

Professional Standards Division

Response to OIG Report Card on Sheriff's Department Response **2019 to 2022**

The following report was compiled by Professional Standards Division in response to OIG's "Report Card on Sheriff's Department's Reforms 2019 to 2022." This report provides answers and documentation in response to the OIG report, relating to Professional Standards Division.

Page 2, Recommendation #1: Update Department hate crime and hate incident tracking systems to ensure they are accurately identified, not underreported to DOJ or other agencies.

The Department has the following policies to enter all hate crime and hate incident reports into tracking systems to make sure they are accurately identified and not under reported:

- [4-01/100.15](#) Special Request Distribution (SRD); policy for tracking by stats/retention code and Crime Analysis;
- [4-02/010.05 – Retention Code](#) – Time Element;
- [4-11/012.00 – Hate Crimes](#), SRD, Statistical Codes for Tracking and Reporting; and
- [5-09/510.00 – Handling Hate Crimes](#)

Page 2, Recommendation #3: Require patrol deputies to use a checklist during hate crime investigations to help develop expertise in identifying and investigating such crimes.

MPP section 5-09/510.00 – Handling Hate Crimes, contains a full Hate Crimes policy, covering each requirement of AB 1985. The "Deputy Responsibility" section contains a list, and orders that deputies shall ensure the ten specific items are carried out. The items specified as per 422.87 of the Penal Code are included in the list in addition to further actions are in the section as follows:

In conducting the initial investigation of a hate crime or hate incident, the handling deputy shall:

- Give the victim time to voice their immediate concerns and express their feelings;
- Express empathy for the victim;
- Express the Department's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrator(s), and the deputy's and Department's interest in the victim's well-being;

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- Assist the victim in identifying and contacting community-based individuals or agencies that may provide support and assistance;
- Give the victim the brochure entitled, "A Brief Guide to Hate Crimes" and document the victim received the brochure in the incident report;
- Advise the victim they have a right to have their name and address remain confidential pursuant to Government Code section 6254(f)(2) and document their response in the incident report;
- Notify the field supervisor of the hate crime or hate incident and, if appropriate, request they respond to the scene;
- Ensure the "Bias-Motivated Incident" section of the Crime Analysis Information form – M.O. Factors is completed;
- Ensure that the proper hate crime statistical code (520-529) is used; and
- If the suspect is in custody, immediately notify a member of the Hate Crime Task Force. If after business hours, the member of the Hate Crime Task Force may be contacted through the Sheriff's Information Bureau (SIB).

The same information and list exist in Newsletter 19-10, Hate Crimes Response.

Page 2, Recommendation #4: Require personnel to familiarize themselves with AG's Hate Crimes Rapid Response Team protocol to ensure awareness of all resources available when handling qualifying hate crimes.

- See Hate Crimes Coordinator's response brochure, "A Brief Guide to Hate Crimes."

Page 3, Recommendation #8: Ensure compliance with 422.92 PC by routinely updating hate crimes brochure and distributing to victims of crimes and to the public.

- [A Brief Guide to Hate Crimes](https://lasd.org/wp-content/uploads/2021/08/Publication_Hate-Crimes_2020.pdf)
https://lasd.org/wp-content/uploads/2021/08/Publication_Hate-Crimes_2020.pdf
- See Hate Crimes Coordinator's response brochure, "A Brief Guide to Hate Crimes."

Page 3, Recommendation #9: Follow the requirements set forth in AB 1985.

The Department's compliance with AB 1985 with respect to policy is as follows:

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Per 422.87 PC:

- **(a)(1)** Definitions per this section are listed in MPP section 5-09/510.00, Handling Hate Crimes, and in Newsletter 19-10, Hate Crimes;
- **(a)(3)(A) through (C)** Information regarding bias-motivation, recognizing disability-bias hate crimes, and information regarding the general underreporting, to be included in policy per this law section, are listed in MPP section 5-09/510.00, Handling Hate Crimes;
- **(a)(4)** - Information regarding the general underreporting of hate crimes, to be included in policy per this law section, are listed in in MPP section 5-09/510.00, Handling Hate Crimes;
- **(a)(5)** - A protocol for handling hate crimes has been developed and implemented in the following policies:
 - 4-01/100.15 - Special Request Distributions (SRD);
 - 4-02/010.05 - Retention Code;
 - 4-11/012.00 – Hate Crimes; and
 - 5-09/510.00 – Handling Hate Crimes.
- **(a)(6)** The protocol for reporting suspected hate crimes to DOJ and the name of the responsible Department member(s) are detailed in MPP section 5-09/510.00, Handling Hate Crimes;
- **(a)(6)** The responsibilities to be included in a deputy checklist per this section, **are built in to and listed as required duties** in MPP section 5-09/510.00, Handling Hate Crimes. Because these requirements are delineated here, the MPP exceeds the minimum standard and provides a comprehensive protocol far beyond the benefit of a checklist;
- **(a)(7)** There is no specific procedure for periodically retransmitting any certain policy; however, FOSS has transmitted the following Department messaging regarding hate crimes since 2019;
 - 6/5/19 Newsletter 19-10, Hate Crimes and included MPP sections 4-11/012.00 – Hate Crimes, SRD, Statistical Codes for Tracking and Reporting, 4-01/100.15, and;
 - 8/12/20 Newsletter 19-10.

FOSS is available daily to answer direct internal inquiries, and has fielded calls on the following dates with questions pertaining to handling hate crimes:

- 8/9/18 and 2/25/20, 9/27/22.

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- **(a)(8)** The title of the officer responsible for assuring there is a hate crime brochure is the Hate Crimes Coordinator who is part of the Hate Crimes Task Force and is responsible for coordinating hate crimes training. These responsibilities have been delegated as such; and
- **(a)(9)** There is not a Department policy requiring that deputies are familiar with the Hate Crimes policy specifically, rather, the requirement is that, it is the responsibility of every employee to understand additions, amendments, or deletions to Department policy, per MPP section [1-01/040.05 - Distribution of Manual Revisions](#).

Page 7, Recommendation #2: The allegations-of-force cases should be properly tracked and reported in a consistent manner. The Sheriff's Department should develop a department-wide policy to accomplish this. These cases should be tracked and reported in a centralized computer database accessible to unit commanders and not simply on a tracker at the Discovery Unit.

When the Discovery Unit receives Allegation of Force packages, the information is placed on an Excel spreadsheet. These incidents are not entered into the Force Module in PRMS since this module only captures actual Use of Force incidents.

The Department is currently in the process of updating the Watch Commander Service Comment Report. When the new updates/changes are implemented, there will be a new check box/category for Personnel: Force-Allegation. Custody Division's allegations of force are currently documented on Inmate Grievance Against Staff.

Page 8, Recommendation #3: The Sheriff's Department should reassess its definitions of unfounded and exonerated within the Manual of Policy and Procedures and adjust them to mirror the definition of those terms in Penal Code sections 832.5(d)(2) and (3).

The Sheriff's Department has made changes to the Department's dispositions to match the California Penal Code section 832.5(d)(2) dispositions along with using the same definitions. These changes will reflect in PRMS when the updates/changes to the Service Comment Report Module/process/handbook/policy are implemented.

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Page 8, Recommendation #4: The Sheriff's Department's Professional Standards Division should take a more active role in monitoring those cases assigned to unit personnel for investigation to ensure the cases are handled appropriately. This would address the possibility that station standards as to "reasonable" conduct may vary throughout the Department.

The Discovery Unit does an extensive review of all Service Comment Reports. If there is a question regarding the disposition, our personnel will contact the unit.

Page 9, Recommendation #6: We recommend that all citizen complaints alleging unreasonable force be documented as service comment reports even if a full inquiry is deemed unnecessary before referring the case for an administrative or criminal investigation. Such documentation is necessary to track how many unreasonable force investigations are initiated by citizen complaints.

This recommendation will be implemented in the new SCR procedures/policies once they are rolled out.

Page 16, Recommendation #2: The Risk Management Bureau should conduct quality control checks of all updates to PRMS files to ensure that force packages are updated in PRMS with the most current information.

The PRMS Team completes quarterly quality control checks on cases that have been received and data entry has been completed. We have implemented a "double check" system to ensure data entry is correct for each package; however, the priority is to complete the data entry for incoming packages.

Page 19, Recommendation #1: The Sheriff's Department should thoroughly investigate internal criminal allegations. A thorough investigation includes investigating possible motives of the suspects as well asking questions that would elicit information as to a witness's potential bias. Investigators should follow all LASD policies and procedures and should apply the same investigative practices to investigations relating to alleged gang behavior of deputies as would be employed in the investigation of a serious crime by a suspect who is not an employee of the Sheriff's Department.

ICIB conducts nonbiased investigations. If during the course of a criminal investigation it is reported that a subject employee is suspected of involvement in law enforcement

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gangs (as described in Penal Code 13670) and engaged in a pattern of rogue on-duty behavior that violates the law, it will be explored.

Page 20, Recommendation #2: Department should compel statements from all witness deputies not invoking the Fifth Amendment and is not a subject of a criminal investigation.

A revision draft to MPP section 3-01/040.75 - Dishonesty/Failure to Make Statements and/or Making False Statements during Departmental Internal Investigations, was vetted, fully executed by Department executives, and submitted to BOLRAC to notice the CCU's on May 4, 2021. Between July 2021, and February 2022, the Department and ALADS and PPOA attempted to reach an agreement on the policy. Constitutional Policing Advisor, Georgina Glaviano proposed new policy to capture ALADS' and PPOA's concerns. No agreement was made between the parties, it was rescinded from the unions, and was closed. A policy draft with new language was initiated with FOSS as a new project in October 2022.

Professional Standards Division (PSD) is currently conducting a work group regarding this topic. An Informational Bulletin has been created titled, "Procedures for Conducting Compelled Employee-Witness Interviews During Non-Administrative Investigations" and is pending Departmental approval.

Page 21, Recommendation #2: The Department should track and publish data on the number of times deputies unholster and point their firearm at a person and under what circumstances:

The Department tracks every instance of the use of a firearm, or pointing a firearm at a person, via the Sheriff's Automated Contact Reporting System (SACR) entry or the SH-R-636 paper form (Page 1), in strict accordance with AB 953 and the Stop Data reporting regulations set forth by the Racial Profiling and Identity Act (RIPA) Board. This includes uploading the required data to the Department of Justice, who publish this information.

- [SH-R-636](#), AB 953 Contact Report Form.

Page 21, Recommendation #1: The Sheriff's Department should adopt a policy to ensure sensitivity toward those grieving at memorial sites involving a fatal use of force.

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The following are the Sheriff's Department's policies regarding this recommendation:

- [Newsletter 20-03, Memorial Vigils](#); and
- A Field Operations Directive titled, Professional/Compassionate Demeanor at Memorial/Funeral Sites was authored by FOSS in 2021, however, never received approval to be published.

Page 23, Recommendation #1: The Department should implement policies to obtain written or verbal consent to consensual searches of one's person, including capturing consent on body-worn cameras.

On 12/14/20, FOSS was tasked with authoring a newsletter regarding consent to search on body-worn cameras, by retired Chief Matthew Burson. The newsletter draft was completed and submitted to Professional Standards Division on 12/16/20; however, there were no further orders to proceed.

Page 25, Recommendation #6: The Department should have training to address the IOG's presumption there is a culture of reluctance amongst deputies to allow the public to film them in the performance of their duties.

The following are the Sheriff's Department's policies regarding this recommendation:

- [3-01/080.16 - Photography, Audio, and Videotaping by the Public and the Press](#);
- [5-04/020.30 - Seizure of Photographic, Video, or Audio Evidence From a Private Citizen or Member of the Press](#); and
- [Newsletter 14-07 - Citizens Taking Pictures/Video In Public Places](#).

Page 27, Recommendation #1: Provide the Office of Inspector General with independent access to PRMS.

OIG personnel are able to access PRMS at a designated terminal in the Discovery Unit via an appointment.

Page 28, Recommendation #1: Best practices regarding less lethal during civil unrest, to comply with US District Court Preliminary Injunction.

The following are the Sheriff's Department's policies regarding this recommendation:

- [5-06/030.11 - Use of Less Lethal Weapons During Civil Unrest](#); and

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- [5-06/030.12 - Use of Kinetic Energy Projectiles and Chemical Weapons to Disperse Assemblies, Protests, or Demonstrations.](#)

Page 32, Recommendation #5: The Department must ensure personnel do not dissuade complainants from filing reports.

These policies specifically prohibit any Department member from dissuading a citizen from making a report, that they shall take the first report, or be subject to disciplinary measures, as well as supervisors' duty to ensure the policy is followed or follow-up with disciplinary measures:

- [4-01/005.10 - Responsibility of the Reporting Deputy;](#)
- [4-01/005.11 - Responsibility of the Field Sergeant;](#) and
- [4-01/005.15 - Responsibility of the Watch Sergeant.](#)

Page 35, Recommendation #1: Deputies should not view video that captured a use of force regardless of the category of force used, prior to authoring their reports on the incident.

The Department's Manual of Policy and Procedures section 3-06/200.55, Use of Force Incidents was referenced which outlines the protocols for Department members to view body worn camera (BWC) records after a use of force incident.

The Department's Use of Force policies are under review and revision. During the review process, Professional Standards Division Order #2, Viewing of Video Footage By Involved Personnel Prior to Authoring a Report or Participating in an Interview, was created on October 21, 2021. The Order states, in part, "Absent evidence of the involved personnel being engaged in criminal conduct or conduct likely to result in suspension or termination, the lieutenant shall permit the involved personnel to view their body worn camera recording before authoring a report or participating in an interview."

Page 39, Recommendation #1: The Sheriff's Department should conduct concurrent investigations, by the Homicide Bureau (criminally) and by the Internal Affairs Bureau (administratively) after a deputy-involved shooting has occurred.

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The Department entered into a settlement agreement in connection with the legal action of Johnson and Gates v. County of Los Angeles in 1991. The resulting Settlement Agreement governed how the Department conducts administrative investigations when deputies are the subject of a criminal investigation for the same incident.

When a deputy sheriff is concurrently the subject of a criminal investigation and an administrative investigation arising from the same incident, act, or omission, or has criminal charges pending from an incident, act, or omission which is also the subject of an administrative investigation, the Department shall not require or compel said deputy sheriff to submit to an interview in that administrative investigation, until one of the following occurs:

- The Department or other law enforcement agency with jurisdiction over the criminal offense, determines that criminal charges will not be sought against said deputy sheriff. The Department's determination that criminal charges will not be sought against said deputy sheriff is irrevocable at the point said deputy sheriff is compelled to submit to administrative interrogation.
- The prosecuting attorney's office rejects, declines to file, a criminal complaint against said deputy sheriff.
- Deputy sheriff was arraigned on the criminal charges.
- Deputy sheriff requests a continuance on the criminal charge or charges.

The Gates/Johnson Settlement Agreement does not prohibit conducting an administrative investigation specifically. The Department's Internal Affairs Bureau practice is to conduct a limited review and preliminary investigation, pending the outcome of the District Attorney's Office Justice System Integrity Division review of hit-shooting incidents. There is no delay in the administrative investigation for all other types of shooting incidents.

Page 39, Recommendation #2: The Executive Force Review Committee and the Case Review proceedings should be held only after both the Homicide Bureau and Internal Affairs Bureau investigations are completed so that the committees have the benefit of making decisions based upon all available information gathered; pertaining to deputy-involved shooting of Ryan Twyman.

A review of the deputy-involved shooting involving Ryan Twyman was evaluated by the Executive Force Review Committee (EFRC) and referred to the Department's Case Review panel. At the time the EFRC and Case Review panels rendered their decisions, the Homicide Bureau investigation and Internal Affairs Bureau shooting review were completed. It has been prudent in select incidents of a serious nature, to move forward

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with the information known, so that Department executives can evaluate and make decisions when the involved employees acted in an egregious matter.

Page 40, Recommendation #3: The Sheriff's Department executive staff should consult with County Counsel in order to fully understand the practical application of the Gates-Johnson agreement which would serve to expedite Internal Affairs Bureau investigations; pertaining to the Gates-Johnson agreement only restricts compelled statements, but not consecutive investigations.

Internal Affairs Bureau will continue to conduct investigations based on direction from Department executives related to the Gates-Johnson Settlement Agreement, established protocols, the Peace Officer Bill of Rights, and Department policies and procedures.

Page 43, Recommendation #4: The Department should develop internal controls ensuring Deputies are entering stop data in both CAD and SACR.

The following are the Sheriff's Department's policies regarding this recommendation:

- [Newsletter 21-03 - SACR MDC/CAD Clearance Codes;](#)
- [18-004 Sheriff's Automated Contact Reporting \(SACR\);](#)
- [MPP section 5-09/520.05 - Stops, Seizures and Searches;](#)
- [MPP section 5-09/520.20 - Logging Public Contacts;](#)
- [MPP section 5-09/520.25 - Logging Field Activities;](#) and
- [MPP section 3-01/000.05 - Bias - Free Policing.](#)