Antelope Valley Monitoring Team 11th Semi-Annual Report

December 2020

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I.   INTRODUCTION

This is the 11th semi-annual report issued by the Antelope Valley Monitoring Team (MT). It describes the MT's observations on progress of Los Angeles County and the Los Angeles County Sheriff's Department (LASD or the Department) in meeting the requirements of their Settlement Agreement (SA)[1] with the US Department of Justice (DOJ) for the Antelope Valley (AV). This report focuses primarily on work undertaken from July through December 2020. The report discusses MT observations related to the goals, scope, and nature of the work; issues and obstacles that have arisen during the work; MT findings; and evaluative observations that have been shared with the Department. LASD's progress toward compliance with each section of the SA is delineated, along with steps toward compliance still to be addressed.

This was a trying year for the AV and across LA County. This reporting period saw no lessening of the impact of COVID-19: County- and state-mandated restrictions on public and private gatherings loosened and then tightened again as infection and hospitalization numbers ebbed and then rose again to unprecedented levels. Severe weather and record-breaking wildfires put added stress on first responders and the public alike. State and national elections also contributed to widespread uncertainty. Community members continued to be forced to cope with unemployment or more stressful work environments and other hardships such as all levels of school being offered online and increased difficulty accessing support services.

This report is strengthened by the tireless advocacy and information sharing from the community. The MT acknowledges the adaptability of the members of the Palmdale and Lancaster Community Advisory Committees (CACs), who continued to work to meet their mandate of ensuring that the Department hears the input and perspectives of the diverse AV community. Special efforts were made to continue socially distant in-person quarterly meetings and town halls and, when those became impossible, to hold meetings online. The Monitors also acknowledge LASD-AV personnel and the members of the Compliance Unit who, as residents of the AV or nearby communities, understand the hardships felt at home and coped with changing work conditions such as long hours and variable shifts during the fires.

In particular, the MT notes the following areas of progress. The Department remained in compliance with Constitutional Policing and Bias-Free Policing Trainings despite the impact of COVID-19, which forced cancelations of some full-day trainings and, for a period, the relocation of roll call trainings to outdoor settings. The CACs, with the Department's assistance, held several community meetings. The second Community Survey was published, and community meetings were held to discuss the results even as the third Community Survey was launched. LASD has reached sustained compliance with all housing-related provisions.

In the last semi-annual report, we expressed our dissatisfaction and concern regarding an apparent lack of focus and commitment to the Settlement Agreement process on the part of LASD managers and executives. We cited several examples of crucial reforms that had

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[1]Settlement Agreement, No. CV 15-03174, United States v. Los Angeles County et al. (D.C. Cal. Apr. 28, 2015).

languished for years, delaying compliance with the SA and thwarting improvements in the delivery of law enforcement services to AV community members. The current report reflects some improvements in efforts undertaken by Department managers who do appear to now be more involved than we observed over the past couple of years, and, while the discussions and process have occasionally been unnecessarily adversarial, there has been notable progress in the last six months. But there is still much work to be done.

LASD completed two more Quarterly Employee Reviews, and North Patrol Division executives have been actively engaged in efforts at the stations to improve these new accountability tools. An agreement was reached on the scope of the SA regarding LASD deputies working in the AV but who are assigned to commands outside of the AV, which will allow the MT to perform thorough use-of-force (UOF) audits and other monitoring reviews. The Department is displaying sustained compliance with housing-related SA provisions and continues to provide training to AV deputies, yet it has also continued to fall short in meeting administrative tasks that are relatively easy to complete.

Changes to the Department's UOF policy and improvements needed in their method of documenting community complaints are nearing final approval after months of delay. Meanwhile, deputies in the AV continue to work without the guidance of up-to-date policies and the associated training that will be required.

The MT completed another round of stops trends analyses—which highlight disparities in some LASD stops practices in the AV—and continued to stress to LASD managers the importance of using that data to inform and refine how these practices are carried out. The Monitors still find that, for the most part, data are not being used as they should to meet SA requirements and guide police practice in the AV. However, after months of resistance from the Department on the adoption of crime prevention plans, Department personnel took steps toward researching this common best practice in policing that, if effectively implemented at the AV stations, will provide a structure for applying data to improve community engagement, increasing effectiveness of policing practice, and meeting SA compliance. Further, crime prevention plans should be made public and discussed regularly with the community to ensure transparency and accountability to the public. The Monitors are hopeful that the evidence of a renewed commitment on the part of managers to the goals of the SA that we saw early in this reporting period will continue in 2021 and beyond.

The Antelope Valley Settlement Agreement: Summary

The Antelope Valley Settlement Agreement (SA) was established between the US 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 residents of the Antelope Valley (AV) have police services that are lawful and fully consistent with the Constitution of the United States and contemporary policing practices. The SA specifically identifies, as individual sections, a variety of reforms and objectives to be met by LASD in the AV related to: stops, seizures, and searches; bias-free policing; enforcement of Section 8 compliance; data collection and analysis; community engagement; use of force; personnel complaint review; and accountability. The SA also stipulates that a professional monitor be selected to track and assess LASD's progress in implementing and achieving compliance with the SA, work with the Parties to address obstacles to achieving compliance, and report on the status of implementation to the Parties and the Court. As per SA Paragraph 171, 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.

II. SETTLEMENT AGREEMENT COMPLIANCE

Much of the SA involves developing or revising policies, procedures, or training; putting into place various processes (such as a plan for ensuring new AV deputies receive training); and striving to more effectively engage with community organizations and entities such as the CACs. This work is usually done collaboratively among the Parties and the MT, with documentation of the change (new policy, revised training, etc.) eventually being formally submitted to the MT and DOJ for approval. 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 would be only in *partial* compliance (or "policy compliance" as the Parties have viewed it). This is because, in most cases, more steps are involved before the Department reaches full **implementation** (SA Paragraph 20, see below) and, thus, full compliance.

An approved policy must be distributed to every deputy according to SA-required procedures and, as necessary, incorporated into training curricula. An approved training curriculum will

require documentation that appropriate personnel have received the training. New procedures and processes must be successfully instituted. Most importantly, each of the established improvements will need to prove effective in the real world. That is, they are then assessed through such MT activities as reviews, audits, interviews, observation, and data analysis to establish whether they are successfully reflected in law enforcement practices and achieve the intended qualitative and quantitative impacts on the AV community.

Changes to policy and practice must also be incorporated into LASD-AV's accountability practices. The reviews, analyses, studies, and audits that the SA requires LASD to conduct must use appropriate methodologies; and, in turn, their findings must be used effectively to inform policies and practices.[2] Finally, this level of performance must be sustained for one year to reach **full and effective compliance** and to satisfy the terms of the SA (Paragraph 205). In some cases, the SA requires ongoing improvement in the delivery of services (SA Paragraph 15).

This process of achieving compliance is laid out in various provisions of the SA, 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 to be laid out in each SA section's compliance metrics.

- Paragraph 205. The terms of the SA will have been met when "the County has achieved full and effective compliance with the Agreement and maintained such compliance for no less than one year."

- 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."

Compliance metrics or measures represent the specific quantitative and qualitative criteria by which the MT will assess full compliance with each SA provision. The written metrics, most of which are now finalized, mirror the language of the SA, but they also ensure the Parties and MT agree on how the SA language translates into workable and measurable standards for LASD-AV policy and practice and for assessing compliance.

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[2] Paragraph 171b gives a summary of the stepwise process toward compliance. Most provisions of the SA need to be "(1) incorporated into policy; (2) the subject of sufficient training for all relevant LASD deputies and employees; (3) reviewed or audited by the Monitor to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitor to have been fully implemented in practice."

This report addresses SA provisions where the MT considers the Department to be in compliance or to have made substantial progress toward compliance. Also discussed are provisions that require additional work, with emphasis on those that 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.

Each section of this report contains a compliance status table, summarizing progress made toward full compliance on each major section of the SA. The chart provided below serves as the legend for the tables in each section of the report and will be of help in clarifying the ratings.

Progress Rating Key	
Rating	**Description of Rating***
♦	Little progress: Some LASD provision-related work may have been planned or begun, but little to no progress toward outcomes compliance; provisions with larger scopes and importance take longer to progress
♦♦	Some progress: LASD provision-related tasks in process, but substantial work yet to be done; compliance reviews and audits in process or planned; some indication of expected outcomes being achieved
♦♦♦	Substantial progress: Most or all provision-related LASD tasks completed or near completion; compliance audits and reviews occurring and showing strong progress toward compliance; accountability structures in place to ensure sustainability
♦♦♦♦	Compliance: Policies and procedures formalized and implemented; training implemented; expected outcomes measured and in compliance; accountability processes functioning effectively
♦♦♦♦♦	Sustained compliance for one year with accountability processes functioning effectively and evidence of ongoing compliance

* When percentage levels are given in compliance status tables, it is important to note that the percentages do not always coincide with the progress rating. This is because percentage levels often refer to specific, quantitative compliance metrics and do not necessarily account for compliance with qualitative outcomes or with accountability structures to ensure sustainability.

III. WORK TO DATE

A. Stops, Seizures, and Searches

The SA provisions describe the way in which LASD-AV deputies must conduct and document investigative stops, detentions, and searches. These provisions also detail many of the ways Department supervisors and managers must document, track, review, and assess these practices and hold all staff accountable to the SA, LASD policy, the law, and the AV community. The introduction to Stops, Seizures, and Searches summarizes the overall goals of this section.

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 p. 7).

Broadly speaking, the SA requires LASD to (1) provide direction in the form of policy to deputies, (2) train deputies on Constitutional stops, (3) collect accurate data on their stops, and (4) use these data and other sources of information to identify deputies or practices that have potential for bias or other unintended impacts and to inform community policing strategies.

To summarize the work undertaken in this reporting period that will be detailed in this section, the Department has continued to provide training for deputies regarding stops as required by the SA and to compile data regarding the stops conducted in the AV. Efforts have been made to improve the consistency and accuracy of the information deputies are required to provide surrounding these activities. The MT reviews the stops data tabulations and has had numerous discussions with LASD staff regarding how these reports and the data can be used to achieve the objectives agreed to in the SA. However, the MT does not yet see evidence that the station leadership is effectively utilizing these resources to assess disparities in enforcement practices or to mitigate the potential adverse impacts these might have on community perceptions and attitudes about the Department's performance.

During recent site visits and discussions with LASD staff the MT pointed out that the stops analysis data shows several LASD-AV deputies ask almost every community member stopped if they are on probation and/or parole. This is an example of an unacceptable practice that LASD commanders must act on. LASD-AV commanders did commit to intervening in this practice, and the MT will continue to monitor their progress to ensure compliance with the SA. Finally, LASD has indicated that the LASD data systems specialists will begin reporting statistics on stops in the AV. LASD station commanders should receive and use that information on a regular basis to assess performance by their personnel to ensure this is consistent with the direction they are providing relative to their expectations.

1.   Full-Day and In-Service Training

a.   Constitutional Policing and Bias-Free Policing Training

The Constitutional Policing and Bias-Free Policing Trainings that were developed to meet SA requirements for stops, seizures, and searches, as well as for the bias-free policing and housing provisions, are an important element in the agency's efforts to establish a shared understanding of the expectations that LASD deputies, supervisors, and managers must meet. The Department has put significant effort into developing and implementing these two full-day training sessions,

and most AV deputies have now attended those sessions. It is incumbent on the Department to continue to train all sworn personnel who are newly assigned to the AV stations. During this reporting period, each training was offered twice. Bias-Free Policing Training was conducted on August 20, 2020, with 24 students and on September 24, 2020, with 25 students in attendance. Three of these participants were CAC members observing the training, an important step forward in promoting greater community involvement in station operations. Constitutional Policing Training was conducted on August 21, 2020, with 24 students and on September 25, 2020, with 27 students in attendance. Based on the MT's verification of training rosters, both stations were found to be in compliance for the year 2020.[3]

Delivery of these trainings during COVID-19 restrictions was not without significant challenges and the MT applauds the Department for this success. The compliance metrics that were agreed upon require LASD to offer the trainings a minimum of twice per year, but extra sessions can be offered to ensure deputies receive the training soon after they begin work in the AV. To that end, in addition to the February training sessions reported in the last report, LASD scheduled additional trainings for April 9 and 10, 2020. However, the April training sessions were canceled due to the COVID-19 pandemic and ensuing health orders. In light of this unusual circumstance, the MT was unable to determine compliance for this training requirement for the last reporting period. In order to meet the compliance requirements of the SA, LASD did provide training sessions in August and September 2020. As a result of the additional trainings provided, they were able to come into compliance for the year for those deputies assigned to the AV stations.

Based on an agreement reached between the Parties in October 2020, LASD deputies working out of the AV stations but assigned to other commands, such as Operation Safe Streets (OSS)/Gangs and COPS, must also attend the full day Constitutional Policing and Bias-Free Policing Trainings. The MT looks forward to receiving the documentation required for training compliance by those employees. The MT will report on compliance for these specialized units in the next reporting period.

b.   *Quarterly Roll Call Training for Constitutional Policing, Bias-Free Policing, and Housing*

The roll call training sessions provide ongoing abbreviated training that is intended to reinforce the concepts covered in the full-day Constitutional Policing and Bias-Free Policing Training sessions, stressing the importance of preventing discriminatory policing. The roll call sessions must be taught by an LASD trainer who attended the approved train-the-trainer course. To augment the number of already certified trainers, LASD offered a train-the-trainer course September 23, 2020. Twelve sergeants participated in that course (seven from Palmdale and five from Lancaster).

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[3] Compliance percentages for full-day trainings are calculated by dividing the total number of currently assigned deputies who have been trained by the total number of deputies assigned to the AV and available at the time of the current training.

During the roll call sessions, deputies are presented with real or hypothetical situations followed by a series of written questions; a facilitated discussion then takes place regarding the legality of taking action if those situations were to arise in the field. The content for each roll call session was described in the Eighth Semi-Annual Report (June 2019). While each deputy attends the full-day trainings just once, that training is reinforced by the roll call trainings that are provided on an ongoing basis, with two sessions normally presented in each of the first three quarters of the year and one session in the fourth quarter. Each session is offered at multiple times and on all shifts to give every station deputy the opportunity to attend.

Table 1 shows the MT's attendance verification of *Preventing Discriminatory Policing Exercise C, D, E, F and G* from the third and fourth quarter of 2020. Both AV Stations canceled roll call briefings C and D in the second quarter of 2020 due to the COVID-19 pandemic to meet the requirements of the health orders. Sessions E and F were offered on schedule, and both AV stations were found to be in compliance with attendance requirements. LASD has made efforts to make up the missed sessions by conducting the trainings through the month of December 2020. The MT will report on compliance for those sessions in the next semi-annual report. If current trends remain, it is likely LASD will be in compliance for this training requirement.[4]

Table 1					
Quarterly Roll Call Training Sessions C-G 2020					
AV Station	Session C (offered 4th Quarter 2020)	Session D (offered 4th Quarter 2020)	Session E (offered 3rd Quarter 2020)	Session F (offered 3rd Quarter 2020)	Session G (offered 4th Quarter 2020)
Lancaster	TBD	TBD	99%	100%	TBD
Palmdale	TBD	TBD	98%	98%	TBD

2.   Crime Prevention Strategy and Constitutional Stops

At this stage, the Department is not in compliance with one of the key SA requirements as laid out at the start of the Stops section.

> *LASD shall ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-productive divisions between LASD and the community, and are adequately documented for tracking and supervision purposes* (SA p. 7).

No matter the knowledge, expertise, and instinct that LASD staff bring to bear on enforcement decisions, it is extremely difficult to maintain a cohesive, consistent, transparent, and

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[4] Compliance percentages for roll call trainings are calculated by dividing the total number of currently assigned deputies who have been trained by the total number of deputies assigned to the AV *and* available at the time of the current training.

accountable approach to crime reduction in a large and diverse area like the AV without a formalized crime prevention strategy in place. The MT has noted and commented on inconsistencies observed in how patrol deputies receive information regarding criminal activity and what they do with that information once they do have it. Information

regarding criminal activity is disseminated in a variety of ways, including via dispatch, postings at the stations, statistical crime reports for an area, discussions or presentations during a roll call session, direct communication from detectives at the stations, emails, and conversations with other deputies. While each of these sources and processes can be of value, there continues to be a lack of focus or effort toward consistently evaluating whether deputies are engaged in pursuing objectives and undertaking activities established by management as a part of an overall crime reduction strategy and response to community needs, or whether their activities are based more on individual discretion being exercised in pursuit of goals that may not be consistent with community and management expectations.

Although direct field observations by the MT have been hampered by COVID-19 distancing requirements, the MT continues to see evidence that patrol deputies are largely left on their own to decide how and when to conduct enforcement activities. They make these decisions based on the information they receive through a variety of often informal ways and personal priorities.. For instance, the MT has regularly observed on ride-alongs in the AV a type of police response that is often referred to as "swarm policing," in which a larger than necessary number of deputies respond to calls that could be handled by fewer personnel. The deputies then may remain on site even after it is clear that the large law enforcement presence is not needed. It contributes to inefficiencies when such tactics are routinely done and supervisors are not attentive to this or willing to redirect resources to more appropriate activities. A police response that is not in alignment or proportionate with the threat to public safety or the criminality of the situation contributes to leaving other calls for service languishing or a neglect of other matters that require attention. This can also result in outcomes counter to the SA, constitutional policing, and espoused community policing strategies. (See discussion of a documented crime prevention strategy in the Bias-Free section below.)

The implementation of a strategic crime prevention focus, along with improvements in accountability, serve as a foundation for the MT to monitor and evaluate the cultural and systemic changes mandated by the SA, but more importantly, for LASD to evaluate their progress in achieving their goals. The development of a strategic crime prevention plan will be referenced throughout this report and will highlight the need to use various data inputs to inform many SA requirements related to stops audits and reports, community surveys, deputy surveys, crime and UOF trends, accountability, and others. The MT has shared many resources and other forms of technical assistance to support the department's development and implementation of a strategic crime prevention strategy over the years, and we are encouraged that the Department recently submitted a plan for comment by the MT.

a. *Station Supervisors and Watch Sergeants*

As we noted above, the COVID-19 pandemic has interrupted ride-alongs and other opportunities for MT members to directly observe field activities, but the MT was able to observe some station activities during this reporting period. In September 2020, the MT observed watch sergeants carrying out their responsibilities for conducting report reviews at each station. This provided the MT with a chance to review the quality of reports prior to supervisory review and actions taken by supervisors. The MT observed instances where the watch sergeants returned reports for additional work and other corrective actions prior to approval of those reports by supervisors. Because not all deputies share the same shift or days off as their assigned rating supervisor, the watch supervisor serves as an important and sometimes initial check point for ensuring the quality of the work conducted and the review of reports submitted by deputies. It would be more advantageous for employees to share the same work schedule as their immediate supervisor, which would ensure consistency of supervision. Since this is not always the case, the watch sergeants fill a critical position and serve as a key to ensuring deputies' work is connected to specific and coordinated efforts that can be laid out in a crime prevention strategy by the AV station commanders.

The Importance of Stops Data

A key focus of the monitoring activity for this section of the SA is on the various types of data collected by deputies as they conduct their daily operations. They record extensive information chronicling nearly every interaction with the public, including each stop or call for service; each search, detention, citation, or arrest; the dispositions of each call; and in some circumstances, short narratives. They also now record certain community engagement activities. It is essential that these data—which serve as the foundation for all audits, analyses, and reviews conducted by both the MT and by LASD—are accurate, thorough, and reliable.

Data collection for stops requires entering one or more alpha or numerical codes associated with the primary actions of the stop. Deputies can consult codebooks for these. The codes determine the other fields that appear on the screen and must be completed. Importantly, supervisors, managers, and auditors typically use these codes to retrieve information about each entry to properly supervise deputies and units, conduct risk management assessment, and monitor activities. For example, a supervisor may want to review all records from the past month for pedestrian stops, which use code 841. Such a request will retrieve only the stops recorded as pedestrian stops. Incorrectly coded stops will not appear in the search. With thousands of stops and other activities recorded in the database, it is of course very important that accurate codes are used to identify each stop type.

When a deputy stops and detains someone, however briefly, 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 the deputy's actions, and compliance with LASD policy and the terms and conditions of the SA. Further, it is critical for LASD to use the data collected as measures to inform and guide the evolution of their crime prevention strategy, to understand where law enforcement resources should be allocated, and to assess whether disparities exist in enforcement. In short, data, the strategic plan, and other information must be used to inform and drive management decisions in the AV and assist with the formulation and delivery of fair and equitable law enforcement services in the AV.

3.   LASD Use of Stops Data

The SA requires LASD to improve their data collection, analysis, and reporting. In addition, those data must be used to identify and respond to issues such as the effectiveness of law enforcement strategies and practice; the positive and negative impacts of those practices on the community; potential disparity; the level of community confidence in AV's law enforcement activity; and specific deputies or units who need additional direction regarding proper

enforcement. These types of reviews are an essential component of effective organizational systems, community policing, and problem-oriented policing tactics, and they are established to measure and respond to the impact that law enforcement activities have not just on community safety but also on how these affect community trust and constitutional policing.

This is an area where thoughtful analysis of data related to stops and other law enforcement activity is essential. These reviews can and should include regular incorporation of input from the community on crime and disorder problems and their potential solutions, and they should become part of the regular use of data to guide law enforcement practices in the AV.

These station-level reviews do not need to be as complex as the report provided in the MT's Disparity in Stops report, but they should do more than merely provide for the tracking of increasing or decreasing incidents of crime.[5] For instance, as discussed in the last semi-annual report, regular analysis may include identifying (1) deputies with high numbers of searches and low "hit" or recovery rates, (2) deputies with high numbers of stops but minimal results or documented actions following the stops, (3) deputies with the highest stops of people of color and potential factors for that, and (4) prevalence of various enforcement techniques and strategies across all personnel and the relationship of those practices to other indicators such as community engagement activities, work histories, supervision, and station culture. Analyses should also track progress of any corrective actions taken. LASD reports that they have started the process for this type of station level review; the MT will assess any steps taken in the next semi-annual report.

a.   *Stops Data Analyses*

The MT has provided statistical information of stop practices in the AV in the last two six-month reports and in separate reports and memos and does so again here. The MT has presented three main types of stops data analysis. The first is called the <u>trends analysis</u> and is reported here and in the appendix. The trends analysis demonstrates the type of data review the stations should do regularly—as often as monthly—to track and adjust as necessary their enforcement activities based on what the data show. The second is called the <u>disparity analysis</u> and is reported in the Bias-Free Policing section. The disparity analysis is a semi-annual analysis that centers on statistical modeling to assess "whether law enforcement activity has a disparate impact on any racial or ethnic group" (SA Paragraph 83). The third type is <u>targeted analyses</u> of certain issues, such as a deeper look at deputies' practice of asking about probation and parole status during stops (SA Paragraph 46) or the use of backseat detentions (SA Paragraphs 47–48; see Bias-Free section below). The MT's stops data reports present various points of data like stops and citations organized in relevant categories like type of stop or station or year. Some, like the

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[5]*Analysis of LASD Stops in the AV January–July 2019* (full title: *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the Antelope Valley*) available at http://www.antelopevalleysettlementmonitoring.info/

disparity analyses, also use statistical techniques to better understand the reasons why the results are what they are.

It is important to note that the MT data reports are just the very beginning of the process by which data must be used to meet SA requirements and improve law enforcement services in the AV. The crucial part of the process is whether and how the data are being used by the Department to guide and evaluate the provision of law enforcement services in the AV. Using the data, the Department needs to assess whether specific, articulated strategies are effective; whether certain units, shifts, or supervisors or some other Department entity seem to affect certain groups more than others; and whether a particular policing strategy has unintended consequences, such as reduced community trust in law enforcement. If the data show a disparity in enforcement, commanders should review the activity leading to the disparity, judge the efficacy of the practice, and provide direction to staff to mitigate the disparity where appropriate. Regular analysis and engagement with the stops data are core components of constitutionally valid policing.

Importantly, LASD must establish that there is an internal capacity and commitment to complete these analyses well into the future. LASD needs to support LASD station commanders with additional expertise for synthesizing and utilizing data from its various databases to reach compliance with the SA and to show sustainability. The MT has requested that the Department provide documentation of its plans for building this capacity at the AV stations.

b.   MT Trends Analysis: Findings

The MT trends analysis provides an overall look at stops (whether vehicle, pedestrian, or bicycle) and the outcomes that may follow a stop, such as search, backseat detention, citation, or arrest. The data are disaggregated by various relevant factors such as demographics, station, type of stop, and reasons justifying the enforcement decision (e.g., reason for the stop, reason for the search). As shown in Appendix A, the MT tabulated and compared two years of data from four consecutive six-month time periods spanning July 2018 through June 2020. The analysis found notable increases occurring in the percentage of stops that involved searches and of stops in which the deputy asked about probation and parole status. The proportions of people stopped in the AV by race/ethnicity have remained fairly consistent across the two-year timespan. Disparities found in previous analyses still persist, such as Black people being overrepresented in stops compared to their representation in the general AV population, Black people being most likely to be searched during a stop but least likely to have the stop result in a seizure of contraband, and Black and Latino people being most likely to be asked if they are on probation or parole but no more likely to answer "yes" than White people. Please see Appendix A for more detail.

In February 2020, an extensive discussion between the MT and the Parties, including station commanders, focused on the racial disparities in stops and searches, including searches based on probation or parole status, that had been identified in an MT trends analysis and in the MT

disparity analysis. During that conversation, station commanders stated that they would take steps to evaluate and ameliorate inequalities, but it appears that racial differences have not improved. While reviewing the findings and trends as presented provides some information stations can use to inform and improve upon policing practices, these data are most valuable as signals to managers that certain areas and issues should be the subject of a thorough review and consideration of potential changes in policy, training, supervision, or practice. Also, neither the MT nor the Department can effectively evaluate the trends analysis without evaluating those findings against some metric or standard for success such as would be integral to a crime prevention strategy.

c.   *Applying the Findings: Parole/Probation Status Question*

This section will demonstrate the type of approach the MT expects regarding the appropriate use of stops data by LASD managers to meet SA requirements and improve policing in the AV.

During a September site visit in the AV, the SA requirement that LASD collect, analyze, and use these data to address issues was discussed, in particular regarding Paragraph 46, which states: "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."

At this point, LASD does not regularly review data to assess the efficacy and impacts of conducting searches based on probation and/or parole status during stops and is thus not in compliance with Paragraph 46. Paragraph 83 also requires the Department to determine whether they are asking about a person's probation or parole status in a race neutral manner. Therefore, the MT discussed with station commanders the steps the stations can take to begin carrying out these and other important reviews. These steps are similar for any provision or any issue that the Department wishes to address. They include:

1.   Understand the purpose and scope of the issue (in this case, defined by the SA provision),

2.   Compile data and contextual information on the issue,

3.   Review those data and information,

4.   Develop goals and specific corrective action for addressing any problematic findings,

5.   Implement that corrective action and monitor its progress, including making any adjustments based on ongoing tracking and including holding personnel accountable to the goals.

The remainder of this section demonstrates how those steps might be carried out regarding Paragraph 46. (See Appendix B for a summary of a targeted analysis of the probation/parole status question.)

The MT recognizes that circumstances arise in law enforcement that provide reasonable justification for asking a person about their probation/parole status, but it can still be counterproductive and damage community relationships when the question is asked simply as a matter of course and without recognizing that it can be unwarranted and inappropriate in many situations. It is crucial that station managers review these practices and their consequences because they can undermine perceptions of LASD's legitimacy and foster distrust within the community. Asking AV community members if they are on probation or parole has been an issue since the outset of the Settlement Agreement and continues to be so.

The recently released MT analysis of LASD-AV stops that showed the disparities on probation/parole questions continue.[6] The reports states:

> Blacks are much more likely to be stopped, are more likely to be searched when stopped, are more likely to experience a backseat detention, and are more likely to be asked whether they are on probation or parole. Regarding the latter outcome, similar proportions of Whites, Hispanics, and Blacks asked about their community corrections status are actually on probation or parole. However, the higher rate at which this question is asked of Black people in conjunction with their relatively high stop rate indicates that a larger share of the Black population who are not on community corrections has had the recent experience of being stopped by a sheriff's deputy and asked if they are on probation or parole. (p. xii)

The practice of asking AV community members if they are on probation or parole appears to have had a disparate and negative impact on communities of color in the AV in violation of the SA, which states:

> LASD agrees to deliver police services that are equitable, respectful, and bias-free, in a manner that promotes broad community engagement and confidence in the department. (Preface to Bias-Free Policing section, SA p. 13)

> 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. (Paragraph 64)

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[6] The full name of the report is *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the Antelope Valley*. It is available at http://www.antelopevalleysettlementmonitoring.info

Similar to its previous analyses of the 10 deputies with the most stops, the MT recently analyzed 2019 AV data to identify the 10 deputies who most often asked about parole/probation status during a stop. During the site visit, the MT discussed these findings with the captains in the Palmdale and Lancaster stations. Three of the deputies who did this most frequently were found to have asked the question 99% of the time for hundreds of stops they conducted. The three deputies with the next highest numbers asked the question 97% of the time for hundreds of stops. The specific list of deputies was emailed to the captains at the conclusion of the site visit. Compiling such "Top10" lists is one example of the type of assessment necessary to ensure that LASD provides law enforcement services to the AV in an unbiased manner and in a way that builds better relationships with the community. This also provides managers and supervisors with an opportunity to identify potentially troubling performance trends by individual deputies that might prove to be inconsistent with the Department's stated values and expectations.

4.   Update on February 2020 MT Ride-Along

The investigation of a stop that occurred during an MT ride-along in February 2020 continues. The incident is detailed in the last semi-annual report. It involved more than 20 deputies on scene, firearms drawn, in response to a stolen car found in a parking lot with two individuals inside. A bystander who had been recording the incident was arrested and later charged with obstructing a police officer and resisting arrest. It is unclear to the MT if the arrest was based solely on the bystander's recording or on some other conduct. The MT requested information related to this arrest and was provided with the related reports. The MT also requested a copy of the recorded interview of the person arrested in the case by the LASD investigator as this is a critical piece of information required to understand the circumstances of this event. However, because criminal charges were filed against the bystander and the case is still pending, the terms of the SA do not authorize the release of the recorded interview. LASD has assured the MT that as soon as the criminal case is resolved, the recording will be provided. The MT wants to determine if there was a violation of LASD-AV policy, based on SA Paragraph 106, that prohibits deputies from interfering with or arresting individuals who are not otherwise violating any law for lawful recording in any place that the individual is lawfully present. The MT also wants to discuss with station leadership the potential impacts of the overwhelming nature of the deputy response to this type of situation. A review of the incident will be completed and the findings reported as soon as possible.

5.   Stops Management Accountability

LASD was able to continue the Constitutional and Bias-Free Policing Trainings in the midst of the COVID-19 crisis. This represents encouraging efforts by station management to maintain this important training.

By signing the SA, LASD has agreed to ensure that all deputy enforcement activity for stops, searches, and seizures is done in accordance with rights protected by the US Constitution. As

noted previously, SA page 7 also 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." This requires active supervision of staff and clear coordinated direction regarding crime reduction efforts in the AV. This will entail the regular communication of crime reduction strategies and priorities to deputies, consistent review of stops data and other information collected, and adjustments when necessary to ensure the fair and consistent enforcement in the AV. At this stage, LASD is collecting stops data of increasingly high quality but is not making sufficient use of those data to guide law enforcement practice or meet SA requirements of ensuring constitutional and bias-free policing in the AV.

In this reporting period, the MT has worked with the Parties to develop the remainder of the outstanding compliance metrics in the Stops and Bias-Free Policing section. While the absence of approved plans does not stop the Monitors from evaluating the Department's progress, they provide precise measures by which SA provisions can be addressed and compliance determined.

Station leadership and the Compliance Unit have indicated that they are using the MT Analysis of Stops report and other data provided by the MT to stress to personnel the importance of understanding the unintended impacts that stops and other activities can have on the community. The MT urges the Department to expand and formalize this effort to ensure all deputies are receiving clearly articulated and consistent information regarding the Department's expectations. Relatedly, the Monitors are encouraged that the Department is working to develop crime prevention plans for the AV.

The MT encourages more engagement of the Audit and Accountability Bureau (AAB), who conduct audits related to stops and the SA requirements. Regular checks and inspection can proactively identify any potential issues with data collection and recommend areas for improvement. Ultimately, internal auditing will be a key to displaying sustainability with the provisions of the Settlement Agreement. It is then incumbent on LASD managers to use the results of the audits to track and improve personnel and station performance.

6.   Stops Compliance Status

Table 2 provides the current compliance status for each paragraph in the Stops section of the SA. The table does not reflect work done or progress made toward reaching compliance with each provision; it only indicates whether the Department is currently in compliance.

	Table 2		
	Stops Compliance Status		
SA Paragraph	**Summary of SA Requirements**	**Compliance**	**Progress***
41	Stops and detentions are based on reasonable suspicion.	Partial	♦♦♦
42	Elements of procedural justice are incorporated into training.	Yes	♦♦♦♦
43	LASD-AV does not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor in establishing reasonable suspicion or probable cause, except as part of actual and credible description(s) of a specific suspect or suspects.	Partial	♦♦
44	Stops are accurately and thoroughly documented in MDC patrol logs.	Partial	♦♦♦
45	Accurate and specific descriptive language (non-boilerplate) is used in reports.	Partial	♦♦
46	Efficacy and impact on the community of searches based on probation and parole are assessed.	Partial	♦♦
47	Backseat detentions require reasonable suspicion and reasonable safety concerns.	Partial	♦♦♦
48	Backseat detentions are not conducted as a matter of course.	Partial	♦♦♦
49	Deputies respond to complaints about backseat detentions by calling supervisor.	Partial	♦♦♦
50	Deputies do not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation in exercising discretion to conduct a search, except as part of an actual and credible description of specific suspect(s).	Partial	♦♦
51	Deputies do not conduct arbitrary searches.	Partial	♦♦
52**	Outreach is conducted about right to refuse or revoke consent. Individuals with limited English proficiency are informed in appropriate non-English language. Supervisors are notified before home-based search.	Partial	♦
53	Reasonable number of deputies are present at a search.	Yes	♦♦♦♦
54	Section 8 compliance checks require articulated safety concerns.	Yes	♦♦♦♦
55	During home searches, individualized suspicion or probable cause determines who, besides subject of search, is subject to detention or search and for how long they are detained.	Yes	♦♦♦♦
56	Probation and parole searches are carried out only when search conditions are established and in accordance with the Stops section.	Partial	♦♦
57	Constitutional policing training is provided.	Yes	♦♦♦♦***

Table 2			
Stops Compliance Status			
SA Paragraph	**Summary of SA Requirements**	**Compliance**	**Progress***
58	Additional accountability and supervision to ensure unlawful stops and searches are detected and addressed.	Partial	♦♦
59	Supervisors review CAD logs.	Partial	♦♦♦
60	Supervisors review justification for stops and searches.	Partial	♦♦♦
61	Supervisors and station commanders address all violations and deficiencies in stops and searches.	Partial	♦♦
62	Supervisors and station commanders track repeated violations of this SA and corrective action taken.	Partial	♦♦
63	AV supervisors and commanders are held accountable for reviewing reports and requiring deputies to articular sufficient rationale for stops and searches under law and LASD policy.	Partial	♦♦

* ♦ = Little progress ♦♦ = Some progress, ♦♦♦ = Substantial progress, ♦♦♦♦ = Compliance, ♦♦♦♦♦ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.
** Partially monitored in the Bias-Free Policing section.
***The Department is in compliance on delivery of the approved trainings; outcomes related to each aspect of the training are measured in other provisions.

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.

1.   Full-Day and In-Service Training

a.   Bias-Free Policing Training

As reported in the Stops section, LASD continued to provide the full-day Bias-Free Policing Training for LASD deputies assigned to the AV stations. Palmdale and Lancaster Stations were both found to be in compliance above 95% for personnel trained. At LASD's request, and as required by SA Paragraph 65, representatives of the Museum of Tolerance observed a bias-free training session and gave positive feedback regarding its content and delivery. As reported in the last semi-annual report, the Compliance Unit is pursuing further communication and

engagement between LASD and the museum, although progress has been hindered by COVID-19 restrictions. The MT applauds this effort and encourages the department to continue to engage other resources with expertise, including AV community members, on such topics as trainings.

As reported in the last semi-annual report, during its review of training records the MT noticed—and alerted the Department to the fact—that three deputies had been working in the AV for more than 200 days without attending the full-day trainings. In this reporting period, two of these deputies completed both required trainings. However, one of the deputies had still not attended the Bias-Free Policing Training, and the MT became aware of another deputy in a similar situation. Even in exigent circumstances, such delays are not consistent with the training goals or requirements of the SA. It is also important that these sorts of situations be identified through regular accountability oversight by station supervisors rather than by the MT. The MT expects the Department to track individual deputies who miss trainings and to explore options for avoiding this situation in the future.

b.   *Quarterly Roll Call Training*

LASD is making up the roll call training sessions missed earlier in the year due to COVID restrictions. See the Stops section above for more details on the roll call training sessions. Training remains underway and the MT will report on compliance in the next 6-month report. If current trends remain, it is likely LASD will reach compliance for this training requirement.

c.   *Additional Roll Call Training Sessions*

The Parties and MT continued discussions with the independent trainer to develop additional roll call training sessions. The additional sessions will look to incorporate videos and other resources to add variety to the existing training scenarios. The updated scenarios will add new content and help vary the scenarios for the deputies. The MT looks forward to reviewing the new training scenarios, which have been provided, and is ready to provide technical assistance as needed.

2.   Crime Prevention Strategies and Bias-Free Policing

The MT has continued to ask LASD for an articulated crime prevention strategy for the AV stations. Such a strategy would advance the Department's efforts to achieve compliance with the Bias-Free Policing provisions in the SA. At meetings held in the AV in September, the MT again discussed finding from the stops data analyses—especially those relating to disparities in discretionary stops, being asked about parole/probation status, searches, backseat detentions, and arrests—and how a crime prevention strategy would provide data-based measures for

addressing those disparities and other findings. (The results of the MT's disparity analysis were summarized in the last semi-annual report and is available on the AV monitoring website.[7])

It is incumbent on LASD to understand where and why disparities are occurring in its enforcement activities and to determine how to best address them. Only through reflection on and analysis of its law enforcement strategies and practices can the Department determine critical intervention points where disparities can be addressed. This does not mean any particular enforcement actions should necessarily cease; rather, enforcement strategies must be questioned and scrutinized. The determination as to the efficacy of any specific police practice should, among other factors, consider the impact this has on public safety <u>as well as</u> community trust in the Department—real or even perceived disparities have a significant negative impact on community trust in law enforcement. In addition, LASD management should recognize that there are several indications that these negative impacts are, indeed, occurring. As described in the Community Engagement section, the second annual Community Survey again showed that many community members feel certain groups are treated differently than others. Also, comments at community meetings consistently describe Black and Latino people feeling targeted.

At the September meetings, the station captains each described work underway to formalize their crime prevention strategies. The Palmdale captain had drafted a strategic plan, and the Lancaster captain is researching plans that can serve as examples there. At the request of the captains, the MT re-sent previously shared examples, toolkits, and other resources. Subsequently, the MT and Parties held further extensive discussions during the November site visit, at which time LASD committed to submitting a plan to the MT for review. Since then, LASD has reviewed plans from other jurisdictions as examples for the creation of an AV-wide crime reduction plan. LASD has also conferred with a leading expert in community policing and problem solving at a respected university. A draft plan was recently submitted to the MT for review. This plan and the Palmdale strategic plan will be reviewed and discussed in the next reporting period.

Although there are a variety of approaches to crime prevention strategies, at a minimum, effective strategic plans include common elements such as goals, objectives, directed activities, data collection and analysis, and designation of staff assignments and timelines for completing specific tasks. They also incorporate community input regarding enforcement priorities, crime prevention activities, and community perceptions regarding law enforcement activities. AV community members' input can be gathered through numerous avenues, including the CACs, the annual community survey, community engagement events, one-on-one engagement with community members (recorded as stat code 755) and designated meetings held to discuss specific issues or areas. The implementation of the plan will require the support of divisional managers but will be directed and conducted at the station level.

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[7] The report title is *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the Antelope Valley*. It is available at http://www.antelopevalleysettlementmonitoring.info

3.   LASD-AV Disparity Assessment (Paragraph 68)

The MT and AV station commanders also discussed the requirements of SA Paragraph 68, a vital element of LASD's efforts to ensure that AV community members are not subject to discriminatory policing. Paragraph 68 states:

> Within one year of the Effective Date, and annually thereafter, LASD will assess all programs, initiatives, and activities involving the Antelope Valley Stations to determine the extent of any disparate impact and to ensure that no program, initiative, or activity is applied or administered in a manner that unlawfully discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation.

When any program, initiative, or activity is identified through audits, data analysis, community surveys, community feedback through the CACs, community engagement activities, and so forth as having disparate impact on any sector of the community, LASD is required to conduct a further assessment and take corrective action as appropriate. As discussed earlier, LASD recognizes that the stops disparity analysis[8] showed disparity regarding certain aspects of its discretionary stops and is beginning the process of addressing those issues.

4.   Making Use of Data and Targeted Analyses

What follows are specific examples of how the Department can apply the findings of the disparity analyses—coupled with the trends analyses discussed in Stops—to address SA provisions and ensure bias-free policing is achieved in the SA.

a.   Applying the Findings: Probation/Parole

One of the findings in both the disparity analysis and the trends analysis was that, during a stop, Black and Latino people are more likely to be asked about their probation and parole status than Whites were, slightly less likely to be on probation or parole when asked, and more likely to be both asked and not to be on probation or parole. This issue was discussed at length in the Stops section above. (See also Appendix B.)

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[8] The MT's analyses include *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff's Deputies in the Antelope Valley*, the stops trends analysis in the 10th Semi-Annual Report, and the two-year stops trends analysis provided to the Department at the November onsite and summarized in Appendix A.

b. *Applying the Findings: Backseat Detention*

Another finding in the disparity analysis was that Black people are more likely to experience a backseat detention than Latino and White people are. Several SA provisions address backseat detentions, such as requirements to ensure backseat detentions are only used in certain circumstances, to provide law enforcement services in a bias-free manner that is consistent with Constitutional standards, and to conduct semi-annual analysis of backseat detentions. There may be legitimate and legal reasons that LASD-AV deputies are more likely to detain Black people in the backseats of patrol cars; however, it is incumbent on the station leadership to gain an understanding of the circumstances leading to backseat detentions and to make an assessment of the legitimacy of those actions. To gain this understanding, managers and their staff can perform a number of inquiries, such as the following.

- Review the MT disparity analysis and trends analysis (see Appendix A).

- Conduct their own review of the stops data they collect that includes a narrative describing the reasons for each backseat detention and reviewing associated arrest reports to look for patterns or anomalies.

- Explore the data to see whether backseat detentions—and specifics on the reasons for the detention—happen more often during certain types of stops, or in certain reporting districts, or certain times or shifts, or when certain deputies are involved.

- Interview deputies and their supervisors for context and motivation.

- Review the outcomes of the stops involving backseat detentions to track what valuable law enforcement objectives are being met.

- Review community input on the matter through the community survey, CAC reports, and by intentionally raising the issue with community members at Coffee with the Captain, CAC, and community meetings, etc. or holding meetings with stakeholders.

- Review complaints, uses of force, and other cases involving backseat detentions.

- Review policy, training, and supervision concerning the matter.

- Gather feedback from respected subject matter experts about observed trends and possible interventions.

With this information, the Department can begin to answer important questions such as: Are the findings explained and not an issue to be concerned about? Do law enforcement objectives justify any negative impact on community trust? Are there adjustments that could be made to meet law enforcement objectives yet reduce some of the negative impacts? Are there

characteristics of certain deputies or shifts or types of stops that unnecessarily increase the use of backseat detentions? Are there issues in the community that contribute to the backseat detentions? Are adequate policy controls in place to manage when backseat detention occurs?

Depending on the answers to these questions, station leadership can then develop a plan to address any existing disparity. This could involve several options.

- New elements of training, supervision, or mentoring.

- Revised policies or directives.

- Setting expectations of when backseat detentions should and should not be used (with tracking, per deputy, to hold them and their supervisors accountable to the expectation).

- Setting goals for reducing the use of backseat detention by a certain percentage in a certain time period (again with tracking to assess results).

- And, if initial interventions do not achieve goals, consider the Performance Mentoring Program or other supervisorial options such as temporary reassignment to remove staff from the environment and/or participation in an assignment to develop their ability to make better enforcement decisions.

The MT also recommends that the Department be inclusive and transparent about this process, sharing the data and communicating its goals with community members and LASD personnel so as to increase understanding of the Department's commitment to improving law enforcement services in the AV and maximize buy-in for any eventual changes, and thereby promote accountability to the community.

5.   Bias-Free Policing Management Accountability

As discussed above, the MT identified four deputies who worked in the AV for at least a year without attending the required full-day training sessions. The MT considers this a managerial accountability issue. It is critical to ensure deputies receive this training as soon as possible after transferring into the AV because the training sessions set clear expectations for deputies related to the requirements for LASD-AV deputies. The MT understands the need for staffing in emergency situations and that other circumstances can arise, but station managers need to ensure that any deputy that misses an opportunity to attend the trainings is prioritized for the next available trainings.

To reach compliance with the SA, LASD commanders and supervisors must regularly inspect the work of staff to ensure bias-free policing in the AV. This involves many of the reviews already underway, such as, Deputy Daily Worksheet (DDWS) review, reviews of reports, and supervisory

observations of deputies in the field. Additionally, management must supplement their efforts with the use of stops and enforcement information. (See also the extensive discussion regarding the use of data in the Stops section above.) Commanders and supervisors must take action where they identify bias-based action or questionable actions and behaviors by deputies.

Management must also actively assess where bias may be present in station-directed enforcement efforts in the AV. This involves more that analyzing the individual actions of deputies; it includes an analysis of the impact of larger enforcement efforts in the AV. For example, the overreliance on vehicle stops in an area to address criminal behavior could have a disparate impact on a specific community. It is incumbent on LASD to make use of the data to identify disparities and address the findings. In some circumstances, there may be a reason for a disparity, but LASD must be able to clearly explain the reasons for the disparity and efforts to ensure their decision making and/or enforcement direction is free of bias or disparate impacts. Compliance with the SA is incumbent on clear evidence that LASD management both holds deputies accountable when engaging in bias-based practices and addresses LASD enforcement strategies resulting in bias or disparate impacts in the community.

6.   Bias-Free Policing Compliance Status

Table 3 provides the current compliance status for each paragraph in the Bias-Free Policing section of the SA. The table does not reflect work done or progress made toward reaching compliance with each provision; it only indicates whether the Department is currently in compliance.

Table 3			
Bias-Free Policing Compliance Status			
SA Paragraph	**Summary of SA Requirements**	**Compliance**	**Progress***
64	Members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. Deputies do not initiate stops or other field contacts because of an individual's actual or perceived immigration status.	Partial	♦♦
65	Museum of Tolerance and other experts are consulted on prohibited conduct, bias-free policing, implicit bias, and stereotype threat.	Partial	♦♦♦
66	Effective communication and access to police services is provided to all AV members, including those with limited English proficiency (LEP).	Partial	♦♦♦

Table 3			
Bias-Free Policing Compliance Status			
SA Paragraph	Summary of SA Requirements	Compliance	Progress*
67	Bias-free policing and equal protection requirements are incorporated into personnel performance evaluation process.	Partial	◆◆◆
68	All LASD-AV programs, initiatives, and activities are analyzed annually for disparities.	Partial	◆◆
70	Bias-free policing training is provided.	Yes	◆◆◆◆**
71	Quarterly roll call training on preventing discriminatory policing is provided.	Partial***	◆◆◆

* ◆ = Little progress ◆◆ = Some progress, ◆◆◆ = Substantial progress, ◆◆◆◆ = Compliance, ◆◆◆◆◆ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.

**The Department is in compliance on delivery of the approved trainings; outcomes related to each aspect of the training are measured in other provisions.

***The Department was offering additional roll call trainings in November and December to replace trainings canceled due to COVID-19. The MT will assess compliance in the next reporting period..

C.   Enforcement of Section 8 Compliance

DOJ's finding in their 2013 investigation that LASD-AV deputies—together with the Housing Authority of the County of Los Angeles, and some residents and city officials—engaged in a pattern and practice of housing discrimination against primarily Black Section 8 voucher holders in Lancaster and Palmdale was pivotal in DOJ's initiation of the SA. With new policies and training in place and no indication of inappropriate involvement in housing issues in the AV, the MT's last semi-annual report found LASD in sustained compliance with all housing-related SA provisions except one, Paragraph 75. As described in this section, the MT's assessments during this reporting period found that LASD is now consistently meeting Paragraph 75 requirements and has reached and maintained sustained compliance with all SA housing provisions, Paragraphs 73–80.

1.   Monitoring of Housing Policy Receipts in this Reporting Period

All sworn personnel assigned to the AV stations when the Housing Non-discrimination (HND) and Accompaniment policies were first published signed forms acknowledging they had received and understood those important policies. Since then, it has been the AV stations' responsibility to ensure that the same acknowledgment forms are provided to any newly assigned sworn personnel and that appropriate records are maintained. These requirements ensure that deputies and their supervisors are aware of their responsibilities regarding housing issues from the very start of their work in the AV community. Specifically, Paragraph 164 requires the Accompaniment Policy be received by new personnel within 30 days of assignment.

The Department was found to be in sustained compliance with this provision in the last semi-annual report. Paragraph 75 pertains to the other housing-related policy, the HND policy, and requires signed acknowledgment of receipt within 15 days of assignment. Assessment of this last remaining provision was a focus of this reporting period.

In short, the MT's review of policy receipt documentation for the second and third quarters of 2020 found LASD in compliance for both the Paragraphs 75 and 164. These findings are detailed here.

However, to complete the assessment of second-quarter receipts, LASD had to correct the SA Paragraph 75 data it had submitted and that the MT had relied upon. This resulted in increased work and time spent by MT members and the Department. This also represented a management accountability issue, since timely and accurate data is an essential aspect of the system of checks and balances needed to ensure that Department managers hold their staff accountable to not just the SA but to LASD policy, the law, and, most importantly, to members of the AV community. To avoid reoccurrence, the MT set parameters on how LASD must submit its compliance documentation in the future. These parameters are discussed in the Housing Compliance Status section below.

a.   *Lancaster Station—Second Quarter 2020*

Based on the data the Department originally provided, the MT completed an assessment of HND and Accompaniment policy receipt documentation for the second quarter of 2020. After reviewing the MT's assessment memo, which found the Department out of compliance, the Compliance Unit informed the MT that the transfer date it previously provided for two sergeants was erroneous. The MT conducted a new verification based on the corrected data and found that nine deputies signed their housing policy documents within three days of their transfer-in date, one sergeant did so within 11 days, and one sergeant did so within 13 days. (Five transferred from the Palmdale Station with housing forms already signed and thus were not included in compliance calculations.)[9] With 100% (11 of 11) of newly assigned sworn personnel having received the housing policies within the SA-required timeframes, Lancaster Station was thus found to be in compliance for both Paragraphs 75 and 164 for the second quarter 2020. Documentation indicated no deputy had a question regarding the HND policy.

b.   *Palmdale Station—Second Quarter 2020*

Sixteen new personnel transferred into Palmdale Station during the second quarter 2020. One deputy who was scheduled to transfer into Palmdale Station on June 28, 2020, became

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[9] For the purpose of computing compliance percentages, "newly assigned personnel" does not include deputies who transferred into an LASD-AV station with housing receipts previously signed. SA Paragraph 75 refers to deputies newly "assigned to LASD-AV"; therefore, only their first assignment to one of the stations is counted.

unavailable before his transfer date: he was therefore considered unavailable for the purposes of this review. Of the remaining 10 available personnel, nine signed their housing policy acknowledgment forms within four days of their transfer-in date, and one sergeant did so within 13 days. (Five transferred from Lancaster Station with housing policy receipts already signed and thus were not included in the compliance calculations.) With 100% (10 of the 10) of available personnel having signed the policy receipt forms within the required timeframe, Palmdale Station was found to be in compliance for both Paragraphs 75 and 164 for the second quarter 2020. Documentation indicated no deputy had a question regarding the HND policy.

c.   Lancaster Station—Third Quarter 2020

One deputy transferred into Lancaster Station during the third quarter 2020, but he transferred in with both HND and Accompaniment policy forms already signed from a previous assignment at Lancaster Station in 2018 and thus is not counted toward compliance calculations. With no new deputy transfers, Lancaster Station was found to be in compliance for housing policy receipts for the third quarter 2020.

d.   Palmdale Station—Third Quarter 2020

Six deputies transferred into Palmdale Station during the third quarter of 2020. Four transferred in with housing policy receipts already signed and thus are not included in the compliance calculations. Both of the remaining personnel transfers signed their housing policy receipts within eight days of their transfer-in date. Thus, Palmdale Station was in compliance for housing policy receipts in the third quarter 2020.

2.   <u>Housing Compliance Status</u>

Table 4 shows the Department is in sustained compliance with all SA housing Paragraphs 73–80 as well as Paragraph 164 as it relates to housing. For continued compliance with Paragraph 75, LASD must provide the MT with the following information each quarter, starting with the fourth quarter 2020.

> 1.   A spreadsheet showing all SA Paragraph 75 data for each newly assigned deputy to an AV Station.
>
> 2.   Updated rosters for each station.
>
> 3.   Signed housing acknowledgment policy receipt forms for each deputy.
>
> 4.   Documentation of the date all personnel arrive at their new AV station.

The submission of this information will ensure the accuracy of all housing data provided by LASD, expedite the MT review process, and facilitate LASD remaining in sustained compliance on the SA housing policy receipt provisions.

Table 4				
Housing Compliance Status				
SA Paragraph	Summary of SA Requirements	Compliance	Sustained Compliance	Progress*
73	New HND policy is implemented.	Yes	Yes	◆◆◆◆◆
74	All current deputies acknowledge receipt and understanding of HND policy.	Yes	Yes	◆◆◆◆◆
75	All newly assigned deputies acknowledge receipt and understanding of HND policy within 15 days.	Yes	Yes	◆◆◆◆◆
76	Policies regarding the review of requests from a housing authority for deputy accompaniment are revised.	Yes	Yes	◆◆◆◆◆
77**	Accompaniment policy regarding LASD housing investigations is implemented.	Yes	Yes	◆◆◆◆◆
78	Deputies document all voucher holder compliance checks using stat code 787.	Yes	Yes	◆◆◆◆◆
79	Deputies document each independent investigation for fraud based on voucher holder compliance with the voucher holder contract using stat code 787.	Yes	Yes	◆◆◆◆◆
80	Deputies document housing-related activity using stat code 787 and do not inquire into an individual's Section 8 status.	Yes	Yes	◆◆◆◆◆

* ◆ = Little progress ◆◆ = Some progress, ◆◆◆ = Substantial progress, ◆◆◆◆ = Compliance, ◆◆◆◆◆ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.

** The Department is also in compliance concerning distributing the revised Accompaniment policy to LASD-AV personnel as per Paragraph 164.

3.   Monitoring Sustained Compliance Related to Housing

The MT continues to attend to housing provisions in sustained compliance via ongoing monitoring actions related to other sections of the SA, including audits, community engagement activities, stops data reviews, and accountability compliance reviews. In practice, this means that, when feasible, the MT incorporates housing-related objectives into reviews for other SA sections. This is done in lieu of conducting reviews specifically designed for housing-related monitoring as it is a suitable and efficient means of assessing ongoing compliance. This process was described in detail in the Monitor's 10th Semi-Annual Report. Continued dissemination of the HND and Accompaniment policies to new deputies, continued training on the housing

provisions and the federal Fair Housing Act (FHA), reporting of any housing-related community contacts, and adherence to the FHA and SA housing provisions are each tracked by the MT in this process. No housing-related issues have arisen through this process thus far; thus, the MT finds the Department has maintained sustained compliance.

In the future, any housing-related issues that may arise will be flagged during MT reviews of a wide array of sources, including LASD's own audits, reports, reviews, assessments, and meetings, reviews and observation of CAC reports and meetings, review of documentation and observation of LASD community engagement activities; and other sources from broader Los Angeles County, such as the Office of the Inspector General, the Civilian Oversight Commission, and news media. All of this information is tracked, and any indication of incidents or activities that may not appear to comply with SA requirements will be explored further by the MT, beginning with the validation of the facts and circumstances of the situation. If the MT believes further attention is warranted after this initial review, the MT will conduct a more formal investigation to include any necessary document and data requests and interviews. Particular attention will be given to whether LASD accountability processes identified and responded to the issue. Findings will be discussed with the Parties and next steps will be determined. These could include a range of responses, including no change in compliance status, additional scrutiny applied from an accountability perspective, or a return to more intensive housing monitoring.

D.   Community Engagement

The Community Engagement (CE) section of the SA states that "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" (p. 20). The term "community engagement" primarily refers to the Department's efforts to engage the community in meaningful ways and as a co-producer of public safety, thus building and maintaining trust and confidence in the Department among all community members, per the goals of the SA. This includes extra effort having to be made on the part of the Department to engage with community groups that are alienated or harder to reach. The MT's role in the community engagement process is to assess LASD's efforts to interact with and improve its relations and the nature of engagement with the AV community. The MT may also provide advice and technical assistance to the Department, the CACs, or community groups, as appropriate and requested.

The COVID-19 pandemic continues to create significant challenges to the Department's efforts to promote meaningful community engagement, with much of the year spent under "shelter in place" orders and restrictions against any large gatherings. As mentioned in the previous Monitoring Report, tragic, highly publicized deaths of Black Americans and people of color across the country, as well as subsequent protests and civil unrest, contribute to the public's perceptions and a lessening of the level of trust in local law enforcement. These perceptions affect police–community relationships. This has also been true within the Antelope Valley.

In the previous semi-annual report, we noted that the Palmdale and Lancaster stations have fallen short in certain important areas of implementation of the reforms in the CE section. While some progress has been made in this reporting period, additional progress is required. We also acknowledge that the increased level of community engagement that we recommended in the previous Monitoring Report is hard to accomplish during the pandemic.

1. CAC Quarterly Town Hall Meetings

Members of the MT attended the Palmdale CAC town hall meeting at Pontcitlan Square on September 8, 2020. This was the only in-person CAC meeting held during this monitoring period due to the pandemic. In attendance were most of the CAC members, a large contingency of LASD personnel, and representatives from several high schools that had booths set up, but there were just five other members of the community present. The event was also streamed live on Facebook, and a Zoom link was provided, which had another six to eight participants. Obviously, engaging members of the public to participate in a community meeting either in person or virtually during a pandemic is very challenging. During the meeting, a member of the MT reviewed the most recent semi-annual report and highlighted the ongoing challenges with the lack of compliance to the SA by LASD. The superintendent of schools spoke about the new school year in the age of COVID-19, and some of the community members asked questions. The Palmdale captain spoke at the event and announced a new station strategic plan with the goals of reducing crime, partnering with the community, and improving morale.

Members of the MT also attended the online Lancaster CAC quarterly town hall meeting on September 15. LASD personnel and CAC members broadcast via Facebook from the Lancaster station, and more than 40 members of the community logged on remotely. Community participants asked numerous questions about a broad range of questions, including recent deputy-involved shootings, the new body-worn camera program, the recent Monitoring Report, homelessness, the Department's mental health response team (MET), and the controversial issue of deputies with gang/clique tattoos.

The Lancaster CAC held another town hall on November 17, also through the Facebook app. Of the 16 participants, only three were not members of the CAC or LASD. The CAC presented the latest semi-annual report, and the Lancaster captain and other personnel presented, mostly about the new body-worn camera program.

Hosting a community forum using web-based video conferencing is very challenging. The degree of engagement that the MT would like to see between members of the community and LASD did not occur during these events, largely due to the online format. Although LASD answered questions from the participants, the town hall was not able to have an in-depth engagement and back-and-forth regarding community concerns and ideas. The recorded events remain available online, where they had received a total of approximately 2,000 views as of December 2020. We note and appreciate all the Department's efforts to provide virtual communication with the community; we also encourage the Department to implement

additional strategies. For instance, not all community members have or want access to Facebook, and young people in particular are moving away from using this platform.

2.   Review of LASD-AV Deputy Community Engagement Activities

Paragraph 88 of the SA requires deputies in the AV stations to regularly and actively attend community events and meetings. During the COVID-19 pandemic, far fewer community events have been held. As a result, the MT considered whether a temporary adjustment needs to be made to the Community Engagement compliance metrics; however, the Department has indicated that they will still be able to achieve compliance with the agreed-upon metrics, so at this point no adjustment has been made. Data provided by LASD shows that deputies have indeed continued to attend some events and conduct meaningful and positive engagements with members of the community (aka 755s). Compliance will be assessed in early 2021 and reported in the next semi-annual report.

3.   Crime Management Forums and Risk Management Forums

Paragraph 90 of the SA requires that the Crime Management Forums (CMFs) and Risk Management Forums (RMFs) held by LASD be enhanced to:

> include discussion and analysis of trends <u>in misconduct complaints and community priorities</u> to identify areas of concern, and to <u>better develop interventions to address them</u>. LASD agrees to use techniques such as spatial mapping and scientific deployment analysis to enable the Risk Management Forum to <u>better support and measure community and problem-solving policing efforts</u>. (Emphasis added.)

The Monitors have observed several CMFs and RMFs in the past year. In this reporting period, these include CMFs on July 27, August 24, September 28, October 26, November 24, and December 28, and an RMF on September 24. All these were via the WebEx online meeting platform.

CMFs and RMFs are integral for divisional command staff to hold station captains accountable as they provide an opportunity for executive management to be briefed on and evaluate the performance of the stations in dealing with crime and other significant matters, including community input on crime issues and on community complaints, to engage in discussions with the station commanders about trends and issues of note, to ascertain whether adjustments or follow-up enforcement or prevention actions should be entertained, and to coordinate effective deployment of resources. The Lancaster and Palmdale stations participate in the North Patrol Division Crime Management Forum meetings each month and in RMFs quarterly.

At this time, LASD is not in compliance with this item. The Monitors have noted increased attention and engagement in these meetings on the part of the assistant sheriff and the chief of

the North Patrol Division and their efforts to encourage the stations to undertake more problem-solving efforts. While there have been some examples cited of the stations undertaking efforts to address certain recurring problems (such as the proliferation of illegal gambling locations, reckless driving and street racing, and underground parties) most of the organizational responses to date have relied heavily on traditional enforcement strategies rather than more fully developed problem-solving efforts that also engage other community stakeholders. While such tactics can and often do have an immediate short-term impact, they tend to result in momentary suppression of the behavior or displacement of the problem rather than having the desired effect of permanently eliminating or reducing the problem.

The Monitors have had several discussions with LASD executives and command staff during this reporting period to underscore the importance of implementing strategies to meet this requirement. In short, there has been an improvement in the information and discussions during the CMF, but these improvements are thus far insufficient to reach compliance with the SA or best-practices in policing. The stations are now undertaking efforts to provide station personnel with training in problem-oriented policing practices. As that training begins to take hold and be carried out in the field, we expect to see refinements in the crime prevention efforts being utilized, increased engagement with affected stakeholders, and more emphasis placed on achieving and evaluating long-term results.

a.   RMF

At the September 24 RMF, there was no discussion regarding community concerns or community engagement. Toward the end of the meeting there was brief mention by the captains of both the Lancaster and Palmdale stations about a trend analysis and their response to it thus far. The captains noted an increase in uses of force related to suspects with mental health challenges, so they brought in the MET team to conduct trainings for AV deputies.

b.   CMF

As noted in previous reports, there has been insufficient discussion on community priorities, and that remained true for the beginning of this reporting period, including July and September.

On October 22, the Parties and the MT met to discuss Paragraph 90 of the SA. The MT acknowledged that progress has been made toward compliance with the requirements of the SA in this provision, but indicated the Department remains out of compliance, partly due to a lack of focus on community priorities and on developing interventions that incorporate community input and community-oriented policing approaches. The chief of the North Division agreed that the Department still needs to make more progress and that they would make the necessary adjustments.

Subsequently, at the CMF on October 26, there was some limited progress toward compliance with Paragraph 90. The Palmdale captain mentioned that the station was attempting to use problem-oriented policing (POP) and the SARA (Scanning, Analysis, Response, Assessment) model in dealing with complaints of loud music at a wedding site venue. But the focus seemed to be on suppressing the problems through enforcement activities rather than utilizing the SARA model and collaborative problem-solving techniques to engage with the owners and the affected community in order to resolve any ongoing problems in a permanent manner. There was also a brief discussion of upcoming community events scheduled. However, there continued to be no discussion or documentation provided related to community concerns or complaints by the station commanders when presenting their PowerPoint materials and discussing tactics they are employing. While the captains do review the crime figures and arrests made, little to no discussion has been undertaken to relate this back to community-identified priorities or application of the SARA model to address consistent crime and disorder issues. The MT noted this again during the November and December CMF meetings.

c.   CMF and RMF Enhancements: Achieving Compliance With Paragraph 90

One of the principal dilemmas regarding crime management in any agency is deciding which performance indicators or metrics should be emphasized. Should metrics focus on "outcomes," such as crime reduction, community trust, resource management, and improved quality of life? Or should they focus primarily on documenting more traditional enforcement activities, such as responding to crime, writing citations, making arrests, or conducting traffic stops? Currently, the LASD CMF focuses almost exclusively on the latter categories of activities, whereas compliance with the SA requires not only the inclusion of certain analysis techniques like spatial mapping and scientific employment analysis to better evaluate trends and patterns, but also a shift toward focusing more attention on achieving quantifiable results, such as crime reduction and improvements in community engagement and public confidence in the Department. Desired or intended outcomes have been articulated throughout the SA, and those should be receiving greater attention in the CMF meetings as well as, on a routine basis, by the station commanders.

As noted in previous reports and in particular in memos in November 2019 and August 2020, the MT has the following recommendations on how LASD can come into compliance with Paragraph 90 of the SA.

The critical elements of Paragraph 90 require that the CMF and/or RMF engages in actions to:

1.   Identify areas of concern regarding misconduct complaints and community priorities;
2.   Develop appropriate interventions to address these priorities;
3.   Utilize sound techniques that support these actions; and
4.   Measure/evaluate community and problem-solving policing strategies.

To achieve these objectives, the CMF and RMF will need to include:

1. Discussion and analysis of trends in misconduct complaints;

2. Discussion and analysis of community priorities;

3. Display how the use of techniques such as spatial mapping and scientific deployment analysis are being carried out; and

4. Determine and incorporate the use of appropriate performance metrics to evaluate community policing and problem solving in the AV.

Prior to the CMF and RMF meetings, the Department should conduct and compile the analysis of misconduct complaints and crime data as well as the synthesis of information the Department has learned regarding community priorities for discussion. In addition to the ongoing attention the Department devotes to crime statistics, community priorities should be identified through a variety of sources and means, including such activities as the following.

- The Department's "collaborative problem-solving" efforts with the community (Community Engagement preface of the SA).

- "Partnerships between the police and community targeting problem solving and prevention" (SA Paragraph 89b).

- Consultation with the CACs (SA Paragraph 93b).

- AV personnel's active participation at various community meetings and events, and 755 interactions (SA Paragraph 87–88).

The compilation and utilization of the Department's crime data, in concert with the incorporation of information about community concerns and priorities, should be presented and discussed at the CMF/RMF meetings. This information should be synthesized and analyzed to help guide the development of more refined policing strategies. Proposed interventions should be presented, and these measures should be developed to be in concert with the strategies and tactics of the Department's adopted Community Problem Orientated Policing (CPOP) and SARA methodologies. They should include specific instructions, timetables, key staff assignments, and objectives. Whenever possible, the objectives should be measurable, and what data and metrics will be used to assess progress toward objectives will also be presented. Also, discussion and instructions made during or subsequent to the CMF/RMF should be documented.

The following hypothetical scenario is presented to illustrate how these recommendations for achieving compliance with Paragraph 90 can be achieved and how CPOP and SARA principles can be integrated into the CMF/RMF and into law enforcement practices in the AV.

Hypothetical Scenario Illustrating Enhanced CMF

The Lancaster CAC raises the issue that many community members were complaining about what was perceived as a recent rise in unnecessary stops near a particular apartment complex.

The Lancaster captain and his staff review recent stops data for that area; discuss with watch commanders, supervisors, and deputies what enforcement actions have been taken thus far; and hold a community meeting in or near the apartment complex to hear the community's concerns, discuss the stations' data and its activities in that area to date, and explore possible activities the Department and the community could independently and/or jointly engage in to address the problem. They also meet with CAC members to discuss the issue.

Station personnel then develop a proposal based on Department data, information, and ideas gathered through discussion with the community, and on law enforcement best practice. Since a crucial aspect of CPOP is the need to have documented, measurable objectives where progress, impact, and "success" can be assessed and plan adjustments made—and so the plan can potentially be replicated in other areas—the plan includes specific metrics and goals. These may include expected short-term changes regarding the initial issue (perhaps indicated by a drop in stops overall, in certain types of stops, in stops of certain groups or at particular times of day), an indication from community members that the issue has been reduced or eliminated, and no rise or perhaps a drop in reported crime in the area. There also may be broader or longer-term changes included in the metrics, such as a rise in community engagement on the part of deputies (indicated by a rise in station involvement in community engagement activities and 755s in the area), an increase in general satisfaction and trust in law enforcement among local community members (perhaps indicated by a drop in informal and formal concerns and complaints submitted by the community or by a rise in trust and satisfaction with LASD expressed at meetings or indicated on the community survey), an increase in cooperation from local community members (perhaps indicated by a rise in CFEs, tips, consensual encounters, or meeting attendance), and a change in resources committed to the area (the number of deputies assigned to patrol the area, etc.).

At the next CMF, the Department would have the Lancaster leadership report out on the review of stops and the information received from the community and lay out the station's plan to address the problem and any results thus far. Department managers would ask questions and provide feedback on the plan and, if appropriate, provide any assistance or resources requested by station leadership.

In future CMFs, the progress on implementation of the plan, including stops data, input/response from the community, assessment of plan metrics, and any adjustments made and their impact would be discussed and feedback from divisional managers or other station commanders provided. Opportunities to apply successful actions to other areas would also be sought.

4.   Community Survey

During this reporting period, data from the second annual Community Survey (Year 2) was analyzed, and the findings report as well as the more extensive online data tables were released in September 2020. Conducted by an independent survey team, the purpose of the SA-mandated survey is to assess community perceptions of the relationship between LASD and the AV community and to measure how, if at all, the SA reforms are influencing that relationship.

There were 5,839 survey respondents in Year 2, approximately 64% of whom were adults and 36% of whom were youth. Compared to Year 1 of the survey, there was a 20-percentage point decrease in youth respondents. The representation of Black and Black multiracial respondents increased by 5 percentage points from Year 1 to Year 2, while Latino representation decreased by 4 percentage points. The representation of other racial and ethnic groups remained relatively similar or identical in Year 2 compared to Year 1.

The information here, taken from the findings report, briefly highlights a few key findings about community perceptions of LASD and public safety. For a more in depth and comprehensive analysis of the data collected, the MT encourages the public to review the findings report and the interactive online survey data. (The report can be found at http://www.antelopevalleysettlementmonitoring.info, and the direct link to the data tables is bit.ly/AVComSurYr2.)

Overall, the data from Year 2 continues to reflect evidence of disparity across race and ethnicity regarding community perceptions of LASD. Black AV residents and residents of color continue to have more negative experiences with and perceptions of LASD than do White AV residents. In several instances, some of which are referenced below, data from Year 2 of the survey indicated that the relationship between LASD and communities of color became more strained in Year 2. (It is worth noting that all Year 2 survey data was collected prior to the murder of George Floyd in Minneapolis in May 2020.)

Forty-three percent of all participants reported agreeing or strongly agreeing that they have confidence in the Sheriff's Department deputies, which is a decrease from the previous year, when 62% agreed or strongly agreed. Thirty-seven percent indicated having a good relationship with the Sheriff's Department deputies. In addition, 37% of the respondents agreed or strongly agreed that the Sheriff's Department deputies are responsive to the concerns of their neighborhoods.

Trending down from last year, both Section 8 participants and those who identified as formerly detained had less confidence in LASD than did the general population. For example, the general population stated they were twice as likely to "notify the Sheriff's Department" if they witnessed a crime (52% of the general population would do so as compared with 25% of Section 8 participants and 37% of formerly detained respondents). While 40% of the general population agreed or strongly agreed that "if they were the victim of a crime" it would be "fully investigated," only 22% of Section 8 participants and 28% of formerly detained respondents answered similarly.

Down 25 percentage points from Year 1, 52% of participants agreed or strongly agreed that if they "witnessed a crime in [their] neighborhood, [they] would notify the Sherriff's Department." Broken down by race, the majority (78%) of respondents who identify as White agreed or strongly agreed, but participants who identify as Hispanic/Latino (39%), Black (39%), or Asian/Pacific Islander (29%) were less likely to agree.

Similar to Year 1, when reporting their level of confidence that LASD "fully investigates allegations of misconduct by its employees," only 28% of Hispanic/Latino respondents, 23% of Black respondents, and 16% of Asian/Pacific Islander respondents answered that they agree or strongly agree, while 50% of White respondents agreed or strongly agreed with that statement.

In September 2020, the MT hosted a virtual community meeting to discuss the survey results with community members. The Parties were pleased to see several individuals and organizations attend the meeting that had not previously been engaged in the survey process. Many of these newer participants indicated a willingness to support the Year 3 survey outreach efforts.

The third annual community survey launched on December 1, 2020, and will remain open through April 2020. The COVID-19 pandemic presents several challenges for the survey and data collection in Year 3. Barring an unlikely public health breakthrough in early 2021, all data collection in Year 3 will be conducted virtually using only the online version of the survey. This is quite disappointing to the Parties and the MT given the success and productivity of the community-led data collection efforts in Year 2, which primarily consisted of in-person data collection using paper surveys. One significant adjustment being made in Year 3 in light of the challenges presented by COVID-19 will be an extended timeframe. The survey will be open for five months instead of the usual three months, and the MT will propose to adjust the timeframe as needed to facilitate a robust and comprehensive outreach effort. Various community-based organizations, individual community members, the CACs, and LASD are sharing the survey via email and social media. The MT will work with community-based organizations to develop targeted outreach and promotion strategies in early 2021. The Parties and MT plan to monitor the survey response rate and implement any changes as necessary to maximize community participation.

As mentioned in previous semi-annual reports, the data gathered through the first annual survey will be used as a baseline and will be compared with data from the second, third, and future surveys to assess changes in the relationship between LASD and the community over time.

5.   <u>LASD Management Accountability for Community Engagement</u>

Many of the challenges raised in this section ultimately fall under the responsibility of station and division managers and are thus management accountability issues. Community engagement, the community-oriented policing training, and the revisions to the CMF and RMF meetings are essential elements of the purpose and goals of the SA, yet five years into the monitoring period, compliance has not been established in these areas. Significant progress has been made, but in some ways the most difficult work is not yet finished.

The Department can be proud that community surveys indicate the majority of the AV community members have a positive opinion of deputies and the Department. But they also must pay close attention to the flip side of those findings, where large portions of the community, especially within certain populations or subgroups, obviously feel differently. Department leadership must stay on course toward establishing a culture of genuine community engagement, where deputies and leadership have established trusting rapport with not only those AV community members who traditionally support law enforcement but also with the historically alienated groups whose community narratives about citizen-law enforcement interactions are more challenging and contentious.

As has been stressed throughout this semi-annual report, the AV stations currently lack a formalized crime prevention strategy. As steps continue to be taken toward that goal, it is crucial that Department leadership and their staff recognize and embrace that such a strategy is not merely a matter of increasing organized enforcement tactics and that meaningful performance metrics involve much more than reliance on traditional data about such things as conducting more stops or tougher enforcement of the law. They also must embrace the importance of incorporating both data and community input to help inform policing practices and to meet SA requirements, such as ensuring stops are nondiscriminatory, backseat detentions are not over-used, and many other outcomes. To ensure data analysis is useful, they need to embrace the fact that an enforcement plan and data charts alone are not sufficient, but that a formalized crime prevention strategy will provide the basis for measuring progress and success and for pursuing an efficacious balance of community safety and community trust. Ultimately, the reason the Department has found it challenging to reach compliance with the SA-required enhancements to the CMFs and RMFs is because they are not yet using data sufficiently, they have not established a working partnership with all segments of the AV community, they have not implemented community-oriented policing training, and they have not established formalized crime prevention strategies at the AV stations that are understood and supported by both the community and station personnel.

6.   <u>Community Engagement Compliance Status</u>

Table 5 provides the current compliance status for each paragraph in the Community Engagement section of the SA. The table does not reflect work done or progress made toward

reaching compliance with each provision; it only indicates whether the Department is currently in compliance.

SA Paragraph	Summary of SA Requirements	Compliance	Progress*
Table 5			
Community Engagement Compliance Status			
69	Conduct organizational culture and climate survey.	Yes	♦♦♦♦
72	Consult experts and the culture and climate survey to help develop training.	Partial	♦♦
87	Actively participate in community engagement efforts, including community meetings; be available for community feedback; develop CACs; work with community to develop diversion programs.	75%	♦♦♦
88	Ensure all sworn personnel attend community meetings and events, and take into account the need to enhance relationships with particular groups within the community including, but not limited to, youth and communities of color.	Partial	♦♦♦**
89	Provide in-service training on community policing and problem-oriented policing to all AV personnel.	20%	♦
90	Revise content of CMFs and RMFs to include discussion and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them using techniques to better support and measure community and problem-solving policing efforts.	35%	♦♦
91	Complete reports on the impact of community engagement efforts, identifying successes, obstacles, and recommendations for future improvement in order to continually improve police–community partnerships.	75%	♦♦♦
92	Seek community assistance in disseminating SA.	Yes	♦♦♦♦
93	Support and work with CACs to help them meet their mission to leverage the insights and expertise of the community to address policing concerns, including, but not limited to, racial or ethnic profiling and access to law enforcement services, and to promote greater transparency and public understanding of LASD.	Yes	♦♦♦♦
94	Memorialize CACs and facilitate quarterly meetings.	Yes	♦♦♦♦
95	Post CAC's reports on LASD-AV website and respond to recommendations.	Yes	♦♦♦♦
96	Provide administrative support and meeting space for CACs.	Yes	♦♦♦♦
97	Ensure CACs have no access to non-public information.	Yes	♦♦♦♦
98	Assist Monitor in annual Community Survey.	Yes	♦♦♦♦

Table 5			
Community Engagement Compliance Status			
SA Paragraph	**Summary of SA Requirements**	**Compliance**	**Progress***
99	Cooperate with independent researcher in conducting annual Community Survey and deputy survey.	Yes	♦♦♦♦
100	Cooperate with administration of the annual Community Survey and focus groups.	Yes	♦♦♦♦
101	Post annual Community Survey report on LASD-AV website.	Yes	♦♦♦♦

* ♦ = Little progress ♦♦ = Some progress, ♦♦♦ = Substantial progress, ♦♦♦♦ = Compliance, ♦♦♦♦♦ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.

*The MT will review attendance and 755 data in the next reporting period. If the Department is in compliance regarding attendance and 755s, the remaining focus will be on "enhancing relationships with particular groups within the community including, but not limited to, youth and communities of color."

E. Use of Force

In order to ensure our neighborhoods are safe places to work and play, our communities and the law have granted peace officers the authority to make arrests and, when necessary, use force in the performance of their duties. The way in which those unique peace-officer powers are exercised has always been a matter of great concern, a concern that has been heightened in the past year. It is not hyperbole to say no other law enforcement activity can cause more acrimony between law enforcement agencies and the communities they serve than the manner in which force is used. Recognizing that tension, the SA requires the Department to thoroughly and objectively review each use-of-force incident to ensure that force is used only when necessary and to the extent required to resolve each situation. When force is used unnecessarily, deputies are to be held accountable, and management must send a clear message to the Department and the community that such behavior is not tolerated.

The SA recognizes the importance of this issue by establishing a set of requirements for the use, investigation, and adjudication of incidents in which deputies use force. The MT provides oversight of those requirements and assesses whether policies are clear, deputies comply with those policies, supervisors conduct complete and objective investigations, and managers appropriately adjudicate each use-of-force incident.

1. Use-of-Force Policy

The SA requires that UOF-related policies be up-to-date, clear, address each deputy's responsibility to avoid using force whenever possible, and delineate that when force is used it must be necessary, objectively reasonable, and de-escalated as soon as possible. The policies

also require that use-of-force investigations be complete, and that management documents a comprehensive rationale and impartial adjudication of those investigations.

The MT and DOJ first began use-of-force policy discussions with the Department on August 10, 2017. The initial process was prolonged, and a tentative agreement with the parties was not reached until April 22, 2019, nearly two years later. The tentatively agreed-upon policy changes represented a significant improvement over the previous policy. At that time, the MT was told the updated policy was in the final stage of the management approval process. Inexplicably, several more months passed without the updated policy being approved. Then, on August 19, 2019, Governor Gavin Newsom signed into law Assembly Bill (AB) 392, which revised California Penal Code Sections 196 and 835(a) governing the use of force by peace officers. AB 392 required that all California Law Enforcement Agencies update their use-of-force policies to redefine the circumstances under which the use of deadly force by a peace officer is deemed justifiable and to affirmatively prescribe the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, to prevent escape, or to overcome resistance. Importantly, the new language requires that law enforcement officers use deadly force only when "necessary," instead of the previous wording of when it is "reasonable." Those revisions are required to be in place by January 1, 2021. For the following 16 months, the Department worked on revising its use-of-force policy to bring it into compliance with this law. On December 2, 2020, the Department submitted its draft policy to the MT and DOJ that included language related to the AB 392 policy mandates. On December 14, 2020, the Parties met and agreed on revisions to address the SA and AB 392 policy mandates. The policy is once again in the Department's final review process with the majority of revisions approved by the MT and DOJ. We understood the Department intended to implement the policy effective January 1, 2021; however, it should be noted that the shortened timeframe now being confronted has complicated matters and there are aspects of the UOF policy with which the Monitors still have concerns, such as the body-worn camera policy referenced in the UOF policy that has not yet been approved by the Parties or Monitors.

While the Parties agreed on the majority of the policy provisions, they were not able to agree on every provision. Therefore, the Department remains out of compliance with the following provision of Section VIII of the SA, which governs the use of force by LASD in the AV:

> "*LASD agrees to revise its force policies and practices to reflect its commitment to upholding the rights secured or protected by the constitution of the United States, protecting human life and dignity of every individual, and maintaining public safety.*" (Preface, p. 24.)

2.   <u>Use-of-Force Training</u>

The SA contains several provisions requiring that AV deputies and their supervisors receive specific training on the use of force. Some of the training subjects are required to be provided annually, while others are to be provided biennially. Those requirements are outlined in SA Paragraph 119, which states:

> *LASD shall provide all Antelope Valley deputies with annual or biennial use of force training. The topics will include the following:*
>
> a.   *proper use of force decision making, including when force may be unnecessary in response to minor resistance (biennial);*
>
> b.   *role-playing scenarios and interactive exercises that illustrate proper use of force decision making, including training deputies on the importance and impact of ethical decision making and peer intervention (annual);*
>
> c.   *principles of procedural justice, and avoiding the use of force in response to minor resistance (biennial);*
>
> d.   *de-escalation techniques that encourage deputies to make arrests without using force (annual);*
>
> e.   *threat assessment, including how race can impact deputies' threat assessments (biennial);*
>
> f.   *LASD-AV deputies will attend LASD's Tactics and Survival (TAS), also known as the Laser Village tactical firearms training (biennial); and*
>
> g.   *supervisors shall receive initial and annual refresher training on conducting use of force investigations, how to effectively direct deputies to minimize uses of force and to intervene effectively to prevent or stop unreasonable force, using LASD's accountability and disciplinary systems after encountering a potentially unreasonable use of force, and supporting deputies who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force (annual).*

In the MT's last semi-annual report, we noted that on May 7 and May 28, 2020, the Department submitted multiple documents. which it purported to satisfy these use-of-force training mandates. The MT's evaluation of those documents quickly revealed they did not comply with the SA requirements. The MT sent a memorandum to that effect to the Department on May 20, 2020, and formally requested that the Department provide Monitors with a plan to demonstrate compliance with each of the SA's use-of-force training requirements. That request specified that LASD's plan would need to satisfy three specific objectives:

1.   The plan needs to provide documentation, including expanded course outlines and instructional visual aids and handouts, for the training the Department intends to provide to address the mandates of SA 119 a-g, item by item.

2.   The plan needs to include a training schedule that can be audited by the MT.

3.   The plan needs to document the methodology that will use to track the delivery of the training provided to AV deputies and their supervisors, including course rosters and documentation of satisfactory completion.

The MT requested that the Department submit the plan by June 5, 2020. However, the Compliance Unit was activated as part of the Department's mobilization for the protests and civil unrest that took place in the county over the summer, so they could not comply with that request. The Monitors understood the need to mobilize personnel at that time, but large-scale civil unrest has been over for many months and Compliance Unit staff was returned to their assignment within a few weeks. Meanwhile, the MT is still awaiting the Department's plan for bringing its use-of-force training into compliance with the SA, a training schedule that will enable the MT to identify when it will be possible to observe a sample of trainings, and documentation of the Department's method for ensuring the trainings are successfully delivered. The Department's updated use-of-force training must also address the changes in the tentatively agreed-upon use-of-force policy associated with the SA and AB 392 mandates. The Department will remain out of compliance with SA Paragraph 119a–g until it has satisfied these SA mandates.

3.   SA Compliance and Non-AV Station Commands

In our previous semi-annual reports, we have reported on an impediment in our ability to adequately evaluate the Department's compliance with the SA provisions associated with the use of force, and other provisions such as complaint investigations. That impediment centered on a disagreement between the Parties regarding the SA's applicability to Department entities that provide police services in the AV but which are not directly assigned to the AV Station commands. Those commands include personnel who are:

1.   Housed at either Lancaster or Palmdale stations, such as Gangs, Narcotics, and Community Partnerships Bureau;

2.   Regularly assigned at a sheriff's facility in the AV other than Lancaster or Palmdale stations, e.g., Court Services, County Buildings, and Transit; and

3.   Occasionally dispatched to provide specialized services in the AV, such as K-9 or SWAT.

While not under the direct command of AV station captains, these units work regularly in the AV and are sometimes involved in uses of force. The Department's position was uses of force by

those units were outside the scope of the SA even if the incident occurred within the AV. The Monitors and DOJ categorically disagreed with that position, contending the AV community viewed those incidents as a Department use of force regardless of the individual deputy's assignment. On October 14, 2020, the Parties reached a compromise on this issue. The Parties have agreed that the SA does not apply to Adult and Juvenile Courts Services and Transit Services personnel but the SA does apply to personnel assigned to OSS, COPS, Parks, Narcotics, and County Services Bureaus.

4.   MT Use-of-Force Audits

The Monitoring Team has completed two audits evaluating the Department's compliance with the SA's use-of-force requirements. The first MT audit focused on Category 1 and Category 2 uses of force that occurred in the AV from January 1 through March 31, 2017. Category 1 uses of force consist of relatively minor uses of force, such as control holds and the use of OC spray, when the action does not result in an identifiable injury. Category 2 uses of force are uses of force that result in an identifiable injury as well as any application of force other than those defined as a Category 1 or a Category 3 use of force.

The second MT audit was for all Category 3 uses of force. Category 3 Force involves the most significant levels of force and includes lethal force incidents. Category 3 uses of force are relatively rare occurrence in the AV and can take a long time to complete, so a multiyear audit period was required to ensure sufficient cases were evaluated. After reviewing the data, auditors determined the audit time period of January 1, 2015, through March 21, 2018 provided a sufficient population of Category 3 use-of-force cases. Both audits conducted a thorough assessment of each use-of-force incident in the respective audit populations and are available on the Monitor's public website antelopevalleysettlementmonitoring.info) under Audits and Analysis.

The MT is currently in the process of conducting its third audit of deputy uses of force in the AV. This audit will evaluate the Department's compliance with Settlement Agreement Paragraphs 102–118, associated with Category 1 and Category 2 uses of force. The audit will also be responsive to several SA requirements of the Monitor including the following.

1.   *[T]he 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)

2.   *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)

3. *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 149)

4. *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)

Auditors selected an audit time period of October 1, 2019, through December 31, 2019. This population time period was selected because a sufficient number of UOF events occurred during that time period that had been fully investigated and adjudicated. Additionally, the audit time period selected gave the Department more than ample time to implement the recommendations from our previous use-of-force audits. The entire population of 73 uses of force will be evaluated; sampling will not be utilized. The audit will include an examination of the use-of-force events, the supervisory investigation, and management's adjudication. Auditors will examine the complete investigative reports, including any photographs, camera recordings, interview statements, and medical treatment reports, and draw conclusions about the reasonableness and necessity of the force used, its de-escalation and the completeness and appropriateness of the investigation and management's review processes. The results of the audit will be included in our next semi-annual report.

5.   Next Steps for UOF Monitoring

In the next six months, the MT will complete the in-progress Category 1 and 2 use-of-force audit and evaluate the Department's progress in meeting the requirements of SA Paragraph 119, associated with use-of-force training by AV staff.

6.   Use of Force Management Accountability

In addition to the challenges described in the Compliance Status section below, there are important accountability issues to which LASD management need to attend.

As previously stated, there is no other law enforcement activity that can cause more acrimony between law enforcement agencies and the communities they serve than the manner in which force is used. Uses of force can and often do result in serious harm to both the deputies and citizens and expose the County to any number of risks. Department executive management needs to dramatically increase its oversight and improve implementation of the SA paragraphs associated with the use of force. The length of time that it has taken the Department to update its use-of-force policies to address the SA's mandates and the legislative requirements of AB 392, and to develop and implement the SA's requirements for use-of-force training is unacceptable.

In June 2020, to examine trends, the MT requested countywide data on use of force as well as complaints, and we have yet to receive the data. While the MT acknowledges that we requested the data via two distinct channels, which may have resulted in confusion and slowed the process, the fact remains that we are unable to conduct that analysis required in SA Paragraphs 120–124, and the department remains out of compliance. Perhaps even more troubling is that the command staff do not have this information at their disposal to assess the stations' performance or examine systemic issues that may be evident. These data will shed light on such issues as does the AV have a disproportionate number of force incidents, and if so why? The pressure to use these data should be coming from command staff, not the MT.

7.   Use-of-Force Compliance Status

As reported in our prior audits, our assessments have documented that AV deputies promptly report UOF incidents to their supervisors, supervisors immediately respond to those incidents, and their investigations are complete and well done. That said, however, Table 6 documents significant concerns with executive management's oversight of AV use-of-force incidents. For example, our second audit revealed that the Department is out of compliance with 11 SA paragraphs related to Category 3 uses of force—the uses of force that pose the highest degree of potential or actual injury to the subjects of force. These 11 provisions address investigations and adjudications as well as the use of de-escalation tactics, the reasonableness and policy compliance of the force used, and management's assessment, insight, response, and accountability.

Table 6 Use of Force Compliance Status		Compliance			
SA Paragraph	**Summary of SA Requirements**	**1st Audit Cat 1 & Cat 2**	**2nd Audit Cat 3**	**Overall**	**Progress***
102,104, 105	Objectively reasonable force	Yes	No	85%	♦♦♦
103	De-escalation of UOF incidents	Yes	No	85%	♦♦♦
106	Using force on a person who is legally recording	Yes	Yes	Yes	♦♦♦♦
107	Impact weapon head strikes	Yes	Yes	Yes	♦♦♦♦
108	Mandatory reporting of force incidents	Yes	Yes	Yes	♦♦♦♦
109	Accurate UOF reports without boilerplate language	Yes	No	85%	♦♦♦
110	Immediate supervisory notification of the use of force	Yes	Yes	Yes	♦♦♦♦
111 a–d	Thorough UOF investigations	Yes	Yes	Yes	♦♦♦♦

111 e	Supervisory review of deputies' UOF reports	Yes	No	85%	♦♦♦
112 a	Independent supervisory UOF investigations	Yes	Yes	Yes	♦♦♦♦
112 b–e	Completeness of UOF investigations	Yes	Yes	85%	♦♦♦
113	Management review of UOF investigations	Yes	No	62%	♦♦
114	Thorough reviews by Executive Force Review Board	NA	No	38%	♦♦
115	Deputies held accountable for force that violates policy	No	No	85%	♦♦♦
116	Supervisors held accountable for inadequate investigation	UTD	No	69%	♦♦♦
117	Management analyze, report, and respond to force trends	No	No	25%	♦
118, 153, 167	Management oversight of remedial UOF training	No	No	46%	♦♦
119	Development and delivery of UOF training	No	No	0%	♦
120–124	Annual UOF data analysis	No	No	0%	♦

* ♦ = Little progress ♦♦ = Some progress, ♦♦♦ = Substantial progress, ♦♦♦♦ = Compliance, ♦♦♦♦♦ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.

F.   Personnel Complaint Review

The manner in which a law enforcement agency responds to public complaints is a critical test of the agency's professionalism, accountability, and commitment to providing quality service. When a complaint is made, Department supervisors and managers must listen to the complaint, review it thoroughly and objectively, take effective corrective action, and communicate their findings to the complaining party.

The Settlement Agreement embodies these core principles in its requirements under Chapter IX, *Personnel Complaint Review*. That chapter begins with the following statement.

> *The County will ensure that all allegations of personnel misconduct are received and are fully and fairly investigated, and that all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent.* (Preface, page 29)

To that end, the Department and Los Angeles County agreed to revise its complaint policies so they are complete, clear, and consistent and shore up its procedures for handling public complaints to include:

1. Ensuring that the public has access to personnel complaint forms and information (Paragraph 124);

2. Accepting all personnel complaints, including anonymous and third-party complaints (Paragraph 125);

3. Classifying complaints accurately so each allegation receives the appropriate level of review (Paragraph 127);

4. Ensuring that personnel complaints are not misclassified as service complaints (Paragraph 128);

5. Clearly identifying complaints that may require discipline or should be handled as an administrative investigation rather than as a service complaint review (Paragraphs 129 and 130);

6. Identifying and investigating fully and fairly each allegation of misconduct in a complaint, whether or not it was specifically identified as an allegation by the complainant (Paragraph 130); and

7. Holding personnel accountable when they are found to have committed misconduct. (Preface)

Essentially, the Department agreed to willingly accept complaints, thoroughly investigate them, use the preponderance of evidence standard to adjudicate them, and hold deputies accountable when they are found to have committed misconduct. It has now been more than five years since the Parties signed this agreement and, the Department is still not in compliance with any of these core provisions.[10]

1.   First Audit of Public Complaints in Review

The MT's first audit of public complaints, published in January 2018, identified numerous deficiencies in the way public complaints were being handled in the AV.[11] It was found that those deficiencies were not restricted to the AV but occur throughout the Department. For example, the Department uses antiquated complaint dispositions that are inconsistent with the dispositions codified in the California Penal Code. The Department also does not capture allegations of excessive or unnecessary force (or any other type of allegation, for that matter)

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[10] The Department's compliance with each paragraph is provided in a chart at the end of this section. Essentially, compliance is limited to some of the SA's investigative requirements such as ensuring people with limited English proficiency have access to a qualified interpreter.

[11] The audit is available on the Monitoring Team's website: http://www.antelopevalleysettlementmonitoring.info

that arise during a UOF investigation. It does investigate them, at least to some extent, but unless they result in discipline, those complaints are never entered into the Performance Recording and Monitoring System (PRMS) and therefore are never included on a deputy's work history. These practices, and many others, essentially prevent the Department from holding employees accountable for complaints which, when viewed collectively, can reveal a pattern of inappropriate conduct or policy violations. At times this can and has resulted in management failing to intervene and take the necessary steps to correct performance problems until a deputy's behavior becomes so egregious that major disciplinary action is unavoidable.

Our first audit made 20 recommendations designed to bring the Department into compliance with the Agreement. The Department concurred with 14 of those recommendations and disagreed with six. Three years later, a few of the 14 recommendations with which the Department concurred have been addressed for AV commands, but most have languished. More importantly, none of the serious flaws in the Department's personnel complaint system have been addressed Department-wide. For example, the Internal Affairs Bureau's (IAB) 800 number that allows the public to make a personnel complaint will disconnect after approximately 10 rings without an outgoing message that would validate that the caller has the correct phone number. There is no ability for a caller to leave a voicemail message. As a result, the department may be discouraging, either inadvertently or directly, the intake of public complaints. Also, the Department has not begun the process of establishing a protocol for the investigation of racial profiling complaints (discussed in the Risk Management Section below). While this type of investigation can be one of the most complex investigations a supervisor is responsible for conducting, the Department has provided no guidance on what it expects the supervisor to attend to in the investigation. The necessity for addressing this issue is illustrated by the data contained in California DOJ's Open Justice Data Portal which shows the Los Angeles Sheriff Department reported having only one racial profiling complaint for the entire Department in all of 2016—an extremely unlikely outcome for an agency that size.

2.   Second MT Audit of Public Complaints

During this reporting period, the MT completed its second audit of public complaints occurring in the AV to assess the Department's progress in implementing MT recommendations and compliance with the SA. The timeframe for this audit of complaints was selected because it allowed enough time for the Department to address previously identified issues through a unit order.

As reported in the last semi-annual report, while conducting the second audit the MT issued Interim Audit Reports (IAR) regarding some issues the MT felt needed immediate attention from the Department. In one, we identified several cases in which the complaint disposition approved by a unit commander was changed after the complaint was submitted to Discovery for input into PRMS. We discovered that the changes were occurring because PRMS could only accept one disposition per employee, even if some allegations were proved to be true and others proved to be untrue. The Department addressed this flaw immediately, and PRMS can now

accept the dispositions approved by the unit commander. A second IAR addressed retention of personnel complaints. The California Penal Code, Service Comment Report (SCR) Handbook, and Los Angeles County Records Retention Schedule all require a minimum five-year retention period for all personnel complaints and "any reports or findings relating to those complaints." [12] The MT discovered that Performance Log Entries (PLE) issued in conjunction with a personnel investigation were automatically being removed from the deputies' packages and destroyed after one year, in violation of state law, Department policy, and LA County records retention requirements. The Department has held several meetings on this issue and is considering eliminating the use of PLEs as a complaint disposition and adding a section to the complaint format to address any corrective action that is taken. However, it is our understanding the Department is continuing to destroy these records after one year.

The MT's Second Audit of Public Complaints report was approved for publication on December 15, 2020, and will be available on the Monitor's website http://www.antelopevalleysettlementmonitoring.info. Following is a summary of the audit's key points:

a.   Intake

The audit found many issues with the intake of complaints that violate the SA. The MT was unable to assess whether the complaints materials were displayed appropriately in public settings due to COVID-19 restrictions. As mentioned above, the IAB 800 number is not answered after about 10:00 p.m. weekdays and on weekend evenings leaving no option for complainants.

With respect to phoning in complaints, our focus this audit was to assess how Spanish-speaking complainants would be handled. The MT made several calls to both AV stations at varying times and days using a Spanish-speaking caller who indicated they spoke little or no English. The results were inconsistent: Some of those calls handled very well while others were not. In one case, the caller was transferred to the watch commander's line, where they left a message in Spanish about a personnel complaint. The watch commander never called back.

The complaints we audited also had instances of deputies who appeared to be inhibiting a caller from making a complaint. While we were unable to establish a clear pattern, several complainants reported being disconnected during their efforts to make a complaint via telephone. This also occurred in one of our audit calls. There were also several instances where complainants reported trying to make a complaint at a station, but they did not feel their complaint was being taken seriously, so they called IAB to have their complaint taken.

The most concerning issue with the intake of public complaints lies with field supervisors. In our last audit, we noted that field supervisors usually respond to the scene when a person is

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[12] Penal Code Section 832.5 (b); SCR Handbook, p. 46; and LASD Records Retention Schedule approved by the County Board of Supervisors on June 14, 2016.

dissatisfied with a deputy in the field. Sometimes those incidents result in an SCR, but most of the time they do not because the supervisor is able to resolve the issue at scene. Because LASD's field supervisors do not complete a log for their field activities, they have no way of documenting what occurred and the action that was taken to resolve it. To resolve this issue, both AV stations issued a directive requiring supervisors to make an entry in the watch commander's log when they resolve a complaint without initiating an SCR. Our second audit found no watch commander log entries during the entire three-month audit period documenting that a field sergeant resolved an issue in the field without initiating an SCR. Collectively, the MT has several hundred years of law enforcement experience, and we know that outcome is virtually impossible. The North Patrol Division chief concurred with that being impossible and will identify a better way to document these occurrences. The MT will audit this activity in its next complaint audit.

b.   Investigations

Generally, complaint investigations were adequate, and most were sufficient to support a reliable determination. However, six investigations fell short of that standard, primarily because the investigator failed to identify and investigate all the substantive allegations. The SA requires that all allegations be investigated even if the complaint did not specifically identify it as an allegation (SA Paragraph 130). In contrast, nine investigations were exemplary. Two of those were done by the same watch commander.

There were two cases in which a supervisor at the scene was also the supervisor who conducted the complaint investigation (SA Paragraph 133), but we concluded that one of those was reasonable as the supervisor had been called to the scene because of the complaint. We did observe a trend of watch commanders showing or at least hinting at a bias in their reports. For example, a watch commander investigating a complaint that included an allegation of discrimination cited his own expertise as a gang investigator to conclude the deputies did not discriminate against the complainant. After they reviewed the audit's findings, the Department has informed the MT that watch commanders have been reminded to approach each complaint objectively and avoid even the appearance of bias when taking a complaint and in their investigations.

An issue arose regarding the SA's requirement that the investigator interview the complainant personally (SA Paragraph 136). Often, a complainant is interviewed in detail by the intake watch commander and that interview is recorded. Several complainants understandably protested when the investigating watch commander tried to interview them a second time. Some saw the second interview as an unnecessary inconvenience and others saw it as an effort to find inconsistencies in their stories.

c.   Adjudication

One personnel complaint was erroneously classified as a service complaint, and three obvious service complaints were erroneously classified as personnel complaints. Five complaints contained unaddressed significant allegations of misconduct. Auditors also found six use-of-force investigations that contained allegations of misconduct that did not result in an SCR. Additionally, three claims for damages alleged deputies failed to care for someone's property, but none of those claims resulted in an SCR. There were four cases in which overreliance on a deputy's statement was the only rationale for concluding the deputies' conduct was reasonable. Auditors identified five cases in which the disposition was not supported by a preponderance of evidence. Four of those were due primarily to overreliance on the deputy's statement, and one was a service complaint that was actually a personnel complaint.

Failure to document an employee's work history when taking corrective action continues to be a deficiency in the adjudication of complaints. The Department Manual identifies three factors that should be considered in deciding how to handle a complaint: (1) the nature of the complaint; (2) the potential for employee discipline; and (3) the employee's performance history. However, complaint adjudications seldom provide any insight into an employee's performance history. In our previous audit of complaints, the MT recommended that complaint investigations include a section discussing the employee's work history in order to document the rationale for the adjudication. Supervisors and watch commanders make those judgments when they complete their reports, but they know the people who work for them better than do the managers reviewing the investigations. Unit and Division managers are several organizational layers removed, yet they must review complaints and approve the corrective action taken with no insight into the supervisor's assessment of the employee's performance. Managers can review PRMS printouts, which provide raw data on complaints and dispositions, but those printouts cannot comment on someone's work ethic or provide insight into the employee's performance. The Department was initially reluctant to make this change, but recently indicated it may support it.

Auditors also identified two complaints that should have been handled as administrative investigations. The first involved what may have been a Criminal Offender Record Information (CORI) violation where a deputy appears to have conducted an inappropriate computer query on his current girlfriend's ex-husband. If true, that would be a serious violation of California law and could have jeopardized the Department's access to the California Law Enforcement Telecommunications System (CLETS). The other case involved a pattern of personnel complaints and uses of force which is discussed under the Management Accountability for Handling Public Complaints section below.

d.   Risk Management Review

As a result of the first complaints audit, the MT recommended the Department establish a protocol for the investigation of racial profiling complaints. That arose after we found a wide

disparity in the way those complaints were being handled in the field. The current audit (three years later) found the same disparity resulting in the three racial profiling complaints in this audit being found out of compliance. (This is also discussed under the Management Accountability for Handling Public Complaints section below.) Likewise, our first audit found problems with the way deputies search detainees of another sex, and we recommended the Department review its policy and training. The Department responded that it had adequate policies, training, and oversight in that area. However, we identified another complaint in this audit where a deputy conducting a non-emergency, non-exigent other-sex search wound up in an altercation when the subject of the search pulled away as her hand neared his groin.

The most significant risk-management issue in this audit involved Black complainants. Nearly half the people who made a complaint in this audit were Black (18 Lancaster and 7 Palmdale). Most of the Black complainants exhibited a palpable tone of animosity and distrust in the complaint investigative process. That level of racial tension was significantly greater than was present in our first complaint audit. It is important to note that the cases in this audit as well as our observation of them occurred well before recent nationwide protests brought the issue of racial injustice to the forefront over the summer.

Some of the complaints reviewed in the audit typify the kind of law enforcement activity that the Black community has been trying to draw attention to for years. In one case, a deputy stopped a 58-year-old Black man for "playing his car radio loudly and no front plate." Two back-up deputies arrived and almost immediately started searching the car without the complainant's permission and without being asked to do so by the deputy who made the stop in the first place. In another case, a Black woman driving with her son was stopped for a red-light violation. The situation eroded quickly resulting in a use of force, after which the woman and her son were taken into custody. As a deputy walked the handcuffed woman to a police car her 12-year-old daughter began pulling on her and yelling, "Don't arrest my mom!" The 12-year-old girl was then arrested, according to the police report, for "causing a riot/lynching," which is a felony.[13]

> Note: What is of particular concern here is that a use-of-force investigation and the arrest report attached to it—both saying a 12-year-old girl was arrested for "lynching" because she grabbed onto her mother while begging the deputies not to arrest her mom—were approved by a lieutenant, captain, and commander, none of whom asked if this was necessary, appropriate, or consistent with the Department's core values.

In this case and two other uses of force, Black subjects clearly alleged deputy misconduct, but an SCR was not initiated in any of those three cases. Additionally, in three other cases a deputy appeared to be acting lawfully, but Black detainees felt they were being singled out solely on the basis of race.

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[13] In 2015, the California state legislature revised the definition of this penal code section (PC 405a) to eliminate the term "lynching."

This disturbing trend strikes at the core of the Settlement Agreement and needs to be considered in conjunction with other information being gathered on police–community relations in the Antelope Valley, most notably the community surveys and the MT's analysis of stops data.[14] The specific cases and outcomes cited here along with the community's perception of law enforcement need to be included in management/supervision conversations with staff and Bias-Free Policing Training sessions (SA Paragraph 89) and incorporated into each AV station's community policing strategies.

e.   Recordation of Complaints

Nearly all complaints were recorded accurately on the complaint forms. Discovery Unit continues to do a remarkable job entering date accurately into PRMS. The one data entry issue that was discovered was PRMS's inability to accept multiple dispositions for a complaint (IAR No. 2). For example, a complaint can contain several allegations, some of which are classified as "reasonable" while others are classified as "should have been different." However, PRMS was only accepting one of those dispositions for the entire complaint, which made it impossible to accurately input the disposition made by the unit commander for each allegation. Once notified by an IAR, the Department addressed this issue quickly, and PRMS has been modified so that it now accepts whatever disposition is made by the unit commander. While that change was made quickly, it is important to note that Department managers cannot rely on PRMS reports for dispositions made before this change because they may or may not accurately reflect the actual disposition.

A table showing compliance with each SA paragraph governing public complaints is provided at the end of this section.

3.   Policy Review

SA Paragraph 127 requires that the Department revise several key directives to ensure they provide clear, complete, and consistent guidance to employees, supervisors, and managers on how public complaints are to be handled. Equally important, those directives serve to inform the public on the Department's standards and process for handling their complaints. This includes several critical documents, including the Service Comment Report (SCR) Handbook, Administrative Investigations Handbook, and Manual of Policies and Procedures.

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[14] The Monitoring Teams report titled *Analysis of LASD Stops in the AV January – July 2019* is available on the MT's website http://www.antelopevalleysettlementmonitoring.info

a.   *Service Comment Report Handbook*

The MT, DOJ, and the Department held numerous meetings in 2017 to identify and resolve issues in the SCR Handbook. On January 29, 2018, the Department provided the MT and DOJ with a draft revision of the handbook. The MT responded with its comments on February 11, 2018, and DOJ responded on February 20, 2018. Our collective concerns included numerous procedural issues, but the primary concerns about the Handbook are summarized here.

- Does not identify the type of allegations that, if true, would result in formal discipline as required (SA Paragraph 129).

- Provides no direction on how to record complex investigations involving multiple deputies with multiple allegations and multiple dispositions, yet AV commanders are responsible for the accuracy of data entered into PRMS (SA Paragraph 142).

- Provides no direction on documenting complaints that do not result in the initiation of an SCR, such as an incident that is resolved by a field supervisor but still needs to be recorded so it can be reviewed by the unit commander (SA Paragraphs 125, 127, and 130).

- Does not address the need to identify risk-management issues and take appropriate corrective action such as training or equipment failures (SA Paragraphs 61–63).

- Does not specify that inhibiting a complaint is an allegation that can result in discipline up to and including termination (SA Paragraph 126).

- Provides no direction on investigating and adjudicating racial profiling complaints (SA Paragraph 127).

The draft SCR Handbook and comments were critiqued and discussed extensively on February 28, 2018, at the Parties' onsite meeting. The revisions to this critical document then lay dormant for nearly three years despite numerous MT requests to move that process forward. While some of the delay was no doubt caused by changes in leadership in the Department and in the Compliance unit, civil unrest, and the pandemic, finalizing the Handbook should have been a top administrative priority.

Recently, the Compliance Unit informed the MT and DOJ that the Department decided to make significant revisions to its complaint process, including its classifications for dispositions to conform with the California Penal Code. At the onsite meeting held on November 11, 2020, the MT and DOJ received a demonstration of the new system. The MT is encouraged by this progress and awaits submission of the necessary revisions to the accompanying documents.

b.   *Manual of Policy and Procedures*

Revision to the LASD's Manual of Policy and Procedures (MPP) has a similar history. As reported in several previous semi-annual reports, the MT and DOJ reached consensus with the Department on changes to the MPP nearly three years ago after concerted work during the second half of 2018. The changes included revising the Department's existing complaint classification categories to make them consistent with California law, and to ensure all allegations of misconduct arising during a use-of-force investigation must be investigated and retained in PRMS. The department has failed to produce a draft of the manual that is reflective of the SA.

c.   *Administrative Investigations Handbook*

This handbook is a key component for ensuring Department directives are clear, complete, and consistent, but LASD has not reviewed the handbook in coordination with the MT and DOJ.

This publication contains provisions for handling Administrative Investigations, which is the process used to handle the most serious cases of misconduct. Problematically, it also contains important information on other processes, and most employees would not think to look for them in this handbook. For example, it contains a detailed description of the SCR process, explaining the rationale for conducting such an inquiry. But that information belongs in the SCR Handbook, as that is where employees would most likely look to find that information. According to the Compliance Unit, once the SCR Handbook is completed, all efforts will be made to update the Administrative Investigations Handbook.

4.   <u>Next Steps for Complaints Monitoring</u>

The next steps for monitoring of the Complaints section include the following. Continue to monitor the Department's implementation of the recommendations from the MT's first complaint audit that are still outstanding, and assist the Department in developing action plans to implement the second audit's findings and recommendations. Meet with the Parties to resolve the issues identified in the second audit report, including compliance metrics for the specified SA paragraphs and accepting the intake interview when it sufficiently addresses the issues. Monitor implementation of LASD's revised system to record personnel complaint investigations and adjudications. Continue working with the Department on revisions to the SCR Handbook, Department Manual, and Administrative Investigations Handbook. Begin work on assessing Department compliance with the training requirements for the investigation and adjudication of public complaints.

5.   <u>Management Accountability for Handling Public Complaints</u>

As described above and noted in detail in our previous reports, revisions to the SCR Handbook, the Manual of Policy and Procedures, and the Administrative Investigations Handbook were delayed for years and are still not completed. In addition to addressing clarity and consistency, both of which are urgently needed in these often-conflicting documents, the changes we have recommended are as fundamental as adopting the Penal Code classifications for complaint dispositions, accurately capturing complaint dispositions in PRMS, and amending the system for handling complaints arising during a UOF investigation so they are captured in PRMS. LASD only records allegations in PRMS if they are filed as formal complaints (SCRs). Since not all allegations that arise in UOF investigations result in an SCR, this means many are not recorded. To get an accurate count would involve sorting through every investigation on file one by one, a time-consuming task that, by all indication, is never done. Therefore, in practice:

> The Department does not know how many excessive force complaints have been made against its employees.

> The Department has no accurate count of the excessive or unnecessary force complaints any of its employees have accumulated during their career.

Convening a Risk Management Forum without a clear understanding of how many excessive force or other complaints occurred during the review period is unacceptable. Force has always been and probably always will be the biggest source of a law enforcement agency's lawsuits and damage awards as well as a major source of community concern. Intentionally failing to track public complaints that arise during a use of force is simply inexcusable. Failing to address and correct a major deficiency like this for three years after it was brought to the Department's attention illustrates the severity of the problem with respect to the ongoing lack of management accountability.

Another example of management's failure to address issues is the investigation and adjudication of racial profiling complaints. In our first audit we found a wide disparity in the way these complaints were being handled. In one case the investigator conducted an extensive analysis of the accused deputy's stops for several months, breaking them down by race/ethnicity including the stop itself and the deputy's post-stop decisions. In other cases, the investigator simply asked the accused deputy if he profiled the complainant. When the deputy said he did not or when the investigator noted the deputy was the same ethnicity as the complainant—or in one case had a relative of the same ethnicity as the complaint—the investigation was concluded and the allegation classified as Conduct Appears Reasonable. These disparities occurred because the Department does not have a protocol for investigating racial profiling complaints. So, we recommended that a protocol be established with guidance from the California attorney general's (Cal DOJ) instructions to help agencies comply with California's requirement that law enforcement agencies report racial profiling complaints to Cal DOJ annually. Three years later, nothing has been done, and the three racial profiling complaints in our current audit showed the same lack of consistency. All three cases were found out of compliance by the Monitors, an

outcome that could easily have been avoided had managers done what so obviously needs to be done: establish a protocol throughout the Department for racial profiling complaints.

A current case exemplifies the sort of breakdown in accountability processes that the MT is urging the Department to rectify. Over about a two-year period, one deputy was the subject of seven personnel complaints and was involved in 16 reported uses of force. Six of the seven personnel complaints alleged discourtesy, and the seventh was not reported on an SCR because it occurred within a use-of-force investigation. Nearly all the complaints were classified by the Department as Conduct Appears Reasonable, and none of them was elevated to an Administrative Investigation, which would have allowed disciplinary action to be taken. The MT reviewed the complaints and concluded that at least four of them when viewed individually should have been classified as Unable to Determine—that is, there was insufficient evidence to either prove or disprove the allegation. Furthermore, the language and situations in these complaints were very similar, which should have raised at least a question that a pattern of behavior toward the public was occurring, and a management review of this deputy's behavior should have been initiated.

Most of the uses of force were minor. However, the deputy was directed to attend remedial training for non-lethal weapons—a training the deputy never attended while still working in the field—and was eventually relieved of duty and assigned to home after deploying a Taser on a subject who was handcuffed and in the back seat of a patrol car. Please see the audit for a complete description.

A continuing failure by Department managers to identify and address issues like these and others described in the complaints audit reports calls into question the Department's commitment to receiving, thoroughly investigating, and properly adjudicating public complaints.

6.   Compliance Status of SA Requirements for Public Complaints

Table 7 provides the current compliance status for each paragraph in the Personnel Complaint Review chapter of the SA. The table reflects compliance assessments reported in the MT's first Complaints Audit (published January 2018) and well as the current audit approved for publication on December 15, 2020.

SA Paragraph	Summary of SA Requirement	Compliance			Progress*
		1st Audit	2nd Audit	Overall	
Preamble	Complaints are fully and fairly investigated and personnel are held accountable	No	No	72%	◆◆◆
124	Public access to complaint forms and information	No	UTD	No	◆**
125	Accept all complaints	No	No	50%	◆◆
	LEP language assistance	No	Yes	Yes	◆◆◆◆
126	Impeding the filing of a complaint grounds for discipline	No	UTD	UTD	UTD***
127	Revise MPP, SCR, and IAB manual so they are complete, clear, and consistent	No	No	No	◆◆
128	Service vs. personnel complaints	Yes	No	92%	◆◆◆
129	Revise MPP (various)	No	No	0%	◆◆
130	Ensure each allegation and complaint is appropriately classified at outset and review	No	No	82%	◆◆◆
	Investigate every allegation even if not specifically articulated by complainant	No	No	77%	◆◆◆
131	Investigations are as thorough as necessary to reach reliable and complete findings	No	No	89%	◆◆◆
132	Refer appropriate cases to IAB or ICIB	No cases	No	79%	◆◆◆
133	Investigation conducted by uninvolved supervisor	No	Yes	Yes	◆◆◆◆
134	Identify all persons at scene	Yes	Yes	Yes	◆◆◆◆
135	Obtain a full statement from all persons at scene	Yes	No	92%	◆◆◆
136	Interview complainant in person or give justification	No	UTD	UTD	UTD****
137	Interview witnesses separately	No	No	83%	◆◆◆
	Use uninvolved interpreter for people with LEP	No	Yes	Yes	◆◆◆◆
138	Training on intake and investigations	MT has not reviewed		Pending	◆◆
139	Training on investigations	MT has not reviewed		Pending	◆◆

Table title (above table):

Table 7

Public Complaints Compliance Status

Table 7					
Public Complaints Compliance Status					
SA Paragraph	**Summary of SA Requirement**	**Compliance**			**Progress***
		1st Audit	**2nd Audit**	**Overall**	
140	Adjudications consistent with a preponderance of the evidence	No	No	90%	◆◆◆
	Semi-annual audit of public complaints	No	No	30%	◆◆

* ◆ = Little progress ◆◆ = Some progress, ◆◆◆ = Substantial progress, ◆◆◆◆ = Compliance, ◆◆◆◆◆ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.
** Unable to determine compliance with Paragraph 124 in second audit due to COVID-19 restrictions, but based on the previous audit and partial review, overall compliance has not been reached.
*** Unable to determine compliance for Paragraph 126. There were no complaints in the audit sample with an allegation of impeding filing a complaint, but there can be other indicators, such as the lack of public access to complaint materials, so the MT will review other information to determine compliance with this provision.
****The MT did not make a determination of compliance on Paragraph 136 pending determination of a compliance metric for recording all interviews and a discussion with Parties regarding the SA requirement that investigators do their own interview with complainant when the documentation of the first interview may prove to be sufficient.

In summary, the Department remains out of compliance with 12 of the 17 complaint paragraphs. The only three that are in compliance are the LEP portions of Paragraphs 125 and 137, ensuring an uninvolved supervisor conducts a complaint investigation as required by Paragraph 133 and identifying everyone at scene as required by Paragraph 134. We were unable to assess compliance with Paragraph 126, which required that discipline be imposed when a deputy impedes a complaint, as there were no such cases in the audit sample, or Paragraph 136, which requires the investigator to interview the complainant in person. We expect to resolve this last item following a discussion with the parties on the efficacy of allowing the investigator to rely on the intake interview provided it sufficiently addresses all the substantive issues.

G.   Accountability

The MT continues to focus on and emphasize the importance of accountability, at all levels of the organization, and how critical this aspect of the SA is to achieving compliance with the SA. It must be constantly reinforced and evident to all segments of the community such that they develop trust in and support their law enforcement services provider. Ensuring that accountability is clearly maintained throughout the agency is arguably the most important objective and biggest challenge of the Settlement Agreement.

Effective accountability occurs only when management displays a capacity and willingness to identify and correct individual or systemic deficiencies that exist. The ability to monitor and evaluate the decisions and actions of deputies who are geographically dispersed and often operating in an independent manner is but one of the challenges. Management must establish and maintain accountability for performance not only at the level of the individual but also

throughout the various systems created within the respective work units, stations, and divisions, and within the entire organization. Accountability mechanisms include such things as the data systems, tools, and practices used by managers and supervisors in identifying and responding to issues, and the procedures and policies that provide the structure to guide these practices. Finally, and most importantly, accountability must be practiced and modeled by the managers at the station, division, and departmental levels. It is the behavior and the leadership displayed by managers and supervisors in adhering to their responsibilities for ensuring performance meets expectations that ultimately sets the standard for others.[15]

Accountability does not mean that no issues will arise, no accidents occur, or no instances of poor decision making will happen in the field; such things will happen in any large law enforcement agency. Accountability does mean that when issues do surface, they are appropriately addressed and every effort is made to avoid the same issue arising again. This includes responding to problems ranging from instances of individual poor performance to recognizing and correcting organizational deficiencies or dealing with unacceptable behaviors and patterns that are not consistent with organizational norms or community expectations. The MT is looking to managers to routinely monitor and review information to identify the more subtle issues, patterns and risk exposures that may signal potentially serious problems and to take timely corrective action to address them. The MT is also paying attention to whether executives set clear norms and expectations on how the department engages with community members, sets and evaluates strategic goals, and is transparent with data.

1.   Accountability Issues in other Sections of the Settlement Agreement

The Accountability section, Paragraphs 141–145, primarily addresses (1) the data systems that hold and facilitate analysis of station- and systemwide data and information that inform accountability measures and (2) how AV commanders and division managers utilize the data, tools, and processes that have been put in place to ensure the accountability practices required for each section of the SA are carried out.

The accountability requirements of the SA are far broader than just those identified in the Accountability section. In fact, they permeate every aspect of the SA. The individual topics or sections of the SA address accountability systems and behaviors as they relate to those specific operational areas while the Accountability section addresses the overarching systems and tools that play a role in monitoring the linkages between the rest of the SA sections. A few areas

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[15] Station management personnel includes the captains, operations lieutenants, and watch commanders at each AV station and the North Patrol Division chief and commander. Sergeants are supervisors rather than managers, but they provide critical and essential support to management by ensuring effective oversight is provided in the field. The term "management" as used here also includes the entire LASD chain of command, up to and including the sheriff, as well as the AAB and other departmental units and divisions within LASD that carry out oversight responsibilities and provide support services to the NPD and station commands.

where work in other sections has revealed important accountability issues that the Department is aware of and working to improve—all of which are detailed in previous sections of this report—are summarized here.

- In the Stops section, supervisor review of DDWS logs in order to reduce data entry errors and to ensure deputies are conducting stops in a constitutional and unbiased manner.

- Also in Stops, assessing the appropriateness and impact of asking for parole/probation status. Supervisors and managers must evaluate the benefit to achieving legitimate and appropriate law enforcement objectives against how that practice could be carried out in a manner that has potentially adverse impacts on community trust.

- In Bias-Free Policing, implementing a formalized crime prevention strategy through which the Department can address racial and ethnic disparities in stops and searches. Extensive data analysis has found disparities exist at many levels, from the stops themselves to asking the probation/parole question, to conducting searches, and to vehicle impoundments or issuing citations/arrests. To hold the Department, stations, and individual deputies accountable, managers must understand the factors that lead to these disparities, implement enforcement strategies and practices that best balance community safety and community trust, and institute mechanisms by which the impact of any changes can be measured and improved upon.

- Also in Bias-Free Policing, not only ensuring that deputies receive the full-day and in-service trainings, but that no individual deputies repeatedly fail to attend available trainings. Station managers laudably continued full-day Constitutional and Bias-Free Policing Training despite COVID-19 restrictions, yet they failed to recognize that several deputies had missed repeated opportunities to attend the bias-free training, which meant they were working in the AV for over a year without this important training.

- In Housing, ensuring basic record keeping is consistent and accurate so that relatively simple bureaucratic processes like the provision of policies to newly assigned deputies can be tracked.

- In Community Engagement, developing and implementing ongoing training on issues related to community policing and community engagement techniques, cultural awareness and sensitivity, cultivating internal, local subject matter training experts and ensuring that CMF and RMF meetings include a productive discussion of relevant trends and community priorities. CMFs and RMFs are also an important venue for managers to use data systems to support accountability.

- In UOF, publishing and training on policies that reflect current requirements of the SA and state law in a timely manner. The UOF policy remains out of compliance despite 16 months having gone by since it was agreed to by the Parties and Compliance Unit and sent for management approval.

- In Complaints, ensuring that all community concerns and allegations, including those where community members did not formally file a complaint, are appropriately and thoroughly addressed and that all allegations and complaints can be accurately tracked in LASD data systems.

- Also in Complaints, there have been instances where the adjudication of an investigation directed deputies to attend further training, yet months went by without that training occurring.

The broad elements of accountability involve consideration and usage of data systems, data and data analysis tools, collaborative reviews, human judgment and decision making, and the procedures and processes ensuring each of these parts effectively work together as a routine part of operations.

2.   LASD Data Systems

A key component of accountability addressed in SA Paragraphs 141–143 is ensuring timely and reliable information is available to supervisors, managers, and executive staff. Accountability mechanisms include such things as electronic data systems and file storage, as well as the policies and procedures governing their use, which then provide a means for management to routinely review and evaluate operations and performance in real-time.

It was clear early on that PRMS—LASD's primary Department decision-support system—could not be relied upon as a sole, or adequate, source for managers to make decisions and determinations for employee and operational accountability. LASD has made several PRMS modifications to its data systems, including to allow for comparison of the activity of deputies and units, identify trends, and access relevant data to aid in determining compliance with the SA. Where PRMS does not provide adequate information for assessing progress in meeting the requirements and objectives identified in the SA, LASD has worked to develop and implement supplemental information systems. Some of these were established in response to the SA and others predated the SA. Following an effort to catalog those processes and systems and identify how each one is used, the MT has worked with the Compliance Unit and AV stations to document how they are or can be integrated into a more reliable and effective central accountability process.

Through this process, LASD has achieved partial compliance with Paragraphs 141 and 142 of the SA in the development of databases necessary to address the deficiencies and inadequacies of the PRMS. However, the MT's own data verification activities have found that PRMS often does

not contain accurate or current information, as was noted in the Complaints section above and in previous semi-annual reports. This means the supplemental data bases at the AV stations must be cross-checked with PRMS and other sources to ensure the data is complete and accurate.

3.   Employee Quarterly Review

One of the newly developed tools that uses data to assist managers in identifying trends, provide deputy comparisons, and address personnel performance and station-level operational deficiencies is the Quarterly Employee Review (referred to as Quarterly Reports). The Quarterly Report provides counts and offers insights about trends for individual deputies across several important performance areas: use of force; citizen complaints; administrative investigations; data entry errors for stops, searches, and arrests; obstruction arrests; community engagement; and any corrective action taken, such as retraining or Performance Mentoring Program. Primarily a quantitative tracker, the report also provides some context for those counts and tracks what corrective action has been assigned and taken, if any. The reports also include summaries of trends and other observations.

Quarterly Reports address important aspects of Paragraphs 141–145 and link in some accountability factors from other SA sections; however, they certainly do not address all of LASD's accountability processes or responsibilities. They do provide a helpful perspective, similar to the Sheriff's 11, and one that is broader in scope with regard to time and the number of personnel included compared to AAB or MT audits. Those audits do not necessarily address trends and patterns across time outside the scope of their audit period. The Quarterly Reports assist in this regard by providing a two-year span of information for each employee on the list.

These reports also allow managers to look at patterns that can be found among personnel, supervisors, and even throughout the stations. In this way, Quarterly Reports, if used effectively with accurate data, can help identify potential issues that need further investigation. For instance, several uses of force in a short time period, even if found to be in policy, may suggest to managers the need for a review of each investigation in order to assess conduct or other factors that could be contributing to these incidents. Managers should weigh the data in the Quarterly Report against other information and sources they routinely review. Overlaying the data can be helpful in evaluating the need to look more closely at potential trends related to complaints, uses of force, or other allegations—even though the individual allegations or incidents may be found to have been within policy. Managers may also want to explore patterns within investigations and their conclusions. Investigators are tasked with reviewing individual cases and may not recognize how a series of cases could be connected if they are not routinely reviewing all the summary data or reports. These inquiries on the part of managers can and should be spawned through review of the Quarterly Report but will require other sources to complete.

The reports for the fourth quarter 2019 through the second quarter 2020 have been completed and reviewed by the MT. The MT's review of the third quarter 2020 reports will be included in the next semi-annual report.

a.   Improving the Quarterly Reports

Since the first Quarterly Reports were issued for the fourth quarter 2019, the department has continued to implement and adjust the quarterly reporting process. The compliance sergeants and operations lieutenants continue to show an openness to feedback and have been thoughtful and engaged partners throughout this process. The MT held separate meetings with the station captains and the North Patrol Division commander and the chief to discuss the process, get input from the managers perspectives, and make recommendations for improvements going forward. Recommendations were made by the MT to add a "manager's review" page to the end of the Quarterly Report document where the captains and the North Patrol Division managers can document comments, observations, directives, and orders for follow-up actions based on their reviews of the information provided in the report. This is to provide an opportunity for managers to document in the report their observations and concerns, requests for more information or some action on the part of station manager, and instructions for any corrective actions for mentoring, training, or discipline related to individual performance or trends. North Patrol Division managers embraced this addition.

As mentioned in the last reporting period, the MT asked the respective station compliance sergeants who are tasked with the data collection and preparation of the Quarterly Reports to develop written procedures for validating the data used in the quarterly reports and for preparing the reports. The MT has been informed about the databases used to track relevant information needed for the Quarterly Reports, the processes used to cross-check and validate the data and information, and the processes followed to conduct the DDWS reviews to identify coding errors. These speak to data quality and reliability and are crucial for the Department and MT to monitor. These written procedures will provide for consistency in the reports from the two stations so that, when personnel changes occur over time, there will be guidance for newly assigned sergeants when engaged in conducting this important work. At the onsite meeting with the parties in November the Compliance Unit informed the MT that procedures had been developed and were being used by the newly assigned Compliance Sergeants at both stations, however, the procedures have still not been shared with the MT. The SA expects that sustainability measures be in place in order to ensure compliance continues after the monitoring period; therefore, these written procedures are one of the requirements that need to be in place before compliance with this section is reached.

4.   Performance Mentoring

SA Paragraphs 144–145 address LASD's Performance Mentoring Program (PMP). PMP is one of the tools for management to provide remedial training and supervision for substandard

performance. This can be particularly valuable when used as preventative corrective action, that is, in the form of an intervention that can be undertaken to help prevent major incidents from occurring such as a pattern of inappropriate use of force, accidents, or ongoing behaviors and patterns leading to complaints or a breakdown in community trust. Personnel, including deputies, supervisors, and managers, can be placed on PMP when performance issues arise so they can receive extra supervision, training, and guidance. However, PMP will only be successful if it is used by management as intended.

The Quarterly Reports should provide a check to ensure that PMP is being used appropriately. The reports include information that can be utilized to verify that the SA requirements regarding PMP are being followed and met. The reports identify some of the performance deficiencies that would prompt consideration for PMP placement, and it also tracks PMP placement dates, progress, and completion. This should help management to determine if AV personnel demonstrating deficiencies in performance that merit PMP placement are in fact being placed in the PMP. Other SA requirements (which will be addressed in the Accountability Compliance Review described below) include that mentoring is provided through the PMP within 30 days after the need for mentoring is identified, that appropriate procedures are in place for supervising deputies in the program, and that there is appropriate coordination between the Department-wide PMP and the North Patrol Division PMP.

5.   MT Accountability Compliance Review

The Parties discussed a draft Compliance Review Plan outlining a process for evaluating accountability compliance at the onsite meeting in November 2020. The Parties requested a more specific "audit plan" document which the MT is preparing for further review by the Parties.

The MT's task of measuring the Department's accountability compliance is complex. With the many layers of accountability come many layers of tools and processes and many layers of responsibility up through the chain of command for ensuring those processes occur. Each of these layers and tools will be assessed by the Accountability Compliance Review to the extent they are not already being assessed through other SA sections.

The work will include assessing whether the Department has put the tools in place and made adjustments or refinements to systems and practices as specified in Paragraphs 141–145 and in numerous other accountability provisions throughout the SA. More importantly, the MT will be assessing if the Department is dedicating consistent management attention to the overarching objective of improving organizational accountability by displaying a fervent commitment to utilizing the tools and resources at their disposal, asking tough questions, and synthesizing the various types of information, with a genuine commitment to identifying and addressing underlying issues or needs. Ultimately, the outcome expected by the SA is improving organizational performance through better accountability throughout the chain of command.

A key element of the MT's work will be to determine whether trends and patterns (a) become evident and (b) are quickly recognized and effectively addressed whenever corrective action may be helpful or required. This includes reviewing the data systems and tools meant to provide data and information to the managers and assessing whether the information they provide is sufficiently timely, accurate, and clear to serve the purpose of alerting managers to potential issues before they become too serious. The MT will then assess whether supervisors and managers make appropriate use of these resources, engaging other colleagues as appropriate, and applying their own professional instincts and judgment to identify existing issues and potential issues and respond. The MT will examine the outcomes and effectiveness of management accountability measures that are undertaken and the extent to which managers are carrying out their responsibilities for ensuring the intended outcomes of the SA.

While management oversight and accountability requirements in other SA sections will continue to be assessed through separate audits and compliance reviews, the Compliance Review will identify issues arising in that work that point to broader accountability issues that may link or fall outside the scope of those sections. For instance, training issues found in multiple SA sections may not amount to a lack of compliance for those sections individually, but looked at across the whole SA, they may indicate a pattern that suggests a need for further review. In this case, the broader training issues would fall under the scope of the Compliance Review. Similarly, an aspect of a particular UOF or complaints investigation that touches on multiple issues or time periods outside the scope of a particular UOF or complaints audit may be addressed by the Compliance Review. Or to use an example from this report, while complaints may be reviewed and adjudicated appropriately, an upward trend in a particular kind of complaints coming disproportionately from Black community members, may warrant scrutiny and systemic action such as the deployment of an additional cultural awareness training.

The MT is scrutinizing the administration not only to see whether they are implementing the specific requirements of the SA, but also to see whether critical questions are being asked with professional skepticism during the Executive Force Review Committee (EFRC), RMF, and CMF meetings. To date, we have not seen strong evidence of that and will systemically evaluate this in the next reporting period.

The newly developed Quarterly Reports will be among the accountability tools assessed in the Compliance Review to see if they are adequate to serve their purpose or if they need enhancement. This part of the review will likely target the second and third quarters of 2020. The MT will validate information used in Employee Quarterly Reviews; assess whether the preparation of the reports follow established procedure; assess whether station and division managers are using the information in the reports to identify any issues and take steps toward further inquiry and response; and assess whether the formatting and content of the quarterly reports, including the threshold for inclusion, best serve the overall objectives of management accountability.

6.   <u>Accountability (Paragraphs 141–145) Compliance Status</u>

Table 8 shows that Paragraphs 141–145 are rated in partial compliance because the MT has seen the department's work to put processes in place to provide the information and activity necessary to comply with these SA sections. However, determinations cannot be made about the effectiveness of the accountability processes that are necessary for compliance until compliance reviews have been completed.

Table 8 Accountability Compliance Status			
SA Paragraph	Summary of SA Requirements	Compliance	Progress*
141	PRMS as LASD-wide decision support system Peer to peer comparisons of deputies and units AV commanders' periodic reviews of all personnel to identify trends	70%	◆◆◆
142	Modifications to PRMS to access additional information Electronic PLEs PRMS accurate; accountability for errors	60%	◆◆
143	Plan for periodic review of trends at stations	60%**	◆◆
144	Modifications to PMP; 30-day turnaround	50%***	◆◆
145	Coordination between Department-wide and Division PMP	50%	◆◆

* ◆ = Little progress ◆◆ = Some progress, ◆◆◆ = Substantial progress, ◆◆◆◆ = Compliance, ◆◆◆◆◆ = Sustained compliance. Please see the legend in the Settlement Agreement Compliance section above for a complete description of what each rating represents.

** The "plan" needs to encompass Divisional managers' review of the way station commanders use data and other information to respond to issues. The Quarterly Reports are one aspect of this plan, as are performance evaluations, CMF/RMF, shooting reviews, EFRC, Sheriff's 11, AAB audits, etc. The MT's compliance review will assess the success of the plan to ensure accountability across all these tools and processes.

*** The mentoring programs are established and functioning. The qualitative effectiveness of the effort to comply with SA Paragraphs 144 and 145 will be assessed in the upcoming compliance review.

IV.   CONCLUSION

As noted throughout this report and the reports before it, the MT recognizes there has been progress since our last report. For example, we appreciate the attention to the UOF policy from administrators during this reporting period and that the discussions surrounding the UOF policy have been productive. There are, however, key reforms that have not been attempted or successfully implemented. Several of these reforms are critical and touch on many different aspects of compliance, but more importantly, will require increased attention and more action before it is possible to establish whether culture change is beginning to take place.

At times during this reporting period, the MT has struggled with resistance and the unproductive nature of some discussions with LASD, yet toward the end of this time frame, we note signs or more engagement by administrators with increased attention to the SA and efforts to ensure follow through takes place. The current report, like the previous monitoring report, is a call to action at the highest levels of the organization and requires a strong organizational commitment to achieving the objectives that were established and agreed upon. We are hopeful that the level of attention that administration has exhibited recently will translate into significant progress in the next six months.

As noted throughout this report, the MT will continue to emphasize progress and highlight accountability in a number of areas that are critical to the Department's success in achieving the desired results sought by the SA. These areas lag behind but are foundational to achieving compliance. They include the following.

- The production and implementation of station-level crime prevention plans. As previously noted, many of the SA items require that data, reports, and community inputs be measured against and inform a crime prevention plan. It is critical that LASD use their data to improve practices.

- Enhancement to CMF/RMF and EFRCs that demonstrate that executives are focused on and providing oversight of AV activities.

- Implementation of the UOF policies and the development of a corresponding training that includes principles of best practices such as de-escalation.

- Revision, Parties' approval, and implementation of complaints-related policies, handbooks, and manuals.

In the upcoming months, the MT will be heavily focused on assessing compliance in the areas of stops and accountability and using our audits and assessments in these areas to shed a light on the specific practices that need to be augmented or revised. We will closely monitor the degree to which LASD management and supervisors are using data and asking critical questions and instilling a culture of accountability.

Appendix A

MT Trends Analysis:
Stops and Stops Outcomes Over a Two-Year Period: July 2018 to June 2020

The MT stops analysis compared key AV stops data in four consecutive six-month time periods from July 2018 to June 2020: July–December 2018, January–June 2019, July–December 2019, January–June 2020. This appendix provides a summary and tables of these findings. The Compliance Unit and stations received these findings as well as some more detailed analyses. This represents a cumulative report. The 2018 and 2019 data were first discussed in previous semi-annual reports. (Please review the Limitations of the Analysis in the Stops Data Trends section at the end of this appendix regarding understanding and interpreting these findings.)

1.   Overall Stops

Not surprisingly, there was a considerable decline in the number of stops conducted in the first half of 2020 due to the COVID-19 outbreak (Table A1).

- A total of 14,992 stops were conducted in the AV in the first half of 2020, compared to 20,484 stops in the first half of 2019 (a seasonally comparable time period).

- Since stops can involve more than one person, the stops in the first half of 2020 represented 16,850 individuals stopped.

The reason for most stops (>85% in each review period) is "vehicle code" violations. Other most common reasons were "consensual encounters," "warrants on license plate" and "penal code." "Reasonable suspicion" accounted for 1.8% in the July–December 2018 and 1.4% in the next three six-month periods.

Table A1 Overall Stops Characteristics				
Characteristics	July – December 2018	January – June 2019	July – December 2019	January – June 2020
Number of stops	16,554	20,484	18,748	14,992
Number of people stopped	18,313	22,485	20,578	16,850
Range of stops per month	2,455–3,191	2,805–4,665	2,485–3,663	1,783–3,227
Type of Stops				
Vehicle stops	87%	89%	88%	87%
Pedestrian stops	10%	7%	9%	9%
Bicycle stops	3%	3%	4%	4%

Note: In all tables, totals may not add to 100% due to rounding.

2.   Stops by Demographics

Latino people account for most stops across the race/ethnicity groups, while Black people are overrepresented among stops relative to the general population (Table A2).

- In the first half of 2020, Latino people represented 43% of stops, Black people 34%, White people 21%, Other 1%, and Asian less than 1%.

   o   The corresponding racial and ethnic proportions in the AV population for this analysis are Latino 48%, Black 17%, White 29%, and Asian 4%.

   o   Therefore, Black people are overrepresented compared to their proportion in the general population while the other groups are underrepresented.[16]

- These patterns were largely consistent during the two-year review period, although between the second half of 2019 and the first half of 2020 the percentage of stops rose for Black people (+2%) and dropped for Latino people (-3%).

Over the two-year review period, there was a rise in the proportion of stops of males.

Table A2				
Demographics of Individuals Stopped				
Demographic	**July – December 2018**	**January – June 2019**	**July – December 2019**	**January – June 2020**
Latino	43%	44%	46%	43%
Black	33%	32%	32%	34%
White	22%	22%	21%	21%
Other	1%	1%	1%	1%
Asian	<1%	<1%	<1%	<1%
Male	65%	67%	68%	72%
Ages 20–34 years	48%	50%	49%	50%

Note: The corresponding racial and ethnic proportions in the AV population for this analysis are Latino (48%), Black (17%), White (29%), Asian/Pacific Islander (5%), Native American (<1%).

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[16] US Census Bureau, American Community Survey, 2019.

3.   Probation and Parole Status

Black people were the most likely to be asked if they were on probation and parole during a stop, followed by Latino people (Table A3).

- In the first half of 2020, the rates at which the question was asked were 69% for Black people, 63% for Latino people, 59% for White people, and 64% overall.

- This statistic rose substantially for all racial/ethnic groups over the four review periods, with the proportions for White people rising the most.

The percentage of people who responded "yes" to the question fell in each review period for each race/ethnicity.

Table A3				
Probation and Parole Status				
Outcome	July – December 2018	January – June 2019	July – December 2019	January – June 2020
Percent of people stopped asked if they were on probation or parole				
% asked, all	39%	49%	53%	64%
% asked, Black	46%	55%	57%	69%
% asked, Latino	38%	49%	53%	63%
% asked, White	34%	44%	51%	59%
Percent of people stopped asked if they were on probation or parole and answered "Yes"				
% answered "Yes," all	18%	15%	13%	16%
% answered "Yes," Black	19%	16%	14%	16%
% answered "Yes," Latino	17%	14%	12%	15%
% answered "Yes," White	20%	16%	14%	15%

4.   Backseat Detentions

Although the differences are small, Latino people were most likely to be placed in a backseat detention (BSD) during a stop, followed by Black people and White people (Table A4).

- In the first half of 2020, the backseat detention rates were 10.2% for Latinos, 9.5% for Blacks, 8.1% for Whites, and 9.4% overall.

- These backseat detention rates did not change substantially over the two years, although they did drop slightly for Black people and rose slightly for White people.

Table A4				
Backseat Detentions: Percent of People Stopped Who Were Held in a Backseat Detention				
Outcome	**July – December 2018**	**January – June 2019**	**July – December 2019**	**January – June 2020**
% held in BSD, all	9.0%	8.5%	7.9%	9.4%
% held in BSD, Black	10.2%	8.9%	8.6%	9.5%
% held in BSD, Latino	9.8%	8.7%	8.2%	10.2%
% held in BSD, White	6.6%	7.9%	6.8%	8.1%

5.   Searches

Black people were more likely than Latino or White people to be searched during a stop (Table A5).

- In the first half of 2020, the search rates were 38% for Blacks, 36% for Whites, 35% for Latinos, and 36% overall.

- The search rates rose for each race or ethnicity in each review period, especially for White people whose likelihood of a search rose from 23% in the second half of 2018 to 36% in the first half of 2020.

- At the start of the two-year review period, Latinos were more likely to be searched than White people, but the trends showed White people were slightly more likely than Latino people by the first half of 2020.

Over the two-year reporting period, the most common reason for a person search was "incident to arrest" (25% of all person searches in the first half of 2020) and for a vehicle search was "as a condition of probation or parole" (31% of all searches in the first half of 2020).

Table A5				
Searches: Percent of People Stopped Who Were Searched				
Outcome	July – December 2018	January – June 2019	July – December 2019	January – June 2020
Person searches: Stops involving a person search				
% person searched, all	22%	24%	26%	33%
% person searched, Black	25%	26%	28%	34%
% person searched, Latino	22%	23%	25%	33%
% person searched, White	20%	24%	27%	32%
Vehicle searches: Stops involving a vehicle search				
% vehicle searched, all	15%	16%	18%	23%
% vehicle searched, Black	17%	18%	19%	25%
% vehicle searched, Latino	15%	15%	18%	23%
% vehicle searched, White	12%	14%	17%	21%
Any search: Stops involving any search (person and/or vehicle)				
% any search, all	26%	27%	30%	36%
% any search, Black	30%	30%	32%	38%
% any search, Latino	25%	26%	28%	35%
% any search, White	23%	26%	30%	36%

6.   Contraband Seizures

Black and Latino people were substantially less likely to have a stop result in the seizure of contraband than White people (Table A6).

- In the first half of 2020, the seizure rates were 15% for Blacks, 25% for Latinos, 31% for Whites, and 23% overall.

- These rates did not change substantially over the two years except for Whites, whose likelihood of a seizure increased from 22% in the second half of 2018 to 31% in the first half of 2020.

Notable Trend: Black people are consistently most likely to be searched, yet consistently have the lowest incidence of contraband being seized.

Notable Trend: Search rates are increasing for all race groups, but there has not been a corresponding increase in seizure rates except for White people.

Table A6				
Seizures: Percent of People Searched (Person and/or Vehicle) Who Had Contraband Seized				
Outcome	**July – December 2018**	**January – June 2019**	**July – December 2019**	**January – June 2020**
% with seizure, all	21%	20%	20%	23%
% with seizure, Black	16%	16%	16%	15%
% with seizure, Latino	24%	22%	20%	25%
% with seizure, White	22%	25%	27%	31%

7.   Vehicle Impoundment

Although the differences are small, Black people were most likely to have their car impounded after a stop, followed by White and Latino people (Table A7).[17]

- In the first half of 2020, the impoundment rates were 5.3% for Blacks, 4.3% for Whites, and 3.6% for Latinos, and 4.3% overall.

- These rates did not change substantially over the two years except although they did drop slightly for Black people and rose slightly for White people.

Table A7				
Vehicle Impoundments: Single-Person Stops Resulting in Vehicle Impoundment				
Outcome	**July – December 2018**	**January – June 2019**	**July – December 2019**	**January – June 2020**
% with impoundment, all	3.7%	3.0%	3.2%	4.3%
% with impoundment, Black	4.3%	3.7%	4.1%	5.3%
% with impoundment, Latino	3.9%	3.1%	3.2%	3.6%
% with impoundment, White	2.5%	2.0%	2.3%	4.3%

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[17] Vehicle impoundment is a stop-based measure rather than specific to the person stopped. In the event of multiple people being stopped, the impoundment code is the same for everyone stopped. The following results are from vehicle stops only (excluding pedestrian and bicycle stops) and limited to single-person stops for a more direct racial comparison of outcomes.

8.   Citations and Arrests

Black people were the most likely to be arrested and the least likely to be cited after a stop (Table A8).[18]

- In the first half of 2020, the arrest rates were 30% for Blacks, 26% for Whites, 25% for Latinos.

- In the first half of 2020, the citation rates were 44% for Whites, 43% for Latinos, 33% for Blacks.

Across the two-year review period, the overall rate of arrests following a stop increased 6 percentage points to 31% in the first half of 2020.

Across the two-year review period, the overall rate of citations following a stop decreased by 14 percentage points to 36% in the first half of 2020.

Table A8 Citations and Arrests				
Outcome	July – December 2018	January – June 2019	July – December 2019	January – June 2020
Arrests				
% stops leading to arrest, all	20%	21%	24%	27%
% stops leading to arrest, Black	26%	26%	30%	30%
% stops leading to arrest, Latino	19%	21%	22%	25%
% stops leading to arrest, White	16%	18%	21%	26%
Citations				
% stops leading to citation, all	59%	55%	50%	40%
% stops leading to citation, Black	51%	48%	47%	33%
% stops leading to citation, Latino	63%	57%	57%	43%
% stops leading to citation, White	62%	59%	57%	44%

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[18] The citation and arrest data are limited to single-person stops for a more direct racial comparison of outcomes.

9.   Limitations of the Analysis in the Stops Data

It is important to note that some outcomes are specific to the reasoning and circumstances of the stop, while others are specific to individuals involved in the stop. Therefore, the percentages presented here may have different denominators. Additionally, where multiple people are involved in a stop, making racial comparisons of stop-based outcomes becomes nuanced because it is difficult to determine specific outcomes to specific persons in the stop. Restrictions in the CAD data entry process result in several limitations in analyzing the data.

Other key limitations include the following: (1) Only two people can be entered in any one stop record—if more people are stopped, then deputies must create a new incident and link the incident using a reference tag ID, which can lead to inconsistencies between the reference tags; (2) Some outcomes that are specific to individuals are summarized across the stop when multiple people are listed in the stop, preventing direct comparisons of outcomes across race groups; (3) Assisting unit narratives and other data fields are often missing information, likely because the information is already recorded in the original stop report; and 4) Contraband seizure is not tied to search method.

Appendix B

MT Trends Analysis:
Probation and Parole Status, January to June 2020

Assessing the efficacy as a law enforcement objective of routinely conducting searches based on community supervision status is important because the practice can erode community–law enforcement relations. The question alone can be off-putting, especially for those who are not, in fact, on probation or parole. Several SA provisions address asking the question and conducting searches based on probation and parole status, including 44g, 46, 56, 57, 81, 82, 83 and 153. (See also discussion in Stops section.)

1.   Overall Trends

The percentage of people stopped who are asked if they are on probation or parole is increasing.

- In the first half of 2020, nearly two thirds of people stopped (63.7%; 10,737 of 16,850) were asked about their probation or parole status.

- This is a substantial increase over two years, from 53.3% in the second half of 2019, 49.4% in the first half of 2019, and 39.2% in the second half of 2018.

- This increase was experienced by each race/ethnicity group, somewhat more by Latino and White people (increase of 25 percentage points, respectively) than Black people (23 percentage points).

- Several individual deputies were found to ask the question during almost every stop.

2.   Asking the Probation/Parole Question by Race/Ethnicity

Among people stopped in each race/ethnicity group, Black people were substantially more likely to be asked about their probation/parole status (Black 68.7%, Latino 62.8%, White 58.7%).

- The percentage asked this question across the races/ethnicities increased the most among Black people during the most recent period (that is, the difference between the second half of 2019 and the first half 2020). That increase was 12 percentage points for Blacks, 10 for Latinos, and 8 for Whites.

The answer to the probation or parole status questions is overwhelmingly "no."

- Of people asked about probation/parole status, just 15.7% (1,685) responded "yes" that they were on probation or parole while 84.3% (9,050) responded "no."

- The rates of affirmative response have not demonstrated the same pattern of growth over the past two years as the rates of being asked about probation and parole status.

- **Notable Trend:** Despite Black people being asked about probation/parole status most often, the percentages responding "yes" (i.e., that they were on probation or parole) were very similar across race/ethnicity groups (Black 16.3%, Latino 15.4%, White 15.4%).

3.   <u>Searches Conducted as a Condition of Probation or Parole</u>

"Condition of Probation/Parole" is the most common reason cited by deputies to conduct a vehicle search.

Seventy percent (1,171) of 1,685 people who were asked about their probation/parole status and responded "yes" had a person and/or vehicle search done as a condition of their parole.

- Of 1,685 people who were asked about their probation/parole status and responded "yes," 1,034 (61.4%) had a person search and 822 (48.8%) had a vehicle search.

Black people were the most likely to be subject to a search among single-person stops[19] where the individual had an affirmative response when asked about probation/parole status.

- Overall, 436 (40.3%) of those answering "yes" had a vehicle search as a condition of their probation/parole.

- In all, 43.6% of Blacks, 39.9% of Latinos, 33.5% of Whites who responded "yes" had a vehicle searched.

4.   <u>Contraband Seized after Probation/Parole Search</u>

Black people were less than half as likely to have contraband seized following a search conducted as a condition of probation or parole.

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[19] Analyzing single-person stops provides for a more direct understanding of vehicle search reasons as they pertain to an individual rather than to multiple passengers.

- Of the 1,171 people who responded "yes" when asked about their probation/parole status, 16.6% (194) were involved in a stop where there was a search <u>and</u> contraband seized.

- The data show that 9.4% of Blacks, 21.2% of Latinos and 19.3% of Whites were involved in a stop where contraband was seized after a probation- or parole-based search.

Notable Trend: In summary, Black people were most likely than other races/ethnicities to be asked the probation parole question, about equally as likely to say "yes," were most likely to be searched, and were least likely to have contraband seized.

Appendix C

The Monitoring Team

The court-appointed Monitors—Dr. Angie Wolf and Joseph Brann—have assembled an experienced team with credentials and skills uniquely suited to the SA work. The membership of the MT was finalized in March 2016. The two Monitors and seven team members have extensive expertise and experience in monitoring and evaluation work in policing and corrections. Additionally, most of the MT members have served in law enforcement or continue to have distinguished careers in this field, several in the Los Angeles area. Several have served in leadership positions in law enforcement or corrections agencies during the implementation of the compliance period of a settlement agreement or consent decree and therefore understand the unique challenges that large organizations face in those circumstances. The MT members also have expertise in dealing with the diverse issues addressed in the SA, such as those related to use of force, training, the FHA, 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 D

Antelope Valley Monitoring Website

This website allows AV community members to learn more about the SA, the backgrounds of MT members, and the monitoring activities; access documents related to the monitoring work, including each semi-annual report, each Community Survey report, MT audits, and MT data analyses; follow links to LASD's homepage and other relevant websites; and—importantly—submit questions and comments directly to the MT.

The website's URL is antelopevalleysettlementmonitoring.info

Appendix E

How the Parties and Monitoring Team Work

To complete the work of the SA, the Parties (US DOJ, LASD, and the County of Los Angeles) and the MT are in daily communication through a variety of means. In each six-month period, the Parties and MT hold multiple meetings at LASD headquarters; the offices of the Compliance Unit; other administrative offices; Palmdale and Lancaster stations; and various community centers, schools, and places of worship in the AV. The MT periodically meets in person with the captains of both AV stations and their staff and participates in multiple onsite meetings with LASD's Compliance Unit, usually regarding specific issues such as policy or protocol review or data system discussion. The MT also holds meetings with units or leadership from other operations that are critical to this reform work, such as the AAB or the commander in charge of training. The MT typically observes the semi-annual LASD risk management meeting and the CMF. Although some of these meetings and events are general in scope and pertain to several sections of the SA, most are related to specific sections or provisions of the SA. The Parties and MT also participate in several small- and larger-group community meetings in Palmdale and Lancaster—often with the CACs—where various topics are discussed, such as the MT semi-annual reports, LASD and CAC community engagement reports, community perceptions about LASD and its approach to policing, and other topics.

In addition to in-person meetings, a variety of conference calls take place each month along with daily email or telephone communication among representatives of the Parties and the MT. The MT and DOJ participate in a bimonthly call to address substantive issues and planning; a similar bimonthly call involves the MT, DOJ, and the Compliance Unit; and the MT and Parties, including the Office of County Counsel and extended LASD command staff, participate in a monthly telephone conference call to discuss workflow, future events and meetings, and other salient topics. Several times per year, onsite meetings are held where most participants from the Parties and the MT spend several days together doing intensive work on various topics.

Videoconferencing is used whenever possible when all are not able to be physically present in meetings. Documents are shared extensively via email for the purposes of review and collaborative development of the various policies and procedures, training curricula, community engagement materials, audits, and other written elements of the SA. LASD shares departmental data in various formats with the MT via secure email and digital media.

Appendix F

**Monitors' Note on the Settlement Agreement,
Constitutional Policing, and Organizational Change**

As noted in previous reports, the MT 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 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.