



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



December 16, 2019

Max Huntsman, Inspector General
Office of Inspector General
312 South Hill Street
Los Angeles, California 90012

Dear Mr. Huntsman:

**RESPONSE TO STATEMENTS AT NOVEMBER 26, 2019
CIVILIAN OVERSIGHT COMMISSION MEETING**

This correspondence will serve as a response, in pertinent part, to your statements at the November 26, 2019, Civilian Oversight Commission (COC) meeting and to the Office of Inspector General (OIG) Report entitled, "Los Angeles County Sheriff's Department Compliance with Transparency Law," dated August 2019.

In regards to access of the Performance Recording and Monitoring System (PRMS), in the month of February 2019, Chief Matthew Burson of Professional Standards Division stated he left several phone messages at your office, in an attempt to speak with you regarding modifications to OIG's PRMS, formally known as the Personnel Performance Index (PPI), access. His intent was to explain your requirement to follow the mandated provisions of the Memorandum of Agreement (MOA) signed by both the OIG and the Los Angeles County Sheriff's Department (Department), which reads as follow:

ACCESS TO PERSONNEL PERFORMANCE INDEX DATABASE

The Inspector General may obtain access to the Personnel Performance Index (PPI) system (or equivalent access on any successor system), including individually identifiable information, by making a request to the Captain of Risk Management Bureau or his/her designee. Direct access to the system will be provided only to OIG personnel specifically designated by the Inspector General and will be on a secured computer terminal maintained at the Sheriff's Department. To respect the right of

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privacy of LASD employees, OIG agrees to limit such requests to information that the Inspector General has determined is necessary for the OIG to accomplish its purpose, but shall include executive level access when deemed necessary by the Inspector General. Printed copies of PPI material may be obtained, consistent with the terms of this MOA, by making a request to the Captain of Risk Management Bureau or his/her designee.

Under the previous administration, OIG appeared to have unfettered access to the aforementioned system, which this administration has altered. This included several Department network computer terminals situated inside of your office where anyone could easily retrieve vital and confidential employee information by simply appropriating an authorized operator's username and password.

On several occasions, you have further indicated that OIG's access has been substantially reduced, thus inhibiting your personnel's ability to properly do their jobs. Hence, you have never pinpointed exactly where the issues were occurring or provided any documentation validating your statements. As you are acutely aware, OIG continues to have full executive-level PRMS access at Risk Management Bureau, in the city of Commerce.

It is not the intent of this current administration to thwart the OIG's ability to conduct its oversight function of the Department. Indeed, the Department supports a system of checks-and-balances, ensuring all government entities perform with the highest level of integrity and professionalism at all times. This is precisely why the OIG must abide by its agreement with the Department until a new one is drafted and finalized by Sheriff Alex Villanueva, considering the current agreement in effect was agreed upon by you and the prior sheriff.

Additionally, in regards to OIG's access to hiring records as stated in the OIG August 2019 report, "Los Angeles County Sheriff's Department Compliance with Transparency Law," (OIG Report) you assert the Department has denied OIG access to hiring records. The source of that statement dates back to a request OIG made to the Sheriff on June 17, 2019 (See page 9, OIG report). Yet, the OIG report also indicated the Department extended an invitation to OIG to come and learn about the improvements in the hiring process and the components in general.

Captain John McBride and members of Personnel Administration Bureau (PAB) first met with Stephen Niwa and Dara Williams of the OIG on October 11, 2019, at the Hall of Justice. At that meeting, PAB shared information about the hiring process and improvements implemented to make it more efficient. They were given documents based on the day's discussion. The meeting ended with a future meeting date wherein OIG would be able to examine hiring packets. They gave PAB the discretion of which files to choose, adding they wanted to peruse them in order to learn what was included in the hiring packets and how they were organized. They asked PAB to select two random hiring packets prior to Sheriff Villanueva's administration and two from the most recent graduating academy class.

On November 15, 2019, PAB met at the Hall of Justice with OIG Stephen Niwa, Dara Williams, and Frederick Lacey, who was not present for the first meeting. Captain McBride expounded on the hiring process to explain the system improvements. He further indicated the hiring guidelines currently in place have not been changed from the previous administration.

OIG reviewed the hiring packets. Personal identifying information such as names, birthdates, addresses, and social security numbers were redacted. However, the background investigation, notes, and other pertinent information remained intact. It was clarified that no HIPAA related information (medical notes, psychological notes, etc.) was included in these specific hiring packets. However, OIG made it clear that they were seeking the identities of the applicants in the hiring process, including specifically the questions and answers from the psychological testing, the polygraph testing, and the medical exam. The Department made it clear that this information is HIPAA related and is not held or maintained by the Department, nor seen by the Department, and they would have to seek this information from Occupational Health Programs (OHP).

A future date to review packets for OIG's review was left unsettled. OIG acknowledged that a true comparative analysis of the former process to the current process could not be fairly made without a full year's time of the current process. This was because considerable improvements had been made to the current process. Additionally, there would be a number of hiring packets which have yet to be completed for the current process because of the time necessary to conduct a thorough background investigation.

OIG stated they would seek specific direction from you and contact PAB with a resolution to this matter and the meeting concluded. A subsequent meeting is

pending to discuss this ongoing issue, which we believe will come to a reasonable resolution.

To address your statement about being shown hiring packet samples selected by PAB, this was in response to OIG's request where they conceded they would not know how to analyze or approach a hiring packet for review, and instead asked PAB for a hand-picked sample in order to understand how they are organized and what they contain, more so than to actually review the background investigation itself.

You further asserted, without any foundation, that OIG has not been allowed to review the packets because the Department is attempting to "protect specific things that have been reported in the press about the hiring process..." As indicated, any redaction in the hiring packets which were reviewed by OIG was limited to personal identifying information of the applicant, i.e. names, addresses, and social security numbers. All other information relative to the background investigation remained intact. Given that there is a pending legal issue which has not been resolved, the Department wanted to cooperate.

Finally, the Sheriff is committed to transparency and has regard for OIG's role in this process. We look forward to working with OIG in the upcoming year and believe any differences in interpretation of the current MOA will be resolved in the best interests of public safety and our respective roles. We look forward to our joint efforts in this regard. Should you wish to discuss any portion of the foregoing, please contact me at your earliest convenience.

Sincerely,

ALEX VILLANUEVA, SHERIFF



TIMOTHY K. MURAKAMI
UNDERSHERIFF