



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



July 6, 2020

The Honorable Kathryn Barger  
Chair, Board of Supervisors  
County of Los Angeles  
869 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Dear Supervisor Barger:

## **PUBLIC RECORDS ACT – 2B1421 STAFFING AND RESOURCES – MULTIPLE REQUESTS**

Senate Bill 1421 (SB 1421) was enacted into law on January 1, 2019. SB 1421 modified the way in which the public could access certain law enforcement records. SB 1421 now requires that all records relating to specified incidents, complaints, and investigations involving peace officers to be made available for public inspection pursuant to the California Public Records Act (PRA).

SB 1421 mandates that the public must have access to all records related to four specific categories; (1) incidents involving the discharge of a firearm at a person by a peace officer; (2) incidents involving the use of force by a peace officer against a person resulting in death or great bodily injury; (3) incidents in which a sustained finding was made by a law enforcement agency or oversight agency that a peace officer or custodial officer engaged in the sexual assault of a member of the public; and (4) incidents in which a sustained finding was made by a law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, and the destruction, falsifying, or concealing of evidence.

The Los Angeles County Sheriff's Department (Department) Risk Management Bureau – Discovery Unit, which handles PRA requests, is currently budgeted for a total of two (2) Operations Assistant III positions.

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Once a PRA is received, the PRA Unit personnel, which is housed within the Discovery Unit, conduct extensive inquiries to ascertain if the Department has records responsive to the request. These inquiries include searching the vast number of independent Department computer systems. In addition, personal outreach is conducted to all involved entities including Internal Affairs Bureau, Homicide Bureau, Records and Identification Bureau, Custody Support Services, patrol stations, and other units of assignment. Prior to releasing any record, the PRA Unit staff must thoroughly review the entire case, ensure there are no pending criminal investigations, and redact any exempt information from the files. Due to the nature of these types of cases, each file is hundreds of pages in volume, not including the numerous audio and video files attached to each case. Each case goes through a thorough review by two separate analysts and on many occasions, a County Counsel attorney to ensure the final document is appropriately redacted. It is undoubtedly clear how voluminous and time-consuming the process is.

The Department has prudently submitted budget requests for additional personnel and PRA-specific software for the 2018-19, 2019-20, and 2020-21 Fiscal Years (FY). The software is invaluable in tracking, monitoring, and automatically generating timely responses to the requestors. Absent the PRA-specific software, the PRA staff is currently using Microsoft Excel and Adobe Acrobat to perform tracking and redactions; neither of which were designed to adequately perform these tasks for the increasing number of PRA requests received.

In January 2019, the Department submitted a "Recommended Changes" budget request for FY 2019020 for one (1) Administrative Services Manager II position, two (2) Operations Assistant III positions, three (3) Operations Assistant I positions, and Services and Supply funding for PRA-specific software one (1) Deputy County Counsel position and one (1) Paralegal position. The request was deferred by the Chief Executive Office (CEO).

In April 2019, the Department submitted a "Final Changes" budget request for FY 2019-20 for one (1) Administrative Services Manager II position, three (3) Operations Assistant III positions, five (5) Operations Assistant I positions, and Services and Supply funding for PRA-specific software and one (1) Deputy County Counsel position and one (1) Paralegal position. The request was deferred by the CEO.

In July 2019, the Department submitted a "Supplemental Changes" budget request for the 2019-20 budget for one (1) Administrative Services Manager II position, one (1) Operations Assistant III position, five (5) Operations Assistant I positions, and Services and Supply funding for PRA-specific software and one (1) Deputy County Counsel position and one (1) Paralegal position. The request was deferred by the CEO.

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In July 2020, the Department submitted a "Supplemental Changes" budget request for FY 2020-21 for one (1) Administrative Services Manager II position, three (3) Operations Assistant III positions, five (5) Operations Assistant I positions, and Services and Supply funding for PRA-specific software and one (1) Deputy County Counsel position and one (1) Paralegal position. This request is pending.

In May 2020, at the recommendation of the CEO's office, three (3) additional positions were scheduled for reallocation to the PRA Unit from other vacant positions that remained unfilled within the Department; one (1) Operations Assistant III effective immediately and two (2) Operations Assistant I effective July 1, 2020. The Department is currently attempting to fill these new positions; however, due to the current freeze on promotions, the Department is finding it difficult to fill the positions with lateral transfers. In addition, due to current BOS budget curtailments and hiring freezes, the two (2) Operations Assistant I positions that were previously scheduled for reallocation to the PRA Unit are now in jeopardy of being deleted/frozen for Department salary savings.

For FY 2019-20, the CEO allocated a one-time overtime funding in the amount of \$208,000 to assist with processing PRA requests. Although the allocation was appreciated, it was minute in making gainful progress in reducing the backlog.

Since January 1, 2018, the Department has received 8,429 PRA requests. Due to the extreme shortage of personnel, 3,268 of the requests, most of which are extremely voluminous, are still pending. Unfortunately, with the extreme shortage of staff and lack of proper software, the Department has been unable to meet any of the statutory time limits to respond to PRA requests. As a result of the extreme backlog, from January 1, 2018, to date, twelve (12) lawsuits have been filed against the Department for failure to meet statutory time limit to respond to PRA requests. Four (4) of the twelve (12) lawsuits have been closed/settled with approximately \$19,000 in attorney and legal fees. Eight (8) of the lawsuits remain active with a combined estimated exposure amount of \$1,240,000. Additionally, the Los Angeles Times filed a new lawsuit on June 30, 2020, regarding the Department's inability to fulfill their multiple PRA requests. This latest lawsuit has not yet been reviewed by County Counsel; however, based on prior similar lawsuits, the estimated exposure will be approximately \$250,000.

Currently, there is proposed legislation (SB 776) that will further expand the scope of

SB 1421 to include all records involving use of force (not just those incidents, which result in death or great bodily injury); all records involving police dishonesty (regardless of whether the allegations are founded); all disciplinary records involving racist, homophobic, and anti-Semitic behavior; and all records of sustained findings regarding wrongful arrests and searches. In addition, this legislation will allow for civil fines in the amount of \$1,000 per day over the statutory time limits until the PRA request is fulfilled. This is in addition to any punitive damages sought by the plaintiff. If this new legislation passes, the Department will undoubtedly receive an exorbitant amount of new PRA requests immediately after the law takes effect.

The Department has done its best with the limited resources it has. Nevertheless, as is clearly evident from all of the budgetary requests noted above, the Department has repeatedly requested that monies be appropriated for both funding of personnel and much-needed software.

Of most importance, and the least expensive avenue toward success in this endeavor, is the need for funding for software. The Department has identified a particular software, GovQA, that will fully automate and expedite our responsiveness and provide enhanced transparency to the public and media outlets we serve. Immediate funding for the software is imperative and critical.

That said, the importance of receiving total funding cannot be overstated. Not only is adherence to the Public Records Act so important to the public's perception of the Department's transparency, it is mandated by statute. Yet, without funding, we are forced to not be in compliance. And finally, this is abundantly clear; without additional funding, the PRA Unit will continue to fail meeting statutory time limits and expose the Department to further liability.

If you have any questions, please have a member of your staff contact Commander Scott Johnson, Professional Standards Division, [REDACTED]

Sincerely,



ALEX VILLANUEVA  
SHERIFF

AV:SJ:bl  
(Professional Standards Division)

c: Supervisor Hilda L. Solis, First District, Board of Supervisors  
Supervisor Mark Ridley-Thomas, Second District, Board of Supervisors  
Supervisor Sheila Kuehl, Third District, Board of Supervisors  
Supervisor Janice Hahn, Fourth District, Board of Supervisors  
Sachi A. Hamai, Chief Executive Officer