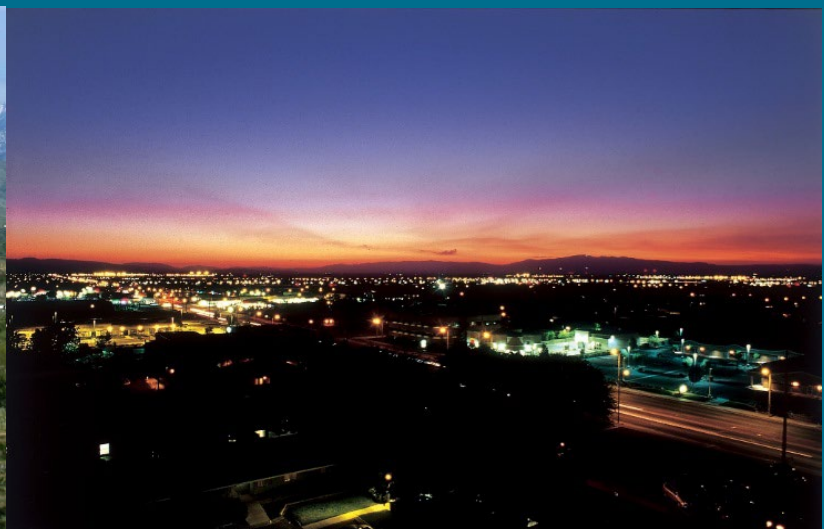


ANTELOPE VALLEY MONITORING TEAM

5th USE-OF-FORCE AUDIT



May 20, 2025

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EXECUTIVE SUMMARY

This audit is the fifth use-of-force (UOF) audit conducted by the Antelope Valley (AV) Monitoring Team (MT). The audit's purpose is to evaluate the compliance of the Los Angeles County Sheriff's Department (LASD, or the Department) with the AV Settlement Agreement (SA) associated with the use, investigation, and adjudication of force in the AV.¹

The SA was established on April 28, 2015, between the United States Department of Justice (DOJ) and LASD and was aimed at ensuring that police services provided by LASD in Lancaster and Palmdale comply with the US Constitution, state and federal laws, Department policies, and SA mandates. This audit is limited in scope to Non-Categorized and Categories 1 and 2 uses of force.

The audit plan was submitted and approved by LASD and DOJ in October 2024. There were delays associated with obtaining the UOF cases in the audit sample, which included all 36 UOF cases that occurred in the AV in February 2024. We are pleased to note that when comparing the fourth quarter of 2023 with the second quarter of 2024, there has been a decrease (25%) in the number of UOF incidents in the AV.² The Monitors credit this decrease to the selection and assignment of two strong captains at each AV station.

At the beginning of this audit, we extensively interviewed the four recently appointed AV station captains. They were knowledgeable about use-of-force trends and patterns and previous audit findings, and they had already initiated several improvements in the identification and curbing of problematic use-of-force trends in the AV, which is evidenced by the following dramatic changes in findings from our last UOF audit to this audit.³

- **Last Audit:** Ten of the 26 cases (38% compliance) involved the use of force that was unnecessary and inconsistent with Department policy. That included the inappropriate use of Tasers and cases where force should have been avoided altogether.
- **This Audit:** Out of 36 cases, we found only one out of compliance, in which oleoresin capsicum (OC) spray should not have been deployed on a handcuffed woman seat belted in the back seat of a patrol car, which equates to 97% compliance.
- **Last Audit:** The tactics used in 12 of the 26 cases (46% compliance) were inconsistent with Department policy. Deficiencies included failure to de-escalate, deputies escalating the situation, and the use of dangerous tactics such as contacting suspects while seated in a patrol car.

¹ The Monitors are tasked with assessing LASD's compliance with the SA, and to do so, they conduct reviews and audits to ensure that policies and SA mandates are implemented effectively. This includes ongoing evaluations of use-of-force incidents and training.

² A total of 155 UOF incidents were recorded in the AV in the fourth quarter of 2023 as compared to 116 incidents in the second quarter of 2024.

³ The Monitors' last AV UOF audit was published on November 15, 2023.

- **This Audit:** We found only two of 36 cases (94% compliance) where the deputies should have de-escalated the situation and tried to avoid using force.
- **Last Audit:** The deputies' reports in eight of the 26 cases (69% compliance) contained inconsistencies and boilerplate language about substantive issues. This was the first audit with body-worn cameras (BWCs), and some reports contained statements that were inconsistent with the BWC recordings.
- **This Audit:** We found only one of 36 cases (97% compliance finding) where the deputy's report was deficient.
- **Last Audit:** The supervisory investigation was critically deficient in 10 of the 26 cases (38% compliance).
- **This Audit:** We found one case out of 36 (97% compliance) where the investigation was critically deficient because the supervisor who directed the out-of-policy use of force also conducted the investigation. There were three other cases with noncritical deficiencies, and the station captain identified and corrected the deficiency in two of those cases.
- **Last Audit:** The management review in 19 of the 26 cases (27% compliance) was critically deficient because it did not address the unnecessary use of force, use of dangerous tactics, improper use of Tasers, lack of de-escalation, or investigative deficiencies.
- **This Audit:** We found two out of 36 cases (94% compliance) with unaddressed critical deficiencies which equates to a 94% compliance finding.

Overall, the current audit documents significant improvements in the LASD's handling of use-of-force incidents in the AV and commends the leadership of the Sheriff Robert Luna and the AV unit commanders in reducing the number of force incidents and force that is not consistent with LASD policy and SA mandates.

I. SETTLEMENT AGREEMENT

On April 28, 2015, the Department of Justice's Civil Rights Division (DOJ), the Los Angeles Sheriff's Department (LASD, or the Department), and the County of Los Angeles entered into a Settlement Agreement (SA) with the goal of ensuring that police services are delivered to the people of Lancaster and Palmdale in a manner that fully complies with the Constitution and laws of the United States.

In their investigation preceding the settlement, DOJ found that the Department's use-of-force (UOF) policies were not being followed consistently and that some types of policy violations were routinely tolerated. They also found accountability measures were not effectively implemented and there was a pattern of reluctance to hold deputies accountable for policy violations, including the use of unreasonable force.

Paragraphs 102 through 118 of the Settlement Agreement address the Department's UOF policy and principles as well as the manner by which the Department is required to report, investigate, review, and adjudicate each UOF. The full text of those paragraphs is provided under the individual objectives in the Audit Findings section of this report. .

The SA provides the following definitions related to the use of force.

- **Force** means any physical effort used to control or restrain another, or to overcome the resistance of another. (Paragraph 13)
- **Use of force** means any physical coercion used to effect, influence, or persuade an individual to comply with an order by a deputy. (Paragraph 39)
- **Reportable use of force** means any UOF that is greater than that required for [compliant] searching or handcuffing. Additionally, any UOF which results in injury, or a complaint of pain must be reported. (Paragraph 32)
- **Active resistance** means a subject's physical actions to defeat a deputy's attempt at control and to avoid being taken into custody such as attacking or striking a deputy. (Paragraph 5)
- **Defensive resistance** means a subject's attempts to evade deputy attempts to control, including pulling away from an officer's grasp or fleeing the scene. (Paragraph 9)

II. ANTELOPE VALLEY USE-OF-FORCE PROCESS

When this audit was conducted, LASD used four classifications for force used by its employees.⁴

Non-Categorized Force Involves any of the following when there is no injury or complaint of pain once the force has concluded and there is no allegation of excessive force or other misconduct:

⁴ A fifth classification—for the intentional pointing of a firearm at a person by a deputy—has since been added and will be evaluated in our next audit.

- Resisted hobble application;
- Resisted searching and handcuffing techniques; or
- Resisted firm grip, control holds, come-alongs, or control techniques.

Category 1 Force involves any of the following where there is no injury:

- Searching and handcuffing techniques resisted by a suspect;
- Hobbling resisted by a suspect;
- Control holds or come-alongs resisted by a suspect;
- Takedowns; or
- Use of oleoresin capicum (OC) spray, Freeze +P or Deep Freeze aerosols, or OC powder from a PepperBall projectile (when a suspect is not struck by a PepperBall projectile) if it causes only discomfort and does not involve injury or lasting pain.

Category 2 Force involves any of the following:

- Any use of force resulting in an identifiable injury;
- Any use of force resulting in a complaint of pain that medical evaluation determines is attributable to an identifiable injury; or
- Any application of force other than those defined in Non-Categorized/Category 1 Force that does not rise to the level of Category 3 Force.

Category 3 Force involves the most serious incidents, including:

- Shootings;
- Force resulting in death or hospitalization;
- Head strikes with an impact weapon; or
- Canine bites.

This audit addresses the first three types of force: Non-Categorized Force Incident (NCI), Category 1 Force, and Category 2 Force. Category 3 force is audited separately.⁵

With few exceptions, deputies who use or witness force are required to complete a detailed report documenting the elements of any criminal activity, the UOF incident, and any attempts to de-escalate the need to use force. Except for NCI force incidents, the supervisor conducting the UOF investigation

⁵ Unlike the lower levels of force, Category 3 UOF investigations are conducted by the Internal Affairs Bureau (IAB). Those investigations are reviewed through the IAB chain of command and submitted to the Executive Force Review Committee (EFRC) for adjudication. Category 3 uses of force were the subject of two MT audits: the MT's second UOF audit, published in November 2019 (available at <http://www.antelopevalleysettlementmonitoring.info/>), and more recently in an audit report to be issued in August 2025.

cannot have been involved in or directed the UOF. When that is not feasible and an involved supervisor conducts the investigation, the rationale for that decision must be addressed in the investigation.⁶

The on-duty watch commander often responds to the incident and/or to the medical facility where the subject of the UOF is being treated. The watch commander examines the subject, documents any injuries, and captures any injuries on digital media. When feasible, the watch commander also interviews the subject of the UOF and summarizes that interview in the watch commander's section of the UOF report. If the watch commander sees or becomes aware of any indicia of misconduct, they are required to take appropriate action, which among other things includes initiating a Service Comment Report (SCR) documenting the allegation(s).

The supervisor conducting the UOF investigation completes myriad investigative procedures depending on the nature of the event. Those procedures include but are not limited to:

- Ensuring the watch commander is notified;
- Conducting a recorded interview of the subject of the UOF;
- Interviewing the deputies involved;
- Canvassing the area to identify and interview witnesses and to identify and collect documentary and/or physical evidence, including any camera recordings;
- Obtaining documentation of any medical treatment provided;
- Determining whether there are indicia that the UOF is a Category 3 event and, if so, notifying the watch commander, requesting notification of Internal Affairs Bureau (IAB) staff, and requesting IAB to conduct the investigation;
- Ensuring staff complete the required reports; and
- Completing an investigative report, which is submitted to the watch commander.

The watch commander makes recommendations associated with policy compliance and the reasonableness of the force used. The UOF investigation and all related reports are forwarded to the unit commander.⁷ The unit commander conducts the final review on NCI and Category 1 uses of force. The final review of Category 2 uses of force is done by a commander at North Patrol Division (NPD).

Each level of review is required to evaluate the UOF investigation for completeness, compliance with Department policy and training, and risk management. The tactics used prior to, during, and after the incident are also supposed to be evaluated along with efforts to de-escalate the situation, whenever feasible, without using force.

⁶ LASD Manual of Policies and Procedures (MPP) Section 3-10/110.00.

⁷ "Unit commander" is the title used for station captains.

III. PRIOR USE-OF-FORCE AUDITS

This is the Monitoring Team's (MT) fifth UOF audit. The first audit was published in October 2018 and addressed Category 1 and 2 uses of force. The second was published in November 2019 and addressed Category 3 force. The third was published in July 2021 and addressed Categories 1 and 2 force. The fourth was published November 15, 2023, and addressed NCI, Category 1, and Category 2 force.⁸ The reports for those audits are available on the Monitors' website:

<http://antelopevalleysettlementmonitoring.info>.

IV. MONITORS' AUDIT RESPONSIBILITY

The Settlement Agreement assigns the Monitors specific responsibilities with regard to documenting the extent to which the Department is complying with SA provisions, including the following.

(T)he Monitor will assess the County's progress in implementing, and achieving compliance with, the Agreement. (Paragraph 146)

In order to assess and report on LASD's implementation of this Agreement and whether implementation is resulting in constitutional policing, the Monitor shall conduct compliance reviews and audits and outcome assessments as specified below. (Paragraph 148)

The Monitor shall conduct compliance reviews or audits as necessary to determine whether LASD has implemented and continues to comply with the material requirements of this Agreement. Compliance with, or implementation of, a material requirement of this Agreement means that LASD has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary; . . . and (c) ensured that the requirement is being carried out in practice. (Paragraph 149)

The monitor will conduct an ongoing review and report on LASD use of force on restrained individuals, use of force in response to spitting, and use of OC spray. (Paragraph 151)

In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative outcome assessments to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of Constitutional violations. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of the following outcome data. . . .

⁸ In 2018, Category 1 force was split into two categories: non-categorized force incidents (NCIs) and Category 1. The definition of Category 1 remained the same except that the lowest levels of force were categorized as NCI. The MT's first Categories 1 and 2 audit (2018) was conducted before this change. Subsequent audits have addressed NCIs and Category 1 separately but combined them when determining SA compliance.

- d. *Use of Force Measurements, including . . . the number and rate of uses of force resulting in training or tactical reviews, with formal and/or with informal corrective action; . . .*
- e. *Training Measurements, including . . . responsiveness to training needs identified by reviews of deputy activity, use of force investigations, and personnel investigation, and documentation that training is completed as required. (Paragraph 153)*

V. SCOPE OF AUDIT

This audit was designed to assess the degree to which the Antelope Valley stations are complying with the SA provisions governing the use of force as well as the provisions governing the reporting, investigation, and adjudication of NCI, Category 1, and Category 2 UOF incidents. Specifically, the audit assessed whether:

- The force used by AV deputies was necessary, proportional, and consistent with Department policy (Paragraphs 102, 104, 105, and 106g);
- Appropriate tactics were used prior to and during the UOF incident, including the use of advisements, warnings, and persuasion to defuse and de-escalate evolving situations and to de-escalate the UOF as control is achieved (Paragraph 103);
- The force used involved a hard strike to the head with an impact weapon in an incident that did not justify the need for deadly force (Paragraph 107);
- Force incidents were accurately reported to a supervisor in a timely manner (Paragraphs 108–110);
- The UOF was thoroughly investigated (Paragraph 111 and 112);
- The investigations' findings and conclusions were supported by a preponderance of evidence (Paragraph 113);
- Unit commanders reviewed training and tactical review–related findings, recommendations, and comments to ensure that informal supervisory feedback did not replace the need for formal discipline (Paragraph 118a);
- Effective management oversight occurred, managers held deputies accountable for violations of Department policy, managers held supervisors accountable for responding to force that was unreasonable or otherwise contrary to Department policy and/or the law, and cases were referred to IAB and/or the Internal Criminal Investigations Bureau (ICIB) as appropriate (Paragraphs 113, 115, and 116); and
- Service Comment Reports (SCRs) were initiated when allegations of misconduct arose during an investigation (Paragraph 130).

Note: The Department has recently updated some of its UOF training, as required by Paragraph 119. Those updates include Taser 10 Training, Arrest and Control Training (ARCON), and Ground Control Training. A separate training assessment will follow this audit at a time agreed to by the parties.

VI. AUDIT METHODOLOGY

An audit work plan and request for documents was submitted to the Department and DOJ on October 17, 2024. The work plan was accepted without revision on November 1, 2024. Auditors subsequently identified the audit population, prepared audit tools and spreadsheets, and conducted entrance interviews.

Unfortunately, there was an unavoidable delay in acquiring the UOF investigations to be audited because of the widespread fires in the Los Angeles area that resulted in a lengthy Department-wide mobilization. There were also long delays in the investigation and adjudication of UOF cases as documented in the next section.

VII.AUDIT POPULATION

Auditors met with Department staff and evaluated a variety of time periods from which to draw the audit’s population. Auditors sought to identify a time period that was sufficiently current to provide a contemporaneous review of current practices and also had a substantial number of completed cases.⁹

The following two tables show the number of UOF reports initiated by each station for the fourth quarter 2023 and first two quarters of 2024.

TABLE 1						
LANCASTER STATION						
MONTH/YEAR	NCI	CAT 1	CAT 2	TOTAL	COMPLETED*	INCOMPLETE
Oct 23	19	17	7	43	32	11
Nov 23	18	12	11	41	38	3
Dec 23	15	6	7	28	22	6
Jan 24	12	8	5	25	23	2
Feb 24	13	7	2	22	17	5
Mar 24	16	5	7	28	20	8
Apr 24	14	3	16	33	16	17
May 24	13	3	3	19	14	5
Jun 24	16	5	7	28	12	16

*As of November 26, 2024.

⁹ For this audit, a case was deemed completed when it was approved by the final level of management review, i.e., station captain for NCI and Category 1; NPD commander for Category 2.

TABLE 2						
PALMDALE STATION						
MONTH/YEAR	NCI	CAT 1	CAT 2*	TOTAL	COMPLETED	INCOMPLETE
Oct 23	4	7	6	17	17	0
Nov 23	3	4	4	11	11	0
Dec 23	4	6	5	15	15	0
Jan 24	6	7	7	20	15	5
Feb 24	6	2	6	14	9	5
Mar 24	6	4	4	14	11	3
Apr 24	4	3	3	10	7	3
May 24	3	3	6	12	6	6
Jun 24	8	3	3	14	8	6

*By the time audit work had begun, the incomplete cases had been approved by NPD and were included in the audit population. NPD concurred with the Station Captain's adjudication, so there were no indicia that these cases biased the audit population.

Significant Finding No. 1: We were pleased to note that when comparing the fourth quarter of 2023 with the second quarter of 2024, there has been a dramatic decrease (25%) in the number of UOF incidents in the AV.¹⁰ This decrease in uses of force coincides with the selection and assignment of the current AV unit commanders that occurred in December 2023.

Our initial population testing identified substantial delays in processing UOF investigations through the management review processes, which were significantly understaffed at the time of the UOF cases in the audit population.

After careful review and analysis, and in consultation with the Compliance Unit, auditors selected the month of February 2024 for this audit and reviewed all the UOF investigations initiated during that period. That resulted in an audit population of 36 cases—22 from Lancaster and 14 from Palmdale. We did note that Lancaster had two additional Category 3 UOF incidents in February (one involved physical force and the other a deputy-involved shooting), and Palmdale had one additional Category 3 use of force (deputy-involved shooting). But as previously noted, Category 3 incidents are beyond the scope of this audit.

VIII. COMPLIANCE MEASURES

The Parties and MT established compliance metrics to assess the Department's compliance with the provisions in the SA. Compliance must be established through an audit or some other evaluation

¹⁰ There was a total of 155 UOF incidents in the AV in the fourth quarter of 2023 as compared to 116 UOF incidents in the second quarter of 2024.

method (Paragraphs 148 and 149) and must be maintained for at least a year to be found in sustained compliance (Paragraphs 205 and 212). The relevant compliance metrics are listed in the SA Compliance section for each objective.

Note: The compliance metrics only refer to Category 1 and Category 2 uses of force, so NCI uses of force were combined with Category 1 cases for assessing compliance.

IX. AUDIT FINDINGS

OBJECTIVE 1: THE USE OF FORCE

The Settlement Agreement and LASD policy require the following.

LASD agrees to continue to prohibit the use of force above [compliant] handcuffing to overcome passive resistance, except where physical removal is permitted as necessary and objectively reasonable. (Paragraph 102)

LASD agrees to clarify that Antelope Valley deputies may not use force against individuals who may be exhibiting resistive behavior, but who are under control and do not pose a threat to the public safety, themselves, or to other deputies. LASD agrees to continue to require that Antelope Valley deputies assess the threat of an individual prior to using force and emphasize that a use of force must be proportional to the threat or resistance of the subject. If a threat or resistance no longer exists, deputies cannot justify the use of force against a subject. (Paragraph 104)

LASD agrees to explicitly prohibit the use of retaliatory force, particularly against subjects who express criticism of, or disrespect for, LASD Antelope Valley deputies. (Paragraph 105)

LASD agrees to explicitly prohibit interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the member of the public is lawfully present. . . . [This includes] f. Seizing and/or searching a camera or recording device without a warrant; g. Using force upon that person; or, h. Detaining or arresting an individual for violating any other law where the purpose of the detention or arrest is to prevent or retaliate for recording police activity. (Paragraph 106)

LASD will continue to require, and emphasize in its training, that a hard strike to the head with any impact weapon, including a baton, is prohibited unless deadly force is justified. (Paragraph 107)

LASD Policy 3-10/020.00 includes: "Department members are authorized to use only that amount of force that is consistent with Department policy, and which is proportional, objectively reasonable, and reasonably appears necessary at the time to perform their duties."

FINDINGS

There were no cases in the audit population that involved retaliatory force (Paragraph 105); interfering with, prohibiting, or using force to prevent a person from lawfully photographing or recording a deputy (Paragraph 106); or force that included a head strike with an impact weapon (Paragraph 107).

There was one case (Audit No. L-17) in which reasonable and minimal force was used on a person who was passively resisting to place him in a wheelchair. (Paragraphs 102 and 104, and LASD policy 3-10/020.00).

L-16. Deputies responded to a family disturbance call involving a woman (5'8", 298 pounds) who was experiencing a mental health crisis. The subject's elderly parents told the deputies she did not live with them and neglected her children, and they asked the deputies to remove their daughter from their residence. The deputies conducted an investigation and determined the subject had neglected her children. A Mobile Evaluation Team (MET) unit and a sergeant responded to the location. The MET deputy determined the subject did not meet the criteria for a WIC 5150 detention.¹¹ When deputies attempted to arrest the subject for child neglect, she held onto a vehicle door and refused to let go. The BWC recordings show the deputies attempted to convince the subject to cooperate, but she refused. A sergeant directed the deputies to use control holds, and they used minimal force to handcuff her. The deputies escorted her to a patrol car, placed her in the back seat, and closed the door. The sergeant saw she had not been seat-belted and directed deputies to do so. In his report, the sergeant wrote, "Due to the recent unfavorable force review critiques involving failing to seat belt suspects, I told the deputies they needed to seat belt the suspect." The deputies opened the door and applied the seat belt, but when they tried to close the door, she put her foot in the door jamb and refused to move it. The sergeant wrote: *"Because the suspect was actively resisting deputies' efforts to put her feet into the car and there was a high potential the suspect would kick them once her feet were dislodged, I ordered Deputy [name] to pepper spray the suspect to prevent potential escalation of this force and prevent the deputies from being kicked."* The deputy warned the subject that OC would be used, and when she did not respond, he sprayed her with a short burst of OC. However, the subject turned her head away so the OC had no effect. The sergeant then directed the deputies to pull the subject into the car from the opposite side, which was successful.

In the watch commander's assessment, he opined that other alternatives should have been attempted prior to the use of OC. However, he did not propose any administrative, remedial, or corrective measures and found the Category 1 UOF in policy, which was supported by the station captain.

The deployment of OC was inconsistent with Department policy because OC spray is an intermediate force option that should only be used when there is a threat to deputies or public safety. In this case, the subject was handcuffed and seat belted in the back of a patrol car, had not been aggressive or assaultive, was not attempting to escape or destroy property, and posed no threat to the deputies unless they approached her feet. The "tried and true" method of opening the other door and pulling her into the car should have been used.

¹¹ A Welfare and Institutions Code (WIC) 5150 is not an arrest but an involuntary 72-hour hold for mental evaluation.

Recommendation No. 1: The Department should consider amending its UOF policy to limit the use of an intermediate force option to cases where the subject poses a threat.¹²

Recommendation No. 2: The Department should consider amending its practice to require all UOF cases that involve the use of an intermediate force option to require a Division review.

Recommendation No. 3: The Department should ensure all sworn personnel have been trained in and are familiar with the court's finding and requirements under *Young v. County of Los Angeles*, 655 F.3d 1156 (9th Cir. 2011).¹³

L-21. While the auditors agreed with the adjudication, this situation bordered on an out-of-policy use of force. A deputy working alone in the evening stopped a man who was riding a bicycle with no lights while rolling another bicycle by his side. The deputy wrote that the traffic stop was in a high crime area but provided no specific details associated with the criminal activity in the area, and because the subject was wearing baggy clothing, he wanted to conduct a pat-down search for weapons. The deputy's BWC recording shows he approached the subject with no introduction and immediately placed his hands on the subject's arms, ordering him to get off his bike. When the subject complained about the stop, the deputy told him he was being detained for riding on the wrong side of the road and for a lighting violation. The deputy told the subject to put his hands behind his back, but the subject refused to do so. The deputy pulled on the subject's arms and told him to let go of the second bike. When the man refused to do that the deputy repeatedly said he was going to slam him into the ground if he didn't let go of the bicycle. The deputy did not include that threat in his report, an issue that was addressed by the station captain. The subject became angry and repeatedly said, "Slam me into the ground and I will sue your punk ass." The argument continued, and the subject then asked the deputy to call his sergeant and "let me go, cuz." The deputy told the subject he was going to give him one more chance before pulling him from the bike. The subject pulled away, and the deputy pulled him from the bike. The man ended up on the ground on his hands and knees. The deputy was unable to control the man's hands for handcuffing and requested assistance. Multiple units and a sergeant responded. The subject resisted deputies' attempts to handcuff him, but he was not assaultive. Several deputies used firm grips and control techniques to handcuff the subject and escort him to a patrol vehicle.

The subject was transported to Antelope Valley Hospital, where he refused to get out of the patrol vehicle. He threatened to spit on one of the deputies and directed a derogatory profanity at her. A spit hood was applied, but he still refused to get out of the car. Hospital security was called in an effort to de-escalate the subject, but he continued to be uncooperative, yelling and screaming. A sergeant directed deputies to pull him from the vehicle, and two deputies did so in a controlled manner.

In his critique of the incident, the sergeant stated that the initial deputy should have requested a supervisor and a backup as soon as the subject became agitated. He also noted that the deputy failed

¹² In *Young v. County of Los Angeles*, 655 F.3d 1156 (9th Cir. 2011), the court established that the UOF by law enforcement officers must be reasonable under the Fourth Amendment's unreasonable seizure clause. Specifically, the court found that using pepper spray and baton blows was excessive when the suspect posed no threat and resisted arrest, and less invasive means could be used to accomplish police interests.

¹³ Training on *Young v. County of Los Angeles* is currently being provided to deputies in the Department's Arrest and Control (ARCON) training, which has recently been assessed by the Monitors.

to identify himself and that he used profanity. He counseled the deputy for both shortcomings. The watch commander concurred with the sergeant's evaluation. The captain did not receive the report until eight months afterward.¹⁴ The captain directed a sergeant to speak with the deputy, discuss this incident and express his displeasure with his performance. He directed that the discussion be memorialized in a Performance Log Entry. The captain also scheduled a meeting with the deputy and assigned him to unit level performance mentoring.

While this incident clearly falls under Objective 2, Tactics and De-escalation, the UOF was not unreasonable. The deputy was alone at night while stopping a subject wearing loose clothing in a purported "high crime area." He had every reason to conduct a cursory search for weapons both for his and the subject's safety. The subject's refusal to cooperate only served to heighten the deputy's concern for his safety. While we would have preferred a much more measured approach, including requesting backup much sooner, the UOF was not out of policy, and the deficiencies are better addressed under Objective 2: Tactics and De-Escalation.

The force used by the deputies who responded as backup was based on their limited knowledge of the situation and was methodical, measured, and controlled and therefore consistent with Department policy. The force used at the hospital to get the subject out of the car was also controlled and consistent with policy.

SA COMPLIANCE

Metric *At least 90% of the NCI, Category 1 and Category 2 use-of-force incidents are assessed as compliant with SA Paragraphs 102, 104, 105, 106g, and 107.*

Findings The Department is in compliance with SA Paragraphs 102 and 104. Monitors found only one of the 36 cases in the audit population (L-16) to be out of compliance, which equates to a compliance finding of 97%.

The Department is in sustained compliance with SA Paragraph 105. There were no cases in this audit population or in any of our previous audits where the force used was assessed as retaliatory.

The Department is in sustained compliance with SA Paragraph 106g. There were no cases in the audit population or in any of our prior UOF audits that involved a Department member interfering with or prohibiting anyone from lawfully recording deputies. Furthermore, in our last audit (2023) there were several cases where witnesses recorded deputies during an arrest, recorded it, then uploaded the recording on YouTube.

¹⁴ The captain did address the multiple controls he put in place to address the huge backlog of administrative paperwork that had been accumulating prior to his assuming command.

The Department is in sustained compliance with SA Paragraph 107. There were no cases in this audit population that involved the use of an impact weapon, and there have been no cases in any of our UOF audits where a deputy delivered a head strike with an impact weapon to a person's head.

OBJECTIVE 2: TACTICS AND DE-ESCALATION

The Settlement Agreement requires the following.

LASD agrees to . . . use force as a last resort and de-escalate the use of force at the earliest possible moment. (SA p. 24, Preface to Use-of-Force section)

Deputies shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force; and de-escalate force immediately as resistance decreases. (Paragraph 103)

Department Manual Section 3-10/005.00: Force Prevention Principles states the following about requirements to de-escalate.

Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communications, warnings, and other common-sense methods preventing the need to use force whenever reasonably possible. When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible and use only that level of force necessary for the situation.

FINDINGS

L-16. As discussed in detail under Objective 1, Monitors conclude that the tactics used or not used, including de-escalation efforts, in Audit No. L-16 were inconsistent with the SA and Department policy. The handcuffed subject, who clearly had mental health issues, was seat-belted in the back of a patrol car; she had not been aggressive or assaultive and had not threatened the deputies or any other person; and she was not attempting to escape or destroying property. In spite of the sergeant's assertion in his report that the decision to deploy OC was consistent with de-escalation principles, deploying OC under these circumstances did not constitute de-escalation. The sergeant should have slowed things down and used time, tone, persuasion, and, if necessary, staff switching to gain voluntary compliance from the subject instead of directing a deputy to spray her with OC.

L-21. Likewise, the tactics used, or not used, including de-escalation efforts, in Audit No. L-21, also detailed in Objective No. 1, were inconsistent with the SA and Department policy. With no introduction whatsoever, the deputy approached the subject, grabbed his arms, and began issuing orders. The subject was not assaultive and did not threaten the deputy or another person in any manner. The deputy should have slowed things down and lowered the tone of his voice and the intensity of the evolving incident instead of threatening to slam the subject into the ground.

Significant Finding No. 2: Our review of Audit No. P-10 revealed exemplary professionalism on the part of Palmdale Station deputies and an off-duty San Bernardino County deputy sheriff. A Palmdale Station deputy responded to a radio call for a spousal assault in progress and that a man was kicking the victim on the ground. (It was later learned that the subject of the force and victim were brother and sister.) When the deputy arrived, he saw the subject standing over the unconscious victim, who was lying on the ground. A witness told the deputy the subject had kicked the victim in the head with a shod foot. The deputy tried to detain the subject at gunpoint while waiting for backup. Once a second deputy arrived, additional verbal commands in English and Spanish were given, but the subject was uncooperative. The deputies, along with an off-duty San Bernadino County deputy sheriff, formulated a tactical plan and approached the subject to take him into custody. Before they could deploy, the subject approached the unconscious victim. Fearing the subject was going to assault the victim again, deputies conducted a takedown on the subject. The subject was quickly handcuffed and led away from the victim. The deputies and the witness rendered aid to the victim, who had sustained serious head injuries from the suspect’s assault. She was transported to the hospital in critical condition and treated for a brain bleed. It was feared she might not regain consciousness because of her extensive injuries. The subject was transported to the hospital and treated for a dislocated finger. He was approved for booking and booked for attempted murder. The involved deputies’ tactics were outstanding, and their quick actions very well may have prevented a homicide. The investigation and review processes were thorough and the UOF was appropriately adjudicated as in policy. Both deputies received a Unit Commendation for their swift action and saving the victim’s life, and the unit commander recommended they receive either a Life Saving Commendation or a Division Chief Commendation.

SA COMPLIANCE

Metric	<i>In at least 90% of the NCI, Category 1, and Category 2 UOF incidents, deputies used advisements, warnings, verbal persuasion, and/or other de-escalation tactics, when possible, before resorting to force, and de-escalated the use of force immediately as resistance decreased.</i>
Finding	The Department is <u>in compliance</u> with SA Paragraph 103. Monitors found 2 of the 36 cases in the audit population (Audit Numbers L-16 and L-21) out of compliance, which equates to a compliance finding of 94%.

OBJECTIVE 3: REPORTING THE USE OF FORCE

The Settlement Agreement has the following requirements.¹⁵

¹⁵ For compliance purposes, we have separated SA Paragraphs 108, 109, and 110 into two parts as indicated.

LASD agrees to continue to require deputies to report all uses of force above un-resisted handcuffing. (Paragraph 108 Part 1)

LASD agrees to continue to require deputies who use or observe force to notify their supervisors immediately following any reportable use of force incident. (Paragraph 110 Part 1)¹⁶

LASD shall continue to require AV deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (Paragraph 108 Part 2)

The use of force reporting policy shall explicitly prohibit the use of conclusory statements without supporting detail, including "boilerplate" language in all statements and reports documenting use of force. (Paragraph 109 Part 1)

Deputies shall be held accountable for material omissions or inaccuracies in their use-of-force statements, which may include being subject to disciplinary action. (Paragraph 109 Part 2)

The Department Manual also requires that UOF reports contain specific information.

Each member reporting force in a report or memorandum shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda. (MPP Section 3-10/100)

FINDINGS

As we have found in this and all previous UOF audits, deputies consistently make prompt notification to a supervisor when they become involved in a UOF (Paragraphs 108 Part 1 and 110 Part 1).

In our last AV UOF audit, we found that eight of the 26 cases (31%) were not in compliance with regard to deputies completing thorough reports. In this audit, we found one case (Audit No. L-21) where the deputy used canned and boilerplate language (Paragraphs 108 Part 2 and 109 Part 1) when he wrote that this occurred in a high crime area and the subject was wearing baggy clothing. If there were crime patterns associated with suspects similarly dressed and conducting themselves in a similar manner, the deputy should have clearly stated so in his report.

¹⁶ SA Paragraph 110 Part 2 requires that deputies notify their supervisors of any allegations of excessive force, and if they fail to do so, they will be subject to discipline up to and including termination. SA Paragraph 110 Part 2 will be assessed in our next complaint audit.

SA COMPLIANCE

Requirement	<i>Deputies are required to report all uses of force above un-resisted handcuffing. (Paragraphs 108 Part 1 and 110 Part 1)¹⁷</i>
Finding:	The Department is <u>in sustained compliance</u> with the UOF reporting requirements of SA Paragraphs 108 Part 1 and 110 Part 1. In this and in all of our previous UOF audits there have been no instances with <u>any</u> indicia that a deputy failed to report a UOF. The UOF compliance metrics do not include a quantitative compliance measure for this objective. However, the overwhelming evidence continues to show that the Department is compliant with the SA requirements that deputies who use or observe force immediately report the UOF to a supervisor.
Requirement:	<i>LASD shall continue to require Antelope Valley deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (SA Paragraph 108 Part 2)</i>
Finding:	The Department is <u>in compliance</u> with SA Paragraph 108 Part 2. While there is not a specific compliance metric for this objective, there were no cases in the audit population where the deputy did not accurately describe the suspect's actions.
Requirement:	<i>The use of force reporting policy shall explicitly prohibit the use of conclusionary statements without supporting detail, including "boilerplate" language in all statements and reports documenting the use of force. (SA Paragraph 109 Part 1)</i>
Finding:	The Department is <u>in compliance</u> with SA Paragraph 109 Part 1. In one case (Audit No. L-21), the deputy used boilerplate language, which equates to a compliance finding of 97%. While there is no specific quantitative compliance metric for this objective, a 97% finding indicates compliance.
Requirement:	<i>Deputies shall be held accountable for material omissions or inaccuracies in their use of force statements, which may include being subject to disciplinary action. (SA Paragraph 109 Part 2)</i>
Finding:	The Department is <u>in compliance</u> with SA Paragraph 109 Part 2. There was one case in the audit population (Audit No. L-21) where a deputy omitted from his report that he told the subject he was going to slam him on the ground if he

¹⁷ SA Paragraph 110 Part 2 requires that deputies notify their supervisors of any allegations of excessive force and if they fail to do so they will be subject to discipline up to and including termination. That aspect of SA Paragraph 110 will be formally assessed in our next complaint audit, but there were no unaddressed allegations of unreported or excessive force in this audit.

didn't release his bicycle. However, the error was identified during the captain's review, and the deputy was placed on performance mentoring.

OBJECTIVE 4: USE-OF-FORCE INVESTIGATIONS

The Settlement Agreement sets out the following requirements for investigations of uses of force.

For all reportable uses of force, the investigating supervisor shall conduct a thorough investigation. This investigation will require supervisors to:

- a. Respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention from an appropriate medical provider;*
- b. Identify and collect all relevant evidence;*
- c. Canvass for, and interview, civilian witnesses;*
- d. Collect statements from witness deputies; and*
- e. Review all deputy use-of-force statements for adequacy, accuracy, and completeness.*
(Paragraph 111)

Following the investigation, each supervisor shall continue to complete a supervisory investigation documented in a "Supervisor's Report on Use of Force." This report shall include the following.

- a. The supervisor's narrative description of the incident, including a complete and comprehensive description of the evidence that either justifies or fails to justify the deputy's conduct based on the supervisor's independent review of the facts and circumstances of the incident (emphasis added);*
- b. Documentation of all evidence;*
- c. Identities of all deputies witnessing the force;*
- d. The investigating supervisor's evaluation of force, including a determination of whether the deputy's actions appear to be within LASD policy and consistent with state and federal law, and an assessment of the incident for tactical and training implications;*
- e. Documentation of any training or tactical concerns, and/or corrective action taken or recommended.* (Paragraph 112)

SA Paragraph 130 (partial) includes the SA requirements associated with complaints arising from UOF investigations.¹⁸

LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130 partial)

¹⁸ Complaint investigations are evaluated for completeness in the MT's public complaints audits.

Department policy MPP 3-10/110.00, which was in place during the time when the UOF incidents in the audit population occurred, provides the Department's guidance on the standard that was to be used for investigating Category 1 and 2 uses of force.

After interviewing a suspect in incidents involving Directed Force, the Watch Commander/Supervising Lieutenant shall determine who should complete the initial investigation. When a Unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available, the Watch Commander/Supervising Lieutenant should consider the totality of the initial factors, including the severity of the force and the suspect's interview in determining whether the supervisor who directed the force should complete the initial investigation or, if necessary, the initial investigation should be completed by the Watch Commander/Supervising Lieutenant. In instances in which a non-involved supervisor is assigned to complete the initial investigation, the supervisor who directed the force shall prepare a supplemental report, or memo, detailing their actions for inclusion with the force package.

Note: On July 26, 2024, the Department completed negotiations with both the Association of Los Angeles Deputy Sheriffs (ALADS) and the Los Angeles County Professional Peace Officers Association (PPOA) regarding an updated use-of-force policy. The policy was also negotiated with and approved by the United States Department of Justice as part of the federal Antelope Valley Settlement Agreement. The updated policy includes the following.

After interviewing a subject in incidents involving directed force, the watch commander or supervising lieutenant shall determine who should complete the initial investigation. When a unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available, the watch commander or supervising lieutenant shall complete the initial investigation. The involved supervisor shall never complete the initial investigation.

This change occurred after this audit was begun so it was not considered in making our compliance determinations here.

FINDINGS

In Audit No. L-13, the victim called the station to report she had been robbed by a man who slapped her across the face and took her cell phone. A witness to the robbery took a picture of the subject and provided it to the victim. While the victim was driving to the station to make a report, she saw the subject and called. Deputies were dispatched to meet her. She provided deputies with the subject's picture and told them where she last saw him. Deputies went to that location, saw the subject, and took him into custody without incident.

The subject was transported to Lancaster Station, where he refused to get out of the patrol vehicle and repeatedly and hysterically screamed and cried that no one had identified him. A sergeant spoke with the subject and told him he needed to exit the patrol vehicle, but the subject continued to argue with the sergeant that he had not been appropriately identified. The sergeant directed the deputies to

remove the subject from the patrol vehicle. The deputies used minimal force, consisting of control techniques, to pull the subject from the vehicle.

The investigating sergeant identified jail surveillance footage, but failed to download the footage before the storage download time limit expired. The watch commander spoke with the investigating sergeant regarding the importance of immediately downloading surveillance footage due to the data automatically being deleted after 30 days. The investigation was otherwise adequate, and the UOF was appropriately adjudicated as in policy.

There were no cases in the audit population where someone alleged misconduct on part of the deputies involved. There was one case (Audit No. P-4) where a person, who refused to identify herself, said the subject was not fighting or assaulting anyone while surrounded by 10 deputies and then OC sprayed. The statement was refuted by the BWC recordings that we reviewed. The statement was also refuted by the subject of the UOF, who said she was involved in a fight when she was sprayed with OC.

In each case in the audit population, a supervisor ensured the subject of force received medical treatment at the scene of the incident, and/or was taken to a hospital for post-UOF evaluation.

There was one case with a critical deficiency.

- **Audit No. L-16.** This was a Category 1 UOF in which the on-scene sergeant directed a deputy to use OC spray a handcuffed woman, who suffered from mental health issues, who was seat belted in the back seat of a patrol car because she would not move her foot from the door jamb. That same sergeant was allowed to investigate the incident, resulting in a critical deficiency that categorically challenged the reliability of the investigation.

Three cases had non-critical deficiencies.

- **Audit No. L-21.** The investigating sergeant failed to adequately address the deputy escalating a tense and evolving incident when he threatened to slam a traffic violator on the ground because he would not release a bicycle. However, that deficiency was addressed by the station captain in his review of the incident.
- **Audit No. L-22.** The deputy's report lacked specificity regarding justification for a cursory search, and his statement that in 2023 the immediate area had been the subject of "over 5,000 vehicle thefts" is at best an exaggeration. That oversight was not addressed in the management review.
- **Audit No. P-6.** Two deputies located a vehicle with a "felony want" for elder abuse. The "want" indicated the driver also had an outstanding felony warrant for robbery and a propensity for violence. The deputies made a traffic stop and attempted to detain the subject at gunpoint. The subject fled, and a vehicle pursuit was initiated. During the pursuit, the subject committed a vehicular assault on the deputies. At the conclusion of the vehicle pursuit, a foot pursuit took place. Three deputies approached the subject as he was getting ready to jump over a fence. The subject refused to comply with directions and was tased, with two activations. The reports and BWC show that the deputy did not provide the subject with a warning before the taser was deployed, and a justification for failure to warn was not included in their report, which is required by Department

policy. However, the BWC recording clearly shows there was no time to issue a warning as the subject was preparing to jump over a fence, so this was classified as a non-critical issue.

SA COMPLIANCE

The following previously agreed-upon standards were used for the Monitors' findings in this objective.

- **Investigation With Critical Deficiencies.** The investigation was incomplete in that it did not address a substantive allegation(s) of misconduct or contained mistakes or omissions that cumulatively challenged the reliability of the investigation. Critical deficiencies may include failure to interview a key witness; failure to obtain a statement from the supervisor directing a UOF; failure to obtain a statement from a supervisor present during a UOF; unreasonable failure to obtain a written statement from an involved or witness deputy; failure to gather or analyze a crucial piece of evidence; or inaccurately summarizing a key witnesses' recorded statement in a material area.
- **Investigation With Non-Critical Deficiencies.** The investigation was complete in that it adequately addressed all significant issues; however, it contained mistakes and/or omissions that do not challenge the report's reliability but do raise concerns about the thoroughness of the investigation or the review process. Non-critical deficiencies may include failure to list a deputy who used minor force on the use-of-force form; failure to record the type(s) of force used by each deputy on the use-of-force form; or inaccurately recording minor aspects of the incident on the use-of-force form.
- **Satisfactory Investigation.** The investigation was complete, adequately addressed the significant issues, and did not contain material errors and/or omissions.

Metric: *At least 90% of the NCI/Category 1 cases were not classified as investigations with critical deficiencies.*

Finding: The Department is in compliance with SA Paragraphs 111 and 112 for NCI/Category 1 cases. There were 29 Category 1/NCI cases in the audit population,¹⁹ only one of which was assessed as having a critical investigative deficiency (Audit No. L-16). That equates to a 97% compliance finding.

Metric: *At least 93% of the Category 2 cases were not classified as investigations with critical deficiencies.*

Finding: The Department is in compliance with SA Paragraphs 111 and 112 for Category 2 cases. There were seven Category 2 cases in the audit population,²⁰ none of which was assessed as having a critical investigative deficiency.

¹⁹ NCI/Category 1 cases included P-1, P-3, P-4, P-5, P-7, P-8, P-11, P-13, L-1 through L-19, L-21, and L-22.

²⁰ Category 2 cases included P-2, P-6, P-9, P-10, P-12, P-14, and L-20.

Metric: *At least 85% of the NCI, Category 1, and Category 2 cases, viewed as a group, were not classified as investigations with a critical or non-critical deficiency.*

Finding: The Department is in compliance with SA Paragraphs 111 and 112 for NCI/Category 1 and Category 2 cases as a group. Three of the 36 cases in the audit population had critical or non-critical deficiencies that were not corrected during the management review (Audit Nos. L-16, L-22, and P-6). That equates to a 92% compliance finding.

Note: There were no unaddressed complaint allegations in the audit sample. However, compliance with Paragraph 130, initiating a personnel complaint, is assessed in the MT's audit of public complaints.

OBJECTIVE 5: MANAGEMENT REVIEW AND OVERSIGHT

Settlement Agreement details the following requirements.

Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command, which will review the report to ensure that it is thorough and complete, and that the analysis and findings are supported by a preponderance of the evidence. (Paragraph 113)

LASD will hold deputies accountable for uses of force that violate policy or law, and continue to require station commanders to refer uses of force that may violate law or the Department's Prohibited Force policy, to the Internal Affairs Bureau or the Internal Criminal Investigations Bureau for further investigation or review. (Paragraph 115)

LASD will hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to LASD policy. (Paragraph 116)

LASD and Antelope Valley unit commanders will regularly review and track "training and tactical review" related findings, recommendations, and comments to ensure that informal supervisory feedback does not replace the need for formal discipline. (Paragraph 118 a)

The following paragraph was used to assess whether management review confirmed that any complaint arising from a UOF investigation was initiated as required by the SA. Complaint investigations themselves are evaluated in the MT's audit of public complaints.

LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130 partial)

Compliance with the following paragraph is evaluated in the MT's separate audits of UOF cases reviewed by the EFRS.

LASD agrees to continue to require that the Executive Force Review Committee review use of force incidents requiring response by the IAB Force/Shooting Response Team under current policy, and to review the incidents for any policy, training or tactical concerns and/or violations.
(Paragraph 114)

FINDINGS

Management Review and Oversight

Monitors found the management review and oversight for 34 of the 36 cases to be exceptionally thorough. However, the management review and oversight for two cases was critically deficient.

- **L-16.** The Department did find the use of force in this situation problematic and did take corrective action. Nonetheless, the supervisor-directed deployment of OC on a mentally ill woman handcuffed and belted in the back seat of a patrol car was adjudicated as being consistent with Department policy. The subject was not assaultive and the much-less intrusive tactic of opening the opposite door and pulling her into the car was initially ignored. Finally, the UOF investigation was completed by the supervisor who directed the out-of-policy use of force. We recognize this case was submitted six months late and was adjudicated in the midst of addressing a huge backlog. But nevertheless, this was clearly an out-of-policy UOF.
- **L-21.** With no introduction whatsoever, the deputy grabbed the subject's arms and began issuing orders. When the subject did not comply, the deputy threatened to slam him on the ground. The subject was not assaultive and did not threaten the deputy. While the force was marginally acceptable, the deputy clearly should have requested backup, slowed things down, and lowered the tone of his voice and the intensity of the evolving incident. We recognize that this case also was adjudicated more than eight months after the incident and that the shortcomings we noted were also identified by the captain.

Training and Tactical Review

Our review of the 36 UOF cases in the audit population shows that the Antelope Valley unit commanders assessed each UOF for training and tactical considerations. In several cases, including but not limited to Audit Nos. P-10, P-13 and L-9, the unit commanders identified training and/or tactical considerations and implemented appropriate courses of action. While we disagree with the final adjudications of Audit Nos. L-16 and L-21, which have been previously cited, that still results in a 94% compliance finding.

Referral to IAB or ICIB

There were no cases referred to IAB or ICIB, and auditors did not identify any cases that should have been referred to them.

Data Entry Into PRMS

There were no indicia of any inaccuracies of the PRMS data entries.

Identification and Curbing of Problematic UOF Trends

At the beginning of this engagement, we extensively interviewed the four recently appointed AV unit commanders. They were knowledgeable of the use-of-force trends and patterns and previous audit findings, and they had already initiated several steps addressing the UOF in the AV including but not limited to:

- Addressing the lengthy backlog and time that it was taking to conduct UOF investigations;
- Increasing emphasis on addressing training, tactics, de-escalation, and proportionality;
- Expanding focus on the role of training officers, supervisors, and watch commanders; and,
- Increasing focus on UOF patterns.

The Sheriff's selection and assignment of the current AV unit commanders has resulted in dramatic improvements in the identification and curbing of problematic UOF trends in the AV, which is evidenced by the changes in findings from our last UOF audit to this audit.²¹

- **Last Audit:** Ten of the 26 cases (38% compliance) involved a UOF that was unnecessary and inconsistent with Department policy. That included the inappropriate use of Tasers and cases where force should have been avoided altogether.
- **This Audit:** We found only one case out of 36 where OC should not have been deployed, on a handcuffed woman seat belted in the back seat of a patrol car, which equates to 97% compliance (L-16).
- **Last Audit:** The tactics used in 12 of the 26 cases (46% compliance) were inconsistent with Department policy. Deficiencies included failure to de-escalate, deputies escalating the situation, and the use of dangerous tactics such as contacting suspects while seated in a patrol car.
- **This Audit:** We found only two of 36 cases (94% compliance) where the deputies should have de-escalated the situation and tried to avoid using force (L-16 and L-21).
- **Last Audit:** The deputies' reports in eight of the 26 cases (69% compliance) contained inconsistencies and boilerplate language about substantive issues. This was the first audit with body-worn cameras (BWCs), and some reports contained statements that were inconsistent with the BWC recordings.
- **This Audit:** We found only one of 36 cases (97% compliance finding) where the deputy's report was deficient (L-20).
- **Last Audit:** The supervisory investigation was critically deficient in 10 of the 26 cases (38% compliance).

²¹ The Monitors last AV UOF audit was published on November 15, 2023.

- **This Audit:** We found one case out of 36 (97% compliance) where the investigation was critically deficient because the supervisor who directed the out-of-policy use of force also conducted the investigation (L-15). There were three other cases with non-critical deficiencies, and the station captain identified and corrected the deficiency in two of those cases.
- **Last Audit:** The management reviews in 19 of the 26 cases (27% compliance) were critically deficient because they did not address the unnecessary use of force, use of dangerous tactics, improper use of Tasers, lack of de-escalation, or investigative deficiencies.
- **This Audit:** We found two of 36 cases (L-16 and L-21) with unaddressed critical deficiencies, which equates to a 94% compliance finding.

SA COMPLIANCE

The Parties and Monitors adopted the following criteria to evaluate the management review of UOF investigations and categorize their level of compliance with SA provisions.

- **Critical Deficiency.** The adjudication contained errors or omissions that quantitatively or qualitatively rendered it unreliable to adjudicate the incident. Critical deficiencies include basing the adjudication on an investigation containing a critical error; failure to adjudicate a case based on a preponderance of the evidence; failure to recognize and adjudicate a substantive allegation of misconduct; failure to hold deputies accountable for uses of force that violate policy or law; failure to hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or against LASD policy; and failure to ensure that important information is recorded accurately on the UOF forms and in PRMS.
- **Non-Critical Deficiency.** The adjudication adequately addressed the significant issues and was based on a reliable investigation; however, it contained errors or omissions that raise concerns about the thoroughness of the management review or lack of attention to detail. Non-critical deficiencies include failure to ensure that all witnesses are identified, and an explanation is provided for anyone who was not interviewed; a thorough explanation is provided if the supervisor conducting the investigation was also present during the incident; failure to identify and adjudicate a minor allegation of misconduct; and failure to ensure that all pertinent aspects of the incident were recorded accurately on the UOF form and in PRMS.
- **Satisfactory.** The adjudication was complete, adequately addressed the significant issues, and did not contain material errors and/or omissions.

Metric: *At least **90%** of the NCI/Category 1 adjudications do not contain a critical deficiency.*

Finding: The Department is in compliance with NCI/Category 1 UOF cases for SA Paragraphs 113, 115, and 116. There were 29 Category 1 cases in the audit population. Two of those cases were found to contain a critical deficiency (Audit Nos. L-16 and L-21). This equates to a compliance finding of 93%.

Metric: *At least **93%** of the Category 2 adjudications do not contain a critical deficiency.*

Finding: The Department is in compliance with Category 2 UOF cases for SA Paragraphs 113, 115, and 116. There were seven Category 2 cases in the audit population. None of those seven cases were found to contain a critical deficiency. That equates to a compliance finding of 100%.

Metric: *At least **85%** of the NCI/Category 1 and Category 2 adjudications do not contain a non-critical deficiency.*

Finding: The Department is in compliance with NCI/Category 1 and Category 2 cases as a group for SA Paragraphs 113, 115, and 116. Apart from Audit No L-16 and L-21, there were no other cases that raised noteworthy concerns or contained errors or omissions that were not addressed during the review process or that affected the completeness of the UOF investigations. This equates to a 94% compliance finding.

Metric: *LASD-AV will ensure that [PRMS] data is accurate and hold responsible AV personnel accountable for inaccuracies in any data entered. (Paragraph 142)*

Finding: There were no indicia of inaccuracies in the PRMS data in the audit population.

Significant Finding No. 3: A pattern assessment of the audit population shows that there were 36 UOF cases in the audit population. Of those 36 cases, 15 (42%) had indicia of, or specifically involved, subjects with significant mental health issues.

Recommendation No. 4: The Department should consider reviewing staffing and deployment of MET personnel in the Antelope Valley.

Recommendation No. 5: The Department should consider convening a working group with stakeholders and service providers to develop a coordinated strategic response to the mental health challenges in the AV.

X. CONCLUSION

The Department is now in compliance with nearly all of the SA's requirements for the use of force. Clearly, there has been a major improvement in the frequency and manner in which force is used, investigated, and reviewed in the Antelope Valley.

Significant Finding No. 4: The four captains assigned to the AV—Captain Josh Bardon, Captain Paul Bartlett, Captain Rick Cartmill, and Captain Joey Fender—are to be commended for their leadership in dramatically reducing the use of force within their commands.

ADDENDUM 1

FINDINGS FROM MT'S FOUR UOF AUDITS

SA PARAGRAPH	SA REQUIREMENTS BY AUDIT OBJECTIVE	COMPLIANCE			
		1ST AUDIT	2ND AUDIT	3RD AUDIT	4TH AUDIT
Objective 1: The Use of Force					
102, 104, 105	The reasonableness of the use of force	Yes	Yes	No	Yes
106g	Inhibiting, using force on person legally recording incident	Yes	Yes	Yes	Yes
107	Head strike with impact weapon	Yes	Yes	Yes	Yes
Objective 2: Avoiding Force and De-Escalation					
103	Use force as a last resort and de-escalation	Yes	Yes	No	Yes
Objective 3: Reporting Uses of Force					
108a–b	Deputies reporting force incidents	Yes	Yes	Partial	Yes
109 Part 1	Accurate UOF reports without boilerplate language	Yes	Yes	No	Yes*
110	Immediate supervisory notification of the use of force	Yes	Yes	Yes	Yes
Objective 4: Supervisory Investigations					
111a–d	Thorough UOF investigations	Yes	No on critical; Yes on non-critical deficiencies	No	Yes
111e	Review deputies’ UOF reports for completeness	Yes		No	Yes
112a	Independent supervisory UOF investigations	Yes		Yes	Yes
112b–e	Completeness of UOF investigations	Yes		No	Yes
Objective 5: Management Review					
113	Management review of UOF investigations	Yes	No	No	Yes
115	Hold deputies accountable for force that violates policy	No	No	No	Yes
	Refer cases as required to IAB or ICIB	UTD	UTD	No	Yes
116	Supervisors held accountable for inadequate investigation	UTD	No	No	Yes
118a	AV Commanders ensure informal supervisory feedback does not replace formal discipline	No	No	NA	Yes
Force Paragraphs Unaddressed in this Audit					
117	AV Commanders identify and curb problematic UOF trends	No	Pending	NA	NA

SA PARAGRAPH	SA REQUIREMENTS BY AUDIT OBJECTIVE	COMPLIANCE			
		1ST AUDIT	2ND AUDIT	3RD AUDIT	4TH AUDIT
118b, 142	Training and tactical review portion of a UOF report is captured in PRMS, and those accurate data are entered in PRMS	No	No	NA	Yes
82, 120–123	Annual analysis and public report on UOF data and trends	No	No	NA	NA
119	Development and delivery of UOF training	No	No	NA	NA
114	Thorough review by the Executive Force Review Committee	NA	NA	NA	NA

*SA Paragraph 109 Part 2 requires that deputies be held accountable for material omissions or inaccuracies in their use-of-force statements. Since there were no cases in the audit population with indicia of a material misstatement, this SA requirement will be assessed in our next complaint audit.

ADDENDUM 2

TABLE B1	
PALMDALE CASE SUMMARIES	
AUDIT NO./ CATEGORY	SUMMARY
P-1 NCI	<p>Deputies responded to a radio call about a traffic collision. It was determined the subject was under the influence of alcohol, and he was arrested for DUI. When the deputy attempted to take him into custody, the subject briefly pulled his hands apart during handcuffing. A second deputy assisted, and the subject was handcuffed. The subject was escorted without further incident to a nearby patrol vehicle.</p> <p>The investigation was adequate, and the UOF was appropriately adjudicated as in policy.</p>
P-2 Cat. 2	<p>Deputies on patrol saw the subject driving his vehicle at very slow speeds at night with his lights off. The subject made an unsafe turn and nearly collided with another car. Deputies attempted to make a traffic stop, but the subject failed to pull over. A brief pursuit occurred with speeds of no more than 35 mph. The subject pulled over and was given multiple commands, at gunpoint, to roll down his window. The subject yelled unintelligibly and did not cooperate. Deputies requested backup, and multiple deputies and a sergeant responded. The sergeant attempted to de-escalate the situation and gave the subject directions over a PA system. After several minutes, the subject came out of the car and told the deputies to shoot him. As he turned to re-enter his vehicle, the sergeant directed a deputy to fire a less-lethal projectile. Two 40mm shots were fired, and one struck the subject in the stomach. The subject re-entered his vehicle and made a phone call to family members. Deputies requested a MET but were told no one was available. After several more commands, the subject finally came out of the car and was handcuffed without incident. He exhibited the symptoms of intoxication and was arrested for felony reckless DUI. LA County Fire responded and examined the subject. He was transported by a patrol vehicle to the hospital for a blood draw and medical treatment, then booked at Palmdale Station.</p> <p>The investigation was adequate and consistent with a BWC recording reviewed during our assessment. The UOF was appropriately adjudicated as in policy.</p>
P-3 NCI	<p>Two deputies and a sergeant responded to a radio call of a family disturbance in which a person was making suicidal statements. As they approached the front door of the residence, they heard the subject say she wanted to kill herself. They tried to speak with her, but she was loud and refused to cooperate, shouting, "Shoot, or I am going to kill myself." It was decided she would be placed on a 5150 WIC 72-hour hold. The deputies and sergeant discussed tactics and tried to de-escalate the subject. They allowed her to walk toward a patrol vehicle, but she said she was going to her truck. They then attempted to handcuff her, but she pushed back on the deputies. The ground was wet because it had been raining, and she started to fall to the ground but was held up by a deputy. The subject grabbed onto a gate. The deputies used firm grips and overcame her resistance, and they handcuffed her. She refused to get in the patrol vehicle. The deputies used</p>

TABLE B1	
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AUDIT NO./ CATEGORY	SUMMARY
	<p>firm grip and body weight to pull her into the patrol vehicle without further incident. She was transported to the hospital where a MET deputy took custody of her until she was admitted.</p> <p>The investigation and review processes were adequate, and the UOF was appropriately adjudicated as in policy.</p>
P-4 Cat. 1	<p>Two deputies responded to a disturbance call for service. As they tried to verbally engage with the subject, she walked past them and assaulted the victim. The deputies had difficulty separating them, so a deputy sprayed the subject with OC. The victim also experienced some effects from the OC. The subject was allowed to rinse her face with water. She was cited for battery and released at the scene at the direction of a sergeant.</p> <p>The investigating sergeant counseled the deputies on their tactics, stating that the subject should have been warned that OC spray would be used, which might have prevented the need to use it. A witness who refused to identify herself said that the subject was not fighting or assaulting anyone while surrounded by 10 deputies, and then she was OC sprayed. The statement was refuted by the BWC recordings, which were viewed by the audit project manager. The statement was also refuted by the subject, who stated she was involved in a fight when she was sprayed with OC.</p> <p>The investigation was adequate, and the UOF was appropriately adjudicated as in policy.</p>
P-5 NCI	<p>Deputies responded to a radio call for a robbery suspect at the 7-11 store. The subject walked away from deputies, and a “walking foot pursuit” occurred. The subject briefly ran to a parking lot, sat down, and placed her hands between her legs. Two deputies approached, and one of them placed her hand on the subject’s shoulder. The subject was uncooperative. She was given multiple directions and warned she may be sprayed with OC. The subject resisted handcuffing, and the deputies used minimal control techniques to handcuff her. Deputies conducted an investigation and determined no crime had occurred. The subject was not booked and was released at the scene.</p> <p>The investigation was adequate, and the UOF was appropriately adjudicated as in policy.</p>
P-6 Cat. 2	<p>Two deputies located a vehicle with a felony want for elder abuse. The want indicated that the male suspect also had an outstanding felony warrant for robbery and a propensity for violence. The deputies made a traffic stop and attempted to detain the subject at gunpoint. The subject drove away, and a vehicle pursuit occurred. During the pursuit, the subject committed a vehicular assault on the deputies. When the vehicle pursuit terminated, the subject fled on foot. Three deputies approached the subject as he was getting ready to jump over a fence. When the subject refused orders to get on the ground, he was tased with two activations. Control holds were used to handcuff him. The reports and BWC show that the deputy did not provide the subject with a warning before the Taser was deployed, and no reason was included in his report as required by policy. However, the BWC recording shows there was no time to provide a warning as the subject was preparing to jump over a fence.</p>

TABLE B1	
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AUDIT NO./ CATEGORY	SUMMARY
	The investigation was adequate, and the captain's review was very thorough. The use of force was appropriately adjudicated in policy.
P-7 NCI	<p>Deputies responded to a family disturbance radio call and were led into the residence by a witness. The male subject was standing in the kitchen and appeared to be very intoxicated. He yelled at the deputies and ordered them to get out of his house. The deputies determined that an assault with a deadly weapon (ADW) with a knife had occurred. A sergeant was requested and responded to the location. MET was requested because the subject appeared to be mentally unstable. Three deputies, at the sergeant's direction, approached the subject, placed him under arrest for ADW and handcuffed him without incident. The subject refused to walk to the patrol vehicle and "there were numerous failed attempts to get his cooperation," including by the sergeant. The subject kept dropping to the floor, so two deputies used firm grips and control holds to escort him to the car. He refused to get in the vehicle and began kicking his feet. The sergeant directed a deputy to apply a hobble restraint device, which was applied with body weight and control holds. The subject was booked for ADW at Palmdale Station.</p> <p>There is no indication whether MET ever arrived. The investigation was adequate, and the force was appropriately adjudicated as in policy.</p>
P-8 NCI	<p>At 3:00 a.m., two deputies responded to a burglary-in-progress radio call at a single-family residence in the desert. It was 40 degrees, and a shirtless man had been banging on the caller's door. The caller did not know the man but had seen him walking in the desert previously. The deputies requested backup, and three additional deputies responded. They contacted the subject, who was making nonsensical gibberish statements. The deputies formed the opinion that the subject was a danger to himself and a WIC 5150 candidate. They gave him directions to submit to handcuffing, and he refused. A very minor UOF consisting of firm grips was used to handcuff him. When they escorted the man to the patrol vehicle, he dropped his body weight, and they used firm grips to complete the escort and get him into the vehicle. The man was transported to the hospital for a 5150 hold. A sergeant responded and interviewed the man. The audit project manager watched the BWC of the interview, and the subject indicated he was not injured and said something to the effect that he had been killed.</p> <p>The investigation was adequate, and the UOF was appropriately adjudicated as consistent with Department policy.</p>
P-9 Cat. 2	Deputies responded to a burglary-in-progress radio call. The subject was identified by a neighbor whose Ring Camera recorded her in the backyard of her next-door neighbor with a flashlight looking through windows. The subject, who was very intoxicated, approached deputies in front of the residence and made spontaneous statements that she had burglarized the residence. The deputies spoke with her and asked her to sit down on the curb as they conducted their investigation. She became uncooperative and attempted to walk away. Deputies used firm grips to detain her. She resisted and was handcuffed without further incident. She complained about pain in her wrist and was treated at the hospital for a contusion. She was booked for burglary at Palmdale Station.

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AUDIT NO./ CATEGORY	SUMMARY
	The investigation was adequate, and the UOF was appropriately adjudicated as in policy.
P-10 Cat. 2	<p>A deputy responded to a radio call for a spousal assault in progress and that the subject was kicking the victim on the ground. (It was later learned that the subject and victim were brother and sister.) When the deputy arrived, he saw the subject standing over the unconscious victim lying on the ground. A witness told the deputy the subject had kicked the victim in the head with a shod foot. The deputy tried to detain the subject at gunpoint while waiting for backup. Once a second deputy arrived, additional verbal commands in English and Spanish were given, but the subject was uncooperative. The deputies, along with a witness, who was an off-duty San Bernadino County deputy sheriff, formulated a tactical plan and approached the subject to take him into custody. Before they could deploy, the subject approached the unconscious victim. Deputies feared the subject was going to assault the victim again, and they conducted a takedown on the subject. The subject was quickly handcuffed and led away from the victim. The deputies and the witness rendered aid to the victim, who sustained serious head injuries from the subject's assault. She was transported to the hospital in critical condition and treated for a brain bleed. It was feared she might not regain consciousness because of her extensive injuries.</p> <p>LA County Fire treated the subject for scrapes and bruises as well as a dislocated finger. (Because of the dislocated finger, IAB was notified but did not respond.) The subject was transported to the hospital and treated for the dislocated finger. He was approved for booking and booked for attempted murder.</p> <p>The investigation and review processes were thorough, and the UOF was appropriately adjudicated as in policy.</p> <p>Note: Both deputies received a Unit Commendation for their swift action and saving the victim's life, and the unit commander recommended they receive either a Life Saving commendation or a Division Chief Commendation.</p>
P-11 NCI	Deputies responded to a family disturbance radio call that included information that the caller's wife was schizophrenic, was having a mental breakdown, and had threatened to stab the caller, her husband. When the deputies arrived, the caller told them that his wife was in the shower. The deputies spoke with the subject through the closed door. She came out of the bathroom and was in an excited state. The deputies were able to de-escalate the subject, apply handcuffs without force, and escort her out of the residence. As a deputy was retrieving the subject's shoes, she became extremely upset as she approached her husband. A deputy grasped her arm, but she forcefully pulled away and was able to enter the residence. The subject yelled and screamed profanity at the deputy and her husband. Deputies escorted the husband out of the house. As they tried to escort the subject out of the house she screamed and tensed up, trying to pull away. The deputies used firm grips to control her and walked her to the patrol vehicle without further incident. The victim was medically treated at the hospital cleared to book. She was booked at Palmdale Station for domestic violence.

TABLE B1	
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AUDIT NO./ CATEGORY	SUMMARY
	The investigation was adequate, and the UOF was appropriately adjudicated as in policy.
P-12 Cat. 2	<p>The subject called 911 and stated that his girlfriend's family members were threatening him because he was breaking up with her. Deputies arrived and contacted several witnesses, who pointed to the subject standing in a parking lot and said he was vandalizing their car. Deputies approached the subject, who was pulling items out of a car trunk, including a baseball bat. Deputies gave the subject verbal commands to step away from the car, and he initially refused. The subject then walked out from behind the car carrying a baseball bat and demanded to know why he was being detained. The deputies tried to de-escalate the subject and told him they wanted to speak to him about felony vandalism. The subject refused to cooperate, so the deputies used control holds to handcuff him without further incident. The subject was placed in a patrol vehicle, and deputies turned off their BWC, in violation of Department policy. The unit commander identified and addressed that issue in his review. While in the back seat, the subject transitioned his handcuffs to the front of his body, which evidently caused bruising on his wrists. He was transported to the hospital where he was cleared for booking. The subject did not complain of any injuries, and none were noted in the medical clearance.</p> <p>The investigation and review process were adequate, and the captain appropriately adjudicated the UOF as in policy. The NPD commander checked the box that the investigation was thorough and complete, but she did not check either the yes or no box indicating concurrence with the unit commander's adjudication. That appears to simply be a clerical error as this was clearly in-policy and a very minor UOF.</p>
P-13 Cat. 1	Deputies responded to a radio call about a business dispute at a market. When the deputies arrived, they were met by a security guard. The guard pointed at the subject, who he said had been drinking an alcoholic beverage, refused to leave the market, and threatened to kill him with a large rock. The BWC recordings show that the deputies interviewed the victim, opened up dialog with the subject, and informed him that the store security asked that he leave the location. The subject refused to leave the location and told the deputies to call DA George Gascon and Internal Affairs. The deputies spent approximately 18 minutes talking with the subject and asking him to leave. The subject pulled a large rock out of his backpack. Eventually one of the deputies told the subject he was going to book the large rock as evidence. The subject became argumentative, and the deputies requested a sergeant. The deputy placed the duffle bag containing the rock in the back seat of the patrol vehicle. The subject walked toward the deputies and attempted to grab the duffle bag containing the rock. He was told to stop and that the rock would be booked as evidence. The subject continued walking toward the deputies. Deputies attempted to handcuff the subject and place him under arrest for criminal threats. He resisted and a UOF occurred. The deputies were unable to gain control of the subject until a third deputy arrived. They applied a hobble restraint and were able to roll him to the recovery position. The use of force consisted of control holds, a takedown, and the application of a hobble restraint. The subject, who screamed that he couldn't breathe, was placed in a recovery position as soon as control was achieved. LA County Fire responded and examined the subject, who was not injured and did not complain of injury. The subject was booked at Palmdale Station for criminal threats and trespassing.

TABLE B1	
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	<p>The watch commander and unit commander did a good job identifying a plethora of shortcomings, including a lack of command presence and poor tactics. The two primary deputies were directed to attend the next session of tactical training. Auditors requested and received documentation that verified they attended the training.</p> <p>The investigation was adequate, and the UOF was appropriately adjudicated as in policy.</p>
P-14 Cat. 2	<p>Deputies responded to an ADW radio call at a market. The call indicated that the subject attempted to stab the victim. The investigation revealed that the subject approached the victim, who was bagging groceries, from the rear and stabbed him multiple times. The deputies contacted the subject (6'1", 285 pounds, 33 years old). One of the deputies pointed a firearm at the subject. The other deputy, who had prior contact with the subject, attempted to develop a rapport and gain his cooperation. The subject was wearing a loose-fitting jacket. The subject refused to comply with verbal directions, then fled on foot. A two-deputy foot pursuit occurred. The subject stopped in the market parking lot and turned toward the deputies. He was warned he would be tased and still refused to comply with directions. He reached toward his jacket pocket, and a deputy deployed his taser, but it was not effective. The subject then submitted to arrest and was handcuffed without further incident.</p> <p>LA County Fire responded and treated the victim, who had life threatening injuries including a skull fracture and multiple stab wounds. The subject was not injured. He was transported to the hospital and medically cleared for booking. The subject was booked for attempted murder and admitted to assaulting the victim because he believed he may be a child molester.</p> <p>Watch Commander's Review: The deputies' reports were complete but contained a discrepancy that was addressed by the watch commander:</p> <p><i>"While reviewing the BWC I noticed that almost simultaneously when [Deputy 1] tased the subject, [Deputy 1] tells the subject to take his hands out of his pockets and he tases the suspect as the suspect's hands come out of the pockets. This command and the suspect's hands coming out of the pockets is not mentioned in [Deputy 1]'s report. I reviewed the BWC with [Deputy 1]. [Deputy 1] stated he had no independent recollections of stating that to the suspect and did not see the suspect's hands come out of the pockets, nor did he notice it when he reviewed the BWC before authoring his report. [Deputy 1] said his recollection was that the suspect was putting his hands in his pockets and then he deployed the taser. [Deputy 1] said his state of mind was that [because of] the suspect's unpredictable actions when he contacted the suspect, previous contacts, [and] with the subject having assaulted someone with a knife, he believed the suspect put his hands in his pockets to retrieve the knife and use it as a weapon against him or his partner, so he deployed his Taser."</i></p>

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	<p><i>"It should be noted that this phase of the incident lasted approximately 1-2 seconds, so it is plausible that he would not recall every word he said and that he did not see the hands coming out of the pockets. I counselled Deputy (1) to pay close attention when reviewing his BWC when writing his reports. I also spoke with sergeant [name] regarding not noticing this discrepancy."</i></p> <p>The watch commander recommended that Deputy 1 attend High Risk Contact training as a refresher on deploying less-lethal weapons, and that was supported by the unit commander. The watch commander also counseled the investigating sergeant for not noticing this issue.</p> <p>The captain appropriately adjudicated the UOF as in policy.</p>

TABLE B2	
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AUDIT NO./ CATEGORY	SUMMARY
L-1 Cat. 1	<p>Deputies responded to an ADW radio call that indicated the suspect pointed a firearm at the victim. They saw the subject, who matched the description broadcast on the call. When they attempted to contact the subject, he fled on foot, and a foot pursuit occurred. The subject held onto his pants and reached into his pocket as he ran. He was given verbal commands to stop and show his hands. Patrol vehicles pulled up with emergency lights flashing, and the subject was given more commands to stop and get on the ground. He refused and turned to face one of the deputies. The deputy did a takedown and took him into custody. (The project manager watched the BWC recording of the UOF and takedown and found it consistent with the reports and policy.)</p> <p>The sergeant's investigation was thorough and pointed out that during the foot pursuit, one of the deputies ran with his firearm in one hand and his Taser in the other. The deputy was verbally counseled. The sergeant also pointed out that one of the deputies was late activating his BWC and that it was an isolated incident for that deputy. The sergeant also counseled all three deputies for using non-directed profanity during the foot pursuit.</p> <p>The investigation was complete, and the UOF was appropriately adjudicated as in policy.</p>

TABLE B2	
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AUDIT NO./ CATEGORY	SUMMARY
L-2 Cat. 1	<p>Deputies responded to a radio call indicating a man wanted to kill himself. They arrived at the location and made contact with the subject as he exited an outhouse bathroom. The subject stated he wanted to kill himself and that he needed to be on medication. Deputies took him into custody without incident and transported him for medical evaluation. While they escorted him through the hospital, he tried to pull away, and deputies pulled his upper arm to maintain control of him.</p> <p>The sergeant's investigation was complete, and the minimal UOF was appropriately adjudicated as in policy.</p>
L-3 NCI	<p>Deputies responded to an assault radio call. When they arrived, the subject had already been detained and handcuffed by security personnel for assaulting a husband and wife who were senior citizens. (The subject is bipolar, had been drinking, and was experiencing a mental health crisis.) The deputies escorted the subject to their patrol car. The subject complained that the handcuffs put on him by security personnel were too tight. When the deputies tried to have him sit in the back seat of the patrol vehicle to complete the re-handcuffing process the subject became agitated and screamed the deputies had injected him with something. The deputies tried to de-escalate him and requested a supervisor. The subject tried to push his way out of the patrol car, so the deputies used control holds and pulled him into the car. The sergeant arrived, and the subject was re-handcuffed without further incident. The subject was arrested for aggravated assault and was transported to the hospital for medical treatment. There he complained about back pain but declined to be X-rayed. He also complained about pepper spray exposure by the security personnel. He was approved for booking at Lancaster Station.</p> <p>The investigation was adequate; the UOF was minor and appropriately adjudicated as in policy.</p>
L-4 NCI	<p>Deputies were on patrol and saw the subject seated in her vehicle stalled in the center traffic lane. They approached her and could immediately smell alcohol. They conducted a DUI investigation and administered a preliminary breath test, which indicated the subject had very high blood alcohol levels of .405% and .383%. When they told her she was being placed under arrest, she refused to place her hands behind her back. Deputies gave her directions to do so and advised they would have to use force to handcuff her. She tensed up, and they used firm grip to handcuff her. She was transported to the hospital, treated for alcoholic liver disease, and approved for booking. She was transported and booked at Lancaster Station.</p> <p>The investigation was adequate and the very minor UOF was appropriately adjudicated as in policy.</p>
L-5 NCI	<p>Deputies responded to a radio call of a violent 14-year-old subject who was experiencing a mental health crisis. She had assaulted, punched, and bit her foster guardian and bit her foster guardian's boyfriend. They conducted an investigation and learned the subject had a history of mental health issues and was not taking her prescribed medications. She had been previously admitted for a 5585 WIC Hold.²²</p>

²² When any minor, as a result of mental disorder, is a danger to others or to himself.

TABLE B2	
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AUDIT NO./ CATEGORY	SUMMARY
	<p>She was possibly in possession of a small kitchen knife and was believed to be in the bathroom. Deputies requested a sergeant, MET, and LA County Fire. One of the deputies' BWC shows that as the deputies were conducting their investigation, the subject was seen walking toward the residence carrying multiple handbags with other handbags around her neck. As the subject approached, the deputies tried talking to her. She immediately became hostile and in a loud voice told them to leave her alone and not to touch her. One of the deputies positioned himself in front of the subject and asked her to wait a minute. The MET deputy attempted to talk with the subject and she again replied, "Don't touch me. Do not [<i>expletive</i>] touch me!" The deputies formed the opinion that the subject was a danger to others. A deputy placed his hand on the subject's arm, and she tensed up. The MET deputy attempted to de-escalate the subject and asked her to be calm so they could talk with her. She continued to yell for the deputies not to touch her and she tensed up. The deputies used minimal force and attempted to de-escalate the subject, but she resisted. Deputies used firm grips to methodically overcome the subject's resistance and place her in handcuffs. The subject was secured in the MET deputy's vehicle without further incident, and she was not injured.</p> <p>The subject was transported to the hospital for evaluation and approved for detention per 5585 WIC. The BWC recordings, which were viewed by the MT auditor, documented more de-escalation efforts than the deputies included in their reports.</p> <p>The investigation was adequate, and the very minimal UOF was appropriately adjudicated as in policy.</p>
L-6 NCI	<p>Deputies responded to a radio call about a family disturbance that said the subject was breaking out windows. The call indicated that the reporting party had an active restraining order against the adult subject and that the subject had an outstanding felony warrant. When the deputies arrived, the subject walked toward them. The victim stepped out of the residence and identified the subject. A deputy raised his hands and asked the subject to stop and to calm down. The subject refused and continued to walk toward the deputy, who grasped the subject's arm and asked her to stop walking and calm down. The subject began to yell profusely and was told that she was being detained for an investigation. A different deputy tried to calm her down but was unsuccessful. The deputies used firm grips and control holds to handcuff the subject. She dropped down and sat on the ground. She refused to cooperate, so deputies grabbed her arms and escorted her to the patrol vehicle. Three deputies were involved in the UOF. A sergeant responded to the location and interviewed the subject, who did not complain. The subject was not injured.</p> <p>The investigation revealed the subject unlawfully entered the victim's residence and vandalized it. She was arrested for Vandalism and Violating a Court Order. The audit project manager watched two attempted interview recordings of the subject at Lancaster Station, one by a sergeant and one approximately an hour later by the watch commander. The subject did not cooperate or respond to the questions asked.</p>

TABLE B2	
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AUDIT NO./ CATEGORY	SUMMARY
	The investigation was adequate, and the UOF was appropriately adjudicated as in policy.
L-7 NCI	<p>A deputy on patrol stopped the subject for driving a vehicle with a broken taillight and expired registration. There was a passenger in the car. The deputy observed a glass bulbous pipe containing white residue, which appeared to be methamphetamine, in the car. He asked the subject to get out of the car, and when he tried to handcuff the subject, he resisted and there was a brief struggle. The subject broke free from the deputy's grip and ran. A brief foot pursuit occurred, but the deputy stopped and requested backup. A different deputy and a sergeant located the subject hiding in some bushes and took him into custody without incident. The subject had a 45-caliber kit (ghost gun) without a serial number in his backpack. He was placed under arrest, transported to the station, and booked.</p> <p>The passenger fled from the vehicle during the foot pursuit of the subject. She was located and found to have two felony warrants and was booked on those warrants. The sergeant and watch command conducted separate recorded interviews of the subject, which were reviewed by the audit project manager. In both interviews, the subject stated that he was under the influence of methamphetamine and alcohol and that the deputies tried to handcuff him and that he resisted and tried to run away.</p> <p>The investigation was adequate, and the very minor UOF was appropriately adjudicated as in policy. The unit commander had the deputy counseled for not waiting for backup before having the subject get out of the car and for playing music in his patrol vehicle.</p>
L-8 Cat. 1	<p>Deputies responded to a family disturbance radio call. The homeless subject was creating a disturbance at her cousin's house demanding some of her mother's belongings, which were in the residence.²³ A deputy went to great lengths to de-escalate the situation. He talked the resident into giving the subject her mother's belongings. However, the subject refused to leave, believing her mother's social security card was still in the residence. The deputies repeatedly asked the subject to leave, but she refused. She started tearing open trash bags, some of which had bottles that the deputies feared might be used as a weapon. They tried to de-escalate her without success. They attempted a firm grip and ended up on the ground. The deputies described it as a takedown, but the victim said she slipped. The resident placed the subject under a private person's arrest. The subject was medically treated and indicated she suffers from anxiety, but she was not injured. The audit project manager watched the watch commander's recorded interview of the subject, and she simply stated that the deputies handcuffed her. She was cited and released at Lancaster Station.</p> <p>The investigation was adequate, and the UOF appropriately adjudicated as in policy.</p>
L-9 Cat. 1	Two deputies responded to a radio call for domestic violence. They encountered the subject on the front lawn and began talking to him. Meanwhile, two other deputies responded to the call and contacted the victim. The subject stated that he was a "two striker" and would

²³ Her mother had been recently placed on a WIC 5150 hold.

TABLE B2	
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AUDIT NO./ CATEGORY	SUMMARY
	<p>be facing a life sentence if arrested again. He refused to follow the deputies' directions. The victim stated she had been in an on-and-off again relationship with the subject for 16 years, and she had previously filed eight reports for domestic violence against him. The victim told the deputies that the subject threatened to kill himself by slashing his throat, and that "on second thought he was going to kill her." The subject had chased the victim while holding a "blade saw," stating, "If I am going to jail it's going to be for something real." Deputies requested a sergeant and tried to de-escalate the subject. One of the deputies recognized the subject from the court building and tried to open a dialog to de-escalate him. The subject calmed down for a minute after recognizing the deputy.</p> <p>After interviewing the victim, deputies approached the subject and informed him that he was under arrest for criminal threats. The subject became very angry and said that he would be facing a life sentence. The subject began to walk away, then ran. He jumped over a fence in the front yard and a brief foot pursuit occurred. A deputy shouted that he would use his Taser if the subject continued to flee. The subject shouted that he wanted to die and stopped. A deputy held the subject at gunpoint while his partner ordered him to turn around and put his hands behind his back. The deputies attempted to grab the subject, but he resisted, so they pulled him to the ground. He was handcuffed, then rolled to a recovery position. While waiting for LA County Fire to respond, the subject pounded his head into the ground three to four times.</p> <p>LA County Fire arrived, and the subject complained that his ribs hurt. Paramedics transported the subject to a hospital where he was treated for complained of pain. While waiting to be medically cleared, the subject pulled out a cell phone and refused to give it to the deputies. Initially a deputy used firm grips to try to remove the phone from the subject's hands. The subject then agreed to surrender the phone. The subject sustained an abrasion to his forehead and aggravated a previous rib injury from a traffic collision. He was booked at Lancaster Jail for Criminal Threats.</p> <p>The deputies' reports were very detailed and complete. The supervisor's UOF investigation was complete. The watch commander commented on two things: (1) "The search of the subject following his arrest could have been better. The subject admitted to still having a cell phone, a lighter, and hand sanitizer on his person while being transported by ambulance to AV Medical Center. . . . This [second] application of force could have been avoided with a better search. . . . [P]ossession and access to such items created an officer safety issue for deputies and medical personnel"; and (2) upon reviewing the BWC recordings the watch commander saw that one of the deputies had his knee placed on the back of the subject's neck and shoulder areas, and he moved his knee as soon as the subject was handcuffed. The subject did not appear to have difficulty breathing. The deputy was counseled and provided reminder training on the updated training regarding knee placement. There were no indicia of the training provided to deputies on the searching issues.</p> <p>The captain did a thorough review and appropriately adjudicated this incident as in policy.</p>

TABLE B2

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AUDIT NO./ CATEGORY	SUMMARY
L-10 NCI	<p>Three deputies responded to a radio call for a burglary. Prior to their arrival, they received additional information that the subject had used a rock to break into the building. When they arrived, they saw the subject, who closely matched the description. The subject was pacing around and yelling. The deputies approached the subject and spoke to him, but he refused to follow directions. Two of the deputies used control techniques to take the subject into custody. As they approached the patrol vehicle, the subject yelled "No!" However, the deputies were able to search him and get him to enter the patrol vehicle.</p> <p>The audit project manager watched one of the BWC recordings, which clearly captured the incident. The deputies attempted to de-escalate the subject multiple times and opened dialog with him before they used firm grips to handcuff him. The UOF was methodical and minimal.</p> <p>The subject was transported to Lancaster Station, where a second UOF occurred. The BWC shows the subject was obviously having some sort of mental health crisis, and he refused to get out of the patrol vehicle. A sergeant was requested, and the deputies waited to have further contact with the subject until she arrived within a couple of minutes. Two deputies and the sergeant tried to de-escalate the subject, who continued to yell and scream. The deputies ended up using firm grips to get the subject out of the back seat of the car. They also had to use firm grips to escort him into the jail and to search him. The deputies' use of force was controlled and minimal, and they made every reasonable attempt to de-escalate the subject.</p> <p>The investigation was adequate, and the captain appropriately adjudicated the UOF as in policy.</p>
L-11 NCI	<p>Deputies responded to a radio call for a robbery that had just occurred. Their investigation revealed the extremely intoxicated subject assaulted a security guard at a market, took two bottles of vodka, and left. The subject was located in the immediate vicinity and taken into custody without incident. As deputies escorted the subject to the patrol vehicle, he began to resist, pulled away, and refused to sit in the vehicle. Deputies attempted to de-escalate, including staff switching, but the subject continued to be uncooperative. Deputies used control holds to get the subject into the patrol vehicle. He was transported to the hospital for a booking clearance for substance abuse. He was then transported to Lancaster Station, and control holds had to be used to get his shoes off after de-escalation was unsuccessful.</p> <p>The investigation was adequate and appropriately adjudicated as in policy.</p>
L-12 NCI	<p>A deputy on patrol saw the subject operating his vehicle in a reckless manner. The deputy initiated a traffic stop and told the subject (6'0", 220 pounds) that he needed to step out of the vehicle. The subject exited his vehicle with his phone in his hand and called someone. The deputy requested backup and, fearing the subject was calling for people to come to the location, applied a firm grip on the subject's arm, grabbed the subject's phone, and terminated the call. The deputy attempted to place the subject's hands behind his back to arrest him for reckless driving. The subject resisted, and the deputy told him multiple times to stop. The deputy broadcast that he was in a fight. The</p>

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	<p>BWC does not depict a fight but does show the subject was mildly resisting handcuffing and complaining that the deputy took his phone out of his hand and that calling someone was not unlawful. Two deputies arrived and assisted with handcuffing the subject, who did not resist at that point.</p> <p>The subject was arrested for reckless driving and driving on a suspended license. He was not injured and was transported to Lancaster Station, where he was subsequently cited out. During the sergeant's interview with the subject, the subject stated that the deputy did not use any force on him and did not cause him any harm.</p> <p>The captain commented that during the incident, the deputy did not use profanity or derogatory language, but his language was unprofessional. The audit project manager watched the deputy's BWC recording. There was a lot background noise on the recording and the project manager could not identify the unprofessional language. While the deputy did try to have a dialog with the subject, he could have slowed things down a little more and waited for an assisting unit to arrive before getting the large subject out of the car.</p> <p>The investigation was adequate, and the incident was appropriately adjudicated as in policy.</p>
L-13 Cat. 1	<p>The victim called the station to report she had been robbed by a man who slapped her across the face and took her cell phone. A witness to the robbery took a picture of the subject and provided it to the victim. While the victim was driving to the station to make a report, she saw the subject and called. Deputies were dispatched to meet her. She provided deputies with the subject's picture and told them where she last saw him. Deputies went to that location, saw the subject, and took him into custody without incident.</p> <p>The subject was transported to Lancaster Station, where he refused to get out of the patrol vehicle and repeatedly and hysterically screamed and cried that no one had identified him. When the BWC recordings start, deputies are at the door of the patrol vehicle and appear to be speaking with the subject, but there is no audio and there is no indication how long the deputies had been speaking with the subject. A sergeant spoke with the subject and told him he needed to exit the patrol vehicle, but the subject continued to argue with the sergeant that he had not been identified. The sergeant directed the deputies to remove the subject from the patrol vehicle. The deputies used control techniques to pull the subject from the vehicle. He continued to resist and refused to walk, so they carried him into booking.</p> <p>The investigating sergeant counseled one deputy about the importance of securing his BWC to his camera mount, and the other deputy regarding her late BWC activation. The project manager watched the BWC camera recordings, and they captured the UOF, which was consistent with the deputies' reports.</p>

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	<p>The investigating sergeant identified jail surveillance footage but failed to download the footage before the storage download time limit expired. The watch commander spoke with the investigating sergeant regarding the importance of immediately downloading surveillance footage due to the data automatically being deleted after 30 days. The investigation was otherwise adequate, and the UOF was appropriately adjudicated as in policy.</p>
L-14 NCI	<p>Two deputies responded to a radio call at a restaurant for a business disturbance involving a woman, wearing a white jump suit, who was harassing customers and would not leave the location. They located the subject, who said she wasn't doing anything wrong. She said the business refused her service for no reason and told her she could not bring all of her property into the location. The reporting party stated that the subject placed all her belongings in front of the only door that allows access to the restaurant. The reporting party asked the subject to remove her belongings and to leave the location, but she refused. Deputies spoke with the subject for approximately 10 minutes, asking her to leave the location. The deputies noticed that the subject displayed the symptoms of being under the influence of a central nervous system stimulant. When they attempted to detain her for being under the influence, she started to walk away and then pulled away from deputies, who repeatedly tried to speak with her. They used minimal force to handcuff her. She was escorted to a patrol vehicle and refused to enter. Two deputies guided and assisted her into the back seat. Once she was seated in the back seat she spoke incoherently.</p> <p>The reporting party made a private person's arrest for trespassing, and the subject was transported to Lancaster Station. Deputies again tried to speak with her and get her to walk into the booking area, but she refused to exit the vehicle. The deputies even provided her with a wheelchair, but she remained uncooperative. Finally, deputies used firm grips to assist her into the wheelchair, but the subject forced her way out of the wheelchair and dropped to the ground. The deputies laid her onto her right side and then sat her up and unhandcuffed her. She complained that she could not breathe. LA County Fire responded to the location, and the subject's heart rate was consistent with the use of a central nervous system stimulant. She was placed in the wheelchair and subsequently booked for 11550 H&S and trespassing.</p> <p>The investigation was adequate and was appropriately adjudicated as objectively reasonable.</p>
L-15 Cat. 1	<p>Deputies responded to a family disturbance call for service. Family members on scene identified the suspect and stated she had assaulted them. The subject attempted to strike the victim, and the deputies intervened and used minimal force to overcome her resistance and handcuff her. She dropped her weight, and the deputies assisted her to her feet. The subject said she wanted to kill herself, but she did not provide the deputy with any specificity or a plan on how she would do so. She was subsequently placed on a 72-hour 5585 hold. The UOF was minimal and controlled and adjudicated as in policy, and we agree with that adjudication.</p>
L-16 Cat. 1	<p>Deputies responded to a family disturbance call involving a woman (5'8", 298 pounds) who was experiencing a mental health crisis. The subject's elderly parents told the deputies she did not live with them and neglected her children; the parents asked the deputies to remove their daughter from their residence. The deputies conducted an investigation and determined the subject had neglected her</p>

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	<p>children. A MET Unit and a sergeant responded to the location. The MET deputy determined the subject did not meet the criteria for a WIC 5150 detention. When deputies attempted to arrest the subject for child neglect, she held onto a vehicle door and refused to let go. The BWC recordings show the deputies attempted to convince the subject to cooperate, but she refused. A sergeant directed the deputies to use control holds, and they used minimal force to handcuff her. The deputies escorted her to a patrol car, placed her in the back seat, and closed the door. The sergeant saw that she had not been seat-belted and directed deputies to do so. In his report the sergeant wrote, <i>"Due to the recent unfavorable force review critiques involving failing to seat belt suspects, I told the deputies they needed to seat belt the suspect."</i> The deputies opened the door and applied the seat belt, but when they tried to close the door, she put her foot in the door jamb and refused to move it. The sergeant wrote, <i>"Because the suspect was actively resisting deputies' efforts to put her feet into the car and there was a high potential the suspect would kick them once her feet were dislodged, I ordered Deputy [name] to pepper spray the suspect to prevent potential escalation of this force and prevent the deputies from being kicked."</i> The deputy warned the subject that OC would be used, and when she did not respond, he sprayed her with a short burst of OC. However, the subject turned her head away so the OC had no effect. The sergeant then directed the deputies to pull the subject into the car from the opposite side, which was successful. The supervisor who directed the use of force also conducted the investigation.</p> <p>In the watch commander's assessment, he opined that other alternatives should have been attempted prior to the use of OC. However, he did not propose any administrative, remedial, or corrective measures and found the Category 1 use of force in policy, which was supported by the station captain.</p> <p>The deployment of OC was inconsistent with Department policy because OC spray is an intermediate force option and should only be used when there is a threat to deputies or public safety. In this case, the subject was handcuffed and seat belted in the back of a patrol car, had not been aggressive or assaultive, was not attempting to escape or destroy property, and posed no threat to the deputies unless they approached her feet. The "tried and true" method of opening the other door and pulling her into the car should have been employed first.</p> <p>The investigation was inconsistent with SA requirements that an independent supervisor conduct the investigation, and the use of OC under these circumstances was inconsistent with SA standards.</p>
L-17 NCI	<p>Two deputies arrested the subject for felony DUI hit and run without using force. He was transported to the hospital but refused to get out of the patrol vehicle, and de-escalation was not successful. A sergeant responded and directed that the deputies lift the subject from the patrol vehicle and place him in a wheelchair. The deputies used firm grips to remove the passively resisting subject from the vehicle and place him in the wheelchair. The subject refused to provide a blood sample, so a warrant was obtained. Eventually the subject allowed the blood draw, and force was not required. He was transported to Lancaster Station and booked. The sergeant commented that one of the deputies demonstrated poor officer safety upon the subject's detention and that his method of handcuffing was substandard.</p>

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	The investigation was adequate, and the very minor UOF was appropriately adjudicated as in policy.
L-18 NCI	<p>Deputies responded to a radio call at a restaurant. An employee told the deputies that the subject was a regular problem at the location because he came into the restaurant and began to masturbate. She wanted a private person's arrest for indecent exposure and trespassing. Deputies spoke with the subject and noticed that he exhibited the symptoms of being under the influence of methamphetamine. When deputies conducted a pat-down search of the subject they recovered a meth pipe. The subject did not cooperate with the deputies and told the deputies they would have to tase or spray him with OC. Deputies continued their efforts to de-escalate the situation unsuccessfully. Eventually they used control holds to handcuff the subject and escorted him to a patrol vehicle. He was transported to Lancaster Station and booked for indecent exposure and trespassing without further incident.</p> <p>The investigation was adequate, and the very minor UOF was appropriately adjudicated as in policy.</p>
L-19 NCI	<p>Deputies responded to a burglary in progress radio call and contacted the victim, who stated the subject attempted to throw a chair through the sliding glass door of his home to steal his dog. The victim pointed out the subject, who was walking nearby. Deputies detained the subject and handcuffed him without incident. As they attempted to escort the subject to the patrol vehicle, he pulled away, and they used firm grip to control him. He waived his Miranda rights and admitted attempting to steal the victim's dog "to save puppies." He was transported to the hospital for wrist pain, psychiatric issues, and booking clearance. He was then transported and booked at Lancaster. He was interviewed by the sergeant who responded to the location. The watch commander did not interview the subject, which was addressed by the captain.</p> <p>The very minor use of force was appropriately adjudicated as in policy.</p>
L-20 Cat. 2	<p>The subject was arrested for ADW with a vehicle and DUI because she intentionally crashed her car into her ex-boyfriend's car. She was transported to Lancaster Station, and during the booking process she refused to remove her jewelry. Deputies and a sergeant tried to persuade the subject to comply, but she would not cooperate. As a deputy attempted to remove the subject's jewelry, she pulled away, so they did a controlled team takedown and removed her jewelry. She resisted having her bracelet removed, so a deputy broke it off her wrist. The sergeant who was present completed the investigation at the watch commander's direction. It was later learned that the subject complained of an injury, so the categorization of the force was changed from Category 1 to Category 2.</p> <p>In his review, the watch commander stated: <i>"I feel they could have briefly left the subject with her handcuffs on. This possibility would have given the subject time to calm down and possibly gain compliance in taking off her jewelry. This could have possibly prevented the need to forcefully remove her jewelry and prevented the damage to her bracelet. The subject was in a cell by herself therefore the removal of her jewelry could have been attempted at a later time."</i> The captain included in his review that, though it is not part of the normal booking</p>

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	<p>process, the deputies could have waited for the subject to sober up before attempting to remove her jewelry. There are no indicia that the deputies involved were informed of the watch commander's and captain's opinion that waiting for the subject to sober up was something they should have considered. The captain also commented on the complete lack of timeliness of the investigative process and reiterated that he had implemented changes since his recent arrival.</p> <p>The investigation was adequate, and the use of force was appropriately adjudicated as in policy.</p>
L-21 Cat. 2	<p>A deputy working alone in the evening stopped a man riding a bicycle with no lights while rolling another bicycle by his side. The deputy wrote that the traffic stop was in a high crime area but provided no details and also that the subject was wearing baggy clothing, so he wanted to conduct a pat-down search for weapons. The deputy's BWC recording was viewed by the project manager and shows he approached the subject with no introduction and immediately placed his hands on the subject's arms, ordering him to get off his bike. When the subject complained about the stop, the deputy told him he was being detained for riding on the wrong side of the road and for a lighting violation. The deputy told the subject to put his hands behind his back, but the subject refused to do so. The deputy pulled on the subject's arms and told him to let go of the second bike. When the subject refused to do that, the deputy repeatedly said he was going to slam him into the ground if he didn't let go of the bicycle. The deputy did not include that threat in his report, which was addressed by the station captain. The subject became angry and repeatedly said, "Slam me into the ground, and I will sue your punk ass." The argument continued, and the subject then asked the deputy to call his sergeant and let him go. The deputy told the subject he was going to give him one more chance before pulling him from the bike. The subject pulled away, so the deputy pulled him from the bike. The man ended up on the ground on his hands and knees. The deputy was unable to control the man's hands for handcuffing and requested assistance. Multiple units and a sergeant responded. The subject resisted deputies' attempt to handcuff him, but he was not assaultive. Several deputies used firm grips and control techniques to handcuff the subject and escort him to a patrol vehicle.</p> <p>The subject was transported to Antelope Valley Hospital, where he refused to get out of the patrol vehicle. He threatened to spit on one of the deputies and directed a derogatory profanity at her. A spit hood was applied but he still refused to get out of the car. Hospital security was called in an effort to de-escalate the subject, but he continued to be uncooperative, yelling and screaming. A sergeant directed deputies to pull him from the vehicle, and two deputies did so in a controlled manner.</p> <p>In his critique of the incident, the sergeant stated that the initial deputy should have requested a supervisor and a backup as soon as the subject became agitated. He also noted that the deputy failed to identify himself and that he used profanity. He counseled the deputy for both shortcomings. The watch commander concurred with the sergeant's evaluation. The captain did not receive the report until eight months afterward. The captain directed a sergeant to speak with the deputy, discuss this incident, and express his displeasure with his</p>

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	<p>performance. He directed that the discussion be memorialized in a Performance Log Entry. The captain also scheduled a meeting with the deputy and assigned him to unit-level performance mentoring.</p> <p>While this incident clearly falls under Objective 2, Tactics and De-escalation, the use of force was not unreasonable. The deputy was alone at night stopping a subject wearing loose clothing in what was purported to be a high crime area. The suspect was also towing a bicycle alongside the bicycle he was riding on, which could be indicia of criminal activity. So, the cursory search for weapons was reasonable for the deputy's and the subject's safety. The subject's refusal to cooperate only served to heighten the deputy's concern for their safety. While we would have preferred a much more measured approach, including requesting backup much sooner, the use of force in this case was not out of policy and the deficiencies are better addressed under Objective 2: Tactics and De-Escalation.</p> <p>The force used by the deputies who responded as backup was based on their limited knowledge of the situation and was methodical, measured, and controlled and therefore consistent with Department policy. The force used at the hospital to get the subject out of the car was also controlled and consistent with policy.</p>
L-22 Cat. 2	<p>Two deputies in a marked patrol vehicle observed the subject walking in a residential alleyway and saw that he had a large flathead screwdriver protruding from his back pocket. The deputies wrote in their report that this was a high crime area and that in 2023 there had been approximately "5000 burglary thefts from motor vehicles." The primary deputy, who is a training officer, drove alongside the subject to start a conversation and asked him where he was going. The subject replied he was going home after picking up some food.²⁴ They then asked the subject for his name, and he replied that he didn't have to give them that information. They reversed their vehicle and told the subject he needed to stop because they were detaining him for a burglary investigation. The subject stated, "Don't come near me, sir. If you get out of the car, I'm backing up, as simple as that, I am in fear for my life." The deputies requested backup and exited their patrol vehicle. When they did so, the subject became visibly anxious and repeatedly yelled that he had not done anything wrong and that they had better not touch him. The subject also said that he had a screwdriver because he was a carpenter. He asked them to call a sergeant, which they did.</p> <p>Two deputies and a sergeant arrived on scene. The subject warned the deputies that he had anger problems and that he was trying to stay calm. The deputies asked if he had any weapons on him and he said only the screwdriver, and he placed it on the ground. The sergeant then opened a conversation with the subject, but the subject refused to give the sergeant his name or to have a seat on the hood of the patrol vehicle. One of the deputies told the subject that the screwdriver could be used to punch vehicle ignitions, and the subject said they</p>

²⁴ Nowhere in any of the reports does it say if the subject had any food in his possession. However, the BWC recordings show that he was carrying a white paper bag.

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	<p>could take the screwdriver. The deputies spent approximately 12 minutes trying to de-escalate the irate subject and to gain his cooperation.</p> <p>Under the sergeant's direction, the deputies approached the subject, and he backed up against a wall. The subject rolled up his sleeves, "positioned himself in a fighting stance," and asked why he was being detained. He was told that he was being detained for a vehicle burglary investigation because he had a screwdriver on him. The subject lifted his shirt to show the deputies he didn't have any weapons on him and told the deputies that he did not have any outstanding warrants. The primary deputy and another deputy displayed their Tasers. The subject was also told he was going to get sprayed, to which the subject replied he was allergic to pepper spray. Additional de-escalation attempts were unsuccessful. Under the sergeant's direction, the deputies approached the subject and applied firm grip. The subject resisted and the deputies were directed to do a team takedown, which they did in a controlled and methodical manner. The subject actively resisted and screamed. Deputies used control holds and handcuffed and applied a hobble restraint on the subject. The subject sustained a small laceration to his lip during the incident.</p> <p>The subject was escorted to and placed in a patrol vehicle. LA County Fire responded and medically evaluated the subject. He was transported to a hospital and cleared for booking. A watch commander approved a booking for PC 148(a)(1), and that charge was subsequently dismissed by the DA's office.</p> <p>When the watch commander spoke with the primary deputy, who is a training officer, he told the watch commander that he thought the subject was booked for carrying a dirk or dagger (PC 21310).²⁵ However, that charge requires that the dirk or dagger be concealed. The watch commander opined that the deputy had reasonable suspicion to detain the subject for PC 833.5 possession of a deadly weapon, which is also untrue, as that section requires: <i>"For purposes of this section, 'reasonable cause to detain' requires that the circumstances known or apparent to the officer must include specific and articulable facts causing him or her to subject that some offense relating to firearms or deadly weapons has taken place or is occurring or is about to occur and that the person he or she intends to detain is involved in that offense. The circumstances must be such as would cause any reasonable peace officer in like position, drawing when appropriate on his or her training and experience, to subject the same offense and the same involvement by the person in question."</i> None of this was present. The watch commander found the UOF to be consistent with Department policy.</p>

²⁵ "PC 21310 states: "Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who carries concealed upon the person any dirk or dagger is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170" (emphasis added).

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	<p>The station captain opined that the UOF was concerning, though he ultimately agreed with the watch commander's assessment that the UOF was nonetheless in policy. The captain's adjudication included, but was not limited to, the following.</p> <ul style="list-style-type: none"> • The primary deputy attempted to detain the subject for walking in an alley with a screwdriver in his back pocket for what he believed to be an illegally possessed dirk or dagger, despite knowing full well that the object was a screwdriver. • The screwdriver was plainly seen and identified and not concealed, which is an element of PC 21310. • The deputy drove alongside the subject as he walked away, using poor tactics to engage a subject that he believed to be armed. • The deputy appropriately called for backup and a sergeant. • When the field sergeant arrived, he informed the deputy he lacked reasonable suspicion needed for a lawful detention of the subject. • The field sergeant proposed that the screwdriver may amount to a burglary tool, yet the deputies were not initially investigating a recent burglary. • There were no indicia that deputies checked the surrounding area, vehicles, and/or residence before or after the incident to confirm whether a burglary had occurred. • The subject continued to refuse to submit to a detention or provide his name, which ultimately led to the deputies physically detaining him with control holds, a team takedown, and a resisted hobble restraint device. • The captain's main concern was the primary deputy's statement that he was concerned the subject would fail to obey the orders of deputies during future detentions if they simply let him go. • The primary deputy, who is a training officer, did not review his partner's report, and his partner was only in his first phase of training. • The primary deputy's tactics were poor, and he has since been disciplined for similar actions. • The detention of the subject <u>may</u> have been justified based on the opinion of a reasonable person; however, it was substandard and lacked specificity. • Finally, the primary deputy's failure to properly supervise his trainee partner and ensure the arrest report was accurate were not in keeping with the captain's expectations of him as a training officer. <p>Based on these issues, the captain assigned the primary deputy to Department-level Performance Mentoring Program. The deputy transferred from Lancaster Station just prior to the captain's review; however, the captain provided his new unit commander with this assessment so that his future conduct can be monitored and scrutinized.</p> <p>We agree with the captain's findings that detention of the subject <u>may</u> have been reasonable based on their observations. However, their report was inadequate and lacked specificity, and the statement that in 2023 the immediate area had been the subject of "over 5000 vehicle thefts" is at best an exaggeration. In addition to the captain's findings, a MET request should have been made. The BWC recordings</p>

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	clearly document that the subject was experiencing a mental health crisis. While the tactics and report writing and watch commander's review were substandard, we find the controlled and methodical UOF to be consistent with Department policy. However, without knowing what corrective action was taken for the similar incidents involving the primary deputy, we are unable to determine if those corrective actions adequately addressed the deputy's patterns that were pointed out by the captain.