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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.  
15 THE COUNTY OF LOS ANGELES  
AND THE LOS ANGELES COUNTY  
16 SHERIFF'S DEPARTMENT,  
17 Defendants.  
18

CASE NO. 2:15-CV-03174-JFW-FFM  
**SUBMISSION OF MONITORS'  
FIFTH SEMI-ANNUAL REPORT**

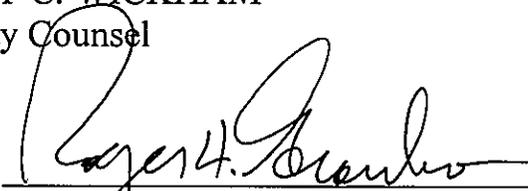
19 On May 1, 2015, the Court approved and entered the parties' Settlement  
20 Agreement ("Agreement") to resolve the United States' claims against the County of  
21 Los Angeles and the Los Angeles County Sheriff's Department pursuant to  
22 42 U.S.C. 14141 (re-codified at 34 U.S.C. § 12601) and the Fair Housing Act, 42  
23 U.S.C. 3601 *et seq.*

24 Paragraph 171 of the Agreement requires the Monitors to publically issue a  
25 report every six months that details the Parties' progress in implementing the  
26 Agreement and achieving compliance with the Agreement. The parties hereby  
27 submit the Monitors' fifth semi-annual report.

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DATED: 12-21-17

MARY C. WICKHAM  
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By   
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Attorneys for the County of Los Angeles and  
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# **Attachment**

# Antelope Valley Monitoring Team

## Fifth Semi-Annual Report



December 2017

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## I. INTRODUCTION

This is the fifth semi-annual report issued by the Monitoring Team (MT). It covers the monitoring activities that have taken place during this reporting period and in the months prior. This report provides an overview of both administrative and operational issues. It describes the MT's observations as to the progress of Los Angeles County and the Los Angeles County Sheriff's Department (LASD) in meeting the requirements of the Settlement Agreement (SA)<sup>1</sup> for the Antelope Valley (AV). This report focuses primarily on work undertaken between July 2017 and December 2017.

The MT continues to devote considerable attention to reviewing and revising policies, procedures, and training curricula; working with LASD and the US Department of Justice (DOJ) to develop compliance measures for the various provisions in the SA; reviewing LASD systems data; and examining community engagement activities in the AV. The review of LASD accountability processes, the planning for the AV-wide community survey, the review of LASD stops data, and planning and conducting MT audits were key activities of this reporting period. This report covers progress in those areas, along with a discussion as to how this work fits into the broader context of achieving the objectives of the SA.

As in previous reports, this report addresses the SA provisions where the Department has reached compliance or made substantial progress. Those provisions where compliance has not yet been met are also discussed, with comments about what areas will likely require substantial time and resources for the Department to come into compliance or for the MT to effectively assess levels of compliance. When possible, this report also summarizes the sequence of activities and steps the Department must take to achieve full compliance.

The MT recognizes and values the efforts of the LASD and the Office of County Counsel and their commitment to achieving the goals of the SA and making real improvements to law enforcement services in the AV, as well as the continuing efforts by DOJ staff to support meaningful outcomes. The working relationships and processes followed by LASD, DOJ, and the MT have consistently reflected a spirit of cooperation and collaboration. The MT also once again wants to acknowledge and express its appreciation to the AV community members for their candid participation in meetings and engagement in the various activities that are underway.

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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).

### The Antelope Valley Settlement Agreement: Summary

The Antelope Valley Settlement Agreement (SA) was established between the US Department of Justice (DOJ), Civil Rights Division; the Los Angeles County Sheriff's Department (LASD); and the County of Los Angeles and was filed with the US District Court for the Central District of California in April 2015. (DOJ, LASD, and the County together are referred to as the Parties.) The purpose of the SA is to ensure that the residents of the 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. As per Paragraph 171 of the SA between the Parties, the Monitor submits 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 roughly split between the two.

#### **A. A Note About Compliance**

Much of the SA involves the development or revision of policies, procedures, or training, and putting into place various processes (such as a plan for ensuring new AV deputies receive training) and entities (such as the Community Advisory Committees [CACs]). This work is usually done in a collaborative fashion among the parties and MT, with documentation of the change (new policy, revised training, etc.) eventually being formally submitted to the MT and DOJ for approval. Gaining that approval would seemingly indicate that the Department is now "in compliance" with that provision. However, while it does represent a crucial step forward, the Department at that stage is considered to be in *partial* compliance (or "policy compliance"). This is because, in most cases, there are more steps involved before the Department reaches full **implementation** (SA paragraph 20) and, thus, compliance. For instance, an approved policy may need to be distributed to every deputy and incorporated into training curricula (which includes the content of the training course and the plan or method by which it will be administered or taught). An approved training curriculum will, then, require documentation that appropriate personnel receive the training. Importantly, each of the established reforms—for instance, the policies and trainings—will need to be found to perform or "work" in the real world, that is, they will need to be assessed through such MT activities as reviews, audits, interviews, observation,

and data analysis and found to be successfully reflected in law enforcement practices and in the qualitative and quantitative impact on the AV community. Additionally, in many cases the SA requires there to be ongoing improvement in delivery of services (SA paragraph 15). Finally, this performance needs to be sustained for one year to reach **full and effective compliance** and to satisfy the terms of the SA (paragraph 205).

This process toward compliance is laid out in the Settlement Agreement, especially through the following paragraphs:

- 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 laid out in the compliance measures section of each SA sections work plan. That is, the compliance measures currently being reviewed by the Parties will establish the qualitative and quantitative criteria by which the MT will determine consistent and verified performance and, thus, compliance.
- Paragraph 205. The terms of the Settlement Agreement 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.”
- Paragraph 15. **Full and effective compliance** means “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.”

## II. WORK TO DATE

This section of the report provides detailed descriptions of the work performed to date by LASD, DOJ, and the MT to ensure the requirements of the SA are fulfilled, concentrating primarily on those activities undertaken over the past six months (July through December 2017). The report discusses MT observations related to the goals, scope, and nature of the work; issues and obstacles that have arisen in the course of the work; MT findings; and certain critical observations made. LASD's progress toward compliance with each of the sections of the SA is delineated along with steps toward compliance that are still left to be addressed.

As in past semi-annual reports, one section of the SA—Data Collection and Analysis—is not addressed separately. The concepts and activities for data collection and analysis have significant overlap with the other sections of the SA. The work on data collection and analysis done thus far is best understood within the context of the other sections to which it also

pertains; therefore, related discussions are embedded as appropriate in those other sections. Finally, some SA paragraphs will be discussed in more than one section of this report because some SA paragraphs address more than one area of AV policing. For example, paragraph 51 concerns constitutional stops and searches, Section 8 housing compliance, and bias-free policing. Similarly, "accountability" is addressed throughout the SA, not only in the Accountability section.

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

The Settlement Agreement provisions describe the way in which LASD-AV deputies must conduct and document investigative stops, detentions, and searches. These provisions also detail how Department supervisors and managers must document, track, review, and assess these practices.

The preamble to the Stops, Seizures, and Searches section states:

*LASD agrees to ensure that all investigatory stops, seizures, and searches are conducted in accordance with the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. LASD shall ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-productive divisions between LASD and the community, and are adequately documented for tracking and supervision purposes. (SA Page 7)*

### **1. LASD Activities**

The LASD Audit and Accountability Bureau (AAB) conducted an audit of stops and detentions and the data collection surrounding those encounters (dated December 9, 2016). A stated purpose of this audit was to determine if the AV stations were conducting the supervisory review and retention of the Deputy Daily Work Sheets (DDWSs) required by SA paragraph 59. Until the compliance metrics for the Stops section of the SA are finalized, the MT cannot assess compliance with the DDWS review provisions nor determine if the AAB audit provides reliable evidence of compliance.

During and prior to this reporting period, LASD staff made some important modifications to their systems to properly capture those elements required by the SA and fulfill their obligation of overseeing the decisions and practices of their deputies. In support of these changes, in January 2017, LASD published a manual to guide employees in their understanding and application of the SA requirements regarding the documentation of investigative stops and detentions. The contents reinforced the importance of using the proper clearance codes when conducting "vehicle, pedestrian, or bicycle stops based on probable cause, reasonable suspicion, or for other investigative purposes or to follow up on leads from prior cases" (LASD-AV Stop Manual at page 1). In addition to the clearance codes pertaining to stops, the manual notes that the

Department's computer system has been enhanced to let deputies enter certain information, such as their justification for conducting a search.

## 2. Monitoring Team Activities and Observations

In this reporting period, the MT focused on ensuring critical data points are consistently identified, memorialized, and ultimately evaluated by supervisors and management. LASD's data systems and business processes are crucial tools and processes that are relied upon to ensure the Department and the MT have the means to evaluate the successful implementation of SA provisions and monitor compliance.

The vast majority of interactions between deputies and community members require data entry into the deputy's mobile computer. When a deputy stops and detains someone, however brief in duration, the facts and circumstances that led to that stop and detention and any subsequent action must be rigorously documented and, later, reviewed in an effort to assess the deputy's decision making, the legality of his or her actions, and compliance with LASD policy and the terms and conditions of the SA. Data entry regarding stops requires entering one or more alpha or numerical code, for which there are codebooks for the deputies to consult. It is the codes that determine which other fields appear on the screen and that he or she must complete. Importantly, it is also the codes that supervisors, managers, and auditors typically use to retrieve information about each entry. To illustrate, a supervisor may want to review all records from the past month for pedestrian stops, which use code 841. Requesting all of the month's activity for code 841 will retrieve pedestrian stops rather than other kinds of stops, but it will not retrieve pedestrian stops that were entered into the system with a different code. Therefore, when the appropriate codes are not used, that supervisor cannot know if he or she is actually reviewing all of the types of stops in question.

Though the majority of LASD-AV stops data are entered correctly, the MT observed instances when encounters between deputies and the public were not properly classified as investigative stops and detentions when it would have been appropriate to do so. All encounters between deputies and community members are important, but for some it is particularly critical that the circumstances are thoroughly and accurately reported. The most significant intrusion that results from a deputy-citizen encounter is a custodial arrest. Under those circumstances, the basis for the deputy's actions are documented in a statement of probable cause that is reviewed by an LASD supervisor and ultimately a judge. However, the MT found that arrests that result from an investigative stop and detention are not always classified using the statistical codes typically associated with pedestrian, vehicle, or bicycle stops. Therefore, the Department (and the MT and other observers) cannot know with certainty whether all stops and arrest documentation in patrol logs receive the same level of scrutiny and supervisory review that is required of all investigative stops, detentions, and searches pursuant to the terms and conditions of the SA.

There are encouraging signs that LASD personnel recognize the importance of—and that steps are being taken to ensure—accurate and thorough data entry. During the most recent site visit

to the Antelope Valley, the MT rode with patrol deputies assigned to the Lancaster and Palmdale stations. During the time spent with deputies, deputies discussed how they capture information in the field during a vehicle, pedestrian, or bicycle stop. The deputies were knowledgeable of the processes. When asked how the SA may have better informed the documentation of investigative stops, detentions, and searches, one deputy underscored the importance of rigorous data collection and complete and accurate narratives. And, though he clearly recognized the space limitations on the computer data entry form, he explained how supplemental reporting can be entered into the database to ensure that the narrative is complete and thorough.

During a recent visit, the MT learned from the Compliance Unit of a particular incident where the entry of an improper clearance code had been used to close an event. In addition to ensuring that the proper code was then entered, a member of the Compliance Unit contacted the deputy and provided the instruction and reinforcement necessary to prevent similar mistakes in the future. It is precisely this level of scrutiny on the part of both the station and Compliance Unit staff that is necessary to ensure the integrity of the stop data required under the SA. The MT expects—in accordance with the terms and conditions of the SA—that such errors be promptly identified at the first-line supervisor's level and corrected immediately to ensure that the stop database reflects the most current, timely, and accurate information. The MT will be reviewing coding errors and other discrepancies to assess such questions as: How pervasive is the problem? In what circumstances is it most likely to happen? What procedures, training, supervision, performance assessment, or other Department processes can be adjusted to help avoid the problem? Can technical data entry changes help?

### 3. Steps Toward Compliance

The AV stations are continuing in their progress toward achieving compliance with the provisions of the SA related to Stops.

#### *i. Stops Training Provisions*

The training provision related to Stops, Seizures, and Searches addresses provisions in at least two other SA sections. For further discussion, see also the Bias-Free Policing and Enforcement of Section 8 Compliance sections below. Monitoring work related each of these sections will be conducted in conjunction for purposes of efficiency and clarity.

As reported in the last semi-annual report, the Parties and the Monitors agreed that the Stops, Bias-Free and Section 8 trainings can be addressed together in two trainings—Constitutional Policing training and Bias-Free Policing training. Significant work by the Parties and the MT yielded curricula for both trainings and a schedule for the pilot of the trainings.

The training pilots were conducted June 14 and 15 of this year, and both trainings received favorable feedback from the Parties and the MT. These eight-hour pilots for each training were

conducted for a class of LASD-AV deputies at the Lancaster Station. Thorough debriefings with the trainers occurred immediately after the session and in a subsequent conference call with the Parties. The feedback included the following.

- The training was effective and efficient, and the use of time, examples, and devices were excellent. The trainer demonstrated an outstanding command of the subject matter.
- The use of the white board was excellent, as was weaving anecdotes into the content.
- In future trainings, spend more time on implicit bias, including a discussion of the science on how the brain works.
- Try to integrate into the presentation videos related to the subject of bias, in particular, on fair housing.
- Integrate the Fair Housing Act (FHA) discussion into the rest of the Bias-Free curriculum at the beginning of the training session. Use housing examples during the bias discussion of bias.

The trainers were highly responsive to feedback and incorporated the Parties' comments into the subsequent trainings that were held in July, August and September. They worked closely with the parties to further refine the material as the training progressed. The MT and DOJ attended some of these subsequent training sessions which they found to be greatly improved over the June pilot in the following ways:

- The implicit bias brain science materials had been supplemented in a way that better informed and held the participants' attention.
- The addition of a series of short videos from the UCLA Office of Equity, Diversity, and Inclusion, along with other videos proved to be excellent teaching tools.
- The FHA discussion was moved from the end of the presentation—where it had been delivered during the pilot—to earlier in the bias-free discussion, which greatly improved the flow of the instruction.

The curricula for both trainings were then approved by the MT and DOJ, and the course was held several more times until most LASD-AV deputies had received the training.

The next step in this process is the Department providing documentation to the MT that all appropriate personnel have received the trainings and that a plan has been implemented to ensure those personnel who return to work or begin work anew in the AV also receive the

trainings. The Department has recently submitted this documentation; the MT and DOJ are reviewing it to be sure it includes all the information necessary.

The MT's assessment of Stops, Bias-Free and Section 8 training compliance will include a review of any revisions to the trainings or how they are conducted that may become necessary based on the audits and outcome analysis. The MT and DOJ will also review the bias-free roll call trainings now under development as well as the Department's continuing consultation with the Museum of Tolerance. MT review will include continued inspection and oversight of the training programs and curricula, including supervisory review. This process will include observing sample training sessions to assess whether they are thorough and effective. It will also include a periodic review of training records to verify that existing AV deputies, supervisors and managers have received the trainings. To ensure that any new AV supervisors and managers or those returning from an extended absence receive the requisite trainings, the MT will periodically review those records.

ii. *Stops Policy and Practice Provisions*

Policies and procedures addressing the following provisions have been approved by the MT and DOJ; compliance will be assessed through monitoring activities including stops audit and data analysis, complaints audit, and field observations.

*LASD-AV deputies shall only conduct investigatory stops or detentions where the deputy has reasonable suspicion that a person has been, is being, or is about to be engaged in the commission of a crime. (SA paragraph 41)*

*LASD-AV deputies shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, except as part of actual and credible description(s) of a specific suspect or suspects in any criminal investigation. (SA paragraph 43)*

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

*length of any backseat detention; (j) whether a consent search of an individual was conducted, and if so, the reason for seeking consent; and (k) whether a vehicle was impounded and the justification for the impoundment. (SA paragraph 44)*

*LASD-AV deputies shall use accurate and specific descriptive language and not rely solely on "boilerplate" or form language in any reports describing factual circumstances of investigatory stops, detentions, and searches. (SA paragraph 45)*

*LASD will revise its policy and training about backseat detentions to ensure that they only occur when a LASD-AV deputy has individualized reasonable suspicion that justifies the detention and when a deputy can articulate reasonable deputy safety concerns, and to ensure that supervisors understand how to assess the reasonableness of a backseat detention. (SA paragraph 47)*

*LASD-AV deputies may not conduct backseat detentions as a matter of course during routine traffic stops or domestic violence situations. When LASD-AV deputies do conduct backseat detentions, LASD shall continue to require deputies to explain to civilians in a professional and courteous manner why they are being detained in the backseat of patrol cars. LASD will not permit backseat detentions based on unreasonable or factually unsupported assertions of deputy safety. Backseat detentions shall not be used except where the deputy has an objectively reasonable belief that the detained person may pose a threat or be an escape risk. In instances where the backseat detention is premised on weather conditions or the detainee's articulated desire for privacy or personal safety, the deputy will inform the individual that the detention is optional. (SA paragraph 48)*

*LASD policy will specify that if an individual complains about being detained in the backseat of a patrol car, the LASD-AV deputy shall call for a field sergeant to respond to the scene and take the individual's complaint. If the individual does not want to wait for the field sergeant to respond to the scene, the deputy shall provide the individual with a complaint information brochure, currently called "Procedures for Public Comment" and the deputy's business card. (SA paragraph 49)*

*LASD-AV deputies shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, sexual orientation, or gender identity in exercising discretion to conduct a search, except as part of an actual and credible description of a specific suspect or suspects in any criminal investigation. (SA paragraph 50)*

*LASD-AV deputies shall not conduct arbitrary searches. The request to conduct a consent search must be reasonable and a deputy must be able to articulate a valid reason under law and LASD policy for initially having stopped the individual. (SA paragraph 51)*

*All LASD-AV deputies equipped with body worn audio or video recorders shall record all requests for consent to search and the individual's response. Where a subject is Limited English Proficient, the deputy shall affirmatively inform the subject in the appropriate*

*non-English language. LASD agrees to work with Community Advisory Committees (CACs) to conduct outreach to explain to AV residents their right to refuse or revoke consent before or during a search. This outreach will include a one-page written explanation of an individual's right to refuse or revoke consent. This written explanation will be posted on the LASD-AV website and provided at community meetings. An LASD-AV deputy shall immediately notify a supervisor when considering a home search based on consent, and the supervisor shall approve the search before it is conducted. (SA paragraph 52)*

*LASD-AV deputies shall only conduct searches of individuals on probation or parole in accordance with the provisions of this section and when knowledge of a probation or parole search condition has been established. (SA paragraph 56)*

iii. Stops Section 8 Provisions

Policies addressing the following Section 8-related provisions have been approved by the MT and DOJ; compliance will be assessed through monitoring activities including stops audit and data analysis, complaints audit, and field observations. This work will be conducted in conjunction with the work related to the Enforcement of Section 8 Compliance section below.

*In conducting searches, particularly searches related to Section 8 compliance checks, LASD-AV will use only the number of deputies reasonably necessary for efficacy and officer safety based on the circumstances of the search. A supervisor must approve the use of more than two deputies for any consent search. If a supervisor is not available within a reasonable amount of time, a supervisor will review the documentation or recording of consent as soon after the search as possible. (SA paragraph 53).*

*LASD-AV deputies shall only be involved with a Section 8 compliance check where the housing authority agent has sufficiently articulated legitimate safety concerns. (SA paragraph 54)*

*When LASD-AV deputies conduct searches or Section 8 compliance checks and individuals other than the subject of the search are present, the individuals shall not be detained longer than reasonably necessary to conduct the search and secure the area, and the individuals shall not be subject to frisk or search without the legally requisite level of individualized suspicion or probable cause. (SA paragraph 55)*

4. Stops Accountability Provisions

Several SA provisions in this section address the accountability of deputies, supervisors, and management in ensuring the policies and training developed are consistently and accurately reflected in LASD practice. Provisions also require LASD to conduct analysis and review of the

impact of its policies and practice both internally and in the AV community; another step toward holding the Department accountable to the SA standards. These provisions are listed here.

*LASD-AV shall collect and analyze data related to searches based on probation or parole status. LASD shall assess the efficacy of this tactic and its impact on the community and make policy changes accordingly. (SA paragraph 46)*

*LASD agrees to implement additional accountability and supervision practices outlined below in the Antelope Valley, and ensure that existing policies are followed, to ensure that unlawful stops, searches, and seizures are detected and effectively addressed. (SA paragraph 58)*

*Sergeants assigned as raters shall regularly audit their assigned deputies' stop, search, and seizure documentation in addition to arrest reports and citations for completeness, accuracy, and legal sufficiency. Sergeants shall audit at least one CAD log for each deputy under their supervision each week. Sergeants shall conduct further review as indicated by weekly audits, PPI information and other indicia. (SA paragraph 59)*

*If a deputy's stop, search, or seizure documentation does not provide sufficient detail or articulate sufficient legal and policy justification for the action, the supervisor shall review the action with the deputy to determine whether there was sufficient legal and LASD policy justification. (SA paragraph 60)*

*Antelope Valley supervisors and commanders shall take appropriate action to address all violations or deficiencies in stops, searches, and seizures including non-disciplinary corrective action for the involved deputy, and/or referring the incident for disciplinary action. (SA paragraph 61)*

*Antelope Valley supervisors and commanders shall track repeated violations of the provisions of this agreement or deficiencies and the corrective action taken, if any, in PPI. (SA paragraph 62)*

*LASD agrees to hold accountable supervisors and Antelope Valley station commanders for appropriately and thoroughly reviewing reports and documentation related to stops, searches, and seizures, and requiring deputies to articulate sufficient rationale under law and LASD policy. (SA paragraph 63)*

## 5. Next Steps

The MT provided the Parties with a work plan, including compliance measures, which the Compliance Unit is in the process of reviewing. This will guide the team's efforts in reviewing stops data and assess the accuracy of data entry, completeness of narratives, and compliance with the SA.

The MT has begun to plan and to conduct a preliminary analysis of LASD's data related to stops, detentions, seizures, and arrests; related practices; and accountability processes. A core analysis will be of statistically significant random samples of stop data recorded over the preceding 12 months to assess compliance with the SA. This review will assess a variety of SA-related factors, including the accurate collection and analysis of investigatory stop and detention data, supervisory and management oversight, internal audits, and taking appropriate corrective action as necessary. The MT will conduct a full review, with particular focus on certain topics emphasized in the SA, such as backseat detentions and stops pertaining to persons on parole or probation. Our work will include review of DDWS logs, arrest reports, and clearance narratives that outline the facts and circumstances that led to the search and of performance evaluations and records pertaining to supervisorial and management review of stops, searches, detention, and arrests, and any other reports and documents related to investigations.

In addition to reviewing internally generated documentation of investigatory stops and detentions, the MT will review community complaints; make frequent and direct observations of activities that occur in the field; conduct interviews with deputies, supervisors, and managers; and review other records such as video and audio recordings and claims for damages from citizens who allege Constitutional harms.

As mentioned above, investigative stops represent intrusions that, if overused, used without justification, or conducted without appropriate respect and professionalism, can lead to mistrust of law enforcement within the community. Therefore, as part of its review of the impact of actions in the field, the MT will assess community attitudes toward LASD with regard to investigative stops, detentions, and searches. LASD-AV efforts to build and sustain collaborative relationships with the diverse communities it serves will also be considered. In particular, the MT will review LASD community engagement activity, CAC activity (see SA paragraph 93), the organizational climate and culture assessment (see SA paragraph 69), and the community survey (SA paragraphs 98–101). For efficiency, as appropriate, data reviews and other activities will be done in concert with the monitoring activity related to other relevant sections of the SA such as Community Engagement, Enforcement of Section 8 Compliance, and Accountability.

The SA sets out clear expectations and requirements of how first-line supervisors and managers must supervise the work of LASD-AV deputies. Competent, direct, and consistent supervision provides the framework for the fair, Constitutional, and professional policing required by the SA and expected by the diverse communities of the AV. To verify that those requirements and expectations are met, the MT will continue to assess how LASD-AV supervisors ensure that investigative stops, detentions, and searches are consistent with the SA, LASD-AV, and the Constitution.

## **B. Bias-Free Policing**

The primary goal of the Bias-Free Policing section of the SA is encapsulated in SA paragraph 64:

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

LASD is providing the AV deputies with new policies and training meant to ensure bias-free policing is a standard reflected in every interaction between Department personnel and community members. This section of the report describes the additional LASD and MT activities underway to reach that goal.

### 1. Steps Toward Compliance

To be in compliance with the Bias-Free Policing section of the SA, the LASD-AV deputies must conduct their law enforcement activities in a manner that ensures all members of the public receive equal protection of the law. LASD is now providing LASD-AV deputies with the DOJ and MT approved Bias-Free Policing training that emphasizes how bias may occur in law enforcement activity and the impact of biased policing on effective crime prevention and police legitimacy, and meets each of the other requirements of the SA (paragraph 70). As described in detail in the Stops section above, the MT is reviewing the documentation provided by the Department regarding training participation and a plan for future trainings. The next step involves LASD developing, implementing, and documenting roll call trainings to emphasize the importance of preventing discriminatory policing (paragraph 71).

LASD has also developed a Limited English Proficiency policy to ensure there is timely and meaningful access to police services for community members who are not fluent in English (paragraph 66). Having been approved by DOJ and the MT, the policy is now moving through LASD review channels.

The Department reports it also consults with the Museum of Tolerance regarding how implicit bias, stereotype threats, and other factors that can inhibit delivery of bias-free policing (paragraph 65). To reach compliance with that provision, the Department needs to provide documentation of the nature and extent of that consultation and the ways in which it informs policy, training, and practice.

Several SA provisions in this section address LASD conducting research and review of the impact of their policies and practice both internally and in the AV community and to, in effect, hold itself accountable to its own standards. These standards include an annual assessment of all

LASD programs, initiatives, and activities to determine if any disparate impact is present and to respond if so (paragraph 68). The LASD is also required to conduct longitudinal climate and culture studies and to use experts to assist with using those studies and the Community Survey to inform Department policies, training, and practice (paragraph 69 and 72).

Additionally, LASD will need to document how Department personnel are being held accountable to the Department standards through formally incorporating bias-free and equal protection requirements into its performance assessment processes (paragraph 67). LASD has reported that they have instituted a process to comply with this provision; however, the MT and DOJ have not yet evaluated that process.

The Department submitted a revision to its earlier stops report. The purpose of *Analysis of LASD Stop and Use of Force Data for Antelope Valley, 6-9-2017* was to assess if there were racial disparities in LASD stops and use of force (paragraphs 82–83 and 120–121). The original report and its revision are not approved at this time. Early in the next reporting period, the MT will engage the Parties and the external researcher in a collaborative process to formulate the steps needed for revising the report to ensure that it is both responsive to the SA and useful to the Department and that it is effective in informing the Department’s policies, training and practices moving forward. The MT will also collaboratively develop an approved methodology for the next analyses.

## 2. Monitoring Next Steps

For these standards to become institutionalized, each of the specific SA items must be incorporated not only into Department policy and training, but achieved in daily practice and made real throughout the organizational culture. That is, the policies should be reflected in formal training sessions, roll call training sessions, performance review and assessment processes, informal coaching sessions with subordinates, and all interactions with AV community members. The MT will be reviewing each of these in its efforts to determine full implementation compliance with the bias-free provisions. The MT will continue to use a variety of monitoring methods to conduct its review, including its own and LASD audits and studies, discussions, and interviews with LASD personnel and AV community members; direct observation in the stations and in the field; and through other means. Bias-Free Policing work plans (as well as Stops work plans), including compliance measures, will be finalized and approved by the Parties early in the next reporting period. These will outline all of the processes by which the MT will assess whether the policies and training are reflected in Department practice and are having their intended impact in the field.

The next step of the monitoring work began during the December, 2017 site visit with a review of how the new policies and training are currently incorporated into the stops data collection and reporting procedures and other AV station activities. The MT reviewed approximately 20 police reports and approximately 60 reports of stops from the AV stations. These documents

served as a critical step to gaining a more thorough understanding of the current reporting mechanisms for stops and documentation practices for the LASD AV. The MT also conducted interviews with at the LASD-AV stations staff regarding arrests, stops practices, and the recently completed Constitutional and Bias Free Policing training. The interview also addressed the stations' current and future training plans, including roll call trainings, for compliance with the requirements of the SA.

These and other monitoring activities will provide both an understanding of the status of the Department's efforts toward meeting the requirements of the SA, and the preliminary data and contextual information from which the MT will develop its plans for a bias-free policing audit to assess the key underlying provision of this section, SA paragraph 64. This work will be done in conjunction with the MT's work for the Stops section (especially SA paragraphs 43 and 50), the Accountability section, and other sections, as appropriate.

### **C. Enforcement of Section 8 Compliance**

Previous semi-annual reports provided background on the DOJ investigation and resulting lawsuit. Among other issues, the lawsuit alleged violations of the Fair Housing Act by LASD.<sup>2</sup> The DOJ litigation resulted in the SA, which requires that LASD develop and implement a Housing Non-discrimination (HND) Policy that reflects its commitment not to violate the FHA (SA paragraph 73). The SA also requires that LASD revise its current rules regarding accompaniment of housing authority workers by LASD deputies during visits to the homes of Section 8 voucher holders. The LASD accompaniment policy is contained in *Field Operations Directive (FOD) 12-02* (SA paragraph 76).

The LASD has made impressive progress on the SA requirement that all Antelope Valley deputies receive training, taught by a qualified instructor, on the Fourth Amendment and related legal restrictions on searches and seizures, including consent searches related to Section 8 activity. This training addressed limitations on search and seizure under the law and LASD policy (SA paragraph 57a). It emphasized how bias may occur in law enforcement activity and the negative impact of biased policing on effective crime prevention and police legitimacy. The training also addressed the requirements of the FHA, with specific emphasis on discrimination on the basis of race (SA paragraph 70e).

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

During the current reporting period, the MT continued to work with representatives from LASD and the DOJ Civil Rights Division Housing Section to arrive at a final HND Policy and a revised

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<sup>2</sup> Another lawsuit, *Community Action League et al. v. City of Lancaster, City of Palmdale et al.*, also alleged violations of the FHA by LASD and resulted in related changes. For more information see the Fourth Semi-Annual Report from June 2017.

*FOD 12-02* that is sufficiently clear, complete, and consistent to guide LASD personnel in identifying and properly responding to FHA and Section 8 accompaniment issues. All of the work on these policies was conducted through conference calls and exchanges of documents among the Parties and the MT.

As described in more detail in the Stops section above, the extensive discussions and reviews of training materials on Fourth Amendment restrictions related to Section 8 activity and the requirements of the FHA resulted in LASD first conducting a pilot of its training entitled *Review of Bias-Free Policing—The Fair Housing Act and Law Enforcement* for a small cadre of deputies. Eventually, almost all AV deputies received a final version of the training at various times during this review period. MT members attended the pilot training session and several sessions of the finalized training.

*i. Housing Non-Discrimination Policy*

During the previous reporting period, the Parties and MT did substantial work on the HND Policy and reached the agreement that the Policy could be issued in Field Operations Directive format. The remaining task in the current reporting period was for the Parties and MT to reach agreement on the final language of the HND Policy.

The principal issues left to resolve were the language used to describe potential violations of the FHA and potential discipline of a deputy in case of a violation of the HND Policy. The Parties and MT addressed these issues through another series of document reviews and conference calls and reached a preliminary approval of the HND Policy, subject to final approvals from the DOJ and LASD. The DOJ gave approval to the HND Policy on July 27. Before final approval and implementation, changes to LASD policy need to be reviewed by upper management and other units and parties, including the affected employee bargaining groups—a process that can take several months.

*ii. Accompaniment Policy – FOD 12-02*

The LASD Accompaniment Policy went through the final revision process simultaneously with the drafting work described in the HND Policy section above. The principal hurdle the Parties and the MT addressed was proposed language in a NOTE to the Purpose section of *FOD 12-02* regarding deputies who respond to criminal activity or suspects they encounter during a housing-related accompaniment. The Parties and the MT reached a preliminary agreement on the NOTE language, subject to final approvals by both parties. The DOJ and MT gave approval to *FOD 12-02* on July 27, pending final reviews by LASD.

## 2. Steps Toward Compliance

The *Review of Bias-Free Policing—The Fair Housing Act and Law Enforcement* training curricula have been found to comply with SA paragraph 57a regarding Stops, Seizures, and Searches related to Section 8 activity, and SA paragraph 70e related to the requirements of the Fair Housing Act (FHA), with specific emphasis on discrimination on the basis of race. As mentioned, the MT is reviewing Department documentation that all appropriate personnel have received the training and that a plan has been implemented to ensure those personnel who return to work or begin work anew in the AV also receive the training. Roll call trainings are currently under development; the MT and DOJ will review those curricula and their implementation in the next reporting period. The Department and MT have begun work to define what information that documentation needs to include.

Recently, LASD informed the MT and DOJ that further revision to the HND Policy was requested by the supervisor's union (Professional Peace Officers Association); the text of that revision was initially rejected by the MT and DOJ. LASD has also indicated that further revision to the accompaniment policy has been requested by the deputy's union (Association for Los Angeles Deputy Sheriffs). The MT and Parties have begun discussion regarding the requested revisions. It is expected that in the next reporting period, these policies will be finalized and approved and that the Department should achieve policy compliance with SA paragraphs 73, 76, and 77. Following final approval of the policies, to reach compliance on paragraphs 74 and 75, the Department will need to provide documentation to the MT showing that all appropriate deputies have received, understood, and agreed to abide by the new policies.

With policy development compliance and training compliance, the monitoring activity will shift to assessing outcomes related to these policies and training and to how LASD supervisors and managers track those outcomes. Related SA provisions address the following:

- Ensure that LASD supervisors and managers monitor and evaluate compliance with these policies regularly and take appropriate corrective action if an issue arises, including investigation, complaint adjudication, and discipline.
- Ensure that AV supervisors and managers monitor and evaluate compliance with FOD 12-02 regularly and take appropriate corrective actions if an issue arises, including investigation, complaint adjudication, and discipline.

As also described in the Stops section, final compliance will be achieved when the MT determines through onsite observations, record reviews, audits, and outcome analysis that the Department has met and remains in compliance with these requirements for at least one year, including evidence that the intentions of the SA as expressed in the new policies are thoroughly and consistently met in the field and that outcomes are reviewed by supervisors and managers, with appropriate action taken as necessary. The MT's assessment of compliance will also include a review of any revisions to the training or how it is conducted that become necessary based on the audits and outcome analysis. MT review will include continued inspection and oversight of

the training program and curricula pertaining to stop, search, and seizures, including supervisory review. This process will include observing sample training sessions to assess whether they are thorough and effective. It will also include a periodic review of training records to verify that existing AV supervisors and managers have received the training and are re-trained at least biennially. To ensure that any new AV supervisors and managers or those returning from an extended absence receive the requisite training, the MT will periodically review those records.

3. Next Steps

The following summarizes the expected MT activities in the next reporting period with regard to Section 8 housing.

*i. HND Policy*

- The MT will sample and analyze documentation waivers of individuals subject to SA paragraphs 74–75 to determine if all deputies have the requisite signed acknowledgments.
- The MT will analyze LASD complaints, administrative investigations, survey results, Watch Commander logs, and other relevant documents and resources for LASD-AV deputy involvement in housing-related activities, to determine whether such activity was conducted in accordance with the FHA and the HND Policy.
- The MT will conduct interviews of LASD personnel, community members, and persons with information relevant to LASD-AV housing activities to determine whether any such activity was conducted in accordance with the FHA and the HND Policy.

*ii. Accompaniment Policy*

- The MT will review and analyze all stat code 787 data, including (1) deputy accompaniment of housing authority workers during voucher holder compliance checks, (2) LASD's independent investigations for criminal fraud based on voucher holder compliance with the voucher contract, and (3) deputy calls, observations, or incidents involving voucher holders.
- MT will analyze LASD complaints, administrative investigations, survey results, Watch Commander logs, and semiannual analysis of data containing stat code 787 on a countywide basis and other relevant documents and resources for LASD-AV deputy involvement in housing related activities to determine whether such activity was conducted in accordance with FOD 12-02.

- MT will conduct interviews of relevant LASD personnel, community members, and persons with information relevant to LASD-AV housing activities.

iii. *Remaining SA Provisions Regarding Compliance Assessment*

The following SA paragraphs describe the SA required audits and analysis that both the Department and MT will use to assess compliance with the housing-related elements of the SA.

*LASD will conduct at least semi-annual analysis of, at a minimum, the following AV data: . . . Voucher Holder compliance checks involving LASD personnel.* (paragraph 82g)

*In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative outcome assessments 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. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of . . . Section 8 Compliance Enforcement Measurements . . .* (paragraph 153c)

The revised *Analysis of LASD Stop and Use of Force Data for Antelope Valley* submitted by LASD addresses some of SA paragraph 153. The other required analyses are expected to begin in the next reporting period. Once implemented, final compliance will require the Department to meet the requirements for at least one year. The Community Survey described in the Community Engagement section below will also address Section 8 related outcomes.

## **D. Community Engagement**

As described in previous reports, the term “community engagement” primarily refers to the LASD’s efforts to interact productively with the community and thus build and maintain trust and confidence in the Department among all community members. The Monitoring Team’s role in the community engagement process is to observe and assess LASD’s efforts to interact with and improve its relations with the Antelope Valley community. As with other sections of the SA, the MT may also provide advice and technical assistance as appropriate and necessary.

### 1. Monitoring Team Activities

The MT participated in the following activities and events in the past six months, several of which are discussed in more detail in the next section.

- a. In addition to various onsite activities and meetings held between MT staff, LASD personnel, and community stakeholders, the MT and DOJ conducted two site visits during this monitoring period (June 12–15 and September 18–22) to more

fully engage with the community. These activities were centered around reviewing LASD outreach efforts and community policing and problem-solving endeavors between LASD and the community.

- b. Reviewed and responded to LASD-AV's community engagement report, *Bridge to Peace: LASD Crime Prevention and Community Engagement Strategies 2016*, including providing a memo with recommendations to the Department.
- c. Reviewed LASD-AV Monthly Community Engagement Reports.
- d. Reviewed drafts of LASD community relations material.
- e. Attended Lancaster CAC quarterly town hall meeting.
- f. Held joint meeting with both Lancaster and Palmdale CACs.
- g. Participated in individual and group meetings/discussions with community members. Informally interviewed community leaders to receive input on LASD-Community relations.
- h. Reviewed semi-annual reports from CACs. Provided CACs with suggested outline for future reports.
- i. Received and followed up on community members' calls, emails, and other inquiries informing the MT of complaints they have lodged with the AV stations or providing feedback to the team.
- j. Rode along in Lancaster and Palmdale to observe deputy interactions with the community and monitor compliance with specific provisions of the SA.
- k. Interviewed AV station deputies, sergeants, and command staff.
- l. Worked with LASD, DOJ, and UCLA research team to develop the AV Community Survey.

2. LASD Community Engagement Activity

The LASD-AV stations maintain a monthly Community Engagement Tracking Report, which lists the various meetings and events that LASD personnel have attended. It is clear that LASD is participating in numerous community events and has been making a concerted effort to reach out to the various AV communities, and to track these outreach efforts. LASD has also sought to provide opportunities for all deputies to participate in community engagement activities, such as Palmdale's Coffee with a Commuter event, which allowed deputies at the end of their "midnight" shift to interact with AV residents starting their day. LASD and the MT are in

discussion about what constitutes compliance in this area. Although LASD has made progress, not every sworn staff member of LASD-AV is participating in quarterly community meetings and events. Until the compliance measures for deputy participation in community meetings and events are finalized, compliance with the mandate to regularly attend meetings (SA paragraph 88) cannot be assessed.

LASD submitted a draft of its 2016 Community Engagement Annual Report to the MT in August. On August 30, the MT responded in a memo to LASD. The following quoted paragraph captures the crux of the memo: "We [the Monitoring Team] recommend the Department provide more detail regarding the specific goals and objectives [outcomes] that it hopes to achieve through its community engagement strategies—and not simply document attendance at events. Although attendance of LASD personnel at certain community events and meetings is very important, attendance alone is not necessarily relationship building. And public relations efforts do not necessarily constitute or result in meaningful community engagement. The MT urged the Department to be mindful of the introduction to the Community Engagement section of the Settlement Agreement, which states: 'LASD agrees to promote and strengthen partnerships within the community, to engage constructively with the community to ensure collaborative problem-solving and bias-free policing, and to increase community confidence in the Department.'"

### 3. Lancaster and Palmdale Community Advisory Committees

On the evening of June 14, the MT and DOJ attended the Lancaster CAC's quarterly town hall meeting. The meeting followed the Days of Dialogue format that both CACs have used, which places small groups of community members and Lancaster deputies in circles to discuss police–community relations. Although the flyer for the town hall meeting was widely distributed on social media and via email, there were approximately 15 community members present, along with 10 members of LASD.

On September 19, the MT held a joint meeting with both the Lancaster and Palmdale CACs. In attendance were several members of the MT, the DOJ, and LASD.

CAC members discussed with the MT their concerns, challenges, and successes with fulfilling their CAC mission. The MT asked about how the Department is processing feedback from the community and how the CACs are documenting those issues and responses. There was discussion of the CACs issuing regular reports, as required by the SA. The MT also asked CAC members what LASD can do to improve relations with the AV community. At the request of CAC members, a few days after the meeting, the MT provided a suggested outline for ongoing CAC semi-annual reports. The MT offered the CACs additional technical assistance as needed; several CAC members expressed interest but a date has not yet been agreed upon.

#### 4. Monitoring Team Recommendations

The MT has encouraged LASD to view community engagement as a means of developing and nurturing long-term relationships with neighborhoods and community members, especially in communities of color and with youth (as specified by the SA). LASD can achieve these objectives by having sincere community dialogues, implementing a comprehensive community policing strategy, participating in a broader array of community meetings and events, and receiving and responding to community input. The MT has made the following suggestions on how LASD-AV can improve community engagement.

- The Department must develop and document a plan to comply with paragraph 88 of the SA, which mandates that LASD-AV's Community Engagement plan "take into account the need to enhance relationships with . . . youth and communities of color." This recommendation has been made to LASD in person in meetings and was mentioned in the previous six-month monitoring report. This plan should incorporate the programs LASD already has in place, identify any programmatic gaps that need to be filled, and describe the Department's overarching goals and strategies regarding youth outreach. The MT will be reviewing LASD's current youth programs, including Making Appropriate Choices (MAC), the Explorer Academy, VIDA, *Pen or Pencil*, and the Yellow Submarine Drop-in Center.
- Beyond the CAC meetings, the MT recommends LASD consider hosting quarterly town hall meetings for the purpose of hearing from the community. Department personnel giving talks or presenting reports to the community can serve important purposes, but these town hall meetings should instead stress the Department listening to the community members. The MT recommends participants at these meetings include patrol deputies and sergeants, in addition to the captains of each station and a few others in leadership, and that these personnel sit with and engage community members. This recommendation has been made to LASD in person in meetings and was made in the previous six-month monitoring report.

One of the community members suggested that each station hold a community event or series of town hall-type meetings in Spanish—not a meeting held in English that offers translation, but a meeting held in Spanish that provides translation into English for those who need it. It was also suggested that LASD make it clear that members of the undocumented community are invited to the meeting and are guaranteed that they will be safe to attend. LASD should consider working with CAC members to determine effective ways to assuage the concerns of the undocumented community.

In addition to responses and recommendations quoted above, the MT has also encouraged LASD to adopt and define a genuine community policing model to implement in the Antelope Valley.<sup>3</sup>

#### 5. Steps Toward Compliance

LASD is in partial compliance with several provisions of the SA. For each of these, LASD has fulfilled much of the material elements explicitly described in the text. However, similar to newly developed policies or trainings, full implementation compliance has additional criteria, including documentation of the practices and ongoing assessment (by both the Department and MT) to ensure the practices are being conducted as intended and, importantly, are having the intended impact in LASD–Community relations. The SA also establishes a mandate for “sustained and continuing improvement in constitutional policing and public trust.”<sup>4</sup>

- a. LASD-AV’s *Bridge to Peace* community engagement report mentioned above meets the requirements of SA paragraph 91. As described above, the MT has given feedback as to how future iterations of the report can be improved.
- b. LASD-AV consistently participates in local community meetings and has formally established and memorialized the CACs into policy (SA paragraph 94). The MT and Parties continue to discuss how deputy participation in community meetings can be expanded and how the operation of the CACs can go further to establish them in their role of expressing the voice of the whole AV community and serving as link between the Department and AV residents.
- c. The LASD sought the assistance of community advocates and widely disseminated to the public, including on the website—in English and Spanish—an explanation of the SA requirements (paragraph 92). LASD and the MT must continue to assess whether the non-English-speaking members of the AV community have a clear understanding of the SA and the role of the monitors and CACs, and, more broadly, equal access to LASD services.
- d. The LASD has formally established CACs at both stations. The LASD is providing the CAC with reasonable administrative support, including meeting space. In addition, LASD has

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<sup>3</sup> The US DOJ COPS office illustrates what is meant by community policing: “Community policing emphasizes proactive problem solving in a systematic and routine fashion. Rather than responding to crime only after it occurs, community policing encourages agencies to proactively develop solutions to the immediate underlying conditions contributing to public safety problems. Problem solving must be infused into all police operations and guide decision-making efforts. Agencies are encouraged to think innovatively about their responses and view making arrests as only one of a wide array of potential responses.” (<https://cops.usdoj.gov/Default.asp?Item=2558>)

<sup>4</sup> SA paragraph 15 states that “‘Full and effective compliance’ means 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.”

facilitated the Monitor's efforts to provide advice and technical assistance to the CACs (SA paragraph 96). The focus now is on improving the capacity of the CACs to meet their stated mission, including, when appropriate and possible, LASD and the MT providing additional support and technical assistance.

- e. LASD ensures that the CACs will not have access to any nonpublic information regarding an individual deputy or allegation of misconduct or disciplinary action (SA paragraph 97). The MT has seen no indication that confidential information is released to the CACs or any member of the public.

However, key activities remain fully or partially incomplete. Other items do not have clear definitions. In the following areas of the SA, either the Department is not in compliance or certain definitions or compliance metrics are being clarified among the Parties:

- a. Work with the community on the development of diversion programs (SA paragraph 87).
- b. Develop a plan for all LASD sworn personnel to actively and regularly attend community meetings and events based on the results of the annual community satisfaction surveys and feedback from the civilian panel, and take into account the need to enhance relationships with particular groups within the community, including youth, and communities of color (SA paragraph 88).
- c. Provide structured, annual in-service training on community policing and problem-oriented policing methods and skills for all AV deputies, including station supervisors and unit commanders (SA paragraph 89).
- d. During LASD's monthly Crime Management Forum meetings and semiannual Risk Management Forum meetings, the MT recommends including consideration and discussion of the expectations and priorities of the AV community members (as identified through the CACs, LASD community engagement activities, and other means) in order to identify areas of concern and to better develop interventions to address them (SA paragraph 90).
- e. Although the Department is in compliance with several provisions related to the CACs, it remains in only partial compliance with SA paragraph 93. The Department provides information and support to the CACs and in turn supports the CACs in providing advice and feedback to the LASD's Antelope Valley stations. However, LASD needs to advance its efforts in leveraging "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 in the CACs working with the Sheriff and station commanders to establish and carry out community public safety priorities.
- f. LASD to post the CAC reports on the Department's website and consider and respond to the civilian panel's recommendations in a timely report (SA paragraph 95).

6. Community Survey Update

The MT, LASD, DOJ, and UCLA held a series of meetings to finalize the community survey required by SA paragraphs 98–101. The survey will be administered to the AV community beginning in early 2018. The survey will assess the community’s interactions with and perceptions of LASD on a number of factors, such as service provision, openness to hearing grievances, bias-free policing practices, and community relations. The survey will be administered annually, with this first survey serving as a baseline to determine how those perceptions change over time. If the survey does not reflect a representative sample of the AV community (SA paragraphs 98-99), the MT, LASD, DOJ, and UCLA will develop additional survey methods or outreach to reach any portions of the community that are underrepresented in the survey (e.g., law enforcement personnel, Section 8 voucher holders, detained arrestees, and demographic groups).

7. Next Steps

In November, the MT submitted the draft compliance measures for the Community Engagement section of the SA. LASD and DOJ are reviewing the draft, and the Parties will meet to negotiate the finalization of the compliance measures in early 2018.

In the next reporting period, the MT will continue to support and monitor the research team with administration of the survey and data collection. The MT will continue to host periodic community meetings, beginning in December, and will attend CAC meetings. If desired by the CACs, the MT will provide training to CACs on CAC roles, responsibilities, and activities as well as report structure and meeting documentation. The MT will work with the Department to facilitate compliance with the remaining provisions of the SA, including addressing those concerning regular deputy engagement with the community, diversion programs, training regarding community-oriented policing, and leveraging the input of the CACs to improve its law enforcement practices.

**E. Use of Force**

Section VIII of the SA governs LASD policies, procedures, and culture associated with the use, review, and adjudication of force by Department members. The SA requires LASD to “revise its use-of-force policies and practices to reflect its commitment to upholding the rights secured or protected by the Constitution.” (page 24.) Specifically, LASD is currently revising its use-of-force (UOF) policies, training, and accountability measures so that AV deputies use force as a last resort, use only the level of force necessary while avoiding unnecessary injury, and de-escalate the use of force at the earliest possible moment (SA page 24).

LASD has agreed to revise its policies and associated training materials to abide with SA paragraphs 102–123, which address:

- The use of force and the use of advisements, warnings, threat assessments, de-escalation, and proportionality; and the prohibition of retaliatory force (paragraphs 102–105);
- Use-of-force training, reporting, investigation, review, and adjudication (paragraphs 107–119); and,
- Analysis and audit of the use of force by AV deputies (paragraphs 120–123).

1. Use-of-Force Analysis and SA Required Audits

SA paragraphs 120–123 mandate that the Department conduct a specific use-of-force analysis in compliance with the following requirements:

- To analyze the AV stations' force data annually, including related outcomes data, to identify trends and deficiencies and correct them.
- To assess the frequency and nature of use-of-force incidents that are referred for investigation, the subject of complaints or civil suits, related criminal obstruction or resisting issues, or repeated complaints against deputies or units.
- To determine whether policy or training curricula changes are needed.
- To document the results of the use-of-force analysis in a public report.

The Department's AAB has published several audit reports that cite and "*consider*" various SA paragraphs. However, the Department has yet to conduct *any* of the SA required audits for MT evaluation of SA compliance with these or any other SA paragraphs. The Department is out of compliance with these paragraphs and will remain out of compliance until it submits the specifically required SA audits, along with the associated audit work papers for MT evaluation for completeness and the audit standard of due professional care. Those audits must ultimately document sufficient audit evidence to demonstrate compliance has been achieved and subsequently sustained for at least 12 months. Also, as described in the Bias-free Policing section above, the Department submitted *Analysis of LASD Stop and Use of Force Data for Antelope Valley, 6-9-2017*, which provided certain UOF analysis. At this time, the MT and DOJ have not approved the report. This subject will be discussed in meetings with the MT, the Parties, and the researcher in the next reporting period.

## 2. MT Activities in this Reporting Period

The AV Monitor's fourth semi-annual report included that the MT prepared an outline of what an "improved and comprehensive use-of-force policy would contain and how it might be structured." That outline has been the subject of several discussions among the MT, LASD, and the DOJ and has resulted in the resolution of several significant issues, including the definition of key elements such as off-duty use-of-force reporting requirements and specific language to be used regarding the de-escalation of use-of-force incidents.

In September 2017, LASD submitted for preliminary review to the MT and DOJ a draft revision of its use-of-force policies that includes several noteworthy improvements and addresses the following SA mandates:

- SA paragraph 101 provisions associated with upholding the rights secured or protected by the Constitution were added to Policy Section 3-10/000.00;
- SA paragraph 103 provisions associated with de-escalating confrontations through tactical communication, advisements, warnings, and verbal persuasion were added to Policy Section 3-10/005.00;
- SA provisions associated with using force in a manner that avoids unnecessary injury to deputies and civilians were added to Policy Section 3-10/020.00;
- SA paragraph 105 provisions associated with the prohibition of the use of retaliatory force were added to Policy Section 3-10/030.50; and,
- SA paragraph 109 provisions associated with the prohibition of the use of boilerplate language and holding deputies accountable for material omissions and inaccuracies in their statements were added to Policy Section 3-10/110.00.

The draft policy also includes a list of factors to be considered by Department management in determining the objective reasonableness of the force used by AV deputies. However, the MT and DOJ have several concerns with the draft policy which are under on-going discussion with the Department. Chief among those concerns are the Department's definition for a reportable use of force and the length of the draft policy, which is 34 pages, constituting Volume 3, Chapter 10 of the LASD Manual of Policy and Procedures. Monitors believe the Department would be well served to develop a UOF policy that is clear, succinct, and easily understood by deputies and all AV stakeholders.

## 3. Use-of-Force Audit Planning and Early Work

During this reporting period, the MT took the following steps to assess the Department's progress to fulfill SA use-of-force related requirements, including laying the groundwork for a UOF audit:

- Met with the LASD and DOJ representatives and discussed the Department's draft use-of-force policy changes.
- Attended a presentation of a draft proposed use-of-force policy for custody operations that, according to the Department, may be considered as a Department-wide template at a future date.
- Attended an LASD Risk Management meeting.
- Reviewed the AAB proposed audit work plan of use-of-force investigations in the AV and provided feedback.
- Reviewed the AAB audit of Lancaster use-of-force investigations.<sup>5</sup>
- Reviewed a sample of complaint investigations involving the use of force by AV deputies.
- Completed and submitted an MT UOF audit work plan to evaluate AV use-of-force investigations, and their adjudication, along with related LASD policies and procedures.
- Identified an audit population, sample, and strata of use-of-force investigations in the Antelope Valley.
- Conducted use-of-force audit entrance interviews with LASD DOJ Compliance Unit managers and supervisors.

#### 4. Steps Toward Compliance

LASD is not yet in compliance with any of the UOF provisions (SA paragraphs 102–123). As described above, the Department has made progress towards revising their UOF policies to address SA paragraphs 102–117, but the draft policies require additional revisions before they can be finalized. Once the policies are approved, the department will be required to draft and submit the course curricula or other documentation to demonstrate compliance with the training and review processes required by paragraphs 118 and 119. The Department has not submitted sufficient documentation of the audits, analyses, and assessments required by paragraphs 120–123. Along with the MT's audits, those documents will be required for the MT

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<sup>5</sup> The stated purpose of the AAB audit of Lancaster use-of-force investigations was to evaluate Department policy and not demonstrate compliance with SA paragraphs 120–123. Thus, it was not evaluated for, nor will it satisfy compliance with, those paragraphs.

to assess the successful implementation of paragraphs 102–119 and, thus, the Department’s compliance with the UOF provisions.

5. Expected Activities in the Next Six Months

During the next six months, the MT will conduct an SA compliance audit of UOF investigations involving LASD deputies in the AV. This audit will be comprehensive and will include a thorough analysis of AV use-of-force investigations including their completeness, the review and approval processes, and management oversight. The audit will function as an integral component of the Monitor’s procedures to evaluate how the Department documents, investigates, adjudicates, and memorializes the use of force by LASD deputies in the AV and the Department’s compliance with the following SA paragraphs:

1. *LASD agrees to continue to prohibit the use of force above [compliant] handcuffing to overcome passive resistance . . . (paragraph 102)*
2. *Deputies shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force; and de-escalate force immediately as resistance decreases. (paragraph 103)*
3. *LASD agrees . . . deputies may not use force against individuals who may be exhibiting resistive behavior, but who are under control and do not pose a threat to the public safety . . . Antelope Valley deputies assess the threat . . . prior to using force, and emphasize that a use of force must be proportional . . . (paragraph 104)*
4. *LASD agrees to explicitly prohibit the use of retaliatory force . . . (paragraph 105)*
5. *LASD agrees to explicitly prohibit . . . discouraging a member of the public, who is not violating any other law, from taking photographs or recording video. . . . Such prohibited interference includes: . . . Using force upon that person . . . (paragraph 106)*
6. *LASD will continue to require . . . that a hard strike to the head with any impact weapon, including a baton, is prohibited unless deadly force is justified. Unintentional or mistaken blows to these areas must be reported . . . (paragraph 107)*
7. *LASD agrees to continue to require deputies to report all uses of force above un-resisted handcuffing. LASD shall continue to require Antelope Valley deputies to completely and accurately describe the . . . specific force used in response to the suspect’s actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (paragraph 108)*

8. *The use of force reporting policy shall explicitly prohibit the use of conclusory statements . . . "boilerplate" language. . . . Deputies shall be held accountable for material omissions or inaccuracies in their use of force statements . . . (paragraph 109)*
9. *LASD agrees to continue to require deputies . . . to notify their supervisors immediately following any reportable use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any deputy. (paragraph 110)*
10. *For all reportable uses of force, the investigating supervisor shall conduct a thorough investigation . . . (paragraph 111)*
11. *. . . each supervisor shall continue to complete a supervisory investigation documented in a "Supervisor's Report on Use of Force." This Report shall include . . . (paragraph 112)*
12. *Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command, which will review the report to ensure that it is thorough and complete, and that the analysis and findings are supported by a preponderance of the evidence. (paragraph 113)*
13. *LASD agrees to continue to require that the Executive Force Review Committee review use of force incidents requiring response by the IAB Force/Shooting Response Team . . . and to review the incidents for any policy, training, or tactical concerns and/or violations. (paragraph 114)*
14. *LASD will hold deputies accountable for uses of force that violate policy or law . . . , require station commanders to refer uses of force that may violate law or the Department's Prohibited Force policy, to the Internal Affairs Bureau . . . for further investigation or review. (paragraph 115)*
15. *LASD will hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to LASD policy. (paragraph 116)*
16. *LASD and Antelope Valley unit commanders will be responsible for identifying and reporting force trends and for taking preventive steps to curb problematic trends . . . (paragraph 117)*
17. *LASD and Antelope Valley unit commanders will regularly review and track "training and tactical review" related findings, recommendations . . . to ensure that informal supervisory feedback does not replace the need for formal discipline. LASD will ensure that the supervisory feedback, including feedback documented in the "training and tactical review" portion of a Supervisor's Report on Use of Force, is documented in the PPI. (paragraph 118)*

The audit will propose recommendations to address any issues identified in the audit's findings, and subsequent audits will examine the Department's implementation of the previous audits' recommendations and other efforts by LASD.

The audit will be submitted as partial documentation of the SA requirement that the Monitor perform various assessments and audits, as described in the following SA paragraphs:

- *. . . the Monitor will assess the County's progress in implementing, and achieving compliance with, the Agreement; report on the status of implementation to the Parties and the Court . . .* (paragraph 146)
- *In order to assess and report on LASD's implementation of this Agreement and whether implementation is resulting in constitutional policing, the Monitor shall conduct compliance reviews and audits and outcome assessments as specified below . . .* (paragraph 148)
- *The monitor shall conduct compliance reviews or audits as necessary to determine whether LASD has implemented and continues to comply with the material requirements of this Agreement. . . . Compliance reviews and audits will contain both qualitative and quantitative elements as necessary for reliability and comprehensiveness.* (paragraph 149)
- *The monitor will conduct an ongoing review and report on LASD use of force on restrained individuals, use of force in response to spitting, and use of OC spray.* (paragraph 151)

## **F. Personnel Complaint Review**

The preamble to the section of the SA governing personnel complaints states the LASD agreed to ensure that all allegations of personnel misconduct are received, that they are fully and fairly investigated, and that personnel who commit misconduct are held accountable (page 29).

Recognizing that a law enforcement agency's policy governing the intake and classification of community complaints is a threshold issue to its entire disciplinary process, several SA paragraphs specifically address the way in which personnel complaints are to be classified and distinguished from non-disciplinary service complaints.<sup>6</sup> Specifically, LASD agreed to:

- Ensure personnel complaint forms and information is available at specified locations in the AV and on their website, that the Department accept all

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<sup>6</sup> A personnel complaint alleges employee misconduct, while a service complaint is about the Department's policies or service prioritization.

complaints, and that refusing to accept a complaint or discouraging a complaint is grounds for discipline (Paragraphs 124-126).

- Revise its complaint investigation policies to ensure that all personnel allegations are classified accurately so each allegation receives the appropriate level of review (SA paragraph 127);
- Ensure that personnel complaints are not misclassified as service complaints (SA paragraph 128); and,
- Revise its policies regarding allegations that may require discipline and need to be investigated as administrative investigations rather than as a service complaint. (SA paragraphs 129–130).

Additionally, the SA delineates requirements for the investigation of complaints including which complaints must be referred to Internal Affairs, who must be interviewed, and what constitutes a thorough investigation (paragraphs 131–137). The SA requires that information on the Department's complaint process be available to the public and it identifies the training that is to be provided to deputies and supervisors (paragraphs 138–139). Finally, it requires the Department to perform an annual audit of complaints (paragraph 140).

#### 1. Monitoring Team Activities

During this reporting period, the MT continued to assess the way in which the Department accepts, investigates, reviews, classifies, adjudicates, and memorializes community complaints in the Antelope Valley. In August 2017, the MT was advised by DOJ of three instances in which community members alleged that LASD personnel refused to accept or discouraged complaints. In addition, the MT team conducted interviews with LASD personnel during the September 2017 site visit that raised concerns about complaint intake or discouragement of complaints. The MT will continue to monitor complaint intake at the Lancaster and Palmdale stations to ensure LASD personnel do not discourage or undermine the complaint intake process.

The MT conducted a comprehensive audit of complaints made by members of the AV community to determine:

- The availability of complaint forms for AV community members;
- The Department's community complaint intake practices in the AV;
- The classification of AV community complaints;
- The completeness of AV community complaint investigations;

- The review and approval of AV community complaints;
- The quality and completeness of management's review not only of the complaint itself, but any policy, training, or discipline that may arise in a community complaint;
- Records retention mandates associated with complaint investigations; and,
- Department compliance with the SA paragraphs governing personnel complaints. (paragraphs 124–140)

## 2. Steps Toward Compliance

Whether the LASD is in compliance with the Personnel Complaint Review section of the SA cannot be determined at this time. The results of the MT's complaints audit will, however, shed light on the Department's progress toward compliance with that section's provisions, with the exceptions of paragraphs 132, 138, 139, and 140. Paragraph 132 was not addressed in the audit, but will be assessed through other means. To address compliance with the training and review processes required by paragraphs 138 and 139, the Department will need to submit for review by the MT and DOJ the course curricula and other documentation. The MT will observe trainings, review the Department's documentation of training participants, and assess training outcomes through various means. The Department has not submitted for review the audits and related documents required for the MT to assess compliance with paragraph 140.

## 3. Next Steps

The MT's audit report is scheduled to be finalized at the start of the next reporting period. The report will be used to inform a discussion with the Department and DOJ to review the audit's findings and recommendations and develop a plan to correct any deficiencies identified. This may include training, development of investigative protocols, and revisions to current policies and procedures. Subsequent audits conducted by monitors will evaluate the Department's implementation of any proposed recommendations.

The audit findings will also be used to finalize the monitoring work plans for the complaint sections of the SA, particularly with respect to quantitative and qualitative measurements of compliance. The audit will inform the work plans, because it will identify those SA provisions that are critical and require a high degree of compliance (e.g., investigations must be sufficiently thorough to allow for reliable and complete findings [Paragraph 131]) and those that may not require such a high degree of accuracy (e.g., entry of background data into PRMS).

## **G. Accountability**

The Accountability section of the SA (paragraphs 141–145) encompasses a primary focus on management accountability practices, outlining requirements related to data collection and evaluating personnel performance via the Personnel Performance Index (PPI, now known as the Performance Recording and Monitoring System or PRMS) and the Performance Mentoring Program (PMP). Specifically, these paragraphs require LASD managers to collect the data necessary to evaluate personnel performance by making peer comparisons and analyzing trends, and to provide follow-up interventions—including mentoring—for employees whose performance falls below expected standards. The intent of the Accountability section and related provisions in the SA is to ensure organizational accountability and appropriate oversight through the observation and evaluation of both individual behaviors and the collective performance of employees at all levels of the organization, including that of management staff.

Management accountability requirements are much broader than defined in paragraphs 141–145. In fact, they permeate every aspect of the SA. Without them, even the best policy, procedure, and training will not prevent the deficiencies found in the DOJ investigation.

As stated in the previous semi-annual report, accountability begins and ultimately ends with LASD management. It requires ongoing attention to and evaluation of both individual and group performance, as well as a willingness to scrutinize and remedy systemic deficiencies. The accountability process includes consideration of each stage of detailed personnel performance evaluation and establishing and updating the policies, procedures, and training necessary to comply with the intent of each section of the SA. Every section involves various policy and procedural requirements that will be measured and evaluated as part of the work the MT conducts related to those sections. It is the intent of the MT to focus primarily on the processes related to management oversight and accountability. Accountability processes must be built into the fabric of operations at every level of the organization. The MT's work will consider the Department's entire accountability system while paying particular attention to the key components where deficiencies have been identified in the DOJ findings letter and addressed in the SA.

These accountability systems provide two important functions. The first is to enable the MT to verify that, in fact, operations are conducted consistent with policy and as required by the SA. But, second—and more important—is to provide permanent mechanisms for management to routinely review and evaluate operations and performance in real time, assess risk exposures, and ensure and verify that standards are being appropriately met.

To that end, the LASD has implemented several accountability practices that the MT has observed over the past six months. These practices include weekly reviews of Deputy Daily Work Sheets (DDWSs) by supervisors and monthly reviews by the Unit Commanders of the report known as the Sheriff's 11, which identifies deputies who have demonstrated comparatively poor performance on key performance factors. These efforts will be discussed further below.

1. Monitoring Activities in this Reporting Period

The MT's primary activities in this six-month period included a series of in-person meetings, observations, data system reviews, and conference calls meant to systematically examine and document the Department's current accountability practices, including any revisions made since the SA was established; assess the strengths and weaknesses of that system; and continue to work toward meeting the SA requirements.

On August 10, 2017, the MT met with the LASD Compliance Unit to discuss the Department's approach to developing and implementing standard processes for management accountability and the requirements in the SA for developing specific plans for management to review and analyze information necessary for accountability. The MT and Compliance Unit agreed that it is not enough to have systems that capture and provide data and ad hoc processes for the review of that data. It is necessary to have written processes in place that establish guidelines for reviewing and using the data to ensure that performance meets the established policy standards. Also discussed at this meeting was the draft accountability work plan—including compliance measures—that the MT prepared and presented to the Compliance Unit and DOJ for review and input before adoption.

On August 23, the MT presented a follow-up document to the Compliance Unit describing the "next steps" for moving the accountability process forward.

On September 8, the MT conducted a conference call with the Compliance Unit and the Station Captains to discuss current processes and practices that are meant to address the SA requirements for accountability. These practices include the supervisors' weekly review of DDWSs to identify errors in data entries made by deputies on incidents and calls for service and to counsel deputies on how to avoid those errors in the future. It also included a description of how the Station Captains review the Sheriff's 11 monthly reports and identify deputies whose performance will be monitored in the PMP.

In Antelope Valley during the week of September 18–21, the MT met with the Parties at the Lancaster and Palmdale stations for a series of meetings and personnel interviews with the station captains, operations lieutenants, watch commanders, shift supervisors, compliance sergeants, and others. Accountability processes and practices were observed by and described in detail to the MT and DOJ participants.

On September 21, the MT observed the Risk Management Forum (RMF).<sup>7</sup> The RMF is designed to evaluate several elements of operations at the micro and macro level, while identifying trends or irregularities in statistics. The RMF reviews data for the different stations and provides an opportunity for the Station Captains to respond to questions from superior command personnel.<sup>8</sup>

Also on September 21, the Parties met to discuss the Accountability Work Plan Draft. The discussion revealed that the Compliance Unit needed more time to review and evaluate the work plan. A meeting will be scheduled to finalize the work plan in the near future.

On November 3, the MT provided an updated outline for accomplishing the "next steps" necessary to develop the plans and protocols for meeting the requirements of the SA and for implementing and monitoring those plans. This updated outline for moving the accountability process forward included target dates for documenting current practices, formalizing protocols, MT review and approval, LASD implementation, and finally, the auditing and monitoring of the protocols by the MT. As proposed, this timeline should be completed by the end of April 2018.

On November 9, the parties met to discuss the accountability work plan and the proposed timeline and target dates for completing the required steps toward full implementation of the accountability plans and protocols.

On November 13, the MT met with the Compliance Unit to discuss establishing how Department management will formalize an accountability plan and protocols to comply with SA sections 141–145. The Compliance Unit presented a draft document describing the Department's current accountability processes, including how and when performance reviews are undertaken, who performs the review, what factors are considered, what assessment standards or guidelines are applied, how issues are responded to, what documentation of the process occurs, and what checks and balances exist to ensure the entire process is conducted appropriately. The document is a good start to developing additional standards and protocols necessary to provide consistent processes for accountability. The MT has recommended that modifications be made to provide more detail on current practices. The Compliance Unit has committed to revising the document and providing the next draft in December.

## 2. Steps Toward Compliance

The Personnel Performance Index (PPI) is now referred to as the Performance Recording and Monitoring System (PRMS). PRMS is LASD's Department-wide decision support system in matters related to risk management and service reviews.

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<sup>7</sup> The RMF is chaired by an Assistant Sheriff with participation by top departmental command personnel and is conducted quarterly by Patrol Division.

<sup>8</sup> Although the RMF does not directly address some of the key components identified in the SA, it could be modified to more directly address those elements.

SA paragraph 141 requires that the PRMS be modified “so that it can make peer comparisons between deputies and units.” It also requires AV unit commanders and supervisors to “conduct periodic reviews of all deputies and units under their command to identify potential trends.” As described in the previous section of this report, this modification is underway. The Department has provided extensive materials regarding these processes; however, there is not yet sufficient written documentation of what specific comparisons are made; what parameters are used to assure issues and trends are identified; how the computer systems are used to automatically “red flag” potential issues and, conversely, how their data systems can be adapted to allow supervisors and management to perform ad hoc analysis and comparisons to ferret out problems; or, finally, what accountability structures are in place to ensure these reviews are conducted in a thorough and consistent manner and are documented. Unit commanders do conduct periodic reviews of deputies via the Sheriff’s 11, but that does not address all the elements that should be measured and compared. Also, the Department has not sufficiently demonstrated how they document the reviews.

The SA indicated that the development of PRMS was estimated to take three years to complete. However, the SA requires an alternative process for making such comparisons during the compliance period, pending the full development of the PRMS automated system. Although the Department has initiated some management accountability practices, an alternative process for management review and oversight pending the development of the PRMS automated system has not been presented to the MT as of this writing and is still necessary to evaluate and establish compliance with this requirement of the SA.

LASD has committed in SA paragraph 142 to modifying its procedure for Performance Log Entries (PLEs) so that all entries are maintained in an electronic format, ensuring that PRMS data are accurate, and holding responsible AV personnel accountable for any inaccuracies in data entered. The Department conducts some of the processes described but is not in compliance. Some of the issues are technical, that is, the Department informed the MT that PRMS may not be capable of integrating essential data that is currently captured in other data systems.<sup>9</sup> For instance, the data about the stops, searches, and arrests is not in PRMS. It is in a different data system where the CAD data are stored. PLEs are also recorded and accessed through a different system for both technical and bureaucratic reasons. The LASD must complete the evaluation of the systems, determine what data integration is possible, and develop alternative methods as needed to meet the spirit and goals of the SA where integration may not be possible.

Holding all personnel accountable for their conduct and performance is the general intent of accountability, and holding personnel accountable for “inaccuracies in any data entered” as required in SA paragraph 142 is appropriate and necessary, but the most important outcome is to impact future performance. While some practices have been initiated, such as the weekly DDWS reviews, processes have not been documented to establish the guidelines for each

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<sup>9</sup> For example, the PRMS is administered by a different bureau in a different system than the CAD and MDE information.

accountability process. Any process must include how data will be collected and by whom, who will be responsible to review the data, and how personnel are being held accountable for inaccuracies, including a process to measure or evaluate how the requirement's existence is impacting performance.

In SA paragraph 143, LASD has committed to develop a plan—in consultation with the MT and to be approved by DOJ—to periodically analyze the AV stations' response "to concerns unique to their stations, such as trends identified through civilian complaints, the CAC, community survey, or other means." This plan will be critical in establishing management accountability with regard to proactively responding to identified trends. To date, the Department has not developed the required plan. Once the plan is ready, the MT will conduct reviews to determine whether the Department is identifying trends and taking steps to address any identified deficiencies.

The PMP is a non-disciplinary process whereby a supervisory team assists employees in need of specialized or additional training, supervision, or mentoring to address and remedy deficiencies in performance. Mentoring plans are tailored to enhance the specific performance of the individual employee.

SA paragraph 144 states that "LASD will continue to provide mentorship to deputies in the North Patrol Division's locally based . . . PMP, as well as through LASD's department-wide PMP, based upon an appropriate determination of eligibility. To increase the effectiveness of the remedies and corrective action used to address a deputy's behavior, LASD will support and implement a plan to ensure that the LASD wide PMP program provides mentoring of AV personnel within 30 days after the need for mentoring is identified, and that appropriate procedures are in place for supervising deputies whose performance fails to improve subsequent to mentoring." In practice, the LASD has some of the required processes in place, but has not yet presented the required plan to the MT. Processes for command personnel to monitor and manage the PMP have not been adequately identified. Any plan should establish criteria for placement into the PMP, with goals or desired outcomes specifically identified for the involved personnel. A standard process will also be necessary for supervisors to document the impacts of the PMP on individual performance.

SA paragraph 145 requires that the Department-wide PMP and the North Patrol Division's PMP "coordinate as appropriate with each other and share information about deputies and their individual mentoring programs." The MT will assess the Department's process for assuring this is done on a regular and effective basis.

### 3. Next Steps

To summarize, the Department has several accountability practices in place that will need to be properly documented, formalized, and, in some cases, possibly revised to comply with the SA. Directives for some of these management practices are established in a variety of departmental

handbooks, memos, procedures, and newsletters, but there is no central directive or policy document that establishes and speaks directly to accountability measures in terms of what actions are required, by whom, and at what intervals, and how these actions are to be documented, reviewed, measured, and accounted for. As described above, the Compliance Unit has begun compiling this document. In the next reporting period, the MT will work with the Compliance Unit to identify any gaps or shortcomings in accountability practices and to determine which practices are and are not sufficiently formalized to assure consistent application and SA compliance. Planning for an MT audit of the Department's review and accountability processes as they relate to these provisions will begin early in the next reporting period.

### **III. CONCLUSION**

The Los Angeles Sheriff's Department continues to work diligently toward compliance with the Settlement Agreement, particularly in this past year. This progress is attributable first and foremost to the attentive, talented, and hard-working members of the Compliance Unit. The Monitor also appreciates the skillful consultations of the County Counsel's office, the leadership of the Sheriff and the division chief, and the insight and support of the DOJ team. Moreover, the Monitors would like to commend the deputies, sergeants, lieutenants, and captains in the Antelope Valley on their own hard work and, in particular, their openness to constructive feedback. As with all culture change efforts, there have undoubtedly been obstacles to the reform efforts during the last six months. However, all of these participants have shown a commitment to overcome these issues and move the work forward. The Monitors particularly highlight the implementation of the Constitutional and Bias-Free Policing trainings, both of which are exemplary. These trainings required an extensive mobilization of departmental resources, intensive time collaboration with nationally known trainers, and dedication from the stations and their leadership. The Department's cooperation and transparency around the complaints audit was also impressive and noteworthy. The Monitoring Team will continue to work closely with the Parties to provide the technical assistance and oversight needed to support the Department's compliance efforts. We are confident that the next six months will indicate further demonstrable progress.

## **Appendix A: The Monitoring Team**

The court-appointed Monitors—Dr. Angie Wolf and Joseph Brann—have assembled an experienced group of team members with credentials and skills uniquely suited to the Settlement Agreement (SA) work. The membership of the Monitoring Team (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 particular expertise in dealing with the diverse issues addressed in the SA, such as those related to use of force, training, the Fair Housing Act, data collection and analysis, survey methods, and the complexities of community engagement.

This constellation of team members was assembled to support the Monitors' philosophy of collaborative reform; it is using the principles of evaluation and technical assistance to provide an actionable assessment of LASD's progress toward implementation of the SA.

## **Appendix B: Antelope Valley Monitoring Website**

This website allows Antelope Valley community members to learn more about the Settlement Agreement, the backgrounds of the Monitoring Team members, and the monitoring activities; access documents related to the monitoring work, including the semi-annual reports; follow links to LASD's homepage and other relevant websites; and—most importantly—submit questions and comments directly to the Monitoring Team.

The website's URL is [antelopevalleysettlementmonitoring.info](http://antelopevalleysettlementmonitoring.info)

### **Appendix C: How the Parties and Monitoring Team Work**

To complete the work of the Settlement Agreement (SA), the Parties (US DOJ, LASD, and the County of Los Angeles) and the Monitoring Team (MT) are in daily communication through a variety of means. In each six-month period, the Parties and MT hold multiple meetings at LASD headquarters, at the offices of the Compliance Unit, at other administrative offices, at the Palmdale and Lancaster stations, and at various community centers, schools, and places of worship in the Antelope Valley (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 particular units or leadership from other operations that are critical to this reform work, such as the Audit and Accountability Bureau (AAB) or the Commander in charge of training. The MT typically observes the semi-annual LASD risk management meeting and the Crime Management Forum. 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 MT also participate in several small- and larger-group community meetings in Palmdale and Lancaster—often with the Community Advisory Committees (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, there are a variety of conference calls 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; another similar bimonthly call is held that involves the MT, the DOJ, and the Compliance Unit; and the MT and 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.

When all are not able to be physically present in meetings, videoconferencing is used whenever possible. 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 D: Monitors' Note on the Settlement Agreement,  
Constitutional Policing, and Organizational Change**

As noted in previous reports, the Monitoring Team understands and remains mindful of the many complexities encountered when a large organization undertakes broad policy changes, as well as the challenges of implementing such changes. The Monitors also appreciate the considerations of LASD management in dealing with matters of this nature, such as whether the changes will be confined to the AV stations or affect the entire organization; the likelihood that other existing policies could be affected and therefore need to be revised; that evolving "best practices" and legal considerations also influence policies related to use of force, video recordings, and so on; and the need in many instances to consult with labor groups or legal resources before such policy changes can occur. Throughout the work to date, the Monitors have found the Parties to be strongly committed to ensuring that the requirements of the Settlement Agreement (SA) will not be weakened or overlooked because of these considerations. Based on the ongoing collaboration among the Parties, the MT believes the SA objectives can be achieved in a timely manner.

Critical to successfully implementing and sustaining the SA reforms is a commitment to constitutional policing principles. LASD's ability to meet these responsibilities is dependent on clear policies and effective training. Only when prepared with sufficient training and clarity about the purpose of the SA can deputies clearly understand what the Department expects from them in their community interactions. Only then can deputies honor constitutional standards of policing. Department capacity is also affected by the need to have sufficient accountability systems in place to monitor and evaluate employee performance and management oversight practices.