January 24, 2020

Daniel W. Baker, Chief Deputy, Inspector General  
Los Angeles County Office of Inspector General  
312 South Hill Street, 3rd Floor  
Los Angeles, California 90012  

Dear Mr. Baker:

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL'S REPORT ON REFORM AND OVERSIGHT EFFORTS: OCTOBER TO DECEMBER 2019 REPORT

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General's (OIG) validation draft on the “Reform and Oversight Efforts: Los Angeles County Sheriff's Department – October to December 2019 Report.”

We thank you and your staff for your efforts in reviewing the various functions and responsibilities within the Department’s purview. We have reviewed the report and appreciate your input.

We have attached a document containing responses to the report.

The dedication made by members of the OIG to execute this report is greatly appreciated by the Department. We are committed to balancing community safety with public trust and appreciate the recommendations you make to assist us in this endeavor.
The Audit and Accountability Bureau (AAB) has the responsibility to monitor and document the Department’s response related to this review. Should you have any questions regarding the Department’s response, please contact Captain Rodney K. Moore at [redacted].

Sincerely,

ALEX VILLANUEVA, SHERIFF

TIMOTHY K. MURAKAMI
UNDERSHERIFF
VALIDATION - LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL REPORT

SUBJECT: Reform and Oversight Efforts: Los Angeles County Sheriff's Department

Deputy-Involved Shootings

1. “When the deputies returned to the location, they saw the same male Hispanic holding a knife and screaming at family members.” (Pg. 7, Full Paragraph 3)

Correction: When the deputies returned to the location, in response to another 9-1-1 call from the family alleging the suspect was suicidal, they saw the same male Hispanic holding a knife and screaming at family members.

2. “The male ran away from the deputies. The deputies chased after the male. The male turned to face the deputies and the deputies shot at the male again and struck him.” (Pg. 10, Paragraph 3)

Correction: The male ran away from the deputies. The deputies chased after the male. The male turned to face the deputies and pointed his firearm at them and the deputies shot at the male again and struck him.

Homicide Bureau's Investigation of Deputy-Involved Shootings

3. “If the District Attorney declines to file the case, LASD’s Internal Affairs Bureau (IAB) completes LASD’s force review to determine whether department personnel violated any departmental policies during the incident.” (Pg. 12, Paragraph 4)

Correction: Internal Affairs Bureau personnel does not make determinations related to violations of Department policy. It is the responsibility of IAB personnel to document the facts, which are presented to Department executives during an Executive Force Review Committee meeting. Any determination related to violation of Department policy is made by the Committee.

Internal Criminal Investigations Bureau

4. “LASD's Internal Criminal Investigations Bureau (ICIB) reports directly to the Sheriff and Undersheriff. It is responsible for investigating allegations of criminal misconduct by members of LASD.” (Pg. 12, Paragraph 7)

Correction: As of the end of 2019, LASD's Internal Criminal Investigations Bureau (ICIB) reports to Professional Standards Division, Chief Matthew J. Burson.
5. "As of __________, LASD reports ICIB has ___ active cases. LASD reports sending ___ cases this quarter to the District Attorney for filing considerations. The oldest open case ICIB has on its books is from 2015." (Pg. 13, Paragraph 1)

Correction: As of December 31, 2019, LASD reports ICIB has 66 active cases. LASD reports sending 3 cases this quarter to the District Attorney for filing considerations. The oldest open case ICIB has on its books is from 2016.

Internal Affairs Bureau

6. "As of January 2, 2020, LASD reports IAB opened 87 new cases. In the same period, IAB reports that it had closed 77 cases. There are 313 pending cases on IAB's caseload. This number does not reflect all of the open cases." (Pg. 13, Paragraph 3)

Correction: IAB does not open new cases. Administrative investigations are initiated/opened by the subject employee's respective Division Chief.

Correction: Of the 87 new cases opened during the quarter, 23 were assigned to IAB, 43 were assigned to the subject employee's unit of assignment (Unit-Level Investigations), and 21 were entered as criminal monitors.

Correction: The 77 cases closed included IAB and Unit-Level Investigations. Not all were closed solely by IAB.

Correction: Of the 313 pending cases, 198 of those cases are "on IAB's caseload." The other 115 are pending Unit-Level Investigations.

Civil Service Commission Dispositions

7. "From September 18, 2019 to December 31, 2019, the Civil Service Commission issued a final decision in five LASD cases. In one of the cases, the Civil Service reduced the Department's discipline, in all others the Commission sustained the Department's findings and discipline." (Pg. 13, Paragraph 4)

Correction: Professional Standards Division records indicate there were 6 LASD cases that became finalized between September 18, 2019 and December 31, 2019. The Civil Service Commission upheld the Department's imposed level of discipline in 5 cases, and lowered the imposed level of discipline in 1 case.

Former ICE Transfer Procedure

8. "Inside the IRC release area, a large monitor displays the names and release information of every inmate being processed for release." (Pg. 19, Full Paragraph 1)

Correction: The monitor in the release area does not display release information – it only displays the last name, first name, and booking number of every inmate updated to
the Inmate Reception Center release area location in the Automated Jail Information System (AJIS).

9. "To begin the transfer process, ICE agents would confirm an inmate’s release date using the monitor displayed at IRC (or the LASD’s public website), then pick up the inmate’s transfer paperwork generated by LASD custody assistants and arrange for transportation of the inmate using ICE contractors." (Pg. 19, Full Paragraph 1)

Correction: As noted above, release information was not available on the referenced monitor. In addition, ICE agents rarely initiated the transfer process. This process was initiated by ICE personnel in the Enforcement and Removal Operations (ERO) office in Los Angeles. Under normal circumstances, ICE agents did not arrange for transportation of inmates. This was done between the Department and the ERO in Los Angeles.

New ICE Transfer Procedures

10. “Since ICE agents are no longer admitted into IRC to pick up the inmate’s transfer paperwork and arrange for transportation, LASD custody assistants now email the inmate’s transfer paperwork to ICE with a message to “arrange for transportation.” (Pg. 19, Full Paragraph 2)

Correction: While LASD custody assistants do email transfer paperwork to the ERO, the opening statement inaccurately portrays this step as occurring only because ICE agents were removed. This step occurred when ICE agents were present in IRC.

11. “A side-by-side comparison of the former and new ICE transfer procedures at IRC is illustrated in the following flow chart:” (Pg. 19, Full Paragraph 3)

Correction: The flow chart for the “former” ICE transfer procedures is inaccurate for the reasons noted previously in this memorandum.

12. “A review of the former ICE transfer procedures shows that the principal purpose of ICE agents at IRC in the past was to facilitate transfers with the assistance of ICE contractors. ICE agents worked more independently to verify an inmate’s release date, pick-up the inmate’s transfer paperwork, arrange for the ICE contractors to transport the inmate, pick-up the inmate’s property and money, remove the inmate from the holding cell at the IRC Release Area, and take custody of the inmate.” (Pg. 21, Paragraph 1)

Correction: While the statement is accurate if using the OIG flow-chart, as noted previously in this memorandum, OIG’s description of the former process is inaccurate. The principal purpose of ICE agents was not to facilitate the logistics of transfers. As previously noted, this was done through the ERO office offsite.

Correction: ICE agents were not generally involved in picking up paperwork, arranging transportation, picking up property and money, or removing the inmate from the holding
cells. This was done exclusively by ERO (the logistics of the transfer) and contract transportation officers.

13. “This not only creates the impression that Department personnel are more actively involved with facilitating ICE transfers but subjects the Department to unnecessary liability should an inmate resist when Department personnel are removing and escorting inmates to ICE contractors.” (Pg. 21, Paragraph 3)

**Correction:** While most of this contains opinions that the Department is not commenting on in this response, we would respectfully like OIG to point out that IRC’s unit order (IRC Unit Order 5-22/001.10) specifically prohibits using any force to effect a transfer. This is consistent with how all in-custody transfers have occurred for decades.

14. “In addition, the Sheriff’s continued claims that under the past administration sworn ICE agents had essentially unrestricted access to inmates at IRC and “could freely approach inmates to interview them,” and “conduct impromptu inquiries,” is inaccurate and misleading.” (Pg. 22, Full Paragraph 2)

**Correction:** While the Department will refrain at this time from addressing opinions, such as whether this statement is misleading, it is inaccurate to say the Sheriff’s statements were outright inaccurate. Prior to the passage of the TRUTH Act in 2017 ICE agents did have free access to inmates. There were no legal or policy restrictions on the access. This access occurred under multiple previous administrations, including the past one.

**LASD’s “Qualifying Transfer List”**

15. “In 2016, under former Sheriff Jim McDonnell, the Department generated a lengthy list of “qualifying” felony convictions but opted to include only two out of the hundreds of “qualifying” misdemeanor convictions available.” (Pg. 22, Paragraph 3)

**Correction:** The Department generated the list of qualifying charges in 2014 after the passage of the TRUST Act took effect on January 1, 2014. The list was generated prior to Sheriff McDonnell’s election.

16. “When SB 54 went into effect in 2018, the Department continued using the same felony list, but expanded its misdemeanor list to include a total of 150 “qualifying” misdemeanor convictions.” (Pg. 22, Paragraph 6)

**Correction:** The misdemeanor list was expanded to 151 convictions.

17. “Despite this promise, the only change Sheriff Villanueva made to the transfer lists generated by the past administration was to reduce the “qualifying” misdemeanor list from 150 to 101 crimes and to reduce their wash-out period from 5 years to 3 years.” (Pg. 23, Full Paragraph 1)

**Correction:** The list was reduced from 151 to 101 crimes.
The Department Has Transferred Inmates to ICE in Violation of Senate Bill 54

18. "Custody assistants do not have access to any court databases, such as the Los Angeles Superior Courts Data and Document Exchange Service (DDES), nor can they access any criminal databases outside of the County of Los Angeles, rendering it impossible for custody assistants to verify the status of an inmate’s Proposition 47 eligible conviction that occurred outside the County of Los Angeles." (Pg. 27, Full Paragraph 3)

Correction: The criminal databases used by custody assistants includes data from the entire state, provided through the California Law Enforcement Telecommunication System (CLETs) and the Justice Data Interface Controller (JDIC). OIG might be referring to specific court databases, some of which custody assistants do not have access to.

19. "During the Office of Inspector General’s review of these ICE transfers, the Department focused on the outcome, that the number of illegal transfers was relatively small, rather than on the potential for illegal transfers absent changes to the procedure for qualifying inmates. As a result, on August 16, 2019, an inmate was transferred to ICE contractors from Norwalk station at 2:29 pm on a conviction that was reduced to a misdemeanor at 8:30 am that morning in Norwalk Superior Court. The inmate had no other "qualifying" conviction on his record." (Pg. 29, Full Paragraph 2)

Correction: The Department would respectfully ask that these two points be separated (the belief that the Department was focused on the outcome and the Norwalk transfer). This transfer occurred during the collaborative review of the transfer process with OIG and prior to an earlier noted corrective action taken by the Department. While a borderline opinion, the Department believes it is factually inaccurate to say the transfer was a direct result of its focus on the outcome, given that OIG did not complete their review and submit their findings to the Department until after this transfer occurred.

In addition, this inmate was released from the Norwalk Superior Court, not Norwalk Sheriff’s Station.

20. "A review of court documents (unavailable to custody assistants at the time of transfer) showed that 2 inmates had Proposition 47 petitions filed and granted in part before their transfer. The criminal records available to the custody assistants do not accurately reflect the court findings." (Pg. 30, Bullet 1)

Correction: In both of the cases cited by OIG, the individuals had numerous Proposition 47 convictions. Both individuals petitioned the court for reductions of all their Proposition 47 convictions. In both cases, the court only granted the petitions in part because they denied reducing several of the convictions. Therefore, both inmates were qualified for transfer even after a Proposition 47 petition. The criminal records accurately reflected this.
Conclusion

The Department disagrees with several items of fact in this report, as noted above. We are also concerned that, despite a lengthy report with a substantial amount of writing and opinion, OIG only made two recommendations:

1. “Makes maintaining community trust a top priority by ensuring that all its communications with the public are accurate, complete, and transparent;

2. Makes any and all policy changes necessary to help prevent any additional transfers being made to ICE in violation of Senate Bill 54.” (Pg. 18 & 32)

Both of these recommendations were being followed prior to the Department becoming aware of this report and will continue to be followed. We look forward to continue to engage with our communities in an open and transparent way on this important issue.