroughly addressed, and the sergeant and deputy were disciplined for the policy violations. However, in another recent case adjudicated by the EFRC, there were several significant issues, including that the EFRC members expressed concerns about the deputy's tactics, such as that he ignored several "red flags." Yet the Training Bureau Captain opined that the deputy did a fine job, and the EFRC voted unanimously that his tactics aligned with policy.

At the conclusion of the EFRC, when addressing inappropriate comments made by the involved deputies, the chair mentioned that the EFRC had previously met and had already discussed his inappropriate comments and decided training would be appropriate.

We have made numerous requests to be notified, so we can attend any pre-meetings of these review boards, which is required by SA Paragraph 181. But we continue to see evidence that we are not notified of meetings associated with the adjudication and review of Category 3 uses of force. For example, in one case, the Monitors were not notified of the SAC meeting, nor were they notified of the CIRP meeting to review the SAC report, both in violation of SA Paragraph 181. We also asked for the second CIRP report several months ago but have still not received it.

Our November 2019 audit of the EFRC process found the Department out of compliance with SA Paragraph 114, and though the process has improved, it is still non-compliant with the SA's requirement to review these incidents for "policy, training, or tactical concerns and/or violations." Additionally, the Department continues to have meetings associated with the EFRC and CIRP processes that do not inform the Monitors or DOJ about, which is inconsistent with the mandates of SA Paragraph 181. The Department remains out of compliance with SA Paragraph 114 and is out of compliance with SA Paragraph 181.

Overall Assessment of Progress Toward Compliance

The management review process for Category 3 uses of force has improved, albeit inconsistently, and is still non-compliant with the SA's requirement to review these incidents for "policy, training, or tactical concerns and/or violations."

Recommendation(s) to Achieve Full Compliance

The Department's EFRC needs to increase its critical review these incidents and to notify the Monitors and DOJ of any EFRC or CIRP "pre-meetings" associated with the adjudication of Category 3 uses of force.

Work to be Completed During the Next Reporting Period

We will continue to monitor EFRC and CIRP reviews and submit an audit work plan to the Department and DOJ for Category 3 uses of force and the EFRC and CIRP processes, and begin the audit and field work.

SA Paragraphs 115 and 116

LASD will hold deputies accountable for uses of force that violate policy or law, and continue to require station commanders to refer uses of force that may violate law or the Department's Prohibited Force policy, to the Internal Affairs Bureau or the Internal Criminal Investigations Bureau for further investigation or review. (Paragraph 115)

LASD will hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to LASD policy. (Paragraph 116)

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for these and most SA-mandated UOF policy requirements. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

The Department's remains out of compliance with the SA's UOF training requirements governed by SA Paragraph 119. (See Appendix C, Paragraph 119.)

Implementation Compliance: **Not in Compliance**

Our first Categories 1 and 2 UOF audit found that the investigation and management review processes contained sufficient information to support the adjudications of the force used based on a preponderance of evidence. However, the management review for non-force issues, such as allegations of deputy misconduct (previously discussed) and risk management issues, required improvement.

In our second Categories 1 and 2 UOF audit, we found in four cases the force used was inconsistent with Department policy and the SA. Nonetheless, the reviewing Department managers found the force used to be consistent with Department standards.

All four of these cases were assessed as having a critical deficiency. Additional management deficiencies included that seven of the Lancaster Station UOF investigations contained documentation of significant allegations of misconduct; however, only two (29%) of those seven cases (L-4 and L-45) resulted in the initiation of an SCR as required by Department policy and the SA, and that should have been addressed by the station captain and, when that did not occur, by NPD, and it was not.

The Department remains out of compliance with Paragraphs 115 and 116 for the management review of UOF investigations.

Overall Assessment of Progress Toward Compliance

With rare exceptions, our audits and assessments have documented a significant pattern of Department management's failure to hold staff accountable for the mandates of Department policy and the SA as it relates to allegations of misconduct that are clearly contained in AV UOF investigations. The Monitors and DOJ expect the Department to have an observable culture of accountability. The MT assesses accountability on one level through audits of UOF investigations and complaints, and the review of the Department's Quarterly Reports. The expectation is that the Department is reviewing each area of practice with scrutiny and professional skepticism, and that is clearly not always the case.

This mindset should go beyond reacting to violations. It should genuinely seek to proactively ascertain what led to the situation, to develop and implement a plan for avoiding it in the future, and to provide active mentorship, leadership, and oversight to ensure outcomes are achieved and sustained. And this mindset should be demonstrated by managers and encouraged throughout the chain of command. AV deputies and the communities they serve certainly deserve that much and more.

Recommendation(s) to Achieve Full Compliance

The Department should seek organizational culture and accountability training for its executive managers. In the interim, executive management should ensure that Department policy and the SA's mandates associated with the investigation and adjudication of force, and the initiation of SCRs for allegations of misconduct are complied with. Additionally, the AAB should conduct regular, periodic, and transparent audits in these areas.

Work to be Completed During the Next Reporting Period.

The Monitors will develop and submit UOF and complaint audit work plans to DOJ and Department for input, and then begin the audit field work.

SA Paragraphs 118

LASD and Antelope Valley unit commanders will regularly review and track "training and tactical review" related findings, recommendations, and comments to ensure that informal supervisory feedback does not replace the need for formal discipline. LASD will ensure that the supervisory feedback, including feedback documented in the "training and tactical review" portion of a Supervisor's Report on Use of Force, is documented in the PPI. (Paragraph 118)

Work Conducted

Monitors have conducted two audits of the Department's Category 1 and 2 UOF investigations and one audit of the most serious uses of force, Category 3. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

No new UOF audits were conducted or released in the most recent reporting period. However, independent of a formal audit, the MT reviewed eight Category 3 UOF cases that were evaluated by an EFRC and two that were assessed by a CIRP.

Policy Compliance: **In Compliance**

The Department policies governing the review and tracking of “training and tactical review” related findings are adequate. Therefore, the Department is in policy compliance for SA Paragraph 118.

Training Compliance: **Not in Compliance**

The Department has not achieved training compliance. Our audits and assessments have documented a significant need to train Department supervisors and managers in the completion and review of the Supervisor’s Report on the Use of Force, so they are adequately trained to ensure that tactical and training reviews are entered into the Department’s PRMS database and the Quarterly Report.

Implementation Compliance: **Not in Compliance**

Our audits have determined that the Department’s PRMS system, formally PPI, does not have the capacity to store the training and tactical review section of UOF reports. The Department has indicated that it will research an alternative method of storing that information, but has not yet done so.

When the October 2018 Categories 1 and 2 UOF investigations audit was conducted, the Parties had not agreed upon compliance metrics for these particular paragraphs, so compliance could not be determined. When the July 2021 Categories 1 and 2 audit was conducted, the Department was found out of compliance for SA Paragraph 118. It was also found out of compliance for SA Paragraph 118 for the November 2019 Category 3 UOF investigations audit because in three cases, the EFRC recommended specific training for the involved deputies and that training was not provided in one of those cases for a compliance rate of 67%.

The Monitors have also conducted assessments of the Department’s Quarterly Report process. The fourth-quarter reports of 2021 identified 107 AV uses of force that occurred in the quarter (72 in Lancaster, 35 in Palmdale). However, only one of those uses of force identified a training or tactical concern. Finding a tactical or training concern in less than 1% of 107 uses of force is entirely inconsistent with our UOF reviews as well as the Department’s own review of Category 3 uses of force where nearly every CIRP/EFRC review results in some type of training recommendation.

In a preliminary effort to assess the reliability of the UOF information, the MT conducted a directed and purposeful sample of six deputies—three from Lancaster and three Palmdale—from the fourth- quarter 2021 reports and requested a copy of the 12 UOF investigations in which those deputies were involved. The Department only provided 11 of those reports because one report “has not been approved yet.” UOF reports are required to be submitted within 30 days of the incident, but the unapproved report has

not yet been completed although five months have elapsed following the end of that quarter. Additionally, the Quarterly Report reflects the unapproved report as having “no issues.”

Three of the 11 reports we reviewed noted minor tactical concerns under the section for “debriefing.” We also found serious issues with one report where it stated there were no tactical or training concerns under question 47, even though the watch commander classified the deputy’s tactics as “not within Department policy nor training protocols” and recommended Tactics and Survival (TAS) training. The captain concurred with that recommendation and wrote that the deputy would make a presentation at patrol school on high-risk stops and teach a class at the upcoming community academy and explorer classes. The captain noted that those presentations would be monitored to ensure correct content.

Our reviews indicate that there are concerns with the accuracy of UOF data on the Department’s Quarterly Reports. The Quarterly Report provides the file number for each use of force occurring during the quarter and indicates if there were any “training/tactics” concerns. The information for training and/or tactical concerns is derived from question 47 of the Supervisor’s Report of Use of Force. So, regardless of any critique that may be expressed elsewhere in the report, or other concerns subsequently raised by the reviewing managers (be that the lieutenant, captain, or commander), if that information is not included in question 47 and that question toggled in the affirmative on the Supervisor’s Report on the Use of Force, the Quarterly Report data will reflect there were “no issues” with the use of force.

Overall Assessment of Progress Toward Compliance

We find it difficult to believe that Department managers did not find it as circumspect that the recent Quarterly Report only documented that one out of a 107 Supervisor’s Report on the Use of Force had documented a training or tactical review issue. With that said, we suspect that the Department will share our concern in this area and shore up the criteria for information that is to be provided on the Quarterly Reports and increase the training and accountability of the supervisors preparing those reports and the managers approving them.

The obstacles preventing the Department from achieving compliance in this area also include that the Department’s PRMS was not deigned to track the training and tactical review section of a Supervisor’s Report on the Use of Force, and the Department has not come up with an alternative system.

Recommendation(s) to Achieve Full Compliance

Increase supervisory training and accountability associated with the investigation and review of uses of force, ensure that training and tactical review commentaries are included under question 47 of the Supervisor’s Report on the Use of Force, and develop an automated system with the capacity to store the training and tactical review portion of Supervisor’s Report on Use of Force.

Work to be Completed During the Next Reporting Period

The Monitors will develop and submit a UOF audit work plan to the DOJ and Department for input, and then begin the audit field work.

SA Paragraph 117

*LASD and Antelope Valley unit commanders will be responsible for identifying and reporting force trends and for taking preventive steps to curb problematic trends, including issuing or revising policies, directives, training bulletins, or providing additional mentoring and supervision to individual deputies.
(Paragraph 117)*

Work Conducted

The Department conducts quarterly Risk Management Forums (RMF) for each of its field commands. The RMF for NPD includes Lancaster and Palmdale stations. In addition to various activities including arrests and complaints, the RMF reviews uses of force for each command, including deputy-involved shootings and unintentional discharges. The MT has attended several AV RMFs and is beginning a critical review the RMF process in order to assess the Department's compliance with Paragraph 117.

Policy Compliance: **NA**

Not Applicable

Training Compliance: **Unable to Determine**

The Monitors are unable to make a determination as to training compliance at this time. After formal review of the RMF process and the establishment of compliances metrics approved by the parties, the Monitors will be able to make a training compliance determination.

Implementation Compliance: **Not in Compliance**

The Department has not provided the MT documentation of efforts to identify, track, or respond to concerning force trends for the purpose of compliance with this provision.

Overall Assessment of Progress Toward Compliance

The Department's RMF and Quarterly Reports both address UOF issues, but not in the manner required by this provision.

Recommendation(s) to Achieve Full Compliance

The Department's RMF needs to specifically address the mandates of SA Paragraph 117 during its reviews of Lancaster and Palmdale Stations. Completing the UOF analysis required in Paragraphs 120–123 will also help to fulfill Paragraph 117.

Work to be Completed During the Next Reporting Period

The MT will complete an assessment and report of the Department's RMF review of Lancaster and Palmdale station captain.

SA Paragraph 119a–e

119: LASD shall provide all Antelope Valley deputies with annual or biennial use-of-force training. The topics will include the following:

- a. proper use-of-force decision making, including when force may be unnecessary in response to minor resistance (biennial);*
- b. role-playing scenarios and interactive exercises that illustrate proper use-of-force decision making, including training deputies on the importance and impact of ethical decision making and peer intervention (annual);*
- c. principles of procedural justice, and avoiding the use of force in response to minor resistance (biennial);*
- d. de-escalation techniques that encourage deputies to make arrests without using force (annual);*
- e. threat assessment, including how race can impact deputies' threat assessments (biennial);*

Work Conducted

The MT has been working with the Department to revise its use-of-force training for over two years. Initially, the Department asserted that even without a SA-compliant policy, their training was consistent with the SA mandates. Upon our request, LASD produced use-of-force training materials for our review in May 2020. An assessment of those materials immediately revealed they were not consistent with the SA's mandates. That was promptly communicated and discussed with the Department and County Counsel.

On June 17, 2020, the Compliance Unit submitted additional training documents. Again, the MT and DOJ reviewed the documents and immediately notified the Department that they did not satisfy the SA's requirements governing the use of force as mandated by SA Paragraph 119, including but not limited to proper use of force decision making, role-playing scenarios with interactive exercises, principles of procedural justice, de-escalation techniques, and how race can impact deputies' threat assessments. Several productive in-person and virtual meetings followed with MT members and representatives of the Department's Compliance Unit, North Patrol Division, County Counsel and Training Bureau.

On March 24, 2021, nine months later, the Department provided to certain MT members 10 new modules of use-of-force training instruction from the Department, which included course outlines. Those documents represented an improvement and addressed many, but not all, of the critical areas previously pointed out to the Department. Two MT members promptly reviewed the training documents and returned them to the Department on March 28, 2021, with several recommendations, requesting that the Department respond to the recommendations and forward the documents to the Monitors and DOJ for review. The Department then formally submitted those lesson plans and course outlines to the Monitors and DOJ on May 24, 2021. DOJ provided comments on July 2, 2021.

On July 21, 2021, the Monitors met with representatives from the Department's Training Bureau, Compliance Unit and DOJ and discussed the Department's use-of-force training and SA requirements at length. The MT again offered its assistance with the development of the Department's use-of-force training. Toward that objective, on August 7, 2021, Monitors submitted multiple experiential learning role playing use-of-force scenarios to the Department for its consideration. This suggestion stemmed from a conversation regarding the best practice of making trainings directly relevant to deputies. The scenarios were based on actual cases assessed during our use-of-force audits and included several timely and relevant topics including consensual encounters, racial profiling, contacts with subjects with limited mental capacities, and the de-escalation of tense and evolving incidents. We were thanked for the documents and informed that the Department would be improving its scenarios; however, that has not occurred.

In September 2021, the Department provided revised UOF course materials and asked that the MT and DOJ do not provide comments until after they observed the training. On December 21, 2021, due to Covid protocols, the Monitors and the DOJ virtually attended the Department's updated use-of-force training. On March 16, 2022, Monitors and the DOJ physically attended the Department's eight-hour use-of-force training held at the Department's Star Center. The MT and DOJ noted a number of concerns and shared documentation with the Department on April 19, 2022, and April 20, 2022, respectively. Since that time, LASD has not provided revised trainings or requested a meeting to discuss how to improve trainings.

Policy Compliance: **Not in Compliance**

The Department is out of compliance for most SA-mandated UOF policy requirements. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

SA Paragraph 119 (a) requires that the Department's UOF training include "proper use of force decision making, including when force may be unnecessary in response to minor resistance." That training requirement was not included in the training,

SA Paragraph 119 (b) requires that the Department's UOF training include "role-playing scenarios and interactive exercises that illustrate proper use of force decision making, including training deputies on

the importance and impact of ethical decision making and peer intervention.” That training requirement was not included in the training.

SA Paragraph 119 (c) requires that the Department’s UOF training include “principles of procedural justice, and avoiding the use of force in response to minor resistance.” That training requirement was not included in the training.

SA Paragraph 119 (d) requires that the Department’s UOF training include “de-escalation techniques that encourage deputies to make arrests without using force.” Throughout the course of this training, the instructor repeatedly referenced the need for deputies to “de-escalate” the amount of force they use once they are able to gain control of a combative suspect, which is, of course, good. However, there was very little time dedicated to providing instruction on the skills, techniques, resources, or expectations to de-escalate tense and evolving incidents with the purpose of avoiding having to use force whenever feasible. Additionally, there appears to be confusion or lack of awareness surrounding the importance of using terminology that serves to clearly distinguish the difference between de-escalation efforts, which should be undertaken to avoid or reduce the need for force, versus the expectation that the amount of force used be reduced once the subject is under control. That training requirement was not included in the training.

SA Paragraph 119 (e) requires that the Department’s UOF training include “threat assessment, including how race can impact deputies' threat assessments.” That training requirement was not included in the training.

The Department remains out of training compliance for this paragraph and all SA paragraphs associated with UOF training.

Implementation Compliance: **Not in Compliance**

The Department remains out of implementation compliance for SA Paragraphs 119a–e.

Overall Assessment of Progress Toward Compliance

The Department’s Training Bureau instructors are doing their best under the circumstances, and our comments are not intended to question their abilities. The Training Bureau instructors are teaching what they are told to teach by management in the time allotted by management. The Monitors and DOJ recognize that the Compliance Unit and NPD do not have control over the Department’s Training Bureau, whose duties include Department-wide training responsibilities.

The Department is out of policy with training and implementation compliance for this paragraph and all SA UOF training requirements.

Recommendation(s) to Achieve Full Compliance

The Parties must reach agreement on the Department's UOF policy. The Department will then need to develop training that is consistent with that policy and satisfies SA mandates. To achieve SA compliance, the Department needs to dramatically increase the active involvement of the entities that oversee the SA's agreed-upon mandates, which include, but are not limited to, Training Bureau and Field Operations Support Services (FOSS).

Work to be Completed During the Next Reporting Period

LASD needs to respond to the comments provided by the MT and DOJ on April 19, 2022. They need to either schedule a meeting or provide revised training.

SA Paragraph 119f–g

The SA contains numerous provisions requiring that AV deputies and their supervisors receive specific training on the use of force. The requirements outlined in SA Paragraph 119 F & G are:

- f. LASD-AV deputies will attend LASD's Tactics and Survival (TAS), also known as the Laser Village tactical firearms training (biennial); and,*
- g. supervisors shall receive initial and annual refresher training on conducting use of force investigations, how to effectively direct deputies to minimize uses of force and to intervene effectively to prevent or stop unreasonable force, using LASD's accountability and disciplinary systems after encountering a potentially unreasonable use of force, and supporting deputies who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force (annual).*

Work Conducted

As of June 30, 2022, LASD has not provided training documents related to paragraphs 119f-g.

The MT is in the process of developing a work plan to evaluate the Department's compliance with these paragraphs, which will be submitted to the Department and DOJ for input.

Policy Compliance: Not in Compliance

The Department is out of compliance for most SA-mandated UOF policy requirements. (See description in Appendix C, UOF Preface, Paragraphs 109 and 160.)

Training Compliance: **Not in Compliance**

To be determined.

Implementation Compliance: **Not in Compliance**

The Department remains out of implementation compliance for SA Paragraphs 119 f-g.

Overall Assessment of Progress Toward Compliance

Pending

Recommendation(s) to Achieve Full Compliance

To be determined.

Work to be Completed During the Next Reporting Period

LASD needs to provide training documents related to paragraph 119f and 119g.

119(f): An audit of AV deputies' biennial attendance at TAS training will be conducted.

119(g): An audit work plan will be submitted for input from the Department and DOJ, and then a request for the Department's lesson plans and training materials for the following subjects will be submitted to the Department.

- Supervisory initial and annual refresher training on conducting UOF investigations.
- How to effectively direct deputies to minimize uses of force and to intervene effectively to prevent or stop unreasonable force.
- Using LASD's accountability and disciplinary systems after encountering a potentially unreasonable use of force.
- Supporting deputies who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.

Those training materials, and other source documents, will be evaluated for compliance with SA mandates, and once that has been accomplished, a request for Department annual attendance rosters for the mandated training will be requested and evaluated for SA compliance.

SA Paragraphs 120–122: Use-of-Force Data Analysis

The following SA paragraphs establish the requirements for this objective.

Within one year of the Effective Date and at least annually thereafter, LASD will analyze the Antelope Valley stations' force data, including the force-related outcome data, to identify significant trends, and identify and correct deficiencies revealed by this analysis. (Paragraph 120)

LASD-AV's force analysis will include assessment of the frequency and nature of uses of force that are: referred to IAB for investigation; the subject of misconduct complaints; the subject of civil suits; related to criminal obstruction- or resisting-arrest-type charges that are dismissed or declined by the prosecutor; or involve repeat-deputies or units. (Paragraph 121)

LASD will determine whether policy or training curricula changes must be made as a result of its analysis of use of force incidents. (Paragraph 122)

LASD will document the results of the use of force analysis in a public report. (Paragraph 123)

Work Conducted

The Department's requirements associated with SA Paragraphs 120–123 have been assigned to the AAB. However, the AAB has not conducted any of the analysis required by these paragraphs.

On November 9, 2021, LASD provided a 2020 force analysis plan with tables to the Monitor and DOJ. The Monitor and DOJ provided comments on December 3, 2021. On December 7, 2021, indicated that it was moving forward with its 2020 force data collection plan, despite it not being approved by the Monitor or DOJ. As of June 30, 2022, LASD as not provided that analysis or a draft report.

LASD committed to providing a work plan for 2021 UOF data by the end of March 2022 and a public report by the end of June 2022. As of June 30, 2022, none of this work or analysis has been provided.

Policy Compliance: **NA**

Not applicable

Training Compliance: **NA**

Not applicable

Implementation Compliance: **Not in Compliance**

The Department remains out of compliance with SA Paragraphs 120, 121, 122 and 123.

Recommendation(s) to Achieve Full Compliance

The Department's needs to dramatically increase the active involvement of entities, such as the AAB, that are tasked with providing leadership or major contributions over SA-related mandates.

Work to be Completed During the Next Reporting Period

LASD needs to provide a draft 2020 force report, a draft 2021 force analysis work plan, and a draft 2021 force report.

The Monitors will evaluate the AAB UOF analysis reports once they have been completed.

G. PERSONNEL COMPLAINTS

Preface to Complaint Section

The County will ensure that all allegations of personnel misconduct are received and are fully and fairly investigated, and that all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. To achieve these outcomes, LASD and the County agree to implement the requirements below.

Work Conducted

The MT has conducted two in-depth audits of public complaints, and in both cases the Department has failed to comply with the SA's fundamental requirement that complaints from the public are willingly received, fairly investigated, adjudicated using a preponderance of evidence, and hold deputies accountable when they are found to have committed misconduct. In the first audit, the Department complied with only three SA requirements: distinguish service from personnel complaints (p. 128), identify everyone at scene (p. 134), and obtain full statements (p. 135). In the second audit, the Department again was in compliance with three paragraphs: identify everyone and obtain statements (p. 134 and 135) and obtain LEP language assistance when necessary (p. 125).

As a result of the second audit and after much discussion, the Department agreed to revise its process for handling public complaints. It was agreed the process of updating its handling of public complaints would start with a revision to the SCR Handbook. For the next two years, the Monitors, DOJ, and the Department exchanged drafts until agreement was reached in December 2021. DOJ continued to express concern with the revised handbook and sent an email in November 2021 outlining concerns but also stating, "DOJ is willing to agree to not withhold approval of the SCR Handbook pursuant to Paragraphs 160–163 with the understanding that the Parties will revisit these structural concerns and revise SCR policies and the SCR Handbook should future Monitor audits (i.e., those after the Handbook

goes into effect) reveal that LASD is out of compliance with provisions of Paragraphs 127–132.” In December 2021, LASD agreed to this compromise.

For the past six months, we have waited for the Department to publish the handbook, but it still has not been published. Meanwhile, work on revising the Administrative Investigations Handbook and other policy manuals governing internal investigations have been on hold. This delay also prevents the MT from conducting a third complaint audit to assess improvement in the handling of public complaints.

Policy Compliance: **Partial Compliance**

The AV stations and NPD have issued local directives revising AV public complaint policies to comply with the SA, but Department-wide policies have not been revised to reflect the SA’s requirements. (This is discussed in more detail under each subsequent SA paragraph.)

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA’s requirements for public complaints, but the Department has not trained personnel beyond the AV on its policies that were revised to comply with the SA. (This also is discussed in more detail under each subsequent SA paragraph.)

Implementation Compliance: **Not in Compliance**

Two detailed audits of the Department’s handling of public complaints have shown that the Department is not complying with the SA’s requirements. We have also examined public complaints during our three UOF audits and found that egregious complaints made during the cases reviewed for those audits did not result in a personnel complaint. In one case, the subject of a use of force investigated by the IAB alleged that a deputy used a racial epithet, but that did not result in the initiation of a personnel complaint even when it was reviewed by the EFRC.

Overall Assessment of Progress Toward Compliance

The Department continues to struggle with the requirement that public complaints are willingly accepted, adequately investigated, fairly adjudicated and that personnel who commit misconduct are held accountable. While publication of the SCR Handbook will dramatically revise the process for handling public complaints and remove the barrier to revising other policy documents, Department managers need to be held accountable for any failure within their commands to intake, investigate, and adjudicate public complaints.

Recommendation(s) to Achieve Full Compliance

Department managers need to embrace their responsibilities regarding the handling of public complaints, and when they do not, they need to be held accountable by the Department's top executives.

Work to be Completed During the Next Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Meanwhile, work needs to begin to align the Administrative Investigations Handbook and other internal affairs policy manuals with the SCR Handbook.

Hopefully, the SCR Handbook will be soon published. Then, after a few months to train and implement its requirements, the MT can consider a third audit of public complaints.

Complaint Paragraph 124

LASD shall continue to make personnel complaint forms and informational materials, including brochures and posters, available at appropriate County or municipal properties in the Antelope Valley, including, at a minimum, LASD stations, courts, county libraries, and LASD websites, and make them available to community groups upon request.

Work Conducted

Compliance with Paragraph 124 was assessed in the MT's first audit of public complaints, and the Department was found to be out of compliance with this paragraph. The MT was unable to assess compliance in the second audit due to COVID-19 restrictions. However, On June 15 and 16, 2022, the MT visited the locations where complaint forms and information are required to be available to the public, including both AV sheriff's stations, the courts, and several libraries. We noted complaint posters and complaint forms in the lobbies of both stations, and forms and/or posters were on display or available at six of the seven non-Department facilities.

Policy Compliance: **Partial Compliance**

Both AV station commanders issued a directive in June 2018 requiring that complaint material be on display as required by the SA. While this paragraph is AV-specific, the revised SCR Handbook will also require that a supply of complaint brochures and forms be maintained at every sheriff's station and that they be made easily accessible to the public in each station's public lobby. While the policy has been published for AV commands, we are awaiting publication of the SCR Handbook to determine full compliance.

Training Compliance: **Partial Compliance**

During orientation, The AV stations have provided each new watch commander and supervisor with a copy of the unit order that includes the requirement to make complaint information readily available to the public. Our most recent inspection shows that the material is being made available as required.

Implementation Compliance: **Partial Compliance**

Our first audit of public complaints showed the Department was not complying with this requirement, then we were unable to reassess compliance in the second audit due to COVID-19 restrictions. Our recent inspection of the enumerated facilities showed the material on display as required. We will review this in our third audit, after which we will assess if the Department is in full compliance.

Overall Assessment of Progress Toward Compliance

Our first audit of public complaints showed the Department was not complying with this requirement, then we were unable to reassess compliance in the second audit due to COVID-19 restrictions. Our recent ad hoc inspection of the enumerated facilities showed the material on display as required at each station and in six of the seven non-Department facilities. We will review this in our third audit, after which we will assess if the Department is in full compliance.

Recommendation(s) to Achieve Full Compliance

The Department appears to be moving toward compliance with this requirement. It just needs to maintain focus on having the required complaint materials available in the enumerated locations.

Work to be Completed During the Next Reporting Period

If the SCR Handbook is published soon, we may be able to begin our third audit of public complaints and assess compliance with this paragraph. If not, we will conduct another inspection to determine if this complaint material is being made available as required. Meanwhile, the Department needs to maintain focus on having the required complaint material available in the enumerated locations.

Complaint Paragraph 125

- a. *LASD will continue to accept all personnel complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail, as well as in the field.*
- b. *Any Limited English Proficient (LEP) individual who wishes to file a complaint about a LASD deputy or employee shall be provided with a complaint form and informational materials in the appropriate non-English language and/or be provided appropriate translation services in order to file a complaint.*

Work Conducted

The MT has conducted two detailed audits of public complaints (in January 2018 and December 2020). In both audits, the Department failed to comply with the requirement that they accept complaints from the public. The audit identified several UOF investigations, claims for damages, and incidents documented on watch commander logs where the public clearly alleged misconduct, but no complaint was initiated. Additionally, the MT made covert phone calls to both AV stations, in English and Spanish, to make complaints and found that many of those calls were not handled appropriately. We also identified several cases during our UOF audits where allegations of misconduct did not result in the initiation of a complaint and were not investigated. In one UOF case investigated by the IAB, the subject of the force clearly alleged the deputies uttered a racial profanity, but the IAB investigator did not initiate a complaint nor did the EFRC adjudicate the incident.

The MT's first audit of public complaints found the Department out of compliance with the LEP requirement, but the second audit found the Department in compliance. Additionally, the MT's three UOF audits found that adequate translation services were being provided to non-English speaking parties.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement to accept complaints and provide translation services to LEP persons. While that is an adequate interim solution for AV commands, these paragraphs require Department-wide implementation so these requirements have been included in the revised SCR Handbook, which will be followed by revisions to the Department Manual. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Employees have been told that when they become aware of a misconduct complaint, they are to notify a supervisor without unnecessary delay. Personnel complaints are then investigated by the watch commander. Existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Partial Compliance**

Not in Compliance 125a Complaint Intake. The MT's two audits of public complaints have shown that the public's complaints of misconduct are not being accepted, investigated and adjudicated as required by the SA. Use-of-force investigations, including those investigated by the Department's Internal Affairs Bureau, contain unaddressed allegations of misconduct. Many of the MT's phone calls to the two

stations were not handled appropriately. Claims for damages and lawsuits containing allegations of misconduct do not result in the initiation of a personnel complaint.

Partial Compliance 125b LEP. The LEP provision was found out of compliance in the MT's first complaint audit, but in compliance in the second complaint audit (December 15, 2020).

Overall Assessment of Progress Toward Compliance

The MT's two complaint audits, coupled with findings in our three UOF audits, clearly show that the Department is not initiating a complaint investigation when it becomes aware of alleged misconduct. That even includes UOF investigations conducted by the IAB, as well as Category 3 uses of force reviewed by Department executives. The Department simply must take public complaints seriously and initiate a personnel investigation whenever it becomes aware of alleged misconduct, regardless of the medium in which it appears. The LEP provision, on the other hand, appears to have taken hold, and compliance with its provisions seems to be occurring. However, we would like one more audit to be confident it is occurring regularly and will consider the AAB's future assessment in determining compliance.

Recommendation(s) to Achieve Full Compliance

Our audits have shown that line level employees generally notify a supervisor when someone alleges misconduct, but supervisors and managers are not initiating a personnel investigation as required. Publication of handbooks and revising manual sections aside, the Department needs to hold managers accountable whenever an allegation of misconduct is made by the public and a complaint is not initiated, investigated, and adjudicated.

Work to be Completed During the Next Reporting Period Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Then supervisors and managers must be held accountable for complying with its provisions. Once an appropriate amount of time has been provided for LASD to train staff on the new handbook, the MT will assess implementation and outcomes. The requirement to accept all personnel complaints will also be assessed in our other monitoring activities, including input from community surveys and input from the station CACs.

Complaint Paragraph 126

The refusal to accept a personnel complaint, discouraging the filing of a complaint, or providing false or misleading information about filing a complaint, shall be grounds for discipline, up to and including termination.

Work Conducted

In our first audit of public complaints, the MT identified nine cases in which a complainant indicated a deputy discouraged or inhibited making a complaint. Three of those cases were investigated, but six of them were not. In our second audit of public complaints, the MT identified four cases in which a complainant indicated an employee discouraged or inhibited making a complaint. In one of those cases, the allegation was investigated and adjudicated, but the other three were not. (Primarily, these constituted a violation of SA Paragraph 130, e.g., investigate all allegations.)

In the second audit of public complaints, 21 of the 52 cases (40%) we audited showed a sergeant at the scene of an incident that later resulted in the watch commander initiating a personnel complaint, but the sergeant at scene did not initiate an SCR or make an entry in the Watch Commander Log as required by the NPD order.

Policy Compliance: **Partial Compliance**

The AV stations and NPD have issued directives revising public complaint policies specific to the AV to comply with the SA which the MT determined to be a compliant interim solution for the AV. However, Department-wide policies providing guidance on this provision are pending publication of the SCR Handbook and revision of the Department Manual.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the directives regarding AV public complaint policies to comply with the SA which the MT determined to be a compliant interim solution for the AV. However, Departmental policies and training providing guidance on this provision have not been revised as required by the SA to date.

Implementation Compliance: **Unable to Determine**

Paragraph 126 was not in compliance for the first audit. In the second audit, there were no sustained complaints in the audit sample with an allegation of impeding the filing of a complaint, so discipline was not an option. We will continue to monitor through public input, such as our Community Survey and input from CAC members, and we will include this assessment in our third audit of public complaints. We identified no complaints that alleged a complainant was impeded and therefore could not assess compliance. If no such cases arise in the next audit, the Parties and MT will discuss how to proceed with compliance assessment. Training is monitored in Paragraphs 138–139.

Overall Assessment of Progress Toward Compliance

The Department needs to hold managers accountable for failure to investigate and adjudicate every allegation of inhibiting a complaint.

Recommendation(s) to Achieve Full Compliance

The AV policies are in place and watch commanders have been trained on what they need to do. Now, managers must be held accountable for failure to comply with the directives. Also, sergeants at the scene of an incident that later results in the watch commander initiating a personnel complaint need to be interviewed to determine if they should have initiated a personnel complaint.

Work to be Completed During the Next Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Once a sufficient time has passed for this to take hold, the MT will conduct a third audit of public complaints. Meanwhile, the MT will continue to monitor activity in this area during its review of other cases, such as EFRC and CIRP force reviews and input from the public through our community surveys and input from the station CACs.

Complaint Paragraph 127

LASD will revise its complaint investigation related policies, including MPP 3-04 and its Service Comment Report (SCR) and Internal Affairs Bureau (IAB) policy manuals, to ensure that they are complete, clear and consistent. LASD will implement mechanisms to ensure that all personnel allegations are accurately classified at all investigative stages, from intake through resolution, so that each allegation receives the appropriate level of review required under policy.

Work Conducted

The MT has spent the past three years working with the Department and DOJ to revise the SCR Handbook. The SCR Handbook is a critical first step in this process, and all other policies, manuals, and directives cannot be aligned with the SA until the handbook is finalized.

On November 2, 2021, DOJ stated: "DOJ is willing to agree to not withhold approval of the SCR Handbook pursuant to Paragraphs 160–163 with the understanding that the Parties will revisit these structural concerns and revise SCR policies and the SCR Handbook should future Monitor audits (i.e., those after the Handbook goes into effect) reveal that LASD is out of compliance with provisions of Paragraphs 127–132." In December 2021, LASD agreed to this compromise. The Monitors had approved the SCR Handbook earlier, so this agreement allowed the publication of the revised handbook to proceed.

However, six months later, we are still awaiting publication. The Compliance Unit has informed the MT that they should soon have a final version for DOJ and the MT to review after internal LASD approvals. Once the SCR Handbook is published, the Department needs to revise several other policy manuals to align them with the SCR Handbook and submit them to the Monitors and DOJ for approval. Chief

among those other documents are the Department Manual, the Administrative Investigations Handbook, and several other IAB policy manuals, all of which need to be “complete, clear, and consistent.”

Policy Compliance: **Not in Compliance**

The SCR Handbook contains both policy and procedure, so once revised, it can be used to align all the other complaint-related documents. Recognizing that, the Monitors and the Parties agreed years ago to start this process by revising the SCR Handbook and then use it to align all the other documents. The SCR Handbook has been approved by the Monitors and DOJ, and we await its publication so the Department can revise the other documents and submit them for Monitors and DOJ approval.

Training Compliance: **Not in Compliance**

No training or orientations pertaining to the SCR Handbook or the other complaint-related documents have been submitted for review.

Implementation Compliance: **Not in Compliance**

The SCR Handbook has not been published, and without it, the other key documents have not been revised and submitted for Monitor and DOJ approval.

Overall Assessment of Progress Toward Compliance

Progress on this requirement has been painstakingly slow. Failure to publish the SCR Handbook is holding up all the other work needed to comply with this provision.

Recommendation(s) to Achieve Full Compliance

The Department needs to publish the SCR Handbook so all the other work—revising directives and auditing complaints—can proceed. Once it is published, the Department needs to revise the other documents and submit them to the Monitors and DOJ for approval.

Work to be Completed During the Next Reporting Period

The approved SCR Handbook needs to be published in the next reporting period, and a plan to train personnel on the new procedures needs to be submitted and approved. Once the SCR Handbook is published, the Department needs to revise the other complaint documents and submit them to the Monitors and DOJ for approval. We expect those documents to be submitted in the next reporting period.

Complaint Paragraph 128

LASD will ensure that personnel complaints are not misclassified as service complaints.

Work Conducted

The MT has conducted two audits of public complaints, both of which reviewed complaints to determine if they were appropriately classified. In the first audit, we found that complaints were appropriately classified. But in the second audit, we found three complaints classified as personnel complaints when they actually were service complaints, and one complaint classified as a service complaint when it was actually a personnel complaint.

Policy Compliance: **Partial Compliance**

The AV stations and NPD have issued directives revising public complaint policies specific to the AV to comply with the SA that the MT determined to be a compliant interim solution for the AV. However, Department-wide policies providing guidance on this provision have not been revised as required by the SA to date.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the directives regarding AV public complaint policies to comply with the SA that the MT determined to be a compliant interim solution for the AV. However, departmental policies and training providing guidance on this provision have not been revised as required by the SA to date.

Implementation Compliance: **Not in Compliance**

The MT has conducted two audits of complaints. In the first audit, the Department was in compliance with this requirement, but in the second it was not. The second audit found that four of the complaints were misclassified: three service complaints misclassified as personnel complaints and one personnel complaint misclassified as a service complaint.

Overall Assessment of Progress Toward Compliance

The distinction between a personnel complaint (e.g., alleging an employee committed misconduct) and a service complaint (e.g., complaining about Department policies or procedures) is crystal clear. However, one Department manager was unable to make that distinction in his adjudication of complaints.

Recommendation(s) to Achieve Full Compliance

Managers must be held accountable for their failure to follow Department policies and procedures for adjudicating public complaints.

Work to be Completed During the Next Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Then the other complaint directives need to be revised and aligned with the SCR Handbook. Meanwhile, the MT will continue to review cases that arise, such as through the EFRC and CIRP and input from our Community Survey and CACs.

Complaint Paragraph 129

In consultation with the Monitor and subject to DOJ approval, LASD will revise policies to clarify and strengthen requirements related to: a. which allegations of inappropriate behavior by LASD personnel, if true, would require imposition of discipline, as opposed to non-disciplinary action, to address the misconduct; b. what types of personnel complaints must be investigated as administrative investigations rather than handled exclusively as Service Comment Reviews; and, c. what types of administrative investigations must be handled by IAB rather than at the unit level.

Work Conducted

The MT has spent three years working with the Department and DOJ to revise the SCR Handbook. The Parties and the MT agreed that revising the handbook was a critical first step after which all the other manuals and directives could then be revised so they are consistent with the SCR Handbook and the SA. The Department, Monitor, and DOJ reached agreement on the SCR Handbook in December 2021. But six months later, the Department still has not published the SCR Handbook nor has it begun work to align its other discipline-related documents.

Meanwhile, revisions to the publications that address issues with Paragraph 129, including the Administrative Investigations Handbook and Guidelines for Discipline and Education-Based Alternatives, have yet to be made and submitted to the Monitors and DOJ for approval.

Policy Compliance: **Not in Compliance**

The SCR Handbook is one of the critical policy manuals named in the SA. A revised version of the handbook has been approved by the Monitors and DOJ, but it has not been published. The accompanying IAB polices have yet to be submitted.

Training Compliance: **Not in Compliance**

A training program for the revised SCR Handbook has not been submitted to the Monitors or DOJ for approval.

Implementation Compliance: **Not in Compliance**

The Department has not published the revised SCR Handbook nor has it submitted a revised version of the key disciplinary publications for review and approval by the Monitors and DOJ.

Overall Assessment of Progress Toward Compliance

Progress on this requirement has been painstakingly slow. We understand the size and scope of the SCR Handbook are extensive, but a tremendous amount of time and resources went into revising the handbook. We urge the Department to publish the version that was approved or request MT/DOJ to review any subsequent revisions in a timely fashion. The Department's failure to publish the SCR Handbook inhibits the revision to the other key Department publications governing personnel complaints and discipline.

Recommendation(s) to Achieve Full Compliance

The Department needs to publish the SCR Handbook so all the other work—revising directives and auditing complaints—can proceed.

Work to be Completed During the Next Reporting Period

The approved SCR Handbook needs to be published. Then the published Handbook needs to be used to modify the other documents for internal discipline. Finally, the Department needs to revise the Administrative Investigations Handbook, Guide to Discipline, and other IAB policies to identify:

- Which allegations of inappropriate behavior by LASD personnel, if true, would require imposition of discipline, as opposed to non-disciplinary action, to address the misconduct;
- What types of personnel complaints must be investigated as administrative investigations rather than handled exclusively as Service Comment Reviews; and,
- What types of administrative investigations must be handled by IAB rather than at the unit level.

Complaint Paragraph 130

- a. *Antelope Valley unit commanders shall be responsible for appropriately classifying each allegation and personnel complaint raised at the outset or during the investigation/review of a complaint.*
- b. *LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant.*

Work Conducted

The MT has conducted two detailed audits of public complaint (January 2018 and December 2020). In both audits, the Department failed to comply with the requirement that they appropriately classify each allegation and investigate each substantive allegation, even if the complainant did not specifically allege it. In the first audit, 11 of the 49 cases audited contained a substantive allegation of misconduct that was not identified, investigated, or adjudicated. In the second audit, five of the 52 cases audited contained a significant allegation of misconduct that was not identified, investigated, or adjudicated. Six UOF investigations reviewed to validate the complaint population for the second audit contained allegations of misconduct that did not result in the initiation of an SCR. .

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement to accept complaints and provide translation services to LEP persons. While that is an adequate interim solution for AV commands, these paragraphs require Department-wide implementation, so these requirements have been included in the revised SCR Handbook which will be followed by revisions to the Department Manual. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV station captains and watch commanders have been trained on the SA's requirements for public complaints. Existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Not in Compliance**

The MT has conducted two detailed audits of public complaints, and in both audits, the Department failed to properly classify complaints and investigate all substantive allegations. In the first audit, 11 of the 49 cases audited were deficient, and in the second audit, five of the 52 cases audited were deficient. While the second audit showed improvement, two of the five non-compliant complaints involved allegations that, if true, constituted serious misconduct.

Overall Assessment of Progress Toward Compliance

The expectation that managers appropriately classify complaints and investigate substantive allegations is hardly new and certainly did not arise just from the SA. It is concerning that this is not being done consistently in the AV, especially when serious misconduct is being overlooked.

Recommendation(s) to Achieve Full Compliance

The MT strongly recommends that LASD publish the SCR Handbook and submit the other IAB policy manuals for review and approval by the Monitors and DOJ. However, publishing directives will not bring the Department into compliance with a requirement as fundamental as properly classifying complaints and investigating all substantive allegations. LASD also needs to hold managers who fail in that responsibility accountable.

Work to be Completed During the Next Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Then it needs to revise the other IAB publications to ensure their alignment with the revised SCR Handbook. Once a sufficient time has passed for this to take hold, the MT will conduct a third audit of public complaints. Meanwhile, the MT will continue to monitor this area through public input via the CAC and community surveys.

Complaint Paragraph 131

All investigations of Antelope Valley personnel complaints, including reviews, shall be as thorough as necessary to reach reliable and complete findings. In each investigation, LASD shall consider all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations based upon that evidence. There will be no automatic preference for a deputy's statement over a non-deputy's statement, nor will LASD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. LASD shall make efforts to resolve material inconsistencies between witness statements.

Work Conducted

The MT has conducted two detailed audits of public complaint (January 2018 and December 2020). In both audits, the Department failed to comply with the requirement that complaint investigations be as thorough as necessary to support reliable findings. In the first complaint audit, the MT identified 11 of the 49 cases audited that were not thoroughly investigated, and in the second audit, the MT identified six of the 52 cases audited that were not thoroughly investigated. In four of those six cases, overreliance on the deputy's statement was the only rationale for determining the conduct to be reasonable. Two of the cases in the second audit involved allegations that, if true, constituted serious misconduct.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that investigations be sufficient to support a reliable investigation. While that is an adequate interim solution for AV commands, these paragraphs require Department-wide implementation, so these requirements have been included in the revised SCR Handbook, which will be followed by revisions to the Department Manual and other IAB policy manuals. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commander, so existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Not in Compliance**

The MT's two audits of public complaints have shown that too many investigations are not thorough enough to support a reliable finding. To some extent, that is the fault of the investigating supervisor, but to a larger extent, it is the responsibility of the adjudicating Unit Commander and reviewing division commander to ensure that complaints are adequately investigated. The two cases where serious misconduct was ignored are very troubling.

Overall Assessment of Progress Toward Compliance

The MT's two audits of public complaints clearly shows that too many complaints are not being investigated adequately. Responsibility for that failure falls on the Unit Commander adjudicating the complaints and the division commander reviewing them. Again, directives alone will not correct the deficiency. Managers who fail to ensure that complaints are adequately investigated need to be held accountable.

Recommendation(s) to Achieve Full Compliance

The Department needs to publish the SCR Handbook so work can begin on updating the other IAB manuals and the MT can continue assessing compliance. But publication of handbooks and revising manual sections aside, the Department needs to hold managers accountable whenever a complaint investigation does not provide sufficient information to support a reliable and complete adjudication.

Work to be Completed During the Next Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Then supervisors and managers must be held accountable for complying with its provisions. Once an appropriate amount of time has been provided for LASD to train staff on the new handbook, the MT will assess implementation and outcomes.

Complaint Paragraph 132

LASD agrees to continue to require station commanders in the Antelope Valley to refer alleged incidents of misconduct to the IAB or ICIB for further investigation or review consistent with the Administrative Investigations Handbook. If the case proceeds criminally, the Division Chief over the Antelope Valley will review the matter with the unit commander of IAB to determine whether the administrative investigation may proceed on a parallel track. The Division Chief or unit commander of IAB may consult with the prosecuting agency for its input. If the matter proceeds on a parallel track, any compelled interview of the subject deputies may be delayed. The Division Chief shall document the reasons for the decision.

Work Conducted

The MT has conducted two detailed audits of public complaints (January 2018 and December 2020). In the first audit, there were no cases in the audit population that should have been referred to IAB or ICIB. But in the second audit, the MT identified two cases where the allegations were very serious (CORI violation and a pattern of discourtesy/out-of-policy use of force) and, if true, constituted serious misconduct. Neither of those cases was referred to IAB or ICIB. In fact, both cases were not even elevated to an Administrative Investigation.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that station commanders comply with the Department's long-standing requirement regarding the referral of cases to IAB or ICIB. While that is an adequate interim solution for AV commands, these paragraphs require department-wide implementation, so these requirements have been included in the revised SCR Handbook, which will be followed by revisions to the Department Manual and other IAB policy manuals. Full compliance cannot be achieved until those policy revisions are made.SA.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commander and adjudicated by the station

commander, so existing watch commanders, and station commanders received training when the directives were first issued in 2018. New watch commanders and station commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Not in Compliance**

The MT's most recent audit of public complaints identified two cases that should have been elevated to an Administrative Investigation and referred to IAB or ICIB. The fact that those two cases involving serious misconduct were ignored is very troubling.

Overall Assessment of Progress Toward Compliance

Responsibility for compliance with this paragraph falls on the Unit Commander adjudicating the complaints and the division commander reviewing them. The requirement to refer cases to IAB and ICIB is long-standing Department policy, so more directives will not correct the deficiency. Managers who fail to ensure that complaints are referred to IAB or ICIB when required need to be held accountable.

Recommendation(s) to Achieve Full Compliance

Managers need to ensure that cases of this nature are referred to IAB and/or ICIB as required.

Work to be Completed During the Next Reporting Period

LASD must publish the SCR Handbook and provide training to implement its requirements. Then supervisors and managers must be held accountable for complying with its provisions. However, this provision is not new and should have been complied with all along.

Complaint Paragraph 133

LASD will not permit any involved supervisor, or any supervisor who authorized the conduct that led to the complaint, to conduct a complaint investigation.

Work Conducted

The MT has conducted two detailed audits of public complaint (January 2018 and December 2020). In the first audit, three complaints were investigated by a supervisor who was involved in the conduct leading to the complaint. In the second audit, the MT found only one case in which the supervisor investigating the complaint was involved in the conduct leading to the complaint. Ensuring that an

impartial supervisor investigates the complaint is one area in which the Department has complied with the SA.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that investigations be conducted by a supervisor who was not involved in the conduct leading to the complaint. While that is an adequate interim solution for AV commands, this paragraph requires Department-wide implementation, so these requirements have been included in the revised SCR Handbook which will be followed by revisions to the Department Manual and other IAB policy manuals. Full policy compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commanders, so existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **In Compliance**

The MT's second complaint audit found that the vast majority of complaint investigations were being conducted by a supervisor who was not involved in the conduct leading to the complaint. So it appears the AV is complying with this requirement as of December 15, 2020. This requirement has been included in the SCR Handbook and will be included in other IAB manuals.

Overall Assessment of Progress Toward Compliance

The AV commanders appear to be in compliance with this requirement, but the SCR Handbook needs to be published so work can begin on updating the MPP and other IAB manuals and the MT can continue assessing compliance.

Recommendation(s) to Achieve Full Compliance

The Department needs to publish the SCR Handbook and provide training on its requirements, then revise the other IAB manuals to achieve compliance with this requirement.

Work to be Completed During the Next Reporting Period.

LASD must publish the SCR Handbook and provide training to implement its requirements. Then supervisors and managers must be held accountable for complying with its provisions. Once an appropriate amount of time has been provided for LASD to train staff on the new handbook, the MT will assess implementation and outcomes.

Complaint Paragraph 134

The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, including all LASD deputies. The investigator shall note in the investigative report the identities of all deputies and other witnesses who were on the scene but assert they did not witness and were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.

Work Conducted

The MT has conducted two detailed audits of public complaint (January 2018 and December 2020). In both audits, the Department was in compliance with the requirement that the investigator identify all persons at scene. In the first audit, the MT found that nearly everyone involved in the audited complaints was interviewed. There were a few exceptions, but they were generally peripheral witnesses. In the second audit, the MT identified three cases in which potential witnesses were not interviewed. In two of those cases, the evidence was overwhelming, so failure to interview those witnesses did not affect the quality of the investigation. But in the third case, the omission was a critical failure. However, that was one witness in one case out of 52 cases that were audited. There were no cases in either audit where a deputy or witness who was at the scene asserted they did not witness and were not involved in the incident.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that investigators identify and interview all witnesses and not anyone who was at scene but asserts they did not witness the incident. While that is an adequate interim solution for AV commands, these paragraphs require Department-wide implementation, so these requirements have been included in the revised SCR Handbook which will be followed by revisions to the Department Manual and other IAB policy manuals. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commander, so existing watch commanders received

training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **In Compliance**

While the AV investigations were found to be in compliance with this requirement on December 15, 2020, the Department needs to publish the SCR Handbook, train personnel Department-wide on its provisions, and ensure that the new requirements are being complied with Department-wide.

Overall Assessment of Progress Toward Compliance

The MT's two complaint audits show that investigators in the AV are complying with this requirement. However, the Department needs to publish the SCR Handbook so work can begin updating the other IAB manuals and the MT can continue assessing compliance.

Recommendation(s) to Achieve Full Compliance

The Department needs to publish the SCR Handbook so work can begin on updating the other IAB manuals and the MT can continue assessing compliance.

Work to be Completed During the Next Reporting Period

The approved SCR Handbook needs to be published in the next reporting period, and a plan to train personnel on the new procedures needs to be submitted and approved. Once the SCR Handbook is published, the Department needs to revise the other complaint documents and submit them to the Monitors and DOJ for approval. We expect those documents to be submitted in the next reporting period.

Complaint Paragraph 135

All witnesses, including deputies witnessing or involved in an incident that becomes the subject of a personnel complaint, shall provide a written statement regarding the incident or be interviewed as described below.

Work Conducted

The MT has conducted two detailed audits of public complaint (January 2018 and December 2020). In the first audit, the Department was in compliance with the requirement that the investigator obtain a

statement from all persons at scene. But in the second audit, the MT found that only 40 of the 52 cases audited met this requirement.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that investigators obtain a statement from everyone who witnessed the incident. While that is an adequate interim solution for AV commands, these paragraphs require Department-wide implementation, so these requirements have been included in the revised SCR Handbook which will be followed by revisions to the Department Manual and other IAB policy manuals. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commander, so existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Not in Compliance**

The MT's first audit found the Department in compliance, but the second audit did not. Managers at the unit and division level need to review complaint investigations more thoroughly and ensure that a statement is obtained from every witness. Meanwhile, the Department needs to publish the SCR Handbook, train personnel Department-wide on its provisions, and ensure that the new requirements are being complied with Department-wide. Full compliance can only be achieved once those requirements are met.

Overall Assessment of Progress Toward Compliance

Unit and division managers reviewing personnel complaints need to ensure that a statement was obtained from all witnesses or that the investigation contains information on why that was not possible.

Recommendation(s) to Achieve Full Compliance

Unit and division managers who repeatedly fail to adequately review personnel complaint investigations need to be held accountable. Meanwhile, the Department needs to publish the SCR Handbook and provide the Monitors and DOJ with drafts of the other IAB policy documents revised to reflect the changes in the SCR Handbook.

Work to be Completed During the Next Reporting Period

The approved SCR Handbook needs to be published in the next reporting period and a plan to train personnel on the new procedures needs to be submitted and approved. Once the SCR Handbook is published, the Department needs to revise the other complaint documents and submit them to the Monitor and DOJ for approval. We expect those documents to be submitted in the next reporting period.

Once training has been approved and provided to implement the SCR Handbook's requirements, the MT can identify an audit population for a third audit of public complaints.

Complaint Paragraph 136

The SCR complaint investigator shall interview each complainant in person, if practical. Misconduct investigators will conduct additional interviews as necessary to reach reliable and complete findings. Interviews shall be recorded in their entirety, absent documented extraordinary circumstances.

Work Conducted

The MT has conducted two detailed audits of public complaints (January 2018 and December 2020). In the first audit, the Department was not in compliance with these requirements because key witnesses were not interviewed, and few complainants were interviewed in person with no reason documented in the report. In the second audit, auditors found that most key witnesses were interviewed, but investigators were encountering resistance when they tried to interview some complainants. Specifically, several complainants thought the investigator was trying to trick them because they were already thoroughly interviewed during the complaint intake. (Auditors found no evidence to support trickery.) So, auditors recommended to the Parties that the investigator be allowed to rely on the intake interview, provided it was recorded and that it covered all the relevant issues. The second audit classified compliance as "unable to determine" pending resolution of this issue.

Policy Compliance: **Unable to Determine**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that investigators conduct the necessary interviews and interview complainants in person. The requirement that the investigator interview the complainant in person resulted in unintended consequences, so auditors have recommended the investigator be allowed to rely on the intake interview, provided it is recorded and thorough. Resolution of that issue is pending.

This paragraph requires Department-wide implementation, so these requirements have been included in the revised SCR Handbook which will be followed by revisions to the Department Manual and other IAB policy manuals. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Unable to Determine**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commander, so existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. However, the Parties need to resolve the recommendation that the investigator be allowed to rely on the intake interview if it is recorded and thorough. Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Unable to Determine**

The MT's first audit found the Department out of compliance, but the second audit was "unable to determine," and it recommended that the investigator be allowed to rely on the intake interview provided it is recorded and thorough. That issue needs to be resolved by the Parties. Meanwhile, the Department needs to publish the SCR Handbook, train personnel Department-wide on its provisions, and ensure that the new requirements are being complied with Department-wide. Full compliance can only be achieved once those requirements are met.

Overall Assessment of Progress Toward Compliance

The Parties need to decide if the investigator can rely on the intake interview, provided it was recorded and adequately addressed the issues. The Department also needs to publish the SCR Handbook and revise the other IAB manuals for approval by the Monitors and DOJ.

Recommendation(s) to Achieve Full Compliance

The Department needs to resolve the issue of the investigator relying on a thorough intake interview and publish the SCR Handbook so work can continue with assessing compliance.

Work to be Completed During the Next Reporting Period

The Department needs to resolve the issue of the investigator relying on a thorough intake interview, publish the SCR Handbook, and revise the other IAB manuals and submit them to the Monitors and DOJ for approval. Once training has been approved and provided to implement the SCR Handbook's requirements, the MT can identify an audit population for a third audit of public complaints.

Complaint Paragraph 137

- a. *Consistent with current policy, interviews shall be conducted separately.*
- b. *An interpreter not involved in the underlying complaint will be used when taking statements or conducting interviews of any LEP complainant or witness.*

Work Conducted

The MT has conducted two detailed audits of public complaint (January 2018 and December 2020). In the first audit, the Department was not in compliance with these requirements. In the second audit, the MT again found a lack of documentation that deputies were interviewed separately in nine of the 52 cases audited. In eight of those nine cases, the complaint investigator relied heavily on the UOF investigation, but the investigation did not document that the deputies were interviewed separately. In the second audit, there was one witness who spoke only Spanish, so an uninvolved deputy was brought to the scene to take a statement from the LEP witness.

Policy Compliance: **Partial Compliance**

The AV stations and NPD issued directives in June 2018 establishing procedures to comply with the SA, including the requirement that investigators interview all witnesses separately and obtain an uninvolved interpreter for any LEP person. While that is an adequate interim solution for AV commands, these paragraphs require Department-wide implementation so these requirements have been included in the revised SCR Handbook which will be followed by revisions to the Department Manual and other IAB policy manuals. Full compliance cannot be achieved until those policy revisions are made.

Training Compliance: **Partial Compliance**

The AV stations and NPD have trained AV personnel on the SA's requirements for public complaints. Personnel complaints are investigated by watch commander, so existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. Watch commanders have also been reminded to ensure that UOF investigations being used for a personnel complaint document that separate interviews were conducted. While that is sufficient for the AV, Department-wide implementation will require a broader approach to training for all the SA's public complaint requirements.

Implementation Compliance: **Partial Compliance**

137a: **Not in compliance** for separate interviews.

Both of the MT's audits found the Department out of compliance with this requirement. Managers at the unit and division level need to review complaint investigations more thoroughly and ensure they document that separate interviews were conducted.

137b: **In compliance** for uninvolved interpreter. The first audit found non-compliance, but the second audit found the Department in compliance with this requirement on December 15, 2020.

Overall Assessment of Progress Toward Compliance

Unit and division managers reviewing personnel complaints need to ensure that separate interviews were conducted and that an uninvolved interpreter was used for any LEP person. The Department also needs to publish the SCR Handbook and submit revised drafts of the other IAB documents to the Monitors and DOJ for review and approval.

Recommendation(s) to Achieve Full Compliance

Unit and division managers who repeatedly fail to adequately review personnel complaint investigations need to be held accountable. Meanwhile, the Department needs to publish the SCR Handbook and provide the Monitors and DOJ with drafts of the other IAB policy documents revised to reflect the changes in the SCR Handbook.

Work to be Completed During the Next Reporting Period

The Department needs to publish the SCR Handbook and revise the other IAB manuals and submit them to the Monitors and DOJ for approval. Once training has been approved and provided to implement the SCR Handbook's requirements, the MT can identify an audit population for a third audit of public complaints.

Complaint Paragraph 138

LASD agrees to provide updated and revised training to Antelope Valley deputies and supervisors about proper complaint intake, classification, and investigation techniques. LASD will provide training about how to record complete and thorough complaints from individuals, including how to obtain complaints from individuals who may not be proficient in English, and the consequences for failing to properly take complaints.

Work Conducted

Personnel complaints are investigated only by watch commanders, who are almost invariably lieutenants. When the NPD and unit orders implementing the SA's requirements were issued in 2018, existing watch commanders received training from their captains and NPD on SA requirements. Since then, new watch commanders receive orientation on the SA's requirements at the start of their assignment. These one-on-one training sessions are not monitored, but the results are.

Policy Compliance: **NA**

This is exclusively a training requirement; no policy involved.

Training Compliance: **Partial Compliance**

The AV stations and NPD have issued directives on the SA's requirements for public complaints. Personnel complaints are investigated by watch commanders. The Department is in partial compliance because existing watch commanders received training when the directives were first issued in 2018, and new watch commanders receive an orientation on SA requirements at the start of their assignment. The training will have to be reviewed and updated based on the revised SCR handbook.

Implementation Compliance: **Partial Compliance**

This is a training requirement; the interim directives were issued, and watch commanders trained on conducting personnel investigations, hence the partial compliance status. When the Department is ready, the training will be assessed against the revised SCR handbook.

Overall Assessment of Progress Toward Compliance

The AV stations and NPD issued directives in 2018 on the SA's requirements for public complaints, and the watch commanders responsible for investigating complaints have received training. The training is evident in the investigations reviewed in our audits. That is not to say all complaints comply with all SA requirements, but watch commanders clearly know what they are required to do. After publishing of the SCR handbook, the MT will assess whether any changes need to be made to annual and refresher trainings and will verify that all appropriate personnel have received those trainings. Training is monitored in Paragraphs 138–139.

Recommendation(s) to Achieve Full Compliance

LASD needs to review its training based on the revised SCR handbook and then work with the DOJ and MT to finalize the training so it can be implemented.

Work to be Completed During the Next Reporting Period

LASD needs to review its training based on the revised SCR handbook and provide the MT and DOJ with curricula and a plan for annual and refresher training for review. Once training is approved and implemented, the MT will verify required personnel receive the training.

While this is an AV-specific requirement (i.e., “provide updated and revised training to Antelope Valley deputies and supervisors”), publication of the SCR Handbook will require Department-wide training to implement the new requirements, whether that happens in the next reporting period or later.

Complaint Paragraph 139

All personnel conducting Service Comment Reviews and unit level administrative investigations in the Antelope Valley shall receive initial training regarding conducting deputy misconduct investigations and shall receive refresher training each year. This training shall include instruction in: a. investigative skills, including proper interrogation and interview techniques, gathering and objectively analyzing evidence, and data and case management; b. the particular challenges of personnel complaint reviews/investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that becomes apparent during the investigation, properly weighing credibility of civilian witnesses against deputies, using objective evidence to resolve inconsistent statements, and the proper application of the preponderance of the evidence standard; c. relevant state, local, and federal law, including state employment law related to deputies and the rights of public employees, as well as criminal discovery rules such as those set out in Garrity v. New Jersey, 385 U.S. 20 493 (1967), and Brady v. Maryland, 373 U. S. 83 (1963); and, d. LASD rules and policies, including the requirements of this Agreement, and protocols related to criminal and administrative investigations of alleged deputy misconduct.

Work Conducted

Personnel complaints are investigated only by watch commanders who are almost invariably lieutenants. When the NPD and unit orders implementing the SA’s requirements were issued in 2018, existing watch commanders received training from their captains and NPD on SA requirements. Since then, new watch commanders receive orientation on the SA’s requirements at the start of their assignment. These one-on-one training sessions are not monitored, but the results are.

Policy Compliance: **NA**

This is exclusively a training requirement; no policy involved.

Training Compliance: **Partial Compliance**

See Appendix C, Paragraph 138.

Implementation Compliance: **Partial Compliance**

See Appendix C, Paragraph 138.

Overall Assessment of Progress Toward Compliance

See Appendix C, Paragraph 138.

Recommendation(s) to Achieve Full Compliance

See Appendix C, Paragraph 138.

Work to be Completed During the Next Reporting Period

See Appendix C, Paragraph 138.

Complaint Paragraph 140

LASD shall conduct a semiannual, randomized audit of LASD-AV's complaint intake, classification, and investigations. This audit will assess whether complaints are accepted and classified consistent with policy, investigations are complete, and complaint dispositions are consistent with a preponderance of the evidence.

Work Conducted

The Department assigned the AAB the responsibility for conducting these audits. The AAB published its first audit on August 30, 2016, which included complaints made for both Lancaster and Palmdale stations. Part of the Monitor's feedback on that audit was that AAB should submit a detailed audit work plan before starting SA audits in order to ensure each audit will meet the SA's requirements. Since then, the MT has conducted two detailed audits of public complaints (January 2018 and December 2020). In the first audit, the Monitors reiterated its finding in the Monitor's fourth Semi-Annual Report that the AAB has published several audits citing various SA paragraphs, but it has not performed any of the audits required for evaluating the Department's compliance with the SA requirements for handling public complaints made by the AV community. The Monitors found the Department out of compliance with this paragraph.

In the second MT audit, the MT reviewed two audits submitted by AAB to comply with this paragraph, one for each AV station. Both audits were limited to three objectives—intake, classification and investigation—ignoring the paragraph's requirement that the audit determine if "complaint dispositions are consistent with a preponderance of the evidence." Once again, the Monitors found the Department out of compliance with this paragraph.

Over the years, the MT has met with the Compliance Unit and AAB many times. Initially, we encountered AAB resistance to collaboration and even more so to the idea that the MT or Compliance Unit would provide the AAB direction. AAB very much values its independence and its direct link to the office of the undersheriff. The MT appreciates this perspective, but it has resulted in failure to comply with this paragraph.

Every other year since 2017, the AAB has submitted a work plan for Monitor and DOJ review (September 22, 2017, and June 19, 2019). In each case, the Monitors and DOJ have provided timely feedback on the audit plans, identifying ways in which it could be brought into compliance with the SA (October 1, 2017, and June 25, 2019). In each case, the Monitors and DOJ requested that the AAB modify the work plan and resubmit it for approval to ensure it would result in an audit that complied with the SA. However, no modified work plans were submitted. Subsequently, when the audit reports were submitted (May 23, 2018, and January 30, 2020), they predictably did not comply with the SA requirements. In every case, the material that caused the out-of-compliance finding had been identified in MT and DOJ feedback to the audit plan.

More recently, the AAB submitted a complaint audit work plan for Palmdale complaints (May 10, 2022). The Monitors and DOJ provided feedback identifying the areas needing to be modified in order to comply with the SA (May 18, 2022). A conference call was also held with the MT, DOJ, Compliance Unit and AAB (May 19, 2022) to discuss DOJ and Monitor concerns. At the conclusion of the meeting, AAB announced the agreed-upon methodology hammered out at the meeting would be used for the next complaint audit, not the one they are now conducting, completely ignoring the substantial changes that will occur when, and if, the SCR Handbook is published.

Policy Compliance: **NA**

There is no policy requirement in this paragraph.

Training Compliance: **NA**

There is no training requirement in this paragraph.

Implementation Compliance: **Not in Compliance**

Overall Assessment of Progress Toward Compliance

The MT is profoundly disappointed with LASD's lack of progress on this provision. We consider this to be low-hanging fruit. Any healthy policing organization has regular and ongoing internal assessments to identify areas of needed growth and to nurture a relationship with the community that promotes transparency and accountability. Moreover, it has been our hope that we can include AAB audits in the MT's assessment of compliance, and ultimately it is our expectation that we can someday rely on AAB audits instead of always conducting our own audits. However, the fact is that the Department has yet to

complete a single audit of public complaints that complies with this requirement, let alone has it conducted semiannual audits, and all indications are that it is not likely to do so in the foreseeable future.

Recommendation(s) to Achieve Full Compliance

MT recommends that the AAB produce a work plan and submit for compliance feedback from DOJ and MT.

Work to be Completed During the Next Reporting Period

LASD needs to incorporate feedback from DOJ and the MT that was provided at the May 19, 2022, meeting, for the complaint audit it apparently is currently conducting. LASD also needs to follow that work plan and conduct a SA-compliant audit of complaints for both stations in the next reporting period and semi-annually thereafter.

H. ACCOUNTABILITY

Paragraph 141

- a. *LASD will continue to implement and modify (PRMS) and expects that it will be complete within three years. (PRMS) will continue to serve as an LASD-wide decision support system in matters related to risk management and service reviews.*
- b. *LASD will modify (PRMS) so that it can make peer comparisons between deputies and units. If (PRMS) is not modified to make such comparisons during the compliance period, the comparisons will be made through an alternative process.*
- c. *Antelope Valley unit commanders and supervisors will conduct periodic reviews of all deputies and units under their command to identify potential trends.*

Work Conducted

The MT has utilized extracts of data and information from PRMS in conducting each of its five audits (two for public complaints and three for uses of force) and during reviews of the semi-annual RMFs, as well as the Quarterly Reports produced by AV commands since August 30, 2019. The Department uses PRMS for many purposes, including to provide data for the Quarterly Reports, the Sheriff's 11, performance evaluations, and the RMFs.

PRMS does not have the flexibility to "make peer comparisons between deputies and units" or to facilitate some other SA requirements. To compensate for this, AV stations have developed their own processes, including electronic databases that provide data that is manually compiled for SA-required comparisons, such as the Quarterly Reports and RMF. The Quarterly Report (formally known as the Employee Quarterly Review) is a significant development made directly in response to the SA and

intended to be the Department's "alternative process" to address several Paragraph 141–143 requirements, in particular the performance of individual deputies, supervisors and units.

The Quarterly Reports were developed by LASD and, after a period of review and comment, received the approval of the MT and DOJ. Now that the Quarterly Reports have been in place for some time and the processes for their preparation and application are maturing, the MT has begun compliance assessments. In this reporting period, the MT began a series of compliance assessment reviews. We provided the Department a report on the results of one such review on June 21, 2022. However, as discussed below, those internal systems are time-intensive and appear to be impractical as a Department-wide alternative for risk management support purposes.

Policy Compliance: **Partial Compliance**

The process for the Quarterly Reports was codified in North Patrol Division Order 19-01, which was issued on August 30, 2019, and reissued on February 19, 2020. However, Paragraph 141 requires that PRMS serve as an "LASD-wide decision support system in matters related to risk management and service reviews." So, PRMS or "an alternative process" must be implemented to provide that support mechanism Department-wide, not only in the NPD, which will require an expansion of the division order. A training program will be necessary to ensure consistency across the many stations preparing and utilizing the reports.

The Department also has policies in place regarding the use of PRMS as a Department-wide decision support system. The MT will assess if current policies need to be modified depending on the further steps the Department takes to meet compliance with the Accountability section.

Training Compliance: **Partial Compliance**

AV commands were engaged in the development of the Quarterly Report system, and station personnel were trained in how to use that process to compile data and complete their Quarterly Reports, but department-wide training will be needed once the Department-wide "alternative process" has been established and adopted.

AV personnel have been trained on compiling the Quarterly Reports. Overall, the MT review found the staff who are involved in preparing these reports to be diligent and conscientious, and we commend them for their efforts. However, it is clear this process is labor-intensive and although each station developed detailed instructions on where to obtain and how to compile the data, the process will likely be unnecessarily cumbersome in the long term without, at least, some automation and improvement in the interoperability of the data systems. Also, more attention needs to be devoted to ensuring the quality and reliability of that data.

Implementation Compliance: **Partial Compliance**

The Department has acknowledged that PRMS is not capable of meeting this requirement and has indicated that upgrading PRMS or implementing a new system to address these provisions is cost prohibitive. However, the SA does provide that the Department can develop an “alternative process.” The MT has found the Quarterly Report system to be a significant step forward toward achieving compliance with this provision. It appears to be a viable framework for serving as an alternative process notwithstanding the fact that the process is largely manual, time-intensive and, according to station managers’ assessment and MT observation, appears to be impractical, especially as a Department-wide alternative for risk management support purposes. The Department has previously indicated it would be exploring the possibility of purchasing and implementing software to automate some of the processes required to produce the Quarterly Report. The Department must decide whether the Quarterly Report process can be used throughout the agency or if it will elect to utilize a different solution.

With respect to the requirement that AV unit commanders conduct periodic reviews of their deputies, the MT’s recent Quarterly Report review included a preliminary review of a UOF sample that showed that critical data had not been entered. Our preliminary review, based on a small sample of UOF cases, revealed an incident was reported in the Quarterly Report as having “no issues” even though managers found it to be out of policy. There are also PRMS data quality issues, discussed in the appendix for Paragraph 142. Unreliable data precludes managers from “identify[ing] potential trends.”

Overall Assessment of Progress Toward Compliance

The “alternative process” for risk-management data developed by the AV commands appears to be a viable alternative to PRMS, but it is very labor-intensive and may not be viable Department-wide. Department-wide implementation will require executive management action from those with the authority to implement programs Department-wide.

Recommendation(s) to Achieve Full Compliance

The Department has been suggesting it is considering data system upgrades for the seven years of monitoring. The Department should prioritize a decision and actions to either acquire and implement new software solutions to automate the processes required to produce the Quarterly Reports or to expand the use of the existing Quarterly Report process Department-wide. The Department’s exploration of options should include software products on the market that could fully automate the production of the Quarterly Reports as well as data tabulations for other crucial activities like the CMF, RMF, disparity analyses, efficacy assessments, and UOF analysis. (See Appendix C, Paragraphs 46, 90, 81–86, 120–123). Once that decision is made, the Department needs to determine the alternative process that will be employed to provide “peer comparisons between deputies and units.”

Pending approval from the Parties and the MT, the Department should review and act on the recommendations in the MT’s report on the Quarterly Report system and should propose its own improvements.

Work to be Completed During the Next Reporting Period

The Department needs to determine how it can best compensate for the shortcomings of the PRMS and the Quarterly Report and find a solution that can be implemented throughout the Department. Meanwhile, NPD should address the comments and suggestions provided in the MT's recent report, including, for example, potentially modifying the Quarterly Report process to ensure attention is focused on identifying trends or patterns related to risk concerns that may be found among supervisors and work unit.

The Parties and the MT will discuss the MT's recommendations in the MT's report on the Quarterly Report system. Future MT reviews will assess (1) if the Quarterly Reports adequately and effectively address all of the Accountability section requirements; (2) if other alternative processes exist or need to be developed to address any requirements found not to be addressed by the Quarterly Reports; (3) if station managers are effectively using these various sources to identify issues and implementing appropriate interventions; and (4) if divisional managers are adequately tracking this work at the stations as part of an effective accountability system. These reviews will also address data accuracy and reliability factors as well as the PMP.

Paragraph 142

- a. LASD will modify PRMS (and capture through an alternative process pending PRMS modification) to be able to access and report additional data relevant to determining compliance with the Agreement, including but not limited to data about stops, searches, and arrests (described in the Data Collection and Analysis Section), individual compliance with community engagement requirements, and criminal obstruction arrests.
- b. LASD will modify its procedure for Performance Log Entries so that all entries are maintained in an electronic format and noted in PRMS.
- c. LASD-AV will ensure that PRMS data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered.

Work Conducted

The MT has utilized extracts of data and information from PRMS in each of its five audits (two for public complaints and three for uses of force) and during our reviews of the semi-annual RMFs and the Quarterly Reports.

MT audits for other SA sections have found PRMS to be consistently unreliable primarily due to errors in key data entered into it. For example, until recently, PRMS could accept only one disposition for each employee accused of misconduct regardless of how many allegations were made and any variation in the disposition for those allegations. The Department also unilaterally decided not to enter NCI uses of force into PRMS, thereby skewing PRMS's UOF data.

But even if the data were pristine, PRMS does not have the flexibility to “make peer comparisons between deputies and units” or to provide all of the functionality the SA requires or, for that matter, that Department managers need to support an effective accountability system.

AV stations have developed their own local databases and processes, which could be used for SA-required comparisons, such as the Quarterly Reports, RMFs, and CMFs. As described in the appendix for Paragraph 141, those internal systems are time-intensive and may be impractical as a Department-wide alternative. We also found evidence in our latest review of the Quarterly Reports that critical information was not captured or reported.

With respect to PLEs and their maintenance in an electronic format, in our first audit of public complaints, we found that Palmdale kept PLEs in a three-ring binder referred to as the “Black Book.” The Black Book was kept in a locked cabinet, and the watch commander had the only key. In Lancaster, PLEs were kept in a designated password-protected electronic folder. In our second audit of public complaints, we were informed that both commands now maintain the PLEs electronically, and we saw documentation of PLEs from both stations that were clearly computer generated.

PLEs are now automated, but they are not available through PRMS.

Policy Compliance: **Partial Compliance**

See the policy compliance discussion in Appendix C, Paragraph 141.

Training Compliance: **Partial Compliance**

As discussed in more detail in the appendix for Paragraph 141, the AV commands have trained staff in how to compile and utilize data for the Quarterly Reports, but more attention needs to be devoted to ensuring the quality and reliability of that data. A training program will be necessary to ensure consistency across the many stations preparing and utilizing the reports.

Implementation Compliance: **Partial Compliance**

Partial Compliance on PRMS (142a). The Department has acknowledged that PRMS cannot meet this standard and has indicated that upgrading PRMS or implementing a new system to address these provisions is cost prohibitive. However, the SA allows the Department to develop an “alternative process,” which has been done to produce the Quarterly Reports. The MT finds the Quarterly Reports to be a significant step toward compliance with this provision, but these do require a great deal of time to prepare. Additionally, failure to ensure that critical data are accurately provided (e.g., the out-of-policy finding on a use of force that was reported as “no issue”) raises an issue regarding data accuracy.

Partial Compliance on PLEs (142b). Based on the documentation we have received, it appears the Department has automated the PLE entries; however, PLEs are not noted in PRMS.

No determination on accuracy (142c). While we have identified concerns about data accuracy, as described above, we defer a compliance determination in this area until such time as audits related to the use of force, public complaints, or other matters using PRMS data can be compared.

Overall Assessment of Progress Toward Compliance

The AV stations have been diligent in their efforts to make effective use of the existing data systems; however, those systems are not integrated. The data that is required for assessing compliance should be integrated and readily available. Currently, multiple steps are required to assemble the data, which limits management's ability to readily review and analyze results. For example, stops data are accessed through CAD, community engagement is accessed through each station's Community Engagement Tracker, and obstruction arrests are accessed through the Obstruction Arrest Tracker database. Data accuracy also continues to be a problem. While a full review of PRMS and Quarterly Report data accuracy is required to fully assess this issue, in the near term, accuracy can be improved through closer scrutiny of the data and the reports issued. PLEs are no longer "noted in PRMS."

Recommendation(s) to Achieve Full Compliance

The Department should determine whether it intends to acquire and implement a software solution to automate some of the processes required to produce the Quarterly Reports or whether it intends to expand use of the existing AV Quarterly Report system. Meanwhile, AV stations need to ensure that data presented in the quarterly reports is complete and accurate.

Pending approval from the Parties and the MT, the Department should review and act on the recommendations in the MT's report on the Quarterly Report system and should propose its own improvements.

Work to be Completed During the Next Reporting Period.

The Department needs to determine how it can best compensate for PRMS's shortcomings and find a practical solution. Meanwhile, stations need to review the way data are captured for the Quarterly Reports to ensure accuracy and thoroughness. The AAB may be able to provide assistance in this regard.

The Parties and the MT will discuss the MT's recommendations in the MT's report on the Quarterly Report system. Future MT reviews will assess (1) if the Quarterly Reports adequately and effectively address all of the Accountability section requirements; (2) if other alternative processes exist or need to be developed to address any requirements found not to be addressed by the Quarterly Reports; (3) if station managers are effectively using these various sources to identify issues and implementing appropriate interventions; and (4) if divisional managers are adequately tracking this work at the stations as part of an effective accountability system. These reviews will also address data accuracy and reliability factors as well as the PMP.

Paragraph 143

In consultation with the Monitor, LASD will develop a plan, to be approved by DOJ, to periodically review how the Antelope Valley stations analyze [PRMS] to respond to concerns unique to their stations, such as trends identified through civilian complaints, the CAC, community survey, or other means.

Work Conducted

The Quarterly Report is the primary method for reviewing the performance of individual deputies. The semi-annual RMF compares the Department's four patrol divisions with one another, then compares data from the stations within the Patrol Division that is under review during that meeting. The quarterly CMF includes in-depth reviews of each NPD station. Each of these can each serve as vehicles by which the Department can address the specific requirements in the Accountability section. None of these provides a formalized process by which the Community Survey or CAC information is addressed. The CMF has recently begun to address some community concerns, but not, thus far, trends identified through the CAC or Community Survey.

The primary source of information for the Quarterly Reports is the Department's Sheriff's 11 Report. The Sheriff's 11 Report consists of 11 separate reports available through PRMS. Commands throughout the Department generate the Sheriff's 11 Report for their deputies and use it to identify and address risk management patterns. The 11 reports identify deputies who exceed the Department's minimum threshold in areas including deputy-involved shootings, other uses of force, lawsuits, claims, or personnel complaints that occurred during the preceding 24 months. Because of the thresholds established by the Department for the Sheriff's 11 Report, it would not be unusual for a deputy meeting a single criterion to be on the Sheriff's 11 Report for two or more years. For example, a deputy involved in a shooting, Category 3 use of force, or lawsuit would be on the report for at least two years even if the deputy was not involved in any other risk behavior that is assessed in this process during that entire timeframe. The Quarterly Report is based on the Sheriff's 11 Report data, but it has different thresholds intended to ensure increased attention is focused on those individuals whose performance is seen as posing greater risk. Now that the Quarterly Reports have been in place for some time and the processes for their preparation and application are maturing, the MT has begun compliance assessments.

Policy Compliance: **Partial Compliance**

See the policy compliance discussion in Appendix C, Paragraph 141.

Training Compliance: **To be Determined**

It is not clear at this stage if additional training will be required beyond that discussed in the appendix for Paragraph 141.

Implementation Compliance: **Partial Compliance**

The Quarterly Reports are now a useful tool facilitating a more comprehensive review of individual deputies. They contain the key risk management elements and provide a ready overview of deputies whose performance requires improvement in certain areas. It is also a valuable tool to identify and correct discrepancies between databases. However, as discussed in the appendix for Paragraphs 141 and 142, we have not seen evidence of sufficient attention being focused on units, shifts, or supervisors, nor of managers questioning any potentially flawed data being presented to them in those reports. As described in the appendix for Paragraph 141, there are also data accuracy concerns.

Overall Assessment of Progress Toward Compliance

The AV has made good progress through the implementation of the Quarterly Report system. Automated support is needed to sustain it, and constant attention must be given to ensuring the accuracy of the data.

Recommendation(s) to Achieve Full Compliance

Our recent analysis of the Quarterly Reports provided several recommendations to improve it and help the Department in achieving compliance with this paragraph. These recommendations include removing the NCI uses of force from the calculations for the Quarterly Report to focus more attention on higher risk exposure; listing the number of consecutive quarters a deputy has been on the Quarterly Reports; indicating if the deputy is in a leadership position or new to patrol; providing more information on obstruction arrests; and indicating if deputies on performance mentoring are improving or not and if not, what steps are being taken to gain that improvement. We will assess if these and other improvements have been made and their impact in upcoming compliance assessments.

Pending approval from the Parties and the MT, the Department should review and act on the recommendations in the MT's report on the Quarterly Report system and should propose its own improvements. Meanwhile, automated support needs to replace the labor-intensive system now used to produce these reports.

Work to be Completed During the Next Reporting Period

The Department should move forward with changes to the Quarterly Report that are approved by the MT and DOJ. Meanwhile, automated support needs to replace the labor-intensive system now being used to produce these reports. Additionally, the stations, in consultation with the MT and DOJ, should develop a plan or system to consider and integrate external input, such as feedback based on the Community Survey and CAC input, into its policing strategies. The MT will continue to observe and comment on each CMF and RMF and will conduct the Quarterly Report reviews discussed in the appendices for Paragraphs 141 and 142.

Paragraph 144

LASD will continue to provide mentorship to deputies in the North Patrol Division's locally based Performance Mentoring Program (PMP), as well as through LASD's department-wide PMP, based upon appropriate determination of eligibility. To increase the effectiveness of the remedies and corrective action used to address a deputy's behavior, LASD will support and implement a plan to ensure that the LASD-wide PMP program provides mentoring of AV personnel within 30 days after the need for mentoring is identified, and that appropriate procedures are in place for supervising deputies whose performance fails to improve subsequent to mentoring.

Work Conducted

In 2018, the MT met with the Compliance Unit, the NPD chief, and the AV station captains to review how AV stations conduct oversight in the course of carrying out the accountability provisions and requirements in the SA. This included a review of the PMP process. This provided the MT and the Parties with a shared understanding as a basis for future reviews. The MT has not yet conducted an evaluation of the Unit and Department Performance Mentoring Program.

Policy Compliance: **Partial Compliance**

The performance mentoring process is operational, and in May 2022 we received the most recent version of the handbook covering the Department's Performance Mentoring Program. That manual is currently under review.

Training Compliance: **To be Determined**

Implementation Compliance: **Partial Compliance**

Overall Assessment of Progress Toward Compliance

The program is in place and is being used, but the MT has not conducted an evaluation of the PMP. The recent MT review of the Quarterly Reports identified concerns with the length of time some deputies remain on the reports. Among other factors, this could be related to the process for placing deputies on PMP or on the effectiveness of the PMP program.

Recommendation(s) to Achieve Full Compliance

To be determined

Work to be Completed During the Next Reporting Period

The MT will continue to evaluate compliance with this paragraph during the next reporting period. An assessment of the PMP process and its effectiveness will be conducted following the review of the handbook.

Paragraph 145

LASD will ensure that the Department-wide PMP and the North Patrol Division's PMP coordinate as appropriate with each other and share information about deputies and their individual mentoring programs.

Work Conducted

The MT has not yet conducted an evaluation of either the Unit or Department Performance Mentoring Programs or their coordination.

Policy Compliance: **Partial Compliance**

The performance mentoring process has long been operational, and in May 2022 we received the most recent version of the handbook which covers the PMP. That manual is currently under review.

Training Compliance: **To be Determined**

Implementation Compliance: **Partial Compliance**

Overall Assessment of Progress Toward Compliance

The policies appear to be in place and are being used, but the MT has not conducted an evaluation of the PMP.

Recommendation(s) to Achieve Full Compliance

Pending additional MT reviews.

Work to be Completed During the Next Reporting Period

The MT will continue to evaluate compliance with this paragraph during the next reporting period. A more extensive compliance assessment of the PMP process and its effectiveness will be addressed in future reviews.