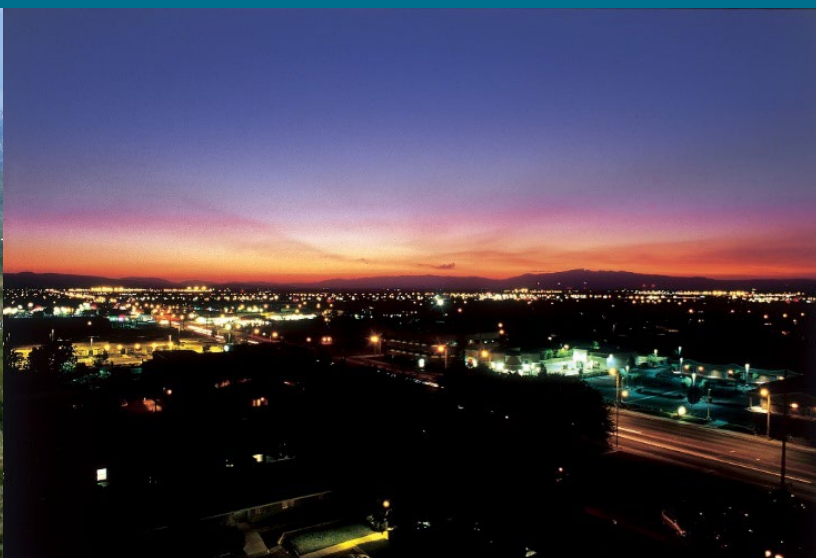


# Antelope Valley Monitoring Team 16th Semi-Annual Report



June 2023



July 25, 2023

The Honorable John F. Walter  
United States District Courthouse  
350 W. 1st Street, Courtroom 7A  
Los Angeles, CA 90012

Dear Judge Walter:

This report covers the activities taking place from January through June 2023. As it was being finalized, we were alerted to two very troubling use of force incidents. The first occurred on June 24, 2023, and involved Lancaster station deputies. Significantly, it was community members who brought the video of that incident to the attention of Sheriff Luna, DOJ, and the Monitors. It shows a deputy violently throwing a non-aggressive woman to the ground and pinning her down with his knee on her upper back. Approximately a week later, the Monitors were notified by Sheriff Luna's administration of a Palmdale incident that occurred one year prior, on July 14, 2022. This incident was not brought to the attention of the MT or the public until this semi-annual report was being prepared. Once he was made aware of this second incident, Sheriff Luna immediately directed the release of the related body-worn camera footage. It showed a deputy punching a woman in the face as she refused to release her baby during an arrest. The women in both these incidents are Black. Community members have organized rallies and protests in response to both incidents and have called for significant disciplinary actions from Sheriff Luna.

The Monitors have requested all videos and reports related to these events and will be monitoring and evaluating the Department's review and handling of the investigations. Both events and subsequent actions taken by LASD will be discussed in more detail in the next MT semi-annual report. For this report, we felt it was important to immediately acknowledge the deeply disturbing nature of the actions reflected in the videos and the impact they have on the community, particularly communities of color, in the Antelope Valley.

While we are troubled and saddened by these events, regrettably, we must acknowledge we are not surprised. As documented for years by monitoring reports, failures at supervisory and management levels are contributing to a continuation of such incidents. A number of factors and conditions must be confronted and corrected if the Department is going to be successful in achieving lasting change and improvement.

1. The Department has not implemented a Settlement Agreement–compliant use-of-force policy to provide sufficient and appropriate guidance to deputies in the field or to UOF investigators. (A policy was recently approved but is being reviewed by employee unions.) The existing force training is not only noncompliant but in many regards is counterproductive. In particular, it does not provide enough emphasis and instruction on de-escalation practices.
2. The Department has not yet published SA-compliant complaint policies or implemented associated training.
3. LASD lacks both adequate data systems as well as clear expectations that managers must be held responsible for identifying concerning patterns before they become serious or potentially dangerous.
4. LASD lacks an adequate supervisory toolkit for supporting and correcting problematic deputy behaviors. The primary methods for behavior modification—sending deputies to training or placing them in the Department’s Performance Mentoring Program—have not proven themselves to be effective.
5. LASD does not have a culture in place that requires managers and supervisors to question or hold accountable those under their command. Rather, there is a culture of defensiveness when it comes to acknowledging and being willing to correct poor performance. Rather than holding themselves and staff accountable, station managers often seek to justify and “explain away” problematic incidents and patterns.
6. Department managers are not sufficiently attentive to the importance of the routine daily interactions, behaviors, and attitudes displayed by their personnel during encounters with the public. Community trust can only be built through management’s careful attention to and consideration of how these daily interactions affect public perceptions—not just when it comes to headline-grabbing incidents like the recent uses of force, but to regular traffic and pedestrian stops and calls for service.
7. While we note a significant shift at the administrative level, there is continued resistance to the Settlement Agreement itself at the AV stations.

We recognize that these criticisms may land hard on some LASD deputies, especially those who truly support and desire improvements. It may feel to some as though there is a lack of support for the deputies or a lack of appreciation for the complexities of their duties and the challenges they face. To the contrary, we have found the vast majority of the community are supportive and desirous of effective, professional, and constitutional policing—which is what they deserve and are entitled to have. We feel just as strongly that the overwhelming majority of deputies want this as well. To achieve that, LASD deputies deserve and must receive better training, supervision, guidance, and support than they have been provided by their managers in the past. They deserve investment in making them better deputies and better leaders in the community, yet this investment not been evident since monitoring began.

Despite these challenges, we are hopeful. Even though it is quite early in Sheriff Luna’s tenure, we are seeing new signs of commitment to the SA-required reforms. The Department has made headway, particularly since our April site visit. Areas of progress are detailed throughout this report, and we have noted significant improvements in communication, quality and timeliness of work products, transparency, and openness to the SA. We are optimistic that the current level of effort, resources, and commitment will soon lead to results in the AV.

Sincerely,

Dr. Angie Wolf, Monitor  
Joseph Brann, Monitor

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## I. INTRODUCTION

This is the 16th semi-annual report issued by the Antelope Valley Monitors. It describes the observations of the Monitoring Team (MT) on progress made by Los Angeles County and the Los Angeles County Sheriff's Department (LASD or the Department) in meeting the requirements of their Settlement Agreement (SA) with the US Department of Justice (DOJ) for the Antelope Valley (AV).<sup>1</sup> This report focuses on work conducted between January and June 2023.

Over the last two years, the Monitors' reports to the court have emphasized our frustrations regarding lack of progress, lack of executive leadership, resistance to reform, denial of responsibility, and tactics, such as requesting renegotiation of previously agreed-upon issues, seemingly designed to distract the MT from doing our job. In two separate reports, we asked the Parties (LA County, LASD, and DOJ) to appeal to the court for intervention because no other strategies had proven effective in ensuring LASD's investment in compliance.

We are pleased to report that we are now seeing meaningful indications that LASD's position and responses have shifted under Sheriff Robert Luna. While it will certainly take more time to see significant changes in compliance with the SA, and perhaps even longer until the community feels positive changes in outcomes have become evident, we note a significant change in tone and commitment to progress toward compliance from the Department.

In the last report, the MT pointed Sheriff Luna and the Court to six critical failures on the part of LASD in the implementation of the SA.

1. Lack of leadership and ongoing executive engagement.
2. Lack of attempts to undertake or prioritize required SA-related work.
3. Lack of urgency.
4. Insufficient resources allocated to the SA-related work.
5. Insufficient use of data and a lack of a culture of transparency.
6. Lack of progress on LASD internal audits

In the past six months we have seen signs of progress in most of these areas.

In this reporting period, Sheriff Luna has met with the Monitors in person on two occasions—twice the number of meetings we had with the previous sheriff during his entire administration. In these meetings and in meetings with the community, Sheriff Luna has been unequivocal in communicating a desire to implement constitutional policing practices. He has also declared his intention to implement the SA-mandated reforms not only in the AV but throughout the county.

In February, Sheriff Luna created the Office of Constitutional Policing (OCP), placed the experienced and knowledgeable Eileen Decker as the director of that office, and moved all settlements and consent

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<sup>1</sup> Settlement Agreement, No. CV 15-03174, *United States v. Los Angeles County et al.* (D.C. Cal. Apr. 28, 2015).

decrees, external investigations, and the corresponding compliance units under OCP supervision. Sheriff Luna has also moved the Audit and Accountability Bureau (AAB) and the Risk Management Bureau under the reporting structure of OCP and expanded the leadership to include a commander to provide direct support to compliance efforts. Decker has indicated that the goals of the OCP include increased coordination across the various LASD divisions, which we hope will mean that everyone is communicating and collaborating effectively.

The OCP is not yet completely staffed, but key positions have been filled. These include an expert in training development and law enforcement leadership who was also the former chief of Gardena Police Department and chief of the Law Enforcement Division for the California Attorney General, along with the former director of the US DOJ Office of Community Oriented Policing Services (COPS) and an expert in police accountability and leadership. This outreach and willingness to call upon nationally recognized experts is in and of itself significant. For many years, LASD has been largely resistant to or dismissive of individuals, trainings, and practices that originate from outside the agency. Other indications that this executive and managerial resistance has diminished are the trainings and partnerships with external groups described below. Additional sworn LASD staff also have been added to the OCP to lead specific compliance efforts, such as a lieutenant assigned to community engagement. The OCP has asked for some patience as the new staff orient to the work and set priorities in alignment with Sheriff Luna's vision.

It is anticipated that the creation and staffing of this office will have many desirable consequences. Some of the Monitors' long-standing concerns have been that the organization is siloed, decision makers have not been at the table when needed, there is a lack of accountability at the management and supervisory levels, and the work is approached in a piecemeal fashion. However, the Monitors have noted marked changes recently with leadership providing clear direction and expectations, responsibility being assigned for work products and timelines, and more rapid decision making. Several areas of tangible progress and significant improvement are highlighted below and discussed in more detail in the relevant sections of this report.

1. Use of Force policy and Taser policy. The MT is happy to report LASD's use-of-force (UOF) and Taser policies have been revised in alignment with the SA. Recent discussions on the draft policies were productive, with both LASD and County Counsel representatives responsive to MT and DOJ feedback. The policies were approved by the MT and DOJ and are now pending review by county stakeholders and labor unions. The MT notes that the MT and DOJ had approved a UOF policy in 2019 but LASD chose not to implement it. The new policy has been further revised to better reflect the SA as well as new state law requirements.
2. LASD audits. Throughout the monitoring, AAB has shown a resistance to or discomfort with conducting SA-compliant audits and providing management with data that can be used to assess management performance. In previous reports, the MT noted that there appeared to be a mindset that the role of this body was to defend the department's actions and performance rather than identify opportunities and the need for improvements. That attitude has shifted. For the first time, the AAB unit produced a complaints audit methodology that has met the terms of the SA and was approved by the MT and DOJ. Further, although not specifically required by the SA, AAB has also produced a stops audit plan that includes the review of body-worn-camera (BWC) footage and is meant to both measure performance toward compliance and, more broadly, inform and improve

the way stops are conducted in the AV and the way supervisors and managers monitor and evaluate those activities.

3. Training Plans. In response to DOJ's review of UOF cases last fall and the MT's case reviews of stops this spring, LASD has developed short-term, interim, and long-term training plans to address the systemic issues identified. For the first time, the training of executives and managers is being prioritized, something we have encouraged for years as essential to changing culture and providing appropriate support to line staff.
4. Refresh of the PMP. The MT's initial reviews of the Performance Mentoring Program (PMP) showed that this program has critical flaws. LASD has agreed that, as it stands, PMP is not providing an effective structure for supporting the behavior change of individual deputies. Under the leadership of a captain from Risk Management Bureau, LASD will revamp the program not only to achieve SA compliance but to achieve Sheriff Luna's goals for culture change.
5. Upgrading data systems and analysis capabilities. The AV Compliance Unit started the procurement of modernized data management systems to support risk management; this work continues under the new administration. These upgrades in data collection and management systems are essential for modern policing. Also, the Compliance Unit had spearheaded the Department's effort to contract with external consultants to help in some of the SA-required stops and UOF data analysis, disparity reviews, and bias-free policing work. The new partnership with the Center for Policing Equity (CPE) will now encompass not only Lancaster and Palmdale stations but several other stations across the county.
6. Project management software. The Compliance Unit is in the process of procuring project management software to track progress on each of the SA provisions. To our knowledge, no standardized way of tracking information and documenting agreements and progress has been utilized by LASD since 2019. Without such documentation, any turnover in the Compliance Unit or County Counsel brings a degree of starting over for all of us, along with a need to revisit the previously established processes and resolved issues but with different LASD personnel. This has been very inefficient and counterproductive.
7. Emphasis on community engagement. The Department has indicated that an important element of its work with CPE will be expanding and improving community engagement activities in the AV, including developing new partnerships with community groups and striving to meet the SA mandate for improved trust and collaboration between the Department and communities of color. At a recent Community Advisory Committee (CAC) meeting, the lieutenant managing the OCP's community engagement work in AV acknowledged that there were serious issues with the current CACs and their relationship with the stations that his office was going to focus on resolving.
8. Proactive efforts and increased responsiveness. We have seen a new commitment to progress. LASD seems to now be desirous of taking the work on, often without prompting from the Monitors, which we have not observed for several years. The Department is also more often meeting deadlines. This is in and of itself a significant improvement. When deadlines cannot be met, we are now informed of progress and new goals.

9. Tone and collaboration. In reports over the last couple of years, we noted a lack of investment in the SA from midlevel management, which was in fact a crippling barrier to progress. As we reported in our last semi-annual report, at the stations there was a “continued culture of resistance to the SA, defensiveness and justification surrounding behaviors and poor performance, and resistance to accountability that permeates the stations” (15th Semi-Annual Report, p. 3). Discussions between LASD and MT/DOJ were often acrimonious, and few Department managers participated in and modeled a healthy dialogue. This shifted almost immediately upon creation of the OCP. In this reporting period, LASD’s interactions with the MT and DOJ have been respectful and productive, and LASD’s leadership has been forthcoming about the desire to provide constitutional policing for the well-being of the community and deputies alike. It was rare for us to hear this sort of sentiment prior to this year; those voices who did express support for the SA reforms—among them a few sergeants and lieutenants, the Compliance Unit, and, over the last year, Assistant Sheriff Bruce Chase and North Patrol District (NPD) Chief Dennis Kneer—have been joined by Sheriff Luna, Undersheriff April Tardy, and the administration in openly stating and reinforcing their desire for not only compliance, but lasting culture change.

We recognize that many of the observations we are citing here as signs of progress—the recent performance of leadership, the level of professionalism displayed, the courtesy in meetings—are all things that should be assumed behaviors and are the bare minimum of expectations. Some of these comments may even feel hollow to the community in the Antelope Valley. To the community, these limited signs of progress and changes in the administration’s attitudes may not yet feel sufficient. We agree. In fact, there is continued evidence of patrol conduct and practices in the AV that go against the SA. This has been highlighted by the review of BWC footage as part of DOJ and MT case reviews, the MT stops audit, the ongoing UOF audit, and LASD’s own supervisory reviews. Additionally, there is enough concern about the effectiveness of the CACs that some community members are considering establishing a separate entity that would serve a similar function but have greater independence from the Department. And some community members continue to press for active court involvement in the SA.

We have long said that change cannot occur at the line level until it occurs at the top with policy, training, effective accountability, and clear and consistent messaging from division and station leadership about their expectations regarding constitutional and bias-free policing, procedural justice, and genuine community engagement. The Monitors will continue to track progress and hold the parties accountable to both the letter and spirit of the SA.

We acknowledge that substantial progress in achieving the desired outcomes that are being sought in the AV will take more time, and we are cautiously optimistic that the current efforts of the new administration, when expanded and consistently applied, can bring about significant results. At this juncture, these signs lead us to believe that we have reason for feeling optimistic that LASD intends to achieve compliance, improve the relationship between the Department and the community, and implement 21st-century policing practices throughout the county.



## **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.

## **II. WORK TO DATE**

### **A. Monitoring Activities in This Reporting Period**

To inform compliance assessments of all areas of the SA, the Monitoring Team continued to conduct 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 direct observations of management performance in such things as the Crime Management Forums (CMFs) and the Risk Management Forum (RMF), including review of accompanying materials. Examples of the specific activities undertaken for sections of the SA are provided below. Note that there is overlap in certain activities. For instance, the MT observes Crime Management Forums for the purposes of informing compliance issues in stops, bias-free policing, data collection and analysis, community engagement, complaints, and accountability.

### 1. Stops and Bias-Free Policing

- Conducted audit work, including iterative data requests and case review, and provided several updates to the Parties.
- At site visit, presented preliminary findings in the form of a stops case review.
- Met with AAB regarding future stops audits and supervisory review using BWC videos.
- Conducted training verifications for full-day and roll call trainings.
- Reviewed additional roll call scenarios and provided recommendations.
- Observed Problem-Oriented Policing training also attended by NPD managers and station leadership.
- Conducted site visits.
- Participated in ride-alongs.
- Engaged in multiple Zoom calls and regular email correspondence.

### 2. Community Engagement

- Maintained consistent contact with CAC members and other community members.
- Attended site visits in the AV.
- Attended community meetings.
- Met with the Community CAC of each station.
- Met with LASD leadership regarding the CACs and community engagement activities.
- Observed and assessed Crime Management Forum results.
- Reviewed the LASD 2022 Community Engagement Report.
- Reviewed deputy community engagement efforts for compliance.

### 3. Use of Force

- Reviewed and assessed multiple Category 3 uses of force and virtually attended the associated Critical Incident Review (CIR) and Executive Force Review Committee (EFRC) meetings.
- Met with the North Patrol Division Chief and commander and debriefed EFRCs and CIR meetings.
- Conducted a trend analysis of five years of AV use-of-force data and discussed rising counts with the Parties.
- Conducted preliminary research for an MT use-of-force audit of the AV stations; identified the audit population and sample, prepared an audit work plan; and requested, received, and organized the audit sample and work papers.
- Conducted an assessment of the Department's proposed use-of-force training.

- Met with the acting captain of the AAB; reviewed the draft AAB complaint audit workplan and provided recommendations for consideration.
- Attended site visit meetings at the Hall of Justice and LASD training center, and met with Sheriff Luna, the director of the Department's Office of Constitutional Policing, and that office's training expert.
- Assessed the Department's draft use-of-force policy and draft conducted energy weapon (CEW) or Taser policies, provided feedback, and participated in discussions.
- Attended and assessed the Police Executive Research Forum (PERF) training on Integrating Communications, Assessment and Tactics (ICAT).

#### 4. Accountability

- Analyzed and provided feedback on the AV stations' reports for quarters 2, 3, and 4 of 2022.
- Reviewed supporting documentation and attended the NPD Risk Management Forum; debriefed and prepared a report on our findings to the Department.
- Completed a document review for the MT PMP audit (first phase) and prepared a report on our findings; developed a work plan and began implementing a review of each station's PMP (second phase); and provided interim findings to the Parties.

### **B. Stops, Seizures, and Searches**

#### 1. Progress on Department Priorities in This Reporting Period

At the start of this reporting period, the Department indicated they intended to prioritize the following stops-related work:

- Full-day constitutional policing training
- Roll call trainings
- Disparity analysis work plan and other data analysis activities
- LASD AAB stops audit work plan

##### *a. Constitutional Policing Training*

- The Department is in compliance with the full-day constitutional policing training.

Constitutional policing training was provided during this period on March 15, 2023. The MT reviewed the attendance rosters provided by the Department, which showed 95.45% attendance for the training. This percentage places the Department above the 95% needed to reach compliance with this provision. This is significant as this training applies to all AV deputies assigned to the stations and the embedded units with countywide responsibilities who are engaged in enforcement activities in the AV.

In the last semi-annual report, we reported finding indications that the training content and/or delivery might need to be revisited. This was based on the DOJ UOF case reviews in November 2022 and preliminary findings of the MT's stops audit, both of which used BWC video to provide evidence of serious issues needing attention by NPD leadership. In this reporting period, the MT raised further concerns about the efficacy of the training based on findings from the stops case review during the April site visit (see discussion in MT Stops and Bias-Free Policing Audit: MT Stops Audit Preliminary Findings, below). Also, after attending the full-day bias-free and constitutional policing training sessions, the DOJ team expressed concerns about the effectiveness of the delivery of the training and student retention of the material. In short, we have concerns that the stops-related trainings are not sufficient to achieve consistently appropriate deputy behaviors and decision-making during stops. To maintain LASD's ongoing compliance with regard to stops and bias-free policing training, the MT and DOJ have asked the Department to review and revise the stops and bias-free policing trainings and provide additional or refresher training as needed to ensure the training is applied appropriately in the field. To that end, the OCP's constitutional policing and training advisor has drafted a training plan that includes a review of the current training to determine whether the curriculum or the delivery require significant revisions.

The OCP's training plan includes measures to address the deficiencies identified in AV deputies' stops practices identified in monitoring reports, reviews, and audit. The proposed three-phase training plan outlines these remedial trainings for all AV deputies as well as revised and/or additional foundational trainings intended to catalyze lasting culture change in LASD's approach to conducting stops. DOJ and the MT have provided feedback on the plan, and the Department will submit an updated version in the next reporting period. The MT appreciates LASD's recent commitment to ensuring that the training meets the SA's requirements as well as Sheriff Luna's goals for the Department. The MT will provide assistance, if needed, and will track progress on the fulfillment of the plan over the course of the next reporting period. Additionally, on June 28, 2022, a meeting was held with the trainer for the full-day courses and representatives from the OCP, Compliance Unit, and MT during which each of DOJ's and the MT's concerns and potential adjustments to the training were discussed. Any changes to the training will need to be reviewed by the MT and DOJ before implementation.

As reported in the previous two semi-annual reports, the MT suggested that the North Patrol Division Chief provide a video introduction to the full-day training to create a consistent message and establish clear expectations for all AV personnel. The Department subsequently informed us that Sheriff Luna would provide the video introduction himself in order to emphasize and reinforce his expectations and the importance he attaches to this training. The MT considers this a very positive action and appreciates the leadership he has shown. The MT worked with the Compliance Unit to draft the message, which was approved by DOJ. The Sheriff's video message is expected to be used in training starting in the next reporting period.

The monitors note that the Sheriff's video and the production of a remedial training plan are in and of themselves signs of a culture shift taking place in the new administration. Following the April site visit, the OCP produced their detailed plan demonstrating proactive efforts to address deficiencies that had been identified rather than attempting to justify or excuse the performance problems noted. Moreover, there are indications that LASD is aware that training alone is not sufficient to correct the documented issues related to stops in the AV and that all training will need to be reinforced by healthy supervision, performance evaluation, mentoring, accountability, and risk management processes.

*b. Quarterly Refresher Roll Call Training*

- The Department met this training requirement in the fourth quarter of 2022, but it was out of compliance for 2022 as a whole.
- The Department met this requirement in the first quarter of 2023. Compliance will be determined at the end of 2023.

The Department is required to provide quarterly refresher roll call training that addresses constitutional policing, bias-free policing, and housing requirements to deputies assigned to the AV stations (SA Paragraph 71). Training delivery and attendance is verified quarterly; compliance is assessed on an annual basis. The Department successfully delivered the training according to the approved methods and to the required personnel in the fourth quarter 2022; however, since that was the only quarter that met the requirements, the Department was out of compliance in 2022. The Department also met the compliance requirements for the first quarter of 2023. If the stations continue the trend of meeting the requirement for the remaining three quarters they will then reach compliance for 2023.

In this reporting period, at DOJ's request, the Department drafted three new roll call training scenarios to address concerns raised in DOJ's November 2022 UOF case review. The MT and DOJ provided specific comments for each proposed roll call training scenario. DOJ suggested additional scenarios to more specifically address the concerns from the November case review. Additionally, the MT provided general comments based on observations of roll call training sessions over the past several years. We recommended the Department should: (1) make the training more relevant to AV deputies by discussing events or incidents that occurred in the AV; (2) ensure the trainers have a strong knowledge of the content and are able to deliver the message consistent with the direction of the Department leadership; and (3) conduct better tracking of roll call training attendance. Development of the new roll call trainings continues; they have not yet been implemented.

We also recommended that AV supervisors review BWC footage individually with staff as a way to reinforce positive work and offer correction when necessary, and that LASD develop and implement a plan for conducting regular assessments of AV deputies' knowledge of the LASD policies and training related to the SA, including search and seizure law, bias-free policing concepts, and procedural justice concepts (see SA Paragraphs 164 and 166). These types of assessments will help identify learning gaps and set training topics and schedules for AV deputies and units.

Finally, the MT memo emphasized that procedural justice in stops is not just about talking to people respectfully, it is also about recognizing the basis for a decision to initiate law enforcement action and how far a deputy wants to take a stop. The community's impression of the tactics and practices employed by the Department can be negatively impacted by enforcement decisions and actions taken despite what may be respectful language and conduct on the part of deputies. This is especially true if these decisions are perceived to be conducted arbitrarily, motivated by race, or if they ultimately result in disparate impacts.

c. *LASD-AV Stops Data Analysis*

- The Department is not in compliance with the data analysis requirements in SA Paragraphs 46, 51, and the preface to the Stops section, which 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).<sup>2</sup>

The last two semi-annual reports described LASD's efforts to expand its use of data and to conduct some of the data analysis required to meet SA provisions.<sup>3</sup> While the AV station captains indicated that they continued to use internal data analyses to some extent, the MT was not provided any additional documentation of those efforts during this reporting period. Also, during the last reporting period, the MT discussed ways for LASD to document their station managers' discussions with staff regarding stop information and the findings from stop data analyses. This would allow the MT to track this work and would facilitate the incorporation of crime prevention strategies and problem-oriented policing into station practice and the CMFs. LASD has not provided such documentation or any updates on this activity.

However, the Department has entered into a partnership with the Center for Policing Equity (CPE), a national leader in working with law enforcement agencies to better understand the effects of enforcement activity in their jurisdictions. LASD is currently working with CPE in one station area (West Hollywood) and is expanding that engagement to several other stations, including the AV stations. It is our understanding that CPE will help the Department with the analysis and interpretation of data required by multiple SA paragraphs, including stop and call-for-service data captured in the computer-aided dispatch (CAD) system as well as use-of-force data.<sup>4</sup> Based on the findings of the data analysis, CPE will also help the Department with community engagement strategies, beginning with identifying and building partnerships with community groups who can work with the Department in understanding and responding to policing activities that may inhibit community trust and collaboration. The CPE and Department are in the data discovery phase of the project; we expect a data analysis plan to be submitted for MT and DOJ review in the next reporting period.

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<sup>2</sup> Similar data activities also apply to the disparity assessment (SA Paragraph 68), the Data Collection and Analysis section (SA Paragraphs 82–86), and use of force (Paragraphs 110–123).

<sup>3</sup> Before LASD began conducting its own analysis, the MT provided the Department with stops data reports biannually. The MT also provided technical assistance and demonstrations regarding the steps managers should take to interpret, conduct further inquiry, and begin to develop responses to the information in these types of reports. In particular, the 14th semi-annual report discussed management use of the reports in the Stops and Bias-Free sections of the report as well as SA Paragraph 89. See also Appendix A of the 13th semi-annual monitor report for the most recent MT stops report.

<sup>4</sup> As reported in the last semi-annual report, interpreting or assessing the data findings refers to the process by which the Department determines what the data results show about law enforcement practice in the AV and how those results can help the Department understand and evaluate the effects of AV station enforcement decisions, not only on enforcement objectives and public safety but also on such related issues as community engagement and trust and any potential negative impacts like disparities or "counter-productive divisions between the LASD and the community" (SA p. 7). A key aim of this assessment is to establish whether adjustments may be necessary to better align stops and calls for service activity with the stations' enforcement strategies and SA requirements.

## 2. Status of Other Stops-Related Work

This section describes work completed and compliance status for a portion of the important SA provisions that were not among LASD's prioritized work described above.

### *a. Problem-Oriented Policing and Community Policing Plans*

Community-oriented policing (COP) and problem-oriented policing (POP) are essential to effective policing and important elements of the SA, in particular the Stops, Bias-Free Policing, Community Engagement, and Data Collection and Analysis sections. The fulfillment of these concepts are the responsibility of all employees and work units, rather than a small handful of people. The MT has long encouraged LASD to clearly articulate its policing strategy and use that strategy to assess the efficacy of their approach and whether stops are having any undesired impact. Thus, the SA requires extensive training on these COP and POP principles in the Community Engagement section (Paragraph 89). That training, when instituted, will need to be integral to how stations approach law enforcement and be part of an organizational structure and culture that is supported by executives and managers throughout the NPD.

The AV stations have been struggling for some time with the implementation of a problem-solving strategy, including articulating the model and completing the appropriate data collection and application of this model. While the Paragraph 89 training is not yet developed, some promising steps were taken in this reporting period.

During the February 2023 site visit, the MT provided feedback to LASD regarding the internally developed problem-solving model the AV stations and Compliance Unit had created, called SPATIAL. The process and forms associated with SPATIAL have proven to be both cumbersome and inadequate. In light of that, the NPD recently decided to abandon that model and transition to the more nationally recognized and utilized SARA (Scanning, Analysis, Response, and Assessment) model, which is used by many law enforcement agencies around the world. The MT supports the switch and views this as a sign of progress in adopting contemporary policing practices that have proven to be effective.

On May 22–24, several LASD managers attended a 20-hour training in problem-oriented policing that was provided by the Arizona State University's Center for Problem-Oriented Policing. The MT helped facilitate LASD's inclusion at the training, which was hosted by a neighboring agency. In attendance from LASD were the LASD North Patrol Division Chief, the North Patrol Division commander, the AV station commanders, AV lieutenants, and the constitutional policing and training advisor from the Office of Constitutional Policing. This was a positive development and noteworthy because it represents one of the most significant steps the Department has taken in an effort to acquire knowledge and seek practical guidance on implementing community policing and problem-solving principles in the AV. It should help improve supervisors' and managers' skills and their ability to guide staff in recognizing and applying non-traditional resources and cultivating more effective community partnerships to support their efforts to resolve crime and social disorder issues in the AV. Additionally, at the request of Palmdale station managers, on June 6 the Office of Constitutional Policing led an informal two-hour in-service training session for the Palmdale station Field Training Officers (FTOs). The curriculum used for the training was based on the training information from the May 22–24 POP course.

Additionally, the Department had high-level commanders attend a webinar conducted by the National Policing Institute outlining practical ways for a department to engage with the community and integrate their efforts in problem-solving activities undertaken by the agency.

The Department recently received notice of a grant they will be awarded from the federal Office of Community Oriented Policing Services (COPS). The scope of work and work plan is still being developed, but the grant will focus on training related to COP and POP principles.

The Department requested and has received LA County Board of Supervisors approval for funding to implement a “two captain” structure at the AV stations and in East Los Angeles. The MT believes this should be a positive step. One captain focusing on station operations and the other on such areas as risk management, accountability, and administrative tasks should benefit SA provisions that have floundered for lack of leadership and resources, such as embracing crime prevention strategies and COP and POP principles, community engagement, supervisory review of stops and deputy conduct, complaint and UOF investigations, and PMP.

The MT is also encouraged by recent training-related developments at Lancaster station. In a recent meeting with the Parties, the MT learned that the Lancaster station captain has requested that his lieutenants and sergeants undertake an online training course provided by the Virginia Community Policing Institute (VCPI) that serves as an introduction to POP principles and strategies. This two-hour training was previously approved by DOJ and the MT in 2020 as a precursor to the full community engagement training that has yet to be approved and implemented. The Lancaster captain also took part in providing training during the patrol school for those deputies who are moving from the custody division to providing patrol services in the community. Among other things, the captain spoke with the new patrol deputies about station management expectations regarding their conduct, especially as it regards procedural justice and use of force. If this training becomes more formalized, the MT and DOJ will observe the lesson plan and delivery and provide any feedback needed to ensure it aligns with SA intentions.

### 3. MT Stops and Bias-Free Policing Audit

The MT is near completion with its stops and bias-free policing audit (“stops audit”) and will provide its final report with findings and recommendations for the Department in the next reporting period. The stops audit was performed to determine whether LASD is adhering to the provisions of the Settlement Agreement (SA), as well as the Constitution, associated state and federal laws, and Department policies. The audit’s focus was on most of the provisions in the Stops, Searches, and Seizure section and one provision of the Bias-Free Policing section of the SA. The time period covered was the third quarter (July, August, and September) of 2021, and the MT reviewed the written documentation for more than 150 cases related to stops during that period. We also reviewed BWC footage when other documentation was insufficient to make a determination of compliance. The MT appreciated the hard work of the Compliance Unit to provide us with the needed data, reports, and videos, a process that took unduly long mainly because of the archaic CAD system.



*a. MT Stops Audit Preliminary Findings*

On March 16, 2023, the Monitoring Team provided a detailed update and some preliminary findings of our stops audit at a meeting with the Parties. In response to a request by the Department at that meeting, the MT compiled a list of cases for the Parties and the MT to discuss in detail at the April site visit.

On April 26, 2023, the MT presented those cases to the Parties, including the Assistant Sheriff for Patrol, personnel from the Office of Constitutional Policing, NPD and AV station managers, and DOJ. At the meeting, the MT presented portions of BWC footage associated with a subset of the cases in the audit sample. These cases were chosen because they illustrated themes and practices that the MT observed during its stops assessment. Some of these had direct implications for SA compliance while others served to demonstrate areas requiring attention and improvement, in particular concerning trends and patterns that run contrary to the Department's own policies, while also providing examples of positive activities that should be continued.<sup>5</sup> After that footage was reviewed as a group, the Department provided their observations, the MT and DOJ also provided their own observations, and this was followed by productive discussions about the issues and possible remedies. The cases and observations were also summarized in a follow-up memo submitted by the MT on May 23, 2023, and included discussion of issues that had been noted, such as:

1. Consistently late BWC activation and/or early de-activation by AV deputies;
2. Lack of adherence to procedural justice principles, including failures to explain the reason for the stops, searches, or backseat detentions, and doing so in a professional and timely manner;
3. Not articulating a reason for backseat detentions that is consistent with the SA, LASD policy, and the law;
4. Conducting consent searches when consent was not requested and received;
5. Routinely conducting curbside detentions without sufficient explanation and placing handcuffed individuals on the curb in view of the public; this practice is not specifically addressed in the SA but has many of the same implications as backseat detentions;
6. Routinely using a traffic stop as a potential pretext for a quick search, with a release with no citation or arrest when no contraband is found;
7. Potential disparity in how stops and subsequent actions are conducted and lack of consideration of the potentially negative impact on community engagement and trust;
8. Potentially out-of-policy interactions with passengers during stops, including demanding formal identification and conducting curbside detentions and searches;

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<sup>5</sup> The videos shown and discussed at the site visit were a portion of those reviewed as part of the MT's stops and bias-free policing audit. As laid out in the audit plan, the MT viewed BWC footage only of those stops for which available documentation (primarily CAD but also any additional reports related to the stop) was insufficient for a determination of compliance on the various audit objectives. The MT recognizes a camera may not capture every movement, activity, or sound. The MT relied on BWC videos for compliance assessments only when the footage provided definitive evidence for or against compliance. The cases for which BWC footage was reviewed are not statistically representative of activities in the AV, but they (1) illustrate key audit findings and (2) provide additional information regarding the usefulness of BWC videos in conducting supervisory and managerial reviews and in assessing the accuracy and thoroughness of CAD data.

9. Out-of-policy conduct by supervisors in the field; and
10. Deputies on scene not taking the opportunity to intervene when their colleagues' conduct was questionable.

*b. CAD Shortcomings*

Another topic of discussion during the site visit was the shortcomings of the current CAD system revealed during the MT stops audit. The following are some of the shortcomings that made the compilation and analysis of stop documentation for the MT stops' audit—and therefore supervisory and management review at the stations—difficult and in many ways unreliable.

- The CAD only allows one entry in key categories, which limits the deputy's ability to fully explain each of the reasons the deputy took each action and for data analysts to be able to identify trends and issues. Deputies can have several reasons to take each action. For example, a search of a person may be justified via consent, parole/probation, and probable cause, but deputies can only choose one of these from drop-down menus. This means many stop entries lack the information needed for auditors or station managers to fully evaluate the stop.
- CAD only allows for the entry of up to two people per stop. When more than two people are stopped, deputies need to make an extra entry and cross-reference this with the original entry, which can introduce errors and makes data analysis complicated.
- CAD cannot distinguish all actions taken or outcomes for each individual in situations where more than one person is stopped, unless it is clearly detailed in the narrative, yet there is not usually enough space. These include person specific actions, such as length of backseat detention (BSD) or person search.
- LASD-AV supervisory reviews of CAD logs regularly find errors. Extrapolating the number of errors found in the relatively few cases reviewed by supervisors suggests it is likely that a high proportion of stops have data errors and inconsistencies. Furthermore, errors that are found are not typically corrected in CAD, so that chance to improve reliability is not taken.
- Deputies generally do their best to describe their often-complex stops in the space provided in CAD. But one of the most important CAD data entry fields—the narrative field where deputies describe what occurred during the stop and the reason for stops, searches, detentions, car seizures, and so forth—only allows 156 characters, forcing deputies to use abbreviations, truncations, and other shortcuts, and in many cases to entirely omit important information.<sup>6</sup>
- The MT's BWC video review found that CAD information did not always align with the video. In stops involving more than one individual or any further action such as a search, BSD, or vehicle tow, the CAD fields and narrative often did not provide sufficient detail or specificity for a sufficient understanding of what occurred for the purposes of assessing deputy conduct or the legality of the actions.

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<sup>6</sup> It is possible to open a new CAD narrative entry for an additional space, but AV deputies rarely use this option.

- The unreliability of CAD means the managers at LASD will not receive complete and meaningful reports about the enforcement activity of their staff (SA Paragraphs 58–63). This puts into question the usefulness of supervisory review of stops that rely on CAD data rather than using BWC video to provide a more complete understanding of each stop.

In short, the MT has doubts that the current CAD system provides accurate and thorough data for all the critical supervisory, accountability, risk management, and data analysis processes for which it is relied upon. The Department has stated it intends to replace the current CAD with a new system that can address the failures of the current CAD, but this is still several years from implementation. In the meantime, the MT has encouraged the Department to explore modifying the current SACRS system to augment or replace the functionality of CAD. SACRS is essentially a parallel system used to collect the more extensive data already required by the state of California.

### *c. Department Response to Case Reviews*

The site visit presentation was well received, with Department representatives generally welcoming the feedback and agreeing to take remedial action. Within two weeks of the presentation, the Department provided the MT with both a memo discussing action items and an outline of a training plan to address the deficiencies. Each AV station provided its own response, which included individual discussions with the deputies involved, requirements to attend trainings on bias and racial profiling, station supervisors conducting briefings regarding constitutional policing and procedural justice, and the initiation of administrative investigations for deputies engaged in behavior contrary to the SA.

The AV station captains report that they have instituted an informal process incorporating BWC video into supervisory reviews. The MT and DOJ also provided feedback to AAB's draft plan for a more formalized process to guide those reviews. The MT has encouraged the increased scrutiny of BWC footage for supervision and mentoring purposes. We will monitor LASD's next steps.

Additionally, AAB has subsequently proposed a plan for an internal stops audit to include extensive review of BWC footage. The AAB acting captain is very experienced with the requirements of the SA, and we are pleased with the productive interaction and new proactive commitment to providing internal audits and compliance assessments. There has been more participation and transparency by staff from AAB over the last reporting period than in the past. Although the SA does not explicitly require audit of stops and detentions, a robust internal auditing unit is essential for the ongoing sustainability of the reforms being undertaken. While this audit is not required by the SA, the MT views this as a positive step that can promote internal reflection and greater accountability. The MT received a revised audit plan June 29, 2023; we will provide feedback early in the next reporting period.

## 4. Obstacles and Successes

In the stops case review during the last site visit, the cases reviewed typically had numerous serious issues. The process was not easy, but in this instance, LASD conducted an earnest self-assessment and was open to feedback, while also indicating concurrence with most of the additional points raised by the MT. The leaders present set the tone for improvement, and the AV station representatives were

engaged in the discussion of corrective measures. The MT is encouraged by the Department's openness to receive this type of constructive feedback and their desire to collaborate in addressing issues and finding solutions. The openness at the site visit and the timely follow-up corrective action plans represented meaningful and welcome change as compared to previous meetings with LASD.

The Parties and Monitors have been in agreement about the shortcomings of the current CAD system for some time. The MT's stops audit and, especially, increased review of BWC footage by the Parties and MT, have served to more specifically identify those issues and concerns, and the Department is already taking steps to replace that system. Nevertheless, as an interim measure, the Parties and MT must develop workarounds and safeguards to ensure the data analysis performed using CAD data is, as much as possible, reliable and useable for the many important purposes for which it is required. In the recent atmosphere of collaboration and growing trust, the MT believes these efforts can be successful.

## 5. Next Steps

### LASD

- Proceed with its training plan, keep DOJ and the MT updated on progress, and, when appropriate, submit documentation for feedback and compliance assessment.
- Provide the MT and DOJ with analysis plans, updates to progress, and any reports completed by the Center for Policing Equity.
- Provide via AAB a revised stops audit plan and revised plan for incorporating BWC footage into regular AV supervisor review.
- Follow through with the application and utilization of the SARA problem-solving model at the AV stations.

### The MT

- Complete and submit the MT stops audit to the Parties for review and feedback. After reviewing the feedback, the MT will publish the stops audit and make it available on its website.
- Along with DOJ, provide reviews and feedback and, when appropriate, compliance assessment for Department documents submitted to the MT.
- Along with DOJ, review any new training curricula, observe training sessions and provide feedback.

## 6. Stops Compliance Status Table

Table 1 provides the compliance status for each paragraph in the Stops section.

Table 1 Stops, Seizures, and Searches Compliance Status					
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
	<b>Notes:</b> Based on previous ad hoc reviews and preliminary findings of the MT stops and bias-free policing audit, the MT has seen no indication of recurring or systematic violations of this provision. The Department is in partial compliance and may be in full compliance pending the final audit. The delivery of the training is measured in SA Paragraphs 57, 70, and 71.				
42	Elements of procedural justice are incorporated into training.	NA	Yes 06/15/17	Yes 08/17/18	Yes 08/17/19
	<b>Notes:</b> The principles of procedural justice are incorporated into the eight-hour bias-free policing training. The delivery of the training is measured in Paragraph 70. The DOJ and MT case reviews indicated a need to revise or enhance this training; the Department has developed a draft plan for this purpose.				
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
	<b>Notes:</b> See Paragraph 41.				
44	Stops are accurately and thoroughly documented in mobile digital computer (MDC) patrol logs.	Yes 05/17/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> Based on previous ad hoc reviews and preliminary findings of the MT stops and bias-free policing audit, the Department is in partial compliance with this paragraph. 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 08/16/18	Partial	No
	<b>Notes:</b> Based on previous ad hoc reviews and preliminary findings of the MT stops and bias-free policing audit, the Department is in partial compliance with this paragraph and may be in full compliance pending finalization of the audit. The delivery of the training is measured in Paragraphs 57 and 70. See also Paragraph 41.				
46	Efficacy and impact on the community of searches based on probation and parole are assessed.	NA	NA	Partial	No
	<b>Notes:</b> LASD has periodically produced tabulations of statistics related to the number of parole and probation searches. LASD needs to show documentation of its assessments of those statistics and how it addresses problems identified.				

Table 1 Stops, Seizures, and Searches Compliance Status					
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 08/16/18	Partial	No
	<b>Notes:</b> The preliminary findings of the MT's stops and bias-free policing audit show the Department is in partial compliance and may be in full compliance pending finalization of the audit. 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 08/16/18	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance regarding most types of BSDs, but sufficient data have not yet been provided for the MT's assessment of BSDs related to domestic violence situations.				
49	Deputies respond to complaints about backseat detentions by calling supervisor.	Yes 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> 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 05/17/17	Partial	Partial	No
	<b>Notes:</b> Based on previous ad hoc reviews and preliminary findings of the MT stops and bias-free policing audit, the MT has seen no indication of recurring or systematic violations of this provision. The Department is in partial compliance pending the final audit and any further review deemed necessary. The delivery of the training is measured in SA Paragraphs 57, 70, and 71.				
51	Deputies do not conduct arbitrary searches.	Yes 05/17/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> Based on previous ad hoc reviews and preliminary findings of the MT stops and bias-free policing audit, the MT has seen no indication of recurring or systematic violations of this provision. The Department is in partial compliance pending the final audit and any further review deemed necessary. The delivery of the training is measured in SA Paragraph 57.				
52a	Deputies equipped with BWCs record requests for consent to search.	Yes 05/03/16	Yes 08/16/18	Partial	No
	<b>Notes:</b> It is likely that the LASD will be out of compliance with this provision based on the preliminary findings of the MT's stops audit, but until the audit is finalized, the Department remains in partial compliance based on earlier ad hoc reviews. 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 02/19/19	Yes 02/19/20
	<b>Notes:</b> 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					
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 04/08/18	Yes 08/17/18	Partial	No
	<b>Notes:</b> LASD implemented the SA-compliant LEP plan on April 8, 2018. The MT has assessed this provision through complaint reviews, ride-alongs, and community input. The delivery of the training is measured in SA Paragraph 70.				
52d	Supervisors are notified before home-based search.	Yes 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> With regard to housing-related searches, the Department is in compliance with this provision. Sufficient data have not yet been provided for the MT's assessment of other home-based searches. 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 08/16/18	Partial	No
	<b>Notes:</b> With regard to Section 8 housing-related searches, the Department is in compliance with this provision. Sufficient data have not yet been provided for the MT's assessment of other home-based 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 08/16/18	Yes 05/31/19	Yes 02/28/22
	<b>Notes:</b> 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 08/16/18	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance pending a formal assessment. Sufficient data have not yet been provided for the MT's assessment. 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 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance based on ad hoc reviews of stops data, ride-alongs, community input, and BWC video. The delivery of the training is measured in Paragraph 57.				

Table 1 Stops, Seizures, and Searches Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
57	Constitutional policing training is provided.	NA	Yes 06/14/17	Yes 06/14/22	No
	<b>Notes:</b> The Department has been in continual compliance with Paragraph 57 since August 16, 2018, for deputies assigned to the AV stations, and since June 14, 2022, for both AV-assigned deputies and embedded deputies from specialized units. The outcome of this training is measured through the practice provisions of this section of the SA. The Department must consider changes to the curriculum and/or refresher training if evidence of the need arises.				
58	Additional accountability and supervision to ensure unlawful stops and searches are detected and addressed.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> The MT found the Department in partial compliance based on ad hoc reviews, observations at AV stations, Deputy Daily Work Sheet (DDWS) log review pending finalization of the MT audit.				
59	Supervisors review CAD logs.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> Based on informal reviews of DDWS logs and AV station observations, the MT has found the Department in partial compliance pending completion of its ongoing formal assessment.				
60	Supervisors review justification for stops and searches.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
61	Supervisors and station commanders address all violations and deficiencies in stops and searches.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
62	Supervisors and station commanders track repeated violations of this SA and corrective action taken.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
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
	<b>Notes:</b> See Paragraph 58.				



## C. Bias-Free Policing

### 1. Progress on Department Priorities in This Reporting Period

At the start of this reporting period, the Department indicated they intended to prioritize the following bias free–related work:

- Provide full-day bias-free policing training
- Provide quarterly roll call training
- Develop a plan for disparity analysis (Paragraph 68)

#### a. *Bias-Free Policing Training*

- The Department is in compliance with the full-day bias-free policing training.

During this reporting period, the full-day training on bias-free policing was offered on March 16, 2023. The MT reviewed the attendance rosters provided by the Department, which showed a 98% compliance percentage for attendance. This puts the Department above the minimum compliance percentage needed for this provision. See the Stops section for more complete discussion of the full-day trainings and steps being taken to ensure the trainings are meeting their objectives.

#### b. *Quarterly Refresher Roll Call Training*

- The Department met this training requirement in the fourth quarter 2022 and the first quarter of 2023. Compliance will be determined at the end of 2023.

See discussion in Stops, Seizures, and Searches section.

#### c. *Assessment for Disparities of LASD-AV Programs, Initiatives, and Activities*

- The Department is not in compliance for the review of their programs, initiatives, or activities for possible disparities (SA Paragraph 68).

No further progress was made specifically on the Paragraph 68 analysis plan during this reporting period, but the Department reports that one of the focuses of the work with CPE will be the disparity analysis. The Department’s partnership with CPE is encouraging and has the potential to be a helpful partnership that can jointly address disparities in enforcement and identify and implement successful strategies in the AV. Key partnerships with outside professional groups are important for feedback, and the MT is hopeful that the partnership with CPE will help LASD build the foundational blueprint needed to eventually establish in-house capacity and maintain this work as part of the Department’s structure. (See CPE discussion in the Stops section.)

As reported in more detail in the Stops section, the MT has shared with the Parties its preliminary findings from its stops and bias-free policing audit. The methodology used for the MT's assessment of SA Paragraph 64 regarding equal protection includes two types of review. First, as with the other stops-related objectives, a representative sample of individual stops is reviewed for adherence to the provision. Second is a broader data analysis-based review of potential disparities. Equal protection must be present in each individual stop as well as in patterns across multiple stops, so it requires meaningful review of stops in the aggregate to understand and address disparities identified in the data. Disparities in LASD-AV stops have been outlined in previous MT reports, mainly based on MT analyses. Moving forward, compliance assessment also needs to include findings from LASD's SA-required evaluations of potential patterns of disparity or violations of equal protection, and any corrective action taken, such as the reviews required by SA Paragraphs 46, 68, 81–86, 120–123, and 143. The Department has so far failed to conduct these required assessments or to take action where appropriate based on MT analyses. The MT looks forward to the Department working with the CPE to better understand their data and devise interventions where necessary.

The Department has indicated it intends for its newly established partnership with CPE to address compliance with SA Paragraph 65, which requires the Department to consult with external experts regarding LASD policy, training, and supervision on such topics as selective enforcement of the law or the selection of tactics based on bias or stereotype, implicit bias, and stereotype threat. The MT will review the scope of work and work plans that CPE and the Department develop in the next reporting period and will provide feedback to the Department on how that relationship can serve the purpose of meeting compliance with Paragraph 65.

## 2. Status of Other Bias-Free Policing Work

### a. *Incorporation of Bias-Free Policing Requirements Into Personnel Evaluations*

- The Department is not in compliance for the incorporation of bias-free policing and equal protection requirements into the personnel performance evaluation process (SA Paragraph 67).

Since 2016, the Department has reported that language had been added to the employee annual performance evaluations that indicated whether the staff member under review had demonstrated the capacity to effectively practice bias-free policing and meet equal protection requirements of the SA and the law. However, the Department did not develop associated procedures by which supervisors conducting the evaluations could assess and document that capacity. Also, the Department more recently indicated that it would be more appropriate to address this provision in other types of reviews rather than the annual performance evaluations. As of this reporting period, no procedures or alternative plan for meeting this provision has been put forward, and no further progress was made on Paragraph 67 in this reporting period.

### 3. Obstacles and Successes

The Monitors are cautiously optimistic that the steps recently taken by Department leadership will represent the beginning of a shift toward embracing SA objectives regarding bias-free policing and disparity analysis. These efforts to improve and expand the Department's efforts in this regard include broadening the use of BWC footage in supervisory review and in AAB stops audits, expanding internal data analysis capacity and establishing the CPE partnership, managers attending the POP training and the National Policing Institute webinar, and assessment of the need for changes to training and how training is reinforced throughout the agency.

There have also been improvements to the CMF, which is an important aspect of providing NPD executive support for the institutionalization of station-level practice. After reviewing CMF meeting materials, the MT has been meeting with the North Patrol Division commanders prior to CMF meetings to provide technical assistance in how they prepare for and conduct the Crime Management Forum. A goal of these preparation meetings has been to improve and expand the application of POP principles including regularly incorporating community input, and collaboration that seeks greater community engagement in their efforts to promote trust when developing and implementing crime prevention strategies and tactics. (See further discussion of the CMF in the Community Engagement section.)

The MT has also noticed a distinct change in how the Department approaches the issue of disparity. The MT has observed the involvement of the Office of Constitutional Policing playing a key role in driving a commitment to utilizing data in a way that identifies where disparity in enforcement may be present and ways to address it. Also, during the MT's case review at the April MT site visit, an assistant sheriff observed that most problematic stops and activities during the presentation involved AV community members of color. This type of frank assessment in the presence of other NPD executives and station managers is critical in seeking to institutionalize a culture that is willing to effectively address the disparity in enforcement activities. Now it is time to move from observation and concern into action. It is important to push this message down through the ranks so each person at the AV stations understands the need to consider how people of color are addressed and treated in the AV by LASD deputies and how routine practice by both individual deputies and units can have unintentional negative impacts on community trust. In short, this commitment must become part of the AV stations' culture to have the desired sustainable effect. The OCP has also indicated it recognizes that this should be a Department-wide change rather than an effort limited to the AV.

The MT has worked with the Department over the last several years to provide examples and technical assistance regarding effective bias-free policing analysis and practices.<sup>7</sup> To date, Department efforts with regard to the application of problem-solving strategies continue to focus on crime reduction and deputy deployment issues like traffic enforcement at dangerous intersections, catalytic converter thefts, park safety, or calls-for-service (CFS) response times. Those are important areas to consider, but to meet compliance with the bias-free policing provisions, station leaders must use the data to identify potential disparities and to respond to any concerning findings.<sup>8</sup> Especially as improved data systems are introduced, training must ensure managers become savvy users of the data, applying the inquisitiveness and professional skepticism required to interpret the data findings. They must then delve further into the data, as indicated by the findings, and make connections between the data findings and other related information such as community perceptions of policing and community input on public safety concerns. Crucially, the Department needs to conduct genuine self-assessment and consideration of the efficacy of its enforcement practices against not just any concerning data findings but the impact of those practices on the quality of the relationship between the Department and the community.<sup>9</sup> Making such an effort successful will require clear direction from executive leadership that data are important and useful as well as a commitment to look introspectively to understand and, when necessary, address apparent disparities.

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<sup>7</sup> For instance, the Stops and Bias-Free Policing sections of the Monitors' 14th semi-annual report discusses management use of MT stops data analysis; Appendix A of the 13th semi-annual report includes an MT stops analysis report; Appendices A and B of the 12th semi-annual report provide demonstrations of the assessment of data related to probation and parole status and backseat detentions.

<sup>8</sup> It is important to note that community policing and problem-solving efforts provide complimentary strategies to support the assessment of disparities, since they require the collection of data and the analysis of the data to determine the effectiveness of the efforts to address specific problems.

<sup>9</sup> Not all disparity that may arise in analysis of enforcement data means there is disparate treatment, but there must be an analysis of why the disparity exists and what can be done to address it. When they do arise, LASD must then initiate the development and implementation of strategies and corrective action plans, which, in turn, need to be tracked over time and assessed for effectiveness and refinement.

## **Crime Prevention Strategies**

The Settlement Agreement 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.” (p. 7)

Crime prevention strategies facilitate an organized and consistent approach to crime intervention and prevention based on manager-driven priorities and tactics, data-guided decision making, 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. Implementing the plan requires the support of Divisional managers but is directed and conducted at the station level.

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. LASD’s SPATIAL problem-solving model and its policy for Community Policing and Engagement (MPP 301-110-00) are tools the Department already has in place that can help in providing a framework as well as documentation procedures for these efforts.

Crime prevention strategies can serve as a structure as management begins to actively assess where bias may be present in station-directed enforcement efforts in the AV (SA Paragraph 68). 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. Stops and call-for-service data and other enforcement information need to play a key role. 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 traffic safety issues or 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 requires 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.

#### 4. Next Steps

##### LASD

- Continue to provide the required full-day bias-free policing training and the quarterly roll call training.
- Implement its training plan for assessment of and improvements to the training related to stops, bias-free policing, problem-oriented policing, and other areas. Keep the MT and DOJ advised of progress and confer with us as appropriate, including submitting new or revised curricula for review and compliance assessment.
- Continue working with the Center for Policing Equity and will provide updates, analysis plans, and reports to the MT and DOJ for review and discussion.
- Continue providing the stops data analysis to the station captains. Station captains will continue to improve their processes for reviewing the information with their staff and making any appropriate changes to enforcement practices, community engagement activities, or other efforts. Also, the Department will provide documentation of the process the stations use to review the data findings, apply them as appropriate to operations, and track outcomes.

##### The MT

- Along with DOJ, provide feedback on analysis plans and data reports created internally by the Department and created through the Department's partnership with the Center for Policing Equity.
- Review documentation from the Department that will show how the data reports are used, if at all, to address disparities in enforcement when warranted. The MT will also provide feedback on improving the content of the stops data reports and application of its findings.
- Continue to provide feedback regarding the CMF and the application of problem-oriented policing principles. Particular attention will be given to the use of probing questions related to disparate treatment and the use of the data to inform practice.

#### 5. Bias-Free Policing Compliance Status Table

Table 2 provides the compliance status for each paragraph in the Bias-Free Policing section.

**Table 2  
Bias-Free Policing Compliance Status**

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 05/15/17	Partial	Partial	No
	<b>Notes:</b> The MT saw no indication of recurring or systematic violations of this provision in its informal case-by-case reviews or the preliminary findings of the MT's stops audit. However, compliance with this provision also requires review of broader enforcement strategies used by the Department to assess and respond to potential disparities. Prior data analyses reflected disparities that have not yet been addressed by the Department. The delivery of the training is measured in SA Paragraphs 57, 70, and 71.				
65	Museum of Tolerance and other experts are consulted on prohibited conduct, bias-free policing, implicit bias, and stereotype threat.	NA	NA	Partial	No
	<b>Notes:</b> LASD and the Museum of Tolerance had a working relationship previously, but in spring 2021, LASD requested to replace the Museum of Tolerance with an organization with more local, relevant expertise. LASD submitted the Center for Policing Equity (CPE) as an alternative to the museum; both the MT and the DOJ agreed this was an acceptable modification. In March 2023, the LASD contracted with CPE to assist the Department with activities identified in this paragraph.				
66	Effective communication and access to police services is provided to all AV members, including those with limited English proficiency (LEP).	Yes 04/08/18	Yes 08/16/18	Partial	No
	<b>Notes:</b> LASD implemented the SA-compliant LEP plan on April 8, 2018. The MT currently assesses this provision through complaint reviews, ride-alongs, and community input and has found the Department in partial compliance pending a formal review.				
67	Bias-free policing and equal protection requirements are incorporated into the personnel performance evaluation process.	Yes 05/03/16	NA	No	No
	<b>Notes:</b> In previous semi-annual reports, the Department was 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 need to create a method for establishing an appropriate sample that the MT can use to assess compliance.				
68	All LASD-AV programs, initiatives, and activities are analyzed annually for disparities.	NA	NA	No	No
	<b>Notes:</b> 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 Department expects to work in partnership with the CPE to address the requirements of this provision.				

Table 2 Bias-Free Policing Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
70	Bias-free policing training is provided.	NA	Yes 08/16/18	Yes 06/15/22	No
	<b>Notes:</b> The Department has been in compliance with Paragraph 57 for both deputies assigned to the AV stations and embedded units since June 15, 2022. The outcome of this training is measured through the practice provisions of this section of the SA. DOJ and MT case reviews have indicated a need to consider revising or enhancing this training; the Department has developed a draft plan for this assessment.				
71	Quarterly roll call briefings on preventing discriminatory policing are provided.	NA	Yes 02/01/19	Partial	No
	<b>Notes:</b> Approved briefings began February 1, 2019, but have not been consistently in compliance based on MT quarterly review of training verification documentation. The Department was in compliance for providing this training in the first quarter of 2023; however, compliance is measured annually so it will be assessed after the fourth quarter of 2023. The DOJ and MT case reviews indicated a need to revise or enhance this training; the Department has developed a draft plan for this purpose.				



## D. Enforcement of Section 8 Compliance

As reported in the last two semi-annual reports, the Department has been deemed to have achieved sustained compliance with the SA housing provisions and, absent evidence to the contrary, the MT will no longer monitor SA Paragraphs 73–80 (and Paragraph 164 as it regards housing-related training) moving forward.<sup>10</sup>

### 1. Housing Compliance Status Table

Table 3 provides the compliance status for each paragraph in the Housing section.

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<sup>10</sup> Pursuant to the DOJ and LASD approval of MT SA Paragraph 150 Recommendation re. Housing Paragraphs 73-80 and 164 v2-28-22.

**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 2/23/18	Partial	Yes 05/31/18	Yes 05/31/19	Yes 02/28/22
74	All current deputies acknowledge receipt and understanding of HND policy.	Yes 2/23/18	Partial	Yes 5/31/18	Yes 05/31/19	Yes 02/28/22
75	All newly assigned deputies acknowledge receipt and understanding of HND policy within 15 days.	Yes 2/23/18	Partial	Yes 5/31/18	Yes 09/14/20	Yes 02/28/22
76	Policies regarding the review of requests from a housing authority for deputy accompaniment are revised.	Yes 03/14/18	Partial	Yes 5/31/18	Yes 05/31/19	Yes 02/28/22
77	Accompaniment policy regarding LASD housing investigations is implemented.	Yes 03/14/18	Partial	Yes 05/15/18	Yes 05/31/19	Yes 02/28/22
78	Deputies document all voucher holder compliance checks using Stat Code 787.	Yes 03/14/18	Partial	Yes 05/31/18	Yes 05/31/19	Yes 02/28/22
	<b>Notes:</b> 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.					
79	Deputies document each independent investigation for fraud based on voucher holder compliance with the voucher holder contract using Stat Code 787.	Yes 03/14/18	Partial	Yes 5/31/18	Yes 5/31/19	Yes 02/28/22
80	Deputies document housing-related activity using Stat Code 787 and do not inquire into an individual's Section 8 status.	Yes 03/14/18	Partial	Yes 05/31/18	Yes 5/31/19	Yes 02/28/22

Notes:

- The MT submitted a memo dated February 28, 2022, subsequently approved by the Parties, invoking Paragraph 150 for Paragraphs 73–80.
- 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).

## **E. Data Collection and Analysis**

### 1. Progress on Department Priorities in This Reporting Period

LASD's data analysis-related priorities for this reporting period were to achieve progress on the following by May 2023.

- Analysis Work Plan for SA Paragraphs 81–86

The goal for producing an analysis work plan was not met, but some progress was made toward the Department's capacity for meeting that and other SA provisions related to data analysis. As reported in the Stops section, the Department has partnered with CPE. The Department has yet to determine what the initial objectives will be in that work, but the MT expects that the Data Collection and Analysis section will be a priority. Apart from continuing to collect the data addressed in Paragraph 81, this important work remains out of compliance.

### 2. Obstacles and Successes

As discussed at length in the Stops and Bias-Free Policing sections and in previous reports, LASD faces a number of obstacles to achieving compliance with Paragraphs 81–86. First and foremost is that the data collection system is antiquated, inflexible, and insufficient (see MT audit discussion in the Stops section). Another significant barrier is that LASD does not have a robust culture of using data to inform practices. The SA provides a detailed and thorough description of the work that needs to be completed for this section, and additional discussions have occurred between the Parties and MT regarding the nature and extent of the analysis and assessment expected. The section requires an annual report but also expects that the Department regularly uses the data to inform practice. SA Paragraph 85 states "LASD will make efforts to incorporate regular analysis of this data into its routine operational decisions." It will be important that the work with CPE is not siloed but rather is integrated with the AV stations' enforcement priorities and strategies as well as their community engagement activities.

### 3. Next Steps

- LASD will develop priorities and analysis plans for the CPE partnership for MT and DOJ review.
- LASD and CPE will begin to implement those plans.
- The MT will provide feedback and technical assistance as appropriate.

### 4. Data Collection and Analysis Compliance Status Table

Table 4 provides the compliance status for each paragraph in this section.

**Table 4  
Data Collection and Analysis Compliance Status**

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
	<b>Notes:</b> LASD has been collecting the required data for several years and is in partial compliance pending completion of an ongoing formal assessment of the accuracy and thoroughness of the data collection.				
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
	<b>Notes:</b> LASD initially committed to producing an inaugural draft report by May 31, 2022. No draft report was produced. LASD's subsequent goal was to deliver a work plan, written in conjunction with an external consultant, by May 2023. The work plan has not yet 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
	<b>Notes:</b> 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
	<b>Notes:</b> LASD should also examine, publicly respond to, and potentially use to inform practice the analysis provided by the Monitors and the reports presented by OIG, local universities, and ProPublica. Also see Paragraph 82.				
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
	<b>Notes:</b> LASD has not incorporated the required data analysis and assessment into routine operational decisions. Also see Paragraph 82.				
86	LASD produces a semi-annual report 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
	<b>Notes:</b> No report has been produced, accepted, or published for compliance.				

## **F. Community Engagement**

### 1. Progress on Department Priorities in This Reporting Period

LASD's community engagement-related priority for this reporting period was to complete the following task.

- Submit the 2022 LASD Community Engagement Report

Additionally, LASD continued the following activities during this reporting period.

- Community Engagement Tracker
- CACs and Community Engagement
- Crime Management Forum (CMF)
- Risk Management Forum (RMF)
- Community Survey

The Monitors' assessment is that the AV stations' community engagement efforts—and more specifically, compliance with the community engagement section of the SA—continue to flounder. As noted below, LASD is not responding thoughtfully, creatively, or strategically to invigorate its community engagement efforts. It is not consistently or effectively using community input in strategic community policing and problem-oriented policing efforts.

However, we are seeing several signs that LASD is positioned to improve their progress during the next reporting period.

- Sheriff Luna and the director of LASD's Office of Constitutional Policing met with community members in the AV to hear their concerns. Further, LASD has assigned a lieutenant with community engagement expertise to the OCP to provide ongoing support and examine the stations' compliance efforts and LASD's incorporation of community voices into practice.
- The OCP lieutenant responsible for community engagement has verbally committed to addressing the CAC members' concerns related to ensuring adequate representation on the CAC and LASD's openness to community input.
- NPD and station leadership attended a problem-oriented policing training designed specifically for law enforcement managers and provided by a nationally recognized expert in this field.
- The Department continues to improve upon the content and focus of its CMF and RMF meetings in their efforts to comply with SA Paragraph 90 (see text on CMF and RMF).

a. *Annual Community Engagement Report*

- The Department is in compliance for its annual Community Engagement Report.

The Department's annual Community Engagement Reports have improved each year. In this reporting period, the MT and DOJ reviewed the draft report for 2022. The Department then responded to a series of recommended edits and improvements. When both the DOJ and MT have approved these changes, the 2022 report will be published.

Regarding both the report and the stations' community engagement efforts generally, the MT urged the stations to place more emphasis on two areas in particular.

First, the stations must make specific efforts to ensure their outreach and engagement efforts reach certain harder-to-reach parts of the community, including Black, Indigenous, and people of color (BIPOC) communities, specific neighborhoods, youth, and critics of the Department. The stations have taken some good steps in this regard, including expanding the location and times of events, recruitment activities, connecting with the LGBTQ+ community, revamping online promotion of events, and so forth. However, there should be additional types of activities and events to identify and creatively engage with these groups.

Second, the stations do not have a process to routinely collect and respond to community input and to document and track these exchanges over time. There should be an ongoing dialogue, where ideas are exchanged, input from the community is documented, topics raised at previous meetings are revisited with updates from both the Department and community, and the Department applies the SARA problem-solving model to some of the issues, with the results and lessons learned from those efforts then being provided and discussed. Certain crime issues are discussed with community members, such as park safety, graffiti, catalytic converter thefts, and the unlicensed and illegal cultivation of marijuana. The Department reports that in these conversations, the deputies usually explain to the community what the Department has done and how the community can report crime and protect themselves. These are important conversations and should continue, but they do not yet fulfill the intention of the SA regarding the community playing a collaborative role in law enforcement decisions. As we have often noted in past reports, the community should be engaged as a "co-producer of public safety."

b. *Review of LASD-AV Deputy Community Engagement Tracker*

- The Department is in partial compliance for deputy involvement in community engagement activities (SA Paragraph 88). LASD is:
  - » In compliance for deputy engagement activities;
  - » Out of compliance for enhancing relationships with certain groups; and
  - » Out of compliance for using the community survey to inform practice.

There are primarily two ways each LASD-AV deputy's engagement with the community is recorded: through their attendance at LASD community engagement activities and events, and through the

documentation of individual interactions with community members apart from law enforcement contacts. The MT reviewed LASD's self-assessment of its compliance with this provision of the SA. The MT randomly selected 10 sworn staff from each station to validate LASD's assessment of the documentation of deputy participation in community events and deputy-initiated, positive community member engagement (755s). This review concluded that for 2022, LASD was compliant with this provision of the SA. Compliance will be assessed again at the end of 2023. The MT has not formally assessed the qualitative requirement for deputies to genuinely engage in events or 755s. In future site visits, the MT will observe meetings that AV deputies are attending to ensure they are actively engaging in the community meetings as required by the SA.

However, the MT finds that the Department remains out of compliance with the requirement to enhance relationships with particular groups, especially Black, Latinx, and youth populations. As noted above, the MT identified the need for improvement in this area in our feedback to the 2022 Community Engagement Report and in several semi-annual reports. Also, the MT continues to hear concerns from the CAC and community members and sees little evidence of a productive response from LASD. It is our hope that LASD will think critically about their community strategies with the BIPOC communities and apply multiple new strategies in the next reporting period, and that those strategies and their impact will be reflected in the 2023 Community Engagement Report.

The Department remains out of compliance with using the annual Community Survey to inform updates and improvements to its guidelines and strategies for deputy community engagement. To date, the MT has produced three community surveys and is producing a fourth during the next reporting period. LASD has yet to engage with the survey data in any meaningful way to improve community engagement. Under the new leadership, the MT is optimistic that LASD will utilize the results from the SA to improve community engagement.

### *c. CACs and LASD Community Engagement*

- LASD is out of compliance with Paragraph 87b, regarding being available for community feedback, and with Paragraph 94, regarding youth members of the CACs.
- LASD is in compliance with the various provisions for facilitating the CACs (Paragraphs 87a, 87c, 93, 96, 97).

As reported in the last semi-annual report, the MT has significant concerns about the makeup and functioning of the CACs. The MT continues to hear from community members who are voicing concerns that the CACs are not representative of the broader community, are not carrying community complaints to the Department, and are not facilitating communication and transparency between LASD and the community. The CACs have experienced turnover in the last year, do not currently have adequate numbers, and have many new members who would benefit from training and support. Additionally, we note that neither the Lancaster nor Palmdale CACs have youth members as required by Paragraph 94. Creative solutions may be needed to maintain youth members due to their variable schedules, but it is important the CACs have their input. As reported in the last several semi-annual reports, LASD and the CACs need to improve their documentation of issues, concerns, and problems identified during community outreach efforts and to track those concerns over time. Monthly CAC meetings should

include time dedicated to discussion of these issues, and meeting minutes should document LASD's responses, with follow-up on outcomes and lessons learned in subsequent meetings. Both CACs also need to recruit and sustain youth members.

On April 26, 2023, the MT hosted a joint CAC meeting of both the Lancaster and Palmdale CACs. The meeting was also attended by members of both stations and the Office of Constitutional Policing. Thirteen CAC members attended the meeting. During this meeting the CAC expressed their own concerns about CAC membership and functioning.

- Many CAC members, particularly the new members, reported that they are unclear about their roles and responsibilities and about what asks or demands they can make of the Department.
- CAC members shared that they doubted that station personnel understood the role of the CACs or how to stay in contact with them, thus inhibiting the potential contributions of the CAC.
- Many noted that they are not asked or empowered to provide critical feedback to the stations, to share community complaints, or to discuss their role in the SA with either the stations or community.
- Several members brought up concerns with LASD's complaint process.
- Members asked for training from the MT and LASD regarding their role in the SA and repairing the relationship between the community and LASD, including community complaints.

Also at the April meeting, the representative from LASD's OCP acknowledged fracture between LASD and the AV community and committed the department to improving the relationship. He confirmed that CAC members should be representative of the broader community and be empowered to bring issues, concerns, and complaints to the Department. The MT was pleased to hear a representative of LASD leadership acknowledge that improvement was needed and demonstrate a commitment to improvement.

#### *d. Crime Management Forum*

- The Department is in partial compliance with Paragraph 90 regarding CMF meetings.

Progress has been made in this reporting period toward achieving compliance with Paragraph 90 of the SA, particularly with regard to NPD leadership requiring more attention be devoted to problem-solving efforts undertaken in the AV. Recent CMF meetings have been stressing this expectation, and there is now evidence of follow-up documentation being required that will help in evaluating the effectiveness of those efforts. The thoroughness of these efforts and the scope of issues addressed can be further improved. Other areas needing further development include the identification and prioritization of community expectations and addressing those via community policing and problem-solving strategies, routinely assessing intended and unintended consequences of policing strategies employed, and giving enough time to discuss outcomes, lessons learned, and potential improvements moving forward. More work remains to be done as the two stations still lack adequate identification and documentation of what is being done to identify community priorities, the basis for the development of strategies to address those priorities, and conducting assessments or evaluation of results.



For several years, the MT has been providing technical assistance to the NPD to support the development of LASD internal capacity to identify and address these factors during the CMF presentations. The MT continues to encourage LASD to engage the community and other resources in carrying out problem-oriented policing strategies that will improve their effectiveness in addressing recurring crime and disorder issues. This includes making ongoing use of the CMF as a means of oversight to ensure the results and outcomes of the station's crime reduction efforts are routinely assessed and, when or where needed, adjusted or refined.

*e. Risk Management Forum*

- The Department is in partial compliance with Paragraph 90 regarding the RMF.

There has been no change in the compliance with this provision of the SA. The MT observes every RMF and found that the meetings have shown progress with the usage of data, examination of trends, probing of responses, and expectations for follow-up to be conducted. Each of those activities needs to be further developed to reach compliance. Other areas needing additional development include routinely assessing intended and unintended consequences of tactics and strategies employed and ensuring follow-up is conducted on matters discussed in previous meetings, with time allotted to discuss outcomes, lessons learned, and improvements to implement.

While the SA makes specific mention of the RMF here in the Community Engagement section, it is widely understood that this forum is intended to serve as a review process for the Department's accountability structures and, more specifically, for the areas where LASD has prominent risk exposure to which management must be attentive. Therefore, full discussion of the RMF is included in the Accountability section.

*f. Community Survey*

- The Department is in compliance for the Community Survey.

Prior to launching this year's Community Survey, the MT and the Parties met to discuss certain revisions to the Year 4 data collection process. The most significant change was discontinuing survey administration at AV high schools due to low response rates in the past. As an alternative, the survey was modified to ensure the perspectives of younger AV residents are still captured in the general survey. Some additional minor revisions were made to the survey questions in order to improve the quality of data being collected.

Data collection for the fourth annual Community Survey began in mid-November 2022. Data collection has been conducted virtually through an online survey and through a limited number of paper surveys being made available to community members attending community meetings or upon request. LASD, both CACs, and a handful of community-based organizations and individual community members have been distributing the survey to their networks.

While the overall number of responses and general engagement with the survey has been lower this year than in past years, survey responses increased substantially during the time this report was being prepared. This is primarily due to LASD and Sheriff Luna recently promoting the survey through the Department's online network and social media channels, including a personalized message from the Sheriff. This recent outreach has generated significantly more responses to the survey than we saw in previous months. Data collection concluded in June 2023 and a report summarizing findings as well as online data visualizations will be published by the end of 2023. The visualizations allow the public to choose how the data tables are populated in order to do independent analyses and comparisons. The Parties and MT will also discuss ways in which the information from the survey should be used by the Department to inform its community engagement, problem-oriented policing, and bias-free policing activities.

## 2. Status of Other Community Engagement Work

This section describes work completed and compliance status for some of the important SA provisions that were not among LASD's prioritized work described above.

### a. *Community Engagement Training*

- The Department remains out of compliance with the required community engagement training (SA Paragraph 89).

The community engagement training required by Paragraph 89 was an element of the training plan produced by the OCP. The office reports that it is examining the work done to date on the community engagement training required by Paragraph 89 and considering revisions to address the procedural justice issues brought forth during audits and case reviews by the MT and DOJ. We appreciate that LASD sent NPD managers to a POP training and hope this will result in the stations and the CACs routinizing a practice of documenting and following up on community concerns. If so, this will better enable the stations to institutionalize their COP and POP practices, including the integration of the community engagement training, articulated crime prevention strategies, SARA activities, and data analysis into daily practice.

As discussed in the stops section, OCP developed a remedial training plan in response to the stops audit that includes specific focus on training required in the community engagement section including procedural justice and problem-oriented policing. The MT will be tracking progress on the finalization and implementation of the plan and, specifically, the development of the community engagement training.

## b. *Deputy Survey*

- The Department is in partial compliance with the deputy survey, pending their planned revisions to the instrument (SA Paragraphs 69 and 72).

To date, the Department has conducted two deputy surveys. In the previous reporting period the Department expressed a desire to make changes to the deputy survey instrument to make it more informative and useful to station captains. The MT and DOJ agreed to review their proposed changes. The Department later indicated it would provide those proposed changes in 2023. No additional work on this issue was done during this reporting period.

## 3. Obstacles and Successes

MT continues to have great concerns regarding the relationship between the Department and certain segments of the AV community, especially communities of color, and how those community members feel they are treated and how they perceive LASD. Findings in the past several years from stops data analyses, UOF and stops case reviews, and community surveys show that the community's concerns have merit. We also have had concerns regarding LASD's interest or willingness to entertain scrutiny and feedback pertaining to their engagement strategies and to address community concerns about their crime reduction strategies. Much of the SA focuses on LASD having that dialogue and incorporating this type of community input into their policing practices. The community remains troubled by the pace of implementation. Leaders of a coalition of Black churches have implored the Monitors and DOJ to continue to request judicial involvement.

While we note that there has not been tremendous progress in the community engagement section, we do note that current LASD administrators are no longer resisting the MT's findings in this section and instead seem to be willing to engage in seeking solutions. The implementation of the OCP, which includes the engagement of national experts (discussed in other sections of this report), have led to immediate steps toward development of training and a willingness to acknowledge departmental deficits and address them in both the short and long term. Much work needs to be done to transform this newfound willingness into concrete action and, ultimately, better outcomes.

## 4. Next Steps

- The MT will continue to hold community meetings and provide assistance or training to the CACs on the role of the CAC in sharing community concerns, complaints, input into the stations' policing strategies, and building transparency and trust between LASD and the community on difficult topics such as UOF. As the OCP grows and gets traction, we are hopeful that LASD will have more capacity to join the MT in training and coaching the CACs.
- LASD will review the Department's previous drafts of the community engagement training (Paragraph 89) including DOJ and MT feedback, submit a revised draft, and, once approved, move that work forward.

- The Community Survey data will be analyzed and the report published in the next reporting period.

To further demonstrate progress with community engagement, we recommend LASD prioritize the following.

- The stations and the CACs should routinize a practice of documenting and following up on community concerns.
- The stations should institutionalize their COP and POP practices, including the integration of the community engagement training, articulated crime prevention strategies, SARA activities, and data analysis into daily practice.
- The stations should develop additional strategies for outreach to hard-to-reach populations, including BIPOC and youth.
- LASD should develop a plan for administration of the Deputy Survey.

##### 5. Community Engagement Compliance Status Table

Table 5 provides the compliance status for each paragraph in the Community Engagement section.

**Table 5  
Community Engagement Compliance Status**

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
	<b>Notes:</b> The Community Survey has been administered four times (the fourth report will be released in the next reporting period), but the Department has not informed the MT or provided documentation of how it uses the survey results to inform community engagement activities (see Paragraph 88). The Deputy Survey has been administered twice. LASD has reported it intends to revamp the Deputy Survey to make it more useful. MT will review their proposed changes when submitted.				
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
	<b>Notes:</b> See Paragraph 69.				
87a	Actively participate in community engagement efforts, including community meetings.	Yes 12/11/19	NA	Yes 09/21	No
	<b>Notes:</b> 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 12/11/19	Partial	No	No
	<b>Notes:</b> As described in this section, the MT has observed indications that Department managers may not be open to all feedback. The MT has provided 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 12/11/19	NA	Yes 06/16	Yes
	<b>Notes:</b> The CACs existed before the SA but were implemented in accordance with the SA in 2016 and have been maintained ever since.				
87d	Work with the community to develop diversion programs.	Yes 12/11/19	NA	Yes 09/21	No
	<b>Notes:</b> 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**

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 1/10/19	Partial	Partial	No
	<b>Notes:</b> <ul style="list-style-type: none"> <li>LASD published an approved Attendance Work Plan (January 10, 2019; revised April 1, 2020).</li> <li>In compliance for deputy participation in community events and/or independent engagement with community members (755s) for 2022; compliance will be assessed again at the end of 2023.</li> <li>Not in compliance with the qualitative requirements to account for the need to enhance relationships with particular groups.</li> <li>Not in compliance with using the annual Community Survey to inform changes to the attendance plan, if needed.</li> </ul>				
89	In-service training on community policing and problem-oriented policing is provided to all AV personnel.	NA	Partial	No	No
	<b>Notes:</b> LASD previously implemented a portion of community engagement training: the Virginia Center for Policing Innovation (VCPI) training, a two-hour online introduction to COP/POP, but that implementation was not continued in this reporting period. The Department continues to work on the full-day training. After full implementation of the training, outcomes related to each aspect of the community engagement training will be measured in other provisions.				
90	Revise content of CMF and RMF 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
	<b>Notes:</b> The MT observes every RMF and CMF and found that the meetings have shown progress with the usage of data, examination of trends, probing of responses, and expectations for follow-up to be conducted. Each of those activities needs to be further developed to reach compliance. LASD also needs to improve how the meetings address community input and outcomes assessment.				
91	Complete annual 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	Yes	No
	<b>Notes:</b> The MT and DOJ provided feedback on drafts of the 2022 LASD Community Engagement Report.				
92	Seek community assistance in disseminating SA.	NA	NA	Yes	Yes

**Table 5  
Community Engagement Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
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 9/27/14 2/11/15	NA	Yes	No
	<b>Notes:</b> The Department continues to support and work with the CACs but must make improvements to remain in compliance and to ensure the CACs effectively function in the manner envisioned by the SA. Particular emphasis needs to be placed on the number and representativeness of CAC members, meeting attendance, and documentation and follow-up on community input.				
94	Memorialize CACs and facilitate quarterly meetings.	Yes 02/11/15	NA	Partial	Yes
	<b>Notes:</b> LASD is in compliance with Paragraph 94 except for youth representation on the CACs. See also the discussion for Paragraph 93 regarding receipt of community feedback.				
95	Post CAC reports on LASD-AV website and respond to recommendations.	NA	NA	Partial	No
	<b>Notes:</b> The MT has posted most CAC reports on their website, but in past reporting periods, 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
95	Assist the Monitors in annual Community Survey.	NA	NA	Yes	Yes
	<b>Notes:</b> See Paragraph 69.				
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

Note: Training related to Community Engagement is monitored in Paragraph 89.

## **G. Use of Force**

### 1. Progress on Department Priorities in This Reporting Period

The UOF-related tasks that LASD chose to prioritize in this reporting period were:

- SA-compliant UOF policy
- SA-compliant conducted energy weapon (CEW/Taser) policy
- SA-compliant UOF training
- UOF data analysis
- Continued managerial review of uses of force (EFRCs, CIRPs, etc.)

#### *a. Use-of-Force Policy and CEW/Taser Policy*

The Department is in partial compliance on its UOF policies.

- The Parties and MT have approved the UOF policy and the CEW/Taser policy; they are now undergoing review by the LA County Civilian Oversight Commission, the LA County Office of Inspector General, and LASD labor representatives.
- LASD will be in compliance when this negotiated policy is reviewed and approved by these stakeholders.

For the last three years, the Parties and MT have exchanged numerous draft use-of-force policies, and until recently achieved little progress. Both the MT and DOJ put significant effort into documenting our concerns in reports, memos, and letters. Until the current reporting period, those efforts were often met with delay and resistance. In recent months, we witnessed a significant and welcome shift in LASD's responsiveness to MT and DOJ concerns with policies and other work products. Since March, several drafts of the use-of-force policy and the CEW/TASER policy were exchanged, and productive discussions ensued. In June, DOJ and the MT found both the UOF policy and the CEW/Taser policy in compliance with the SA. The UOF policy also includes guidance on deputies' pointing of a firearm. LASD is now in the process of receiving feedback and approval from various county and union organizations that have oversight and input into these matters.

The Department has also informed the MT that a new version of the BWC policy will be submitted for review in the next reporting period. This is another welcome development. In 2022, the Department published its BWC policy despite serious DOJ and MT concerns, especially regarding whether and how the policy addresses potential misconduct that may be identified in BWC videos reviewed by supervisors. The MT looks forward to reviewing revisions to the policy.



b. *Use-of-Force Training*

- The Department is out of compliance on its UOF training (SA Paragraphs 119a–e).

When the UOF policies are brought into compliance and implemented, the focus will turn to updating the Department’s UOF training. During this reporting period, LASD submitted updated use-of-force training materials, including an expanded course outline and slide presentation. The MT and DOJ assessed those documents and provided the LASD with feedback at a meeting on April 27, 2023. Our assessment and feedback noted that while the LASD’s recently revised content in the use-of-force training documents reflected an improvement over previous submittals, they still fall short of the mandates of the SA. They continue to lack sufficient specificity in critical areas such as in the de-escalation of tense and evolving incidents and proportionality of force requirements. These topics are cursorily addressed and do not provide deputies with the specific tools and adequate guidance that would improve their ability to de-escalate tense and evolving incidents without having to use force and, where that may not be possible, to employ appropriate lower levels of force sufficient to gain control. Importantly, eight hours is not sufficient to cover the 14 topic areas that must be addressed as well as the scenario training and written testing that must be administered.

Of still greater concern, the tone of the training remains problematic in that it stresses the elements of force and when force can be used, rather than emphasizing the Department’s core values associated with the intent to minimize the use of force and emphasizing the desire to engage in de-escalation whenever possible.

The updated lesson plans are also deficient in applying adult learning techniques and adequately addressing several SA agreements, including the use of role-playing scenarios to develop proper use-of-force decision-making skills, as required by Paragraph 119(b). The expanded lesson plan on procedural justice, like de-escalation and proportionality, is far too brief and it fails to provide essential instruction and foster awareness on how race can impact deputies’ threat assessments as required by Paragraph 119(e).

LASD received this feedback well and has begun to take steps to address these training deficits. As noted in other sections, LASD had brought in a highly regarded expert in training to oversee training related to UOF and all other training elements of the SA. He has taken an active leadership role in the oversight of the LASD’s use-of-force training. One focus that the MT finds particularly promising is on LASD executive and manager training both in managerial expertise and in the concepts and principles that deputies will be trained on, which will increase the ability of the managers to support the line staff and institute culture change. Some of the recent steps taken by LASD include the following.

- An update to the new use-of-force training to include new lesson plans.
- Development of a comprehensive three-phase training plan that includes material on UOF.
- New trainings to include video presentations from:
  - » Sheriff Luna—setting expectations and values;
  - » Captain Macdonald—deadly force considerations;
  - » Tim Kral, LA County Counsel—constitutional law; and

- » An updated framework to expand the training for an additional eight hours, for all deputies, not just AV personnel.
- Partnering with the Police Executive Research Forum (PERF) to co-facilitate and provide Integrating Communications, Assessment and Tactics Training (ICAT) for the Department.
- Submitted a grant proposal to and received approval from US DOJ COPS Office for assistance in developing a course curriculum and a cadre of trainers for procedural justice, de-escalation, intervention, and officer wellness.
- Plans to send a member of the Executive Leadership Team to the DC Metropolitan Police Leadership Academy to explore new perspectives on modern policing philosophies.
- Established a committee of internal stakeholders to ensure consistent Department-wide training.

On May 2 and 3, master instructors from PERF presented 12 hours of comprehensive ICAT training to LASD, which was attended by MT staff.<sup>11</sup> The ICAT training format addresses many of the shortfalls in LASD's current use-of-force training, and LASD, as previously mentioned, will be including ICAT training in its use-of-force and de-escalation training which is in the process of being revamped. The Department has stated its goal is to meet national best practices in use-of-force and de-escalation training. We commend LASD's willingness to reach out to PERF and to include the ICAT model in its training plan. The training plan is comprehensive, and if judiciously developed and implemented, will provide the framework for LASD to develop best practices in these areas.

### *c. Executive Force Review Committee (EFRC) and Critical Incident Review Panel (CIRP) Reviews*

The Department remains out of compliance with the SA requirement that the EFRC review the most serious uses of force for "any policy, training or tactical concerns and/or violations." The MT has noted substantial improvements in the management reviews of critical incidents in the past few years, but these essential management reviews must be consistently thorough and ensure compliance with all applicable Department policies.

#### *i. MT Assessment of Management Reviews of UOF*

The EFRCs and Critical Incident Review Panels (CIRPs) are meetings held for management review of the most serious uses of force (Category 3). CIRPs are held within a week or two of an incident in order to identify any risk-management issues that require immediate attention. EFRCs are held once the investigation is complete, primarily for the purpose of determining whether the tactics and force used were consistent with Department policy.

We monitored three CIRPs during this reporting period. In two of the cases the management review was quite good and addressed the relevant issues. The third case involved multiple deputies firing at a

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<sup>11</sup> Police Executive Research Forum, *ICAT: Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents*, <https://www.policeforum.org/icat-training-guide>

man who assaulted them with a knife. While the investigation was incomplete, the panel did not ask why the senior deputy did not take charge and assign the other deputies specific responsibilities as is required by the Department manual.<sup>12</sup> We have noted this same shortcoming in several other critical incidents where multiple deputies are at scene but a sergeant had not arrived.

There was also a shooting in the AV on December 21, 2022, involving the CHP and SEB. After learning about this incident in the newspaper and noting that we were not notified of the CIRP, we inquired and were informed that “the Monitors and DOJ were not notified of the CIRP because the critical incident was being handled by CHP and SEB, which are not under the purview of the Settlement Agreement.” However, nothing in the SA exempts non-AV deputies from our monitoring and review of use of force incidents that occur in the AV. The OCP has indicated it agrees with the Monitors and will take steps to ensure the MT receives all the information it needs to assess compliance with the SA.

We monitored six EFRCs during this period, and in each case we were notified of and attended the pre-meetings that were held. In five of the cases the EFRC did a good job of probing the issues and asking the right questions. We were pleased to see that the chair inquired whether the deputies attended the training classes recommended by the CIRP. EFRCs also have begun asking whether deputies were authorized to carry rifles and if their qualifications are current.

The review and analysis of the tactics and force employed in those cases reviewed during the last EFRC meeting conducted during this reporting period were among the better reviews we have seen to date. The critique by the training bureau lieutenant was thorough and addressed all of the tactical and use-of-force issues. However, the EFRC’s review still fell short in some key areas: the EFRC members obviously discussed discipline at an earlier time without notifying the Monitor; the EFRC did not address the deputies’ duty status even though the CIRP recommended the deputies remain on restricted duty for a year and/or until the EFRC reviewed the incident; several material errors or inconsistencies in the investigative reports were not addressed; policy violations, including vehicular pursuit, discipline, and a trainee working with a non-FTO were not addressed; and, no one asked why one of the two extra supervisors present did not respond to and take charge of a second shooting scene. So, although we note the process is improving, more improvement is needed, particularly in the area of the need to exercise critical thinking.

A continuing concern for the Monitors is the lengthy delays we have noted between when an event occurs and the EFRC review taking place. For example, one case heard by the EFRC during this period occurred in early 2019, some four years earlier. That delay is caused in large part by the practice of holding the administrative review in abeyance until the criminal investigation is completed. We understand this approach was driven by the Gates/Johnson Settlement Agreement, but it severely inhibits the Department’s ability to resolve serious use of force cases in a timely manner. That delay coupled with a trend toward deputies refusing to waive their Miranda rights and thereby not making a statement until ordered to do so by the IA investigators places the Department in the position of not exploring or understanding the reasons why a deputy shot until years later. Meanwhile, decisions need to be made on whether the deputy should be returned to the field or remain on restricted duty. This is

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<sup>12</sup> MPP 3-01/010.35 Rank.

an untenable situation, made worse by ongoing staffing shortages. The MT is encouraged to hear from LASD that they will be moving to change the practice of not beginning the administrative investigation until the criminal investigation is completed.

*ii. Returning a Deputy to Field Duty*

In our review of EFRC and CIRP meetings, we noted what appeared to be inconsistencies in the way deputies are returned to field duty following a deputy-involved shooting. In some cases, the CIRP would direct that a deputy remain on restricted duty until the EFRC reviewed the case, but we found there would be no discussion of the deputy's duty status when the EFRC met a year or more later. More commonly, there has been no discussion or decision made regarding the deputy's duty status even though the Department Manual assigns the CIRP responsibility to assess duty status for intentional shootings at a person, whether that person was injured or not.<sup>13</sup> (We do want to note that the more recent CIRP reports have addressed duty status, usually directing that the deputy remain on restricted duty until the recommended training is completed and the division chief "does a re-evaluation.")

On May 12, 2022, the Monitors asked to meet with a Department representative in order to obtain a better understanding of the process for a deputy being relieved from and returned to field duty following their involvement in a shooting or other critical incident. On October 31, 2022, more than six months later, Monitoring Team members met with the Professional Standards Division (PSD) commander at that time, the NPD chief and commander, and other Department staff. The PSD commander explained that there are usually two commanders assigned to PSD. Generally, one commander is assigned to chair the CIRP and the other commander is assigned to chair the EFRC. The two commanders receive staff support from PSD personnel who schedule meetings and maintain records for the hearings.

When a deputy is involved in a shooting or other deadly force incident, it is the responsibility of the concerned unit commander to arrange a debriefing between a Department psychologist and the involved personnel no later than five days following the incident.<sup>14</sup> When the Department psychologist clears the deputy for return to field duty, the deputy's division chief is notified. Generally, the division chief consults with the concerned assistant sheriff on whether the deputy should continue on restricted duty or return to field duty.

When a deputy intentionally fires a shot at a person, the deputy is placed on restricted duty pending review by the CIRP. The CIRP convenes within a week or two of an incident. The CIRP's purpose is to identify risk-management concerns related to policy, training, tactics, current Department practice, and/or the actions of those involved. It also has the authority to direct the reassignment (permanent or temporary) of personnel involved in a critical incident.

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<sup>13</sup> MPP 3-09/330.00 Critical Incident Review Panel.

<sup>14</sup> MPP 3-10/460.00 Department Psychologist Response to Critical Incidents.

When a critical incident involves the intentional discharge of a firearm at a person, the CIRP is also responsible for evaluating the duty status of the involved deputy. The employee's division chief and assistant sheriff, or their designee, are usually present at the hearing to provide their insight. They can concur with the CIRP's decision or request modifications. Unresolved issues are decided by the Undersheriff or Sheriff.

The Department agrees with the MT that the EFRC panel should review and discuss all findings and recommendations made by the CIRP for the case they are reviewing. That includes any duty restrictions and verifying that deputies attended the recommended training. Additionally, the process for returning a deputy to the field following a critical incident needs to be more clearly articulated in the Department Manual and those decisions need to be documented. Finally, the Manual of Policies and Procedures (MPP) requirements on removing and returning deputies to the field needs to be better placed in the manual, perhaps as a stand-alone section in Chapter 3-10 Use of Force. The Department is currently discussing these issues.

#### *d. LASD Use-of-Force Data Analysis*

- The Department is out of compliance on its UOF analysis (SA Paragraphs 120-123).

In the MT's 15th six-month report, we noted that the Department had informed us they would provide their draft use-of-force data analysis in June 2023. That did not occur. No analysis or report was submitted for compliance during this reporting period.

## 2. Obstacles and Successes

The revision and approval of compliant UOF and Taser policies is a significant success in this reporting period. It should be noted that LASD had a UOF policy approved by the Monitors and DOJ in 2019, but that policy was never implemented by Department executives. In the nearly eight years of work that has transpired to date, LASD has not published and implemented a UOF policy and related training for its deputies, supervisors, and managers that satisfied the SA's mandates. Our audits have documented the results of this failure, including supervisors failing to adequately investigate uses of force by deputies, managers failing to thoroughly and objectively review use-of-force investigations, and managerial and administrative deficiencies in the adjudication and approval of those investigations. Now that BWC footage is available, we anticipate other issues will become apparent and easier to identify. The Department owes the public more and must provide this by ensuring that these policies are brought into compliance as soon as possible, that training is upgraded and consistently provided, and that the attendant oversight responsibilities are diligently executed by everyone from the first line supervisors through the executive staff. The urgency with which the new administration has moved to bring the policies into compliance and their training plan are encouraging signs that the MT hopes will continue to be evident in the next reporting period.

### 3. Next Steps

#### LASD

- Finalize and publish the UOF and CEW/Taser policies.
- Address MT and DOJ feedback on the BWC policy and bring that policy into alignment with the SA.
- Complete and submit its use-of-force data analysis report.
- Develop modern state of the art use-of-force training incorporating PERF ICAT principles and other best practices.

#### The MT

- Continue a Categories 1 and 2 UOF audit of a judgmental sample of AV UOF cases to inform LASD in areas where it can improve and address SA mandates.<sup>15</sup>
- Conduct a use-of-force audit exit conference with the Department and DOJ and discuss the audit's findings and recommendation to improve processes and achieve SA compliance on use-of-force related paragraphs.
- With DOJ, review and provide feedback on draft training curricula.
- Prepare a report informing the LASD of its recent findings and recommendations to achieve SA compliance associated with the review of the Department's EFRC processes.

### 4. UOF Compliance Status Table

Table 6 provides the compliance status for each paragraph in the UOF section.

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<sup>15</sup> At the request of the Department, this audit will include a directed and purposeful condensed sample in order to provide the Department with immediate recommendations that it can take to improve its use-of-force processes. Future audits will revert to statistically valid sampling methodologies.

**Table 6  
Use-of-Force Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
102, 104, 105	LASD to revise use-of-force policy.	Partial	No	Cat 1 and 2: Yes Cat 3: No	No
	<b>Notes:</b> DOJ's targeted case reviews provide evidence that LASD is not in compliance with several UOF provisions. MT is conducting a UOF audit that has available BWC footage to assess. Policy was approved by DOJ and MT but is pending approval by external stakeholders.				
103	Use de-escalation techniques before resorting to force and reduce force as resistance decreases.	Partial	No	Cat 1 and 2: Yes Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
106g	Prohibit using force on a person legally recording an incident.	Partial	No	Cat 1 and 2: Yes Cat 3: Yes	No
107	Prohibit head strike with impact weapon unless deadly force is justified, and report unintentional head strikes	Partial	No	Cat 1 and 2: Yes Cat 3: Yes	No
108	Deputies will report force incidents.	Partial	No	Cat 1 and 2: Yes Cat 3: Yes	No
109	UOF reports will be without boilerplate language, and deputies held accountable for omissions or inaccuracies.	Partial	No	Cat 1 and 2: Yes Cat 3: No	No
110	Deputies will notify supervisors immediately of the use of force.	Partial	No	Cat 1 and 2: Yes Cat 3: Yes	No
111a-d	Perform thorough UOF investigations.	Partial	No	Cat 1 and 2: No Cat 3: Yes	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
111e	Supervisors will thoroughly review deputies' UOF reports.	Partial	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
112a	Supervisors will thoroughly report their independent review of UOF incidents.	Partial	No	Cat 1 and 2: No Cat 3: Yes	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
112b-e	Supervisor's UOF investigation reports will be complete.	Partial	No	Cat 1 and 2: No Cat 3: Yes	No

**Table 6  
Use-of-Force Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
113	Management will review thoroughness of UOF investigations.	V	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
114	Executive Force Review Board will thoroughly review Category 3 force.	Yes	Yes	Cat 1 and 2: NA Cat 3: No	No
	<b>Notes:</b> 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.) Ongoing reviews of EFRC processes have shown an improvement, but the Department remains out of compliance pending a compliance audit which is under discussion with the parties.				
115	Deputies held accountable for force that violates policy.	Partial	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
116	Supervisors held accountable for inadequate investigation.	Partial	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> DOJ's targeted case reviews provide evidence that LASD is not in compliance with several UOF provisions. The MT will conduct a UOF audit that has available BWC footage to assess. 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.				
117	AV commanders identify and curb problematic UOF trends.	NA	UTD	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> DOJ's targeted case reviews provide evidence that LASD is not in compliance with several UOF provisions. The MT has begun a UOF audit including an assessment of available BWC footage. The MT has attended several RMF meetings, 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
	<b>Notes:</b> The Parties and the MT have not agreed to a compliance metric for this paragraph. The MT has not found any 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 previously reported it has developed a plan for tracking this information; however, as of the submission of this report it has not been provided to the Monitors.				



Table 6 Use-of-Force Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
119	Updated UOF training is provided.	Partial	No	No	No
	<b>Notes:</b> 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 related training and given feedback to the Department. The Department recently submitted an updated use-of-force training draft, which was reviewed by Monitors and the DOJ. The draft documented a slight improvement over the previous training documents but still fell dramatically short of SA mandates. The Department’s new leadership team is in the process of completely overhauling its UOF-related training to incorporate ICAT principles and to achieve national best practices in this area.				
120–123	LASD to produce annual management analysis and public report on UOF data and trends.	NA	NA	No	No
	<b>Notes:</b> The Department did not meet its goal to submit its first UOF analysis report by November 2022 or its subsequent goal to provide the initial report in June 2023. The Department has indicated the UOF analysis will be included in the scope of work for CPE; the MT looks forward to reviewing a UOF analysis work plan when it is provided.				

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). A third Category 1 and 2 audit has been initiated.
  - » 1st Category 1 and 2 Audit: October 2018
  - » 2nd Category 1 and 2 Audit: July 2021
  - » 1st Category 3 Audit: November 2019
- In 2018, Category 1 force was split into two categories: non-categorized force incidents (NCIs) and Category 1; the definition of Category 1 remained the same except that the lowest levels of force were now categorized as NCI. The MT’s first Category 1 and 2 audit (2018) was conducted before this change. The second MT Category 1 and 2 audit (2021) addresses NCIs and Category 1 separately but combines them in determinations of compliance.
- Any reference to Category 1 in this semi-annual report includes NCI.
- 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.
- Training related to use of force is monitored in Paragraph 119.

## H. Personnel Complaint Review

### 1. Progress on Department Priorities in This Reporting Period

LASD's complaints-related priorities for this reporting period were to achieve significant progress in the following areas by the end of 2023.

- LASD Complaints Policies

#### a. *LASD Complaints Policies*

- The Service Comment Review (SCR) handbook was approved by the MT and DOJ and is currently awaiting publication and implementation.
- The MPP remains out of compliance.
- The Administrative Investigations (AI) handbook remains out of compliance.

The SA-compliant SCR handbook is on hold while the Department brings its MPP and AI handbook into line with the SCR handbook's provisions. The three documents must be in alignment so that all personnel complaints are addressed consistently, thoroughly, and fairly. The three will be published together once they are each SA-compliant.

The SCR handbook was approved in October 2021. At that time, the DOJ expressed written concern about the efficacy of a complaint process where nearly every complaint is handled as a "service comment" for which only non-disciplinary dispositions are available. In approving the policy, the Parties agreed to revisit these structural concerns and revise the policy should future Monitor audits reveal that LASD is out of compliance with provisions of Paragraphs 127–132. During a recent site visit, the MT and DOJ noted that our case reviews and stops audit are not alleviating this concern and flagged this issue for the Office of Constitutional Policing.

The latest draft of the MPP chapter on complaints from November 2022 was found to be consistent with the SCR handbook except regarding when an administrative investigation needs to be initiated and handled by IA rather than at the unit level (Paragraph 129). The MT awaits another version.

The draft of the AI handbook submitted in October 2022 was also found to have material inconsistencies with the approved SCR handbook. The OCP has recently provided an early draft of a new version that shows an effort to reduce those inconsistencies and make other changes that the MT and DOJ have sought. Further, the sharing of this draft underscores a desire to demonstrate progress and increase transparency between the Department, the MT, and DOJ. We look forward to a thorough review of a completed draft in the next reporting period.

## 2. Status of Other Complaints-Related Work

This section describes work completed and compliance status for a portion of the important SA provisions that were not among LASD's prioritized work described above.

### a. *LASD AAB Audits of Complaints*

On April 19, 2023, the Department submitted a work plan for LASD's Audit and Accountability Bureau (AAB) to audit complaints made in the AV, which is required by SA Paragraph 140. The work plan was very well thought out and, for the first time, was clearly designed to test for compliance with the SA. There were a few areas needing clarification, and after several discussions the final plan was approved on May 4, 2023. AAB leadership engaged productively in the discussions and was responsive to MT and DOJ comments. This is encouraging progress and we look forward to the results of the audit.

### b. *Complaints-Related Training*

The Department has submitted a training plan that includes, among many other topics, the training of managers in the new complaints policies. This training will be developed once the policies are approved, with the MT and DOJ reviewing and approving the curriculum and training delivery before full implementation.

## 3. Obstacles and Successes

While the MT understands the Department's reasoning for holding off on publishing the new complaints policies until all three documents are approved, it also remains the case that the SA-compliant policies and procedures for accepting, investigating, and adjudicating public complaints remains unpublished. We recognize that revising the complaint process is just one of several challenges inherited by the new administration. The Monitors are encouraged that the director of the OCP, which is overseeing the revisions to the complaint process, seems to recognize the importance of this work. We appreciate that the office is taking a closer look at this process and has been open to the concerns expressed by the MT and DOJ. We anticipate substantial movement on these SA requirements will become evident in the next reporting period.

As the policies are brought into compliance and implemented, and as related training is developed and implemented, the MT will continue to place particular emphasis on monitoring activities that will help ensure the following outcomes are achieved:

- Every significant allegation of misconduct within a complaint is identified, investigated, and adjudicated whether or not the complainant articulated it as an allegation;
- Investigations are thorough enough to support a reliable adjudication;
- Management reviews are thorough and identify all the issues involved;

- Serious complaints are elevated to an administrative investigation, allowing the imposition of discipline; and
- Deputies are held accountable when they are found to have committed misconduct.

#### 4. Next Steps

##### LASD

- Align the MPP and the administrative investigations handbook with the SCR handbook, and with the SA's requirements.
- Publish those directives.
- Submit a training plan and curricula for MT/DOJ approval.
- Train personnel responsible for implementation of the revised complaint process.
- Monitor implementation to quickly identify any issues that may arise. This will be especially challenging given the Department's decentralized approach to public complaints; for example, the vast majority of complaints are handled as SCRs, which are never seen by IAB.

##### The MT

- Review and provide feedback toward eventual approval of the revised policies.
- Review and provide feedback toward eventual approval of the training plan.
- Monitor the implementation of the policy and training plan.
- After the revised directives have been published and training has been provided and sufficient time has passed for the new processes to take hold, discuss with the Parties the initiation of a third audit of public complaints.
- Review AAB's audit of public complaints and determine if it can be used to assess Department compliance with the SA's complaint requirements (Paragraph 149).

#### 5. Personnel Complaints Compliance Status

Table 7 provides the compliance status for each paragraph in the Complaints section.

**Table 7  
Personnel Complaint Review Compliance Status**

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
<b>Preface</b>	Complaints are fully and fairly investigated and personnel are held accountable.	Partial	Partial	No	No
	<b>Notes:</b> The preface was not in compliance on either audit.				
<b>124</b>	Public has access to complaint forms and information.	Partial	Partial	Partial	No
	<b>Notes:</b> LASD 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,				
<b>125</b>	Accept all complaints.	Partial	Partial	No	No
	LEP language assistance.	Partial	Partial	Partial	No
	<b>Notes:</b> LASD 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.				
<b>126</b>	Impeding the filing of a complaint is grounds for discipline.	Partial	Partial	UTD	No
	<b>Notes:</b> The Department was not in compliance for the first audit. In the second audit, the MT identified no complaints that alleged a complainant was impeded, and we were unable to determine compliance. Should no such cases arise in the next audit, the Parties and MT will discuss how to proceed with compliance assessment. Training for this area is monitored in Paragraphs 138–139.				
<b>127</b>	Revise MPP, SCR, and IAB manual so they are complete, clear, and consistent.*	No	No	No	No
	<b>Notes:</b> The Monitors and DOJ authorized the Department to move forward with the revised SCR handbook on November 3, 2021, but the Department did not publish it. Additional minor changes to the handbook were conditionally approved by DOJ and the MT in August 2022. The Department has since indicated it wants to publish all three policies simultaneously. The drafts of the MPP section and the AI handbook they have submitted are inconsistent with the language agreed upon in the SCR handbook.				
<b>128</b>	Ensure personnel complaints are not misclassified as service complaints.	Partial	Partial	No	No
	<b>Notes:</b> LASD was found to be in compliance for the first audit but not in compliance for the second audit.				
<b>129</b>	Revise policies for allegations requiring IAB investigation and behavior requiring formal discipline.	No	No	No	No
	<b>Notes:</b> The Monitors and DOJ approved the draft SCR handbook on November 3, 2021, but the Department has not published it.				
<b>130</b>	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
	<b>Notes:</b> Not in compliance for either audit.				

**Table 7  
Personnel Complaint Review Compliance Status**

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
131	Investigations are as thorough as necessary to reach reliable and complete findings.	Partial	Partial	No	No
	<b>Notes:</b> Not in compliance for either audit.				
132	Refer appropriate cases to IAB or Internal Criminal Investigations Bureau (ICIB).	Partial	Partial	No	No
	<b>Notes:</b> Compliance could not be determined in the first audit because there were no relevant cases in the audit population. There were two such cases in the second audit, and neither one was referred as required. Training is monitored in Paragraphs 138–139.				
133	Investigation conducted by uninvolved supervisor.	Partial	Partial	Yes 12/15/20	No
	<b>Notes:</b> Not in compliance in the first audit but in compliance in the second audit.				
134	Identify all persons at scene.	Partial	Partial	Yes 12/15/20	No
	<b>Notes:</b> 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
	<b>Notes:</b> In compliance in the first audit but not in compliance in the second audit.				
136	Investigator interviews complainant in person or gives justification.	UTD	UTD	UTD	No
	<b>Notes:</b> In our second audit, we were unable to determine compliance, and a discussion is pending with the Parties about our recommendation that the investigator be allowed to rely on the intake interview, providing it addresses the key issues.				
137	Interview witnesses separately.	Partial	Partial	No	No
	Use uninvolved interpreter for people with LEP.	No	No	Yes 12/15/20	No
	<b>Notes:</b> Not in compliance in either audit with regard to interviewing witnesses separately. Also, the Department was not in compliance for the first audit but was in compliance for the second audit with regard to using an uninvolved interpreter.				
138	Provide supervisor and deputy training on intake and investigations.	NA	Partial	Partial	No
	<b>Notes:</b> Directives were issued in 2018, and watch commanders have been trained in those directives. After publishing 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.				
139	Provide supervisor training on misconduct investigations.	NA	Partial	Partial	No
	<b>Notes:</b> See Paragraph 138.				

Table 7 Personnel Complaint Review Compliance Status					
SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
140	Conduct semi-annual audit of public complaints.	NA	NA	No	No
	<b>Notes:</b> 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. The Department has indicated it will provide a Complaints audit plan for MT and DOJ review in January 2023.				

\*On November 3, 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.

Note: Complaints-related training is monitored in Paragraphs 138–139.

## I. Accountability

### 1. Progress on Department Priorities in This Reporting Period

The Department did not establish any specific priorities regarding the Accountability section; however, they continued the following work:

- Quarterly reports
- Performance Mentoring Program (PMP)
- Risk Management Forum

#### a. *Quarterly Reports*

- The Department's quarterly reports continue to improve, but the Department remains in only partial compliance with SA Paragraphs 141 and 142.

On May 24, 2023, the MT issued a report with its analysis of the third quarter 2022 reports.<sup>16</sup> We found that the quarterly reports produced by the AV stations continue to improve. The information provided is more robust and, more importantly, the unit commanders are providing more insightful analysis of various issues. The Lancaster captain's review of the report findings provided thoughtful comments on several important trends. The Palmdale report reduced their backlog of UOF investigations and provided good discussions of individual deputies' performance and corrective action implemented.

That said, however, our analysis found several continuing shortcomings, most significantly, a failure to recognize impactful trends and patterns in the data presented in the reports. The MT's analysis found a high concentration of use-of-force incidents among a very small portion of the deputies who work in the Antelope Valley. We noted a significant number of deputies who had been on the reports for over two years. We also found a concentration of Field Training Officers and patrol trainees among the deputies on the stations' quarterly reports. None of those issues were recognized or addressed by the station captains or NPD managers.

Our review of the third quarter reports coupled with an in-progress MT audit of uses of force showed that about 24% of the deputies assigned to the AV stations were involved in 91% of the uses of force that occurred in the third quarter of 2022. In Lancaster, 56 deputies on the quarterly report (27% of Lancaster's deputies) were involved in 80 of Lancaster's 90 uses of force (89%) that occurred during the third quarter of 2022. In Palmdale, 40 deputies on the quarterly report (22% of Palmdale's deputies) were involved in 74 of Palmdale's 79 uses of force (94%) that occurred during the third quarter of 2022. In their analysis of deputies with a spike in force incidents, the AV captains attributed the spikes to the number of shifts worked, calls answered, and stops made by those deputies. We recognize that not all deputies assigned to a station are assigned to patrol and that some deputies have more contacts with community members; however, those variables do not explain why the vast majority of a station's

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<sup>16</sup> The second quarter 2022 reports were not submitted until about a month after the third quarter 2022 reports.



deputies (78%) do their jobs using force infrequently while a minority (22%) appear to use force disproportionately compared to their peers.

We also expressed our concern that 44 of the 116 deputies on the third quarter 2022 reports have been on nearly every quarterly report for the past two years and that over half of those 44 deputies were on PMP most or all of that time. This finding raises questions about both the thoroughness of management review of the quarterly reports and the efficacy of the mentoring program. Managers reviewing the reports should have noted this and sought explanations and remedies. (See further discussion of PMP below.)

Finally, we noted that 21 of the 116 deputies on the third quarter 2022 reports are trainees, and while we appreciate the explanation that many of them come to their AV assignments with UOF numbers from their custody assignments, they all showed significant UOF numbers after they were assigned to the AV. Patrol trainees transitioning from custody work to patrol operations need extra attention and guidance. That concentration of patrol trainees coupled with the fact that a substantial percentage of the deputies who are on the quarterly reports are also the FTOs is something that requires closer management scrutiny. Palmdale had 10 FTOs and Lancaster had 20 on their second quarter 2022 reports. FTOs are responsible for mentoring and training patrol trainees. (We were unable to extrapolate data for the third quarter because Lancaster unilaterally decided not to provide FTO assignment information in its third quarter report.)

Concentrations of this magnitude simply must be addressed, but station and division managers failed to recognize and respond to what was readily apparent in the data. The quarterly reports are intended to provide the relevant information managers need to identify and take early action on issues before they become significant problems. Not identifying these sorts of patterns indicates a failure on the part of the managers assessing the reports and perhaps on the reports themselves.

Quarterly reports are reviewed by both the NPD commander and deputy chief. Generally, we have found their reviews are improving, with the chief's review found to often be more thorough than the commander's. However, those reviews have had shortcomings. Management reviews did not recognize that the stations' reports were missing several key pieces of information needed for an effective management review. For example, Lancaster's reports do not identify which deputies are FTOs, nor were all the deputies identified who are undergoing patrol training. Additionally, the "Sustained" (when deputies' behavior is adjudicated as "Could Have Been Better" or "Should Have Been Different") Service Comment Reports did not identify the deputies involved or the allegation(s) that were sustained, which is essential information to track.

While we recognize that each command has different challenges, some comparisons between stations would probably lead to insightful information. For example, Palmdale reported making 39 obstruction arrests while Lancaster reported making only 19. Further, Lancaster reported issuing two negative PLEs but provided no explanation for either of them, while Palmdale provided an explanation for the four it issued. Finally, Palmdale attributed its use of force increase to "the public's increased use of drugs and alcohol plus the impact of mental health issues in our society." If that is the case, it would be interesting to explore why Lancaster, its next-door neighbor, experienced a substantial decrease in the use of force in this same period.

An automated early warning system, which the Department indicates they are in the early stage of developing, may have helped alert the managers to these sorts of patterns. LASD provided the MT and DOJ with an update on the modernization of their data systems, which included a discussion of integrating their data systems with the quarterly reports so more of the report preparation could be automated. If implemented, this should improve the accuracy of the report, an important step, but the Department should also consider methods for automated alerts independent of the quarterly reports regarding potentially concerning patterns.

*b. Performance Mentoring Program*

- The Department is out of compliance with SA Paragraphs 144 and 145 because neither AV station had a PMP plan in place as required by the Department's PMP handbook.

Placing deputies on performance mentoring, when needed, is a cornerstone of the Department's efforts to ensure deputies are performing in a manner consistent with Department standards and minimizing at-risk behaviors. Routinely, we have been told that deputies whose behavior has come under scrutiny have been "placed on PMP." The efficacy of the Department's PMP program is of critical importance and should be routinely scrutinized by management to ascertain whether it is helping achieve compliance with the SA's goal of providing constitutional policing to the AV communities.

On October 26, 2022, the MT submitted a plan to begin its review of the unit-level and Department-level PMPs that are used in the AV. The SA requires that the Monitors conduct both quantitative and qualitative assessments of LASD's accountability systems, "including initial identification of deputy violations and performance problems by supervisors (including sergeants, lieutenants, captains, and region commanders), and effectiveness of supervisory response (SA Paragraph 153f) and that they "provide personnel with the support, mentoring, and direction necessary to consistently police constitutionally" (SA Accountability preface, p. 34).

On December 1, 2022, the Parties and Monitors met and approved the audit plan, consisting of three stages:

*Stage 1: Review Department publications and submit a plan to review unit PMP;*

*Stage 2: Conduct a review of AV unit PMP; and,*

*Stage 3: Conduct a review of Department PMP for AV commands.*

The MT completed its review of Department publications in January 2023 (Stage 1) and, on February 17, 2023, we submitted our findings.

Also in February, we submitted a work plan for our review of the unit PMP process (Stage 2). The MT's unit PMP review work plan began with obtaining and reviewing each AV station's PMP plan, summarizing the process used by each station and evaluating each plan for thoroughness, clarity, and consistency with the PMP standards described in the Department's unit PMP handbook. The next step of the review would be to evaluate the effectiveness of the program by assessing PMP documentation, work histories, and outcomes for a sample of personnel.

On April 6, 2023, the MT requested a copy of each station's Performance Monitoring plan as required by the unit PMP handbook. These plans are necessary as foundational documents setting standards for performance mentoring at each station. On April 10, 2023, we received Palmdale's unit PMP plan, which was dated April 6, 2023, the same day of the request. A few days later, we received Lancaster's PMP plan, which was dated April 12, 2023. On April 10, 2023, we also requested a copy of each station's plan that was in effect prior to these April 2023 plans since the earlier plan would be the one in effect during 2022, which would cover the audit period. Over a month later we still had not received a copy of either station's 2022 plan, and we have since confirmed that neither AV station had a PMP plan in place prior to the one they submitted in April 2023.

While this was unfolding, the MT was conducting a review of the AV stations' third quarter 2022 quarterly reports. As noted earlier, that review showed that 44 of the 116 deputies on the third quarter 2022 reports have been on nearly every quarterly report for the past two years. Twenty-five of those 44 deputies have also been on PMP much if not all of that time (21 at the unit level and four at the Department level). LASD policy states the purpose of PMP is to "achieve the leadership objective of guiding, assisting, and supporting employees who appear to be in need of more focused attention,"<sup>17</sup> and the SA requires PMP have "appropriate procedures . . . in place for supervising deputies whose performance fails to improve subsequent to mentoring" (Paragraph 144), but PMP does not appear to have affected the behavior of these 25 employees. Assigning deputies to Performance Mentoring or any other remedial measure is only viable when it changes behavior. Until that occurs and documentation is provided, the Department cannot hope to accomplish the ultimate goal of the Settlement Agreement, which is to ensure:

*"that police services are delivered to the people of Lancaster and Palmdale . . . in a manner that fully complies with the Constitution and laws of the United States, ensures public and deputy safety, and promotes public confidence in LASD and its deputies." (SA, p. 2)*

In June 2023, Department executives shared their concern that neither station had the required PMP plan and that being on a PMP does not appear to have affected the behavior of a significant number of deputies. LASD asked for time to conduct a complete reevaluation of the program. The Risk Management Bureau captain has been assigned to conduct that review including a review of comparable programs in use by other agencies.

Meanwhile, no matter what the Monitors find from this point on, the fact that neither station had a PMP plan in place prior to the audit puts the Department out of compliance with SA Paragraphs 144 and 145. Rather than continue with the MT audit given the inevitable outcome being a finding of non-compliance, the parties agreed to close this audit, find the Department out of compliance with the PMP SA paragraphs, and give the Department time to conduct their review. We will continue to monitor their progress and report on it in our semi-annual reports.

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<sup>17</sup> Unit Performance Mentoring Procedures, March 2016.

c. *Risk Management Forums*

- The Department remains in partial compliance with SA Paragraph 90.

On March 30, 2023, the Department held its semi-annual Risk Management Forum (RMF) for North Patrol Division. This was the first RMF held in person since COVID. Undersheriff Tardy led the review with Assistant Sheriff Chase, Deputy Chief Kneer, and Commanders Edward Ramirez (NPD) and Rodney Moore (PSD) in attendance. Both AV station captains and their key staff were present.

The MT noted the undersheriff used this RMF as an opportunity and a vehicle by which she could make it clear the Sheriff and this administration want everyone to recognize the importance of addressing the SA and other consent decrees the Department is under. She emphasized there is a collective responsibility for embracing and satisfactorily resolving the requirements of all of those agreements and the obligations that are attached to them. The assistant sheriff and NPD chief added to those comments and likewise stressed the importance of managers and supervisors needing to recognize and immediately correct risk management issues at early stages. The undersheriff also used the RMF as an opportunity to directly engage the operations lieutenants from each station in the presentations and discussion by having them address certain topics and respond to her questions. This reflects a focus on staff development at the mid-management level that has not previously been evident.

Expectations were also made clear with respect to the importance of procedural justice principles, such as the level of professionalism deputies display in their approach to and engagement with members of the public during their contacts. Specific examples were cited to reinforce this. The assistant sheriff underscored the importance of beginning with a polite greeting not just because it is required by the SA but because it eases tensions and may soon be a legal requirement in California.

Along with leadership, during the forum the analysis and discussions continue to improve. However, far too many trends are either not recognized, or unsupported rationalizations for trends are not challenged by NPD executives, including substantial use of force increases, inaccurate accounting of shooting trends, and patterns of public complaints. Most importantly, Palmdale's trend analysis, which was supposed to satisfy SA Paragraph 90, had nothing to do with the SA's requirements.

The data that were reviewed showed that the AV commands have far more administrative investigations than any other NPD command (Lancaster 17 and Palmdale 14). Most of the administrative investigations were internal matters, but several were for unspecified off-duty behavior as well as unreported force and a public complaint. The NPD also has far more reported force than any other patrol division. Within NPD, Lancaster has far more force reports than the other NPD stations, and Palmdale is second. Lancaster pointed out that almost 50% of its force incidents were very low level in nature, with minimal force being used, no injury, and no complaint having been made in those cases. Palmdale had no substantive comment on their force incidents.

NPD also has far more public complaints than any other division, and Lancaster and Palmdale had the highest number of complaints within NPD. The Monitors were glad to see that discourtesy and unreasonable force complaints are decreasing in both Lancaster and Palmdale. However, there was no discussion about the AV commands' high numbers, nor was there a discussion on the significant increase in uses of force that has occurred over the last few years.

NPD also leads the Department in shootings with nine, and there was no substantive discussion of that finding. Palmdale's summary of its two shootings was cursory and glossed over a shooting where six deputies simultaneously fired numerous times at a man with a knife. It also glossed over several deficiencies that have been noted with regard to the equipment deployed at scene. Palmdale also said there were no repeat deputies in the shootings, which was inaccurate. We do recognize and want to acknowledge that most of the "drilling down" or probing of shootings and other critical incidents occurs during the CIRP and EFRC reviews that are covered separately from the RMF. However, if shootings are going to be reviewed during the RMF, accuracy and factual representations should be expected.

With respect to the AV stations' trend analysis, the standards for those presentations were identified in an October 10, 2019, memo from the Monitors. That memo explained how RMFs fit into the SA's requirements under Paragraph 90 and that RMF trend analysis needed to include:

1. A discussion and analysis of trends in misconduct complaints;
2. A discussion and analysis of community priorities;
3. Display how the use of techniques such as spatial mapping and scientific development analysis are being carried out; and,
4. Determine and incorporate the use of appropriate performance metrics to evaluate community policing and problem solving in the AV.

The Lancaster trend analysis was very thorough but continued offering incomplete analysis of trends, which we have previously noted. Specifically, an assertion was made that "the contributing factors recorded in the force incidents (drug/alcohol influence, 5150) rose in direct correlation to the overall increase in force during this period." But the "contributing factors" in that analysis did not even consider deputy-driven variables such as inexperience, intolerance, or failure to deescalate. The analysis included a review of Lancaster's call load and efforts being made to reduce call volume, including allowing people to file electronic reports for minor crimes. The analysis also recognized that deputies coming from the jail need more training on transitioning to patrol operations. We were pleased to hear that the Lancaster captain is taking action on that front; as the new policies are implemented, we will be interested to observe that training and other efforts taken to ensure all personnel are aware of their responsibilities concerning complaints.

The trend analysis provided by the Palmdale station did not focus on the SA requirements, a major shortcoming. The station focused their attention exclusively on crime reduction, contract compliance, and care for employees. Though important, none of those matters are addressed in the provisions or expectations found in the SA (Paragraph 90). Palmdale's analysis had no discussion of trends in misconduct complaints, no discussion of community priorities, no use of mapping or other modern analysis techniques, and no mention of community policing or problem-solving strategies, nor was there any reference to the metrics the station needs to establish and use to assess the effectiveness of those strategies.

## 2. Obstacles and Successes

The facilitation of the RMF by Undersheriff Tardy represented promising improvement.

While quarterly reports also continue to improve, North Patrol Division should review each station's reports more critically. Important information is currently being overlooked or missing from those reports, most notably the identification of FTOs and deputies responsible for negative PLEs and sustained complaints. Additionally, trends are not being identified, such as deputies who have been on quarterly reports and on Performance Mentoring for years with no noticeable improvement in their performance. As we noted earlier, there is also a high concentration of force incidents found among a small group of deputies, and there is no indication this trend is being scrutinized.

### 3. Next Steps

#### LASD

- Critically review quarterly reports to ensure that essential information is included. significant trends are identified, and needed remedial actions are undertaken.
- Review each station's use of Performance Mentoring to ensure it complies with SA standards.
- Ensure that the RMF trend analysis addresses the concerns in the Monitors' memo pertaining to Paragraph 90 compliance.

#### The Parties and MT

- Determine whether and how the quarterly report thresholds can be refined to better focus on those deputies who are most in need of direction and improvement.

#### The MT

- Prepare a report on the MT's findings for fourth quarter 2022 reports and summarize MT findings for 2022.
- Review 2023 quarterly reports as they are submitted.
- Prepare a report on the second phase of the MT's PMP audit plan finding the Department out of compliance with Paragraph 90 and allowing 90 days to review and update each station's performance mentoring program.
- Re-initiate the PMP audit when appropriate.
- Attend the second 2023 Risk Management Forum for NPD.

### 4. Accountability Compliance Status Table

Table 8 provides the compliance status for each paragraph in the Accountability section.

Table 8 Accountability Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
141	<ul style="list-style-type: none"> <li>Establish PRMS as LASD-wide decision support system.</li> <li>Modify system to allow peer-to-peer comparisons of deputies and units.</li> <li>AV commanders will conduct periodic reviews of all personnel to identify trends.</li> </ul>	Partial	Partial	Partial	No
	<b>Notes:</b> North Patrol Division published an order in 2019 requiring each AV unit commander to prepare a quarterly report designed to satisfy the elements of Paragraphs 141–143 not provided for by PRMS. The MT reviews of the reports have found them in partial compliance.				
142	<ul style="list-style-type: none"> <li>Modify PRMS to access additional info.</li> <li>Maintain PLEs in electronic format</li> <li>Ensure PRMS is accurate and that there is accountability for errors.</li> </ul>	Partial	Partial	Partial	No
	<b>Notes:</b> See Paragraph 141.				
143	LASD will establish a plan for periodic review of trends at stations.	Partial	TBD	Partial	No
	<b>Notes:</b> The quarterly reports are one element of this plan, as are performance evaluations, RMF, UOF and complaint reviews, EFRC, AAB audits, etc. One purpose of the MT’s ongoing compliance review is to assess the success of the plan to ensure accountability across all these tools and processes. Results thus far indicate partial compliance.				
144	Make modifications to Performance Mentoring Program (PMP); ensure 30-day turnaround.	No	No	No	No
	<b>Notes:</b> Our review of performance mentoring at each AV station showed that neither station had a performance mentoring plan as required by the Department’s PMP handbook.				
145	Coordinate between Department-wide and Division PMP.	No	No	No	No
	<b>Notes:</b> See Paragraph 144.				

Note: Training is monitored in Paragraphs 138–139

### **III. CONCLUSION**

The high hopes of Sheriff Luna’s new administration that we expressed in the last six-month report have so far been met with stronger leadership, planning, timeliness, and transparency. In several instances we have seen concrete steps toward compliance even on previously intractable issues. Nevertheless, there remains evidence that many of the issues at the heart of the SA continue in the AV. There are community members who are understandably frustrated with the slow progress and who continue to express those sentiments. Frankly, the County and LASD’s newfound attitude and approach to the SA should have been the norm from day one of this work, and we know, of course, that shifts of this nature are often dependent on individual personalities and will take time to become the norm and evident within the culture of the organization. While we are optimistic that the AV community will soon experience more of the outcomes that the SA mandates, we will continue to hold the Department—and ourselves—to the high standards expected of the SA.



## **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](http://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**

### **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, several steps are 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. Paragraph 153 lays out several qualitative and quantitative outcome assessments the MT will do "to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of constitutional violations."

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.<sup>18</sup> 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).

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<sup>18</sup> 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."

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.

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.