

ANTELOPE VALLEY MONITORING TEAM FIRST STOPS AND BIAS-FREE POLICING AUDIT



**AUDIT TIME PERIOD: Third Quarter, 2021
REPORT DATE: September 2023**

CONTENTS

I. SUMMARY COMPLIANCE CHART	2
II. SETTLEMENT AGREEMENT	4
III. PURPOSE OF AUDIT	4
IV. METHODOLOGY	4
V. AUDIT FINDINGS	9
Objective 1: Reasonable Suspicion for Stops (SA Paragraph 41).....	9
Objective 2: Constitutional Stops (SA Paragraph 43)	10
Objective 3: Stops Documentation (SA Paragraph 44).....	11
Objective 4: Accurate and Specific Language (SA Paragraph 45).....	19
Objective 5: Conducting Backseat Detentions (SA Paragraphs 47, 48, and 49).....	21
Objective 6: Reason for Searches (SA Paragraphs 50 and 51)	27
Objective 7: Recording Request for Consent (SA Paragraphs 52.1 and 52.2).....	30
Objective 8: Rules for Conducting Searches (SA Paragraphs 52.4, 53, and 55).....	32
Objective 9: Probation and Parole Searches (SA Paragraph 56)	35
Objective 10: Supervisory Review (SA Paragraphs 58–63)	37
Objective 10.1: Supervisory Review Policy (SA Paragraph 58).....	37
Objective 10.2: Quantity and Quality of DDWS and Arrest Report Reviews (SA Paragraph 59).....	38
Objective 10.3: Reviewing Legal Sufficiency and Taking Corrective Action (SA Paragraphs 60–61)....	43
Objective 10.4: Tracking Repeated Violations and Deficiencies (SA Paragraph 62).....	47
Objective 10.5: LASD Holds Station Managers Accountable (SA Paragraph 63).....	49
Objective 11: Equal Protection (SA Paragraph 64)	54

APPENDICES

- A. All People Stopped During Audit Period (Including Passengers)
- B. All People Stopped (Including Passengers) Not Including Citation-Only or Warning-Only Stops
- C. Overall Sample: All People Stopped (Including Passengers)
- D. US Census Demographics for Incorporated Lancaster and Palmdale
- E. Definitions
- F. Key Documents
- G. Relevant LASD Policies

I. SUMMARY COMPLIANCE CHART

OBJECTIVES	COMPLIANCE METRIC	LASD COMPLIANCE PERCENTAGE	COMPLIANCE FINDING
Objective 1: Reasonable Suspicion for Stops (SA Paragraph 41)	95%	96%	In Compliance
Objective 2: Constitutional Stops (Paragraph 43)	97%	100%	In Compliance
Objective 3: Stops Documentation			
Required data entry fields (44 a, b, c, d, e, g, k)	95%	100%	In Compliance
Narrative: Reason for stops (44f)	90%	92%	In Compliance
Narrative: Reason for BSD (44h)	90%	86%	Not In Compliance
BSD length (44i)	95%	89%	Not In Compliance
Narrative: Reason for consent search (44j)	90%	76%	Not In Compliance
Objective 4: Accurate and Specific Language (Paragraph 45)	95%	98%	In Compliance
Objective 5: Conducting Backseat Detentions			
BSD justified (paragraph 47)	Qualitative	Qualitative	In Partial Compliance
BSD justified and explained (paragraph 48)	90%	<ul style="list-style-type: none"> 86% Unable to Assess 	<ul style="list-style-type: none"> Not in Compliance for BSDs in traffic stops Deferred related to domestic violence calls
BSD complaints referred to supervisor (paragraph 49)	90%	Unable to Assess	Unable to Assess: Insufficient data
Objective 6: Reason for Searches			
Discretion searches not based on protected class status (paragraph 50)	97%	Unable to Assess	Unable to Assess: Insufficient data (100% compliance for consent searches only)
Searches not arbitrary (paragraph 51.1)	95%	Unable to Assess	Unable to Assess: Insufficient data
Reasonable request for consent search (paragraph 51.2)	95%	79%	Not In Compliance
Objective 7: Recording Request for Consent			
Record request for consent search and response (paragraph 52.1)	85% (for the first year)	26%	Not in Compliance
LEP individual informed in appropriate language (paragraph 52.2)	95%	Not Assessed	Not assessed because 52.1 out of compliance; inquiry halted
Objective 8: Rules for Conducting Searches (Paragraphs 52.4, 53, 55)	95%	Unable to Assess	Unable to Assess: Insufficient data
Objective 9: Probation and Parole Searches (Paragraph 56)	90%	0%	Not in Compliance

OBJECTIVES	COMPLIANCE METRIC	LASD COMPLIANCE PERCENTAGE	COMPLIANCE FINDING
Objective 10: Supervisory and Management Review			
Additional accountability practices to ensure policy is followed (paragraph 58)	Qualitative	Qualitative	Not in Compliance
Weekly DDWS audits and additional review as indicated (paragraph 59)	95%	<ul style="list-style-type: none"> • 76% • 100% • 85% • 100% • 0% 	<ul style="list-style-type: none"> • Not in Compliance for regular review of DDWS logs • In Compliance for regular review of arrest reports • Not in Compliance for thorough review of DDWS logs • In Compliance for thorough review of arrest reports • Not in Compliance for further supervisory reviews
Deficient narrative reviewed with deputy (paragraph 60)	95%	0%	Not in Compliance
All violations and deficiencies addressed (paragraph 61)	95%	91%	Not in Compliance
Repeated violations tracked (paragraph 62)	Qualitative	Qualitative	Not in Compliance
Managers held accountable for stops reviews (paragraph 63)	95%	Qualitative	Not in Compliance
Objective 11: Equal Protection (Paragraph 64)			
Equal protection and bias-free policing (paragraph 64.1)	Qualitative	Qualitative	Partial Compliance
Immigration status not reason for stop (paragraph 64.2)	Qualitative	Qualitative	In Compliance

II. SETTLEMENT AGREEMENT

In August 2011, the Department of Justice’s (DOJ) Civil Rights Division began its investigation into allegations that the Los Angeles County Sheriff’s Department (LASD or the Department) engaged in unconstitutional policing at the Lancaster and Palmdale stations in the Antelope Valley (AV). In April 2015, the DOJ and LASD entered into a Settlement Agreement (SA) in which the Department agreed to certain changes to the way it provides law enforcement services to communities in the AV.

Broadly stated, LASD agreed to the following regarding Stops and Bias-Free Policing:

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

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

III. PURPOSE OF AUDIT

This audit was performed to determine whether LASD is adhering to certain provisions of the SA. The audit assesses Department compliance with most provisions of the SA Stops, Searches and Seizures section, with one provision of the Bias-Free Policing section, and with related state and federal laws and LASD policy. This report provides the methodology, findings, rationale for compliance assessments, and recommendations in furtherance of the Department’s progress toward compliance.

IV. METHODOLOGY

A. AUDIT SCOPE

The audit encompasses 11 objectives.

- Objective 1: Reasonable Suspicion for Stops (SA paragraph 41)
- Objective 2: Constitutional Stops (SA paragraph 43)
- Objective 3: Stops Documentation (SA paragraph 44)
- Objective 4: Accurate and Specific Language (SA paragraph 45)
- Objective 5: Conducting Backseat Detentions (BSD) (SA paragraphs 47, 48, 49)

- Objective 6: Reason for Searches (SA paragraphs 50, 51)
- Objective 7: Recording Request for Consent (SA paragraph 52.1, 52.2)
- Objective 8: Rules for Conducting Searches (SA paragraphs 52.4, 53, 55)
- Objective 9: Conducting Probation and Parole Searches (SA paragraph 56)
- Objective 10: Supervisory Review (SA paragraphs 58, 59, 60, 61, 62, 63)
- Objective 11: Equal Protection (SA paragraph 64)

The audit did not specifically assess compliance with the following: Departmental reviews (SA paragraphs 46 and 68), outreach concerning the right to refuse consent (52.3), external consultation (65), Limited English Proficient (LEP) (66), performance evaluation (67), surveys (69, 72) or searches related to Section 8 vouchers (52.3, 54, and part of 55). These provisions are assessed using different methodologies. Paragraph 42 was not formally assessed for compliance, but the Monitoring Team (MT) provides insights based on reviews of body-worn camera (BWC) videos conducted for other purposes.

The Department has published the policies required for these provisions. Training for stops provisions was approved and implemented. However, the Department should consider the results of this audit as it assesses the need for any changes or enhancements to the approved policies and trainings. (See audit recommendations 3c and 10i; see also the Monitors' semi-annual reports for more information.¹)

B. AUDIT TIMELINE

Per SA paragraph 159, the MT provided its audit work plan to the Parties on October 18, 2021. The MT and Parties had extensive discussions about the plan on site visits and via email. Based on those comments and discussions, the MT submitted a revised plan on November 20, 2021, for the Parties' review and feedback. The MT received a written comment from DOJ in early December 2021. The MT began a series of data and information requests for the assessment in November 2021; LASD provided data and documents from then through mid-June 2023. The MT was able to move forward with the assessment of most of the objectives for this audit while others were hampered by the lack of data quality and, in some cases, the length of time it took to receive documents in response to the requests.

C. AUDIT POPULATION

The audit population includes stops, searches, and other contacts during the third quarter of 2021 (July, August, and September). In addition to deputies assigned to one of the LASD-AV stations, the population included actions taken by Operation Safe Streets (OSS), Community Oriented Policing Services (COPS), Parks, Narcotics, and County Services Bureau personnel while they were working in the AV.

¹ AV MT Semi-Annual Reports can be viewed at <http://antelopevalleysettlementmonitoring.info/>

Most audit objectives focus on investigative stops—including pedestrian, bicycle, and vehicle stops—and typically exclude traffic citation or warning stops where no other enforcement action occurred. Investigative stops require significant evaluative judgment by deputies and have a significant impact on the AV community.

The audit populations and sampling were specific to each objective and are described in those sections. The overall stops population from which populations and samples were established for individual objectives follow; additional data were collected for some objectives (home searches, domestic violence).

For all stops in the third quarter 2021:

- N = 8,568: 2,629 (30.7%) Lancaster and 5,939 (69.3%) Palmdale.²
- Codes 840-842 (pedestrian, bicycle, and vehicle stops) and codes linked back to an 840-842 stop (i.e., 843, 778, 779, 780).
- The 8,568 stops represent 9,701 people stopped including passengers: 2,888 (29.8%) Lancaster and 6,813 (70.2%) Palmdale.

For citation- or warning-only stops (no arrest, BSD, or search):

- 5,460 vehicle code only; 1,545 (28.3%) Lancaster and 3,915 (71.7%) Palmdale.

Total stops after removing citation-only or warning-only stops:

- 3,108 stops: 1,084 (34.9%) Lancaster and 2,024 (65.1%) Palmdale.
- 4,014 people stopped including passengers: 1,313 (32.7%) Lancaster and 2,701 (67.3%) Palmdale.

See Appendix A, All People Stopped During Audit Period (Including Passengers), for tables showing detailed demographics and outcomes for the population.

D. AUDIT PROCEDURES

Where possible, the audit samples were drawn from the Lancaster and Palmdale stations proportional to the population being drawn for each station (arrests, searches, deputies completing logs, etc.) so compliance with each objective could be assessed on an AV-wide basis. Results are reported AV-wide and, when possible, by station.

The MT made a series of data and document requests and had several discussions related to these requests with the Department's Compliance Unit (CU). Generally, the MT requested LASD (through the

² The MT has discussed these statistics with the stations. Palmdale focuses a more significant amount of resources on traffic enforcement compared with Lancaster; this accounts for Palmdale's higher stop rates.

CU) to send all written documentation associated with the cases chosen for review, including BWC videos in some instances. The MT reviewed all materials received.

Computer aided dispatch (CAD) data was available for every stop in the samples.³ Additional documentation available in many cases included one or more of the following: incident report, citation, arrest report, probable cause declaration, statement of facts, and supplemental reports. For objectives referring to arrest reports, the MT reviewed whatever combination of this extra documentation was available.

For the purposes of efficiency and effective use of resources and at the request of the Department, each sample was used to assess multiple objectives as much as methodologically appropriate.⁴ By this method, a single review of one CAD narrative might address multiple objectives.

Compliance metrics used to measure each objective were agreed upon by the Parties and the MT. The MT made a qualitative and/or quantitative determination of compliance for each stop reviewed; those determinations for each case are tallied to determine compliance for each provision.

Compliance determinations were based on all information available and provided to the MT for each case. Qualitative assessments were based on practical experience in law and policing (patrol, investigations, management, and auditing) and knowledge of the relevant SA requirements, LASD policy, and law. Each case was assessed by at least two MT members. When necessary, the Monitors made the final determination of compliance. This report provides the rationale and context for the MT's compliance determinations.

The MT provides a detailed explanation of the procedures used in each objective. The MT found significant shortfalls in the available data. As noted as a possibility in the audit plan, there are a few instances where methodologies or compliance metrics were adjusted based on available data or other relevant information identified during the audit. The MT has communicated with the Parties throughout this process with regard to available data, methodologies, and preliminary findings and themes.

E. AUDIT LIMITATIONS

LASD's current CAD system brought limitations in both identifying audit populations and conducting the compliance assessments. Documentation for some stops is limited to CAD data, with no additional written reports or documentation. Deputies have the option to open an additional CAD entry and continue their narrative, but this seldom occurred in the data reviewed by the MT. For these cases, the

³ Home-based search documentation did not always have an associated CAD entry.

⁴ For example, the first sample created, addressing reasonable suspicion, was from the population of all stops. All cases in that sample that happened to have a consent search were then included in the samples for the objectives addressing searches. To reach a valid sample size, additional cases were added to the sample based on random selection from the remaining cases in the original population.

sole methods for auditors—as well as supervisors and managers—to assess the stop and the actions taken are through the CAD data or BWC video review.

CAD has a limited level of detail in dropdown menus and limited space in narrative fields describing actions taken, the reasons for those actions, and outcomes. It also became apparent during the audit that CAD entries are not completed in a consistent fashion for some types of activities. These limitations, as well as data reliability issues, made it particularly difficult for the MT to identify populations of cases involving domestic violence, home searches, and probation and parole searches.

Since the start of the SA in 2015, the Department has been aware of the need to collect and track this data—for compliance audits, for regular performance and accountability reviews by supervisors and managers, and for data analysis—to assess possible disparities and to inform practice. Unfortunately, due to these data limitations, numerous paragraphs were deemed Unable to Assess in this audit. (While attempting to complete the audit, the MT and the CU identified some of the gaps and deficiencies in data collection and how CAD allows data to be searched and categorized. To be found in compliance in future audits, those data system shortcomings must be corrected.)

For some cases in the audit, associated reports and BWC footage were reviewed in conjunction with the CAD data and other documentation to provide the most complete and reliable information to assess compliance. As laid out in the audit plan, the MT viewed BWC footage of stops for which additional information was needed to illuminate or verify the available documentation. We did not attempt to create statistically valid samples of cases for the purpose of reviewing BWC footage or comparing CAD data to BWC footage. Rather, we created valid samples of stops and viewed BWC footage for just some of those stops.

Reviewing BWC footage for all cases was not feasible due to time and resource constraints. The MT recognizes a camera may not capture every movement, activity, or audio. The MT relied on BWC videos for compliance assessments only when, in the MT's judgment, the footage provided clear evidence for or against compliance. Also, BWC footage has its own limitations; for instance, it does not include what a deputy observed before initiating a stop, and it does not typically provide insight into a deputy's reasoning for actions taken.

The specifics of the limitations and the impacts of the shortfalls of the data are discussed with each objective. (See Objective 3 for a full discussion of CAD concerns, as well as the MT's recommendation that future audits more fully incorporate BWC video review.)

V. AUDIT FINDINGS

OBJECTIVE 1: REASONABLE SUSPICION FOR STOPS (SA PARAGRAPH 41)

Determine if investigatory stops and detentions were conducted only when the deputy had established reasonable suspicion.

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

4. AUDIT POPULATION AND SAMPLING

The statistically valid audit sample consisted of 100 randomly selected stops selected from the population of 3,108 stops (codes 840, 841, and 842 not including citation or warning-only). The sample used to assess paragraph 41 was n=100 (35 Lancaster, 65 Palmdale) as agreed to by the Parties.

5. METHODOLOGY

As agreed to in the audit plan, the MT reviewed CAD data for each stop in the sample, including the narratives, describing the reason for the stop and other contextual information. If the MT needed to gain a better understanding of the stop, it reviewed other available associated reports and documentation such as incident reports, field citations, and BWC footage.

6. COMPLIANCE MEASURES

In reporting of investigatory stops or detentions in crime reports, arrest reports, or any other official LASD reports documenting law enforcement action, the deputy has reasonable suspicion that a person has been, is being, or is about to be engaged in the commission of a crime (paragraph 41).

The decisions and actions described in the CAD narratives for 44f and in the other reports documenting law enforcement actions are consistent with LASD policy, the law, and relevant SA provisions.

For at least **95%** of investigatory stops and detentions, there exists reasonable suspicion that the subject of the stop or detention has been, is being, or is about to be engaged in the commission of a crime, or supervisors identified that an unconstitutional stop or detention occurred and took appropriate remedial action.

7. FINDINGS FOR OBJECTIVE 1

Finding 1 (paragraph 41): In Compliance. Reasonable suspicion was established in 96% (96 of 100) of the stops reviewed, above the 95% standard.

Four stops did not clearly articulate the reasonable suspicion for the stop in CAD. A basis for reasonable suspicion could also not be ascertained through review of all written documentation and BWC footage for each of these four stops.

As reported in Objective 3, during the audit, the MT found discrepancies between CAD data and BWC footage on a subset of cases being reviewed for the various objectives. Despite this finding, the MT cannot make assumptions about how such discrepancies may have impacted each objective. The cases in which discrepancies were found were not randomly selected for the purpose of assessing the reliability of CAD, and the review of BWC videos for every case was not part of the audit plan or practical. Also, not all objectives or CAD data are equally likely to have discrepancies. Nevertheless, we recommend that future audits by the MT and the Audit and Accountability Bureau (AAB) include the regular review of BWC video, especially when no other documentation for a stop exists besides CAD.

OBJECTIVE 2: CONSTITUTIONAL STOPS (SA PARAGRAPH 43)

Determine if deputies appropriately established reasonable suspicion or probable cause, and if they did not, determine if supervisors identified the issue and took corrective action.

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

1. AUDIT POPULATION AND SAMPLING

The audit sample consisted of 100 randomly selected stops selected from the population of 3,108 stops (codes 840, 841, 842 not including citation-only or warning-only). The sample used for this objective was the same one used in Objective 1.

2. METHODOLOGY

The MT reviewed CAD data for each stop in the sample, including the narratives, describing the reason for the stop and other contextual information. If the MT needed to gain a better understanding of the stop, it reviewed other available associated reports and documentation such as incident reports, field citations, and BWC footage.

The compliance assessment considered whether (1) adequate and appropriate information was provided to document reasonable suspicion; and (2) there was an absence of evidence or indication

that race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation was used as a factor inappropriately.

3. COMPLIANCE MEASURES

For at least **97%** of stops included in samples reviewed during MT Stops/Bias-Free Policing audits, there is:

- No evidence that deputies used race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause, except as part of actual and credible description(s) of a specific suspect or suspects in any criminal investigation; **or**
- A supervisor who identified that an unconstitutional stop or detention occurred took appropriate remedial action.

4. FINDINGS FOR OBJECTIVE 2

Finding 2 (paragraph 43): In Compliance. All 100 cases did not show evidence that deputies used race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor in establishing reasonable suspicion or probable cause.

Note: The MT did not find evidence of a violation of this provision at the individual stop level. A systematic review of LASD activities and a macro view of LASD stops in the AV that may lead to disparate treatment are required under the Bias-Free Policing section of the SA. (See also Objective 11.)

OBJECTIVE 3: STOPS DOCUMENTATION (SA PARAGRAPH 44)

Determine if deputies completed all required data entry fields in their mobile digital computer (MDC) patrol logs.

SA paragraph 44: LASD-AV deputies shall document the following information about patrol activity in their MDC patrol logs: (a) the deputy's name; (b) the date and time of the stop; (c) the location of the stop; (d) the race/ethnicity of each individual stopped, detained, or searched; (e) the disposition of the stop, including whether a citation was issued or an arrest made; (f) a concise narrative articulating specific facts and circumstances that support reasonable suspicion or probable cause for investigative stops and detentions consistent with the radio clearance code (Noting a radio clearance code, or the code for the resulting citation or other result, will not be deemed sufficient articulation of legal support for the stop or search.); (g) whether they asked an individual about his/her probation or parole status, and what the answer was; (h) where a backseat detention was conducted, a narrative articulating a reason, consistent with LASD policy and the law, as to why each backseat detention was necessary, as well as the reasonable suspicion for the investigation; (i) the length of any backseat detention; (j) whether a consent search of an

individual was conducted, and if so, the reason for seeking consent; and (k) whether a vehicle was impounded and the justification for the impoundment.

1. AUDIT POPULATION AND SAMPLING

For quantitative assessment of 44 a–e, g, i, j, and k, the MT reviewed *all* CAD entries in third-quarter 2021 stops population (N = 8,568 stops and N= 9,701 individuals stopped, including any vehicle passengers). This method diverges from the audit plan: It was used because an automated assessment of completed fields in CAD for every stop in the audit period was a simple, time-efficient, and highly reliable process and did not require sampling as was originally planned.⁵

For qualitative assessment of 44 f, h, and j, the MT reviewed random, statistically valid samples (each n=100) drawn from the third-quarter stops population of (1) all stops (see Objective 1); (2) stops involving BSDs (see Objective 5); and (3) stops involving consent searches (see Objective 6).

2. METHODOLOGY

Paragraph 44 subsections a–e, g, i, j, and k were assessed quantitatively. The MT assessed whether all required fields were completed. The compliance percentage for each subsection was the percentage of stops for which that item/field was completed among the total number of stops in the sample for which that field was required.

Items 44 f, h, and j were assessed qualitatively. The qualitative determination was based on whether the totality of the information provided was sufficient to assess the legality of the stop (44f), why the BSD was necessary (44h), and the reason for the request for a consent search (44j). In reviewing the narratives, the MT determined if the actions and the reasons for the actions were sufficiently articulated to allow auditors to make a determination that the stop was justified according to the SA, LASD policy, and relevant state and federal laws.

Where needed, the MT reviewed incident reports, other documentation associated with the stops, and BWC video to better understand what was written in the narrative. However, to be compliant with the requirements of paragraph 44, the narrative needs to stand alone as a sufficient description of the action. (Note: Only the quality and sufficiency of the narrative are measured in this objective; the justification for the stop is assessed under Objectives 1 and 2.)

Inconsistencies in data entry made it difficult to reliably establish which stops included BSDs. Although deputies are supposed to use the contact type code of B or C whenever a BSD occurs, this was not consistently done, likely because there are several options for the contact type field, and deputies may not all prioritize BSDs over those other options.

⁵ For the same reason, the MT included compliance findings for the CAD fields related to 44 a, b, and d despite the Parties having agreed they did not need to be audited because they cannot be skipped or left blank.

Deputies are also required by LASD policy to enter a BSD length of time on every stop; if there is no BSD, the time length should be entered as zero. However, length of time is not a required field in the sense that CAD allows deputies to close out a tag without a time being entered, so the length of time field can be left blank.

The narrative is a third field that can be used to identify if a BSD occurred. Deputies are supposed to, but sometimes fail to, indicate the reason for any BSD conducted. The auditors spoke with LASD, and it was agreed that the most reliable way to identify stops involving BSDs was to use the “length of time” CAD field. Thus, the MT drew the sample from stops with a length of time entered for BSDs. As the work continued, the MT verified which stops involved BSDs by cross-checking the three fields: contact type, length of time, and the narrative.

For the consent search oversample (44j), the auditors focused on the specific question of whether a consent search was conducted and if a reason for seeking the consent was listed in CAD. (Whether the request for consent and the response were recorded was evaluated under Objective 7.)

3. COMPLIANCE MEASURES

a. At least 95% of the time for each item below (measured independently of one another), deputies document the following information about patrol activity in their MDC patrol logs.

- Deputy’s name (44a)
- Date and time of the stop (44b)
- Location of the stop (44c)
- Race/ethnicity of each individual stopped, detained, or searched (44d)
- Disposition of the stop, including whether a citation was issued or an arrest made (44e)
- Whether they asked an individual about their probation or parole status, and what the answer was (44g)
- Length of any BSD (44i)
- Whether a consent search of an individual was conducted (reason for consent addressed below) (44j)
- Whether a vehicle was impounded and the justification for the impoundment (44k)

b. At least 90% of the time for each item below (measured independently), deputies’ MDC patrol logs contain narratives articulating the following.

- Specific facts and circumstances to support reasonable suspicion or probable cause for investigative stops and detentions consistent with the radio clearance code. (Noting a radio clearance code, or the code for the resulting citation or other result, is not sufficient articulation of legal support for the stop or search.) (44f)

- Why any BSD that was conducted was necessary, as well as the reasonable suspicion for the investigation. (44h)
- Reason for seeking consent when a consent search was conducted. (44j)

4. FINDINGS FOR OBJECTIVE 3

Finding 3a (paragraph 44a): In Compliance. Of 8,568 stops, 8,568 (100%) had the deputies' names.

Finding 3b (paragraph 44b): In Compliance. Of 8,568 stops, 8,568 (100%) had the date and time of stop.

Finding 3c (paragraph 44c): In Compliance. Of 8,568 stops, 8,568 (100%) had the location of stop.

Finding 3d (paragraph 44d): In Compliance. Deputies included the race/ethnicity of 9,701 (100%) out of 9,701 people stopped.

Finding 3e (paragraph 44e): In Compliance.⁶ Of 8,568 stops, 8,568 (100%) indicated the disposition of the stop.

Finding 3f (paragraph 44f): In Compliance. Of 100 stops, 92 (92%) narratives provided a concise narrative of facts and circumstances that supported reasonable suspicion or probable cause. This is above the 90% rate needed for compliance.

Finding 3g (paragraph 44g): In Compliance. Of 9,701 people stopped, deputies documented that they asked 2,759 of those people if they were on probation or parole. (Deputies indicated that they had *not* asked about probation or parole in all but one of the remaining 6,942 entries.) Deputies entered the responses received from those 2,759 people 100% of the time.

Finding 3h (paragraph 44h): Not in Compliance. Only 86 of 100 stops (86%) that involved BSDs included a narrative that articulated the reason why the BSD was conducted. This falls below the 90% rate needed for compliance.

Finding 3i (paragraph 44i): Not in Compliance. The length of time of a BSD was listed in 8,638 of 9,701 (89%) of the records of people stopped. This falls below the 95% rate needed for compliance.

As discussed in the methods section, LASD policy requires deputies to enter the BSD "length of time" field regardless of whether a BSD occurred during the call. If no BSD occurred, deputies are supposed to

⁶ Further breakdown of information follows: Search of person (PSEARCH): missing for one person (another person was listed in stop with a PSEARCH reason); <0.1% of 9,701 people stopped; Search of vehicle (VSEARCH): There were 125 (1.5%) out of 8,568 stops that were missing vehicle search reason. There were also 125 stops missing a reason for a stop (PCAUSE) and are the same stops missing a VSEARCH.

enter “0” for length of time. Therefore, 11% of cases with missing information for BSD length of time are against policy and thus not in compliance.⁷

The SA and compliance metrics refer to “any backseat” detention, which may imply that the compliance calculation should only include stops where a BSD did indeed occur. This would require evaluating 44i by calculating how often deputies enter a time length when it is known that a BSD occurred. However, as described in the methods section, it is difficult to determine all stops that involved a BSD, so the policy is a more reliable basis for assessment.⁸

Finding 3j (paragraph 44j): Not in Compliance. Deputies provided a reason for seeking consent when a search was conducted in 76 (76%) of 100 stops, below the 90% rate needed for compliance.⁹

Finding 3k (paragraph 44k): In Compliance. Of 8,568 stops, 8,568 (100%) indicated whether a vehicle was impounded and the justification for the impoundment. (Note: The justification for impoundment is a dropdown field, not a narrative.)

5. ADDITIONAL MT OBSERVATIONS RELATED TO OBJECTIVE 3

a. CAD data limitations

The MT has raised concerns regarding LASD’s antiquated CAD system since the inception of the monitoring activities. CAD’s shortcomings made the compilation and analysis of stops documentation for the MT’s audit—and therefore for supervisory and management review at the stations—difficult and in many ways unreliable. The following are examples of such concerns.

- CAD allows only one entry in key categories, and this limits a deputy’s ability to fully explain each reason why the deputy took each action and for data analysts to identify trends and issues. Deputies can have several reasons to take each action. For example, a search of a person may be justified via consent, parole/probation, and probable cause, but deputies must choose just one of these from dropdown menus. This means many stops lack the necessary information to evaluate key details of the stop by either the MT or LASD supervisors and managers.
- CAD allows the entry of only up to two people per stop. When more than two people are stopped, deputies need to make an extra entry and reference the original entry. This can introduce errors and make data analysis complicated.
- CAD cannot distinguish all actions taken or the resulting outcomes for each individual contacted when more than one person is involved unless it is clearly detailed in the narrative for which there is

⁷ Of the 9,701 people stopped, BSD length of time was left blank for 1,063 (11%). Of the 89% where length of time was listed, most indicated a duration of “0”.

⁸ The MT identified at least 63 stops (representing 110 individuals stopped) where the BSD length was 0 or missing, but the narrative indicated that a BSD occurred. Similar discrepancies occurred when comparing length of stop to contact type.

⁹ Search of person: missing for one person; <0.1%. Of 9,701 people stopped 609 (11.1%) had a consent person search. Search of vehicle: missing for 1.5% of stops; see disposition 44(d) above. Of 8,568 stops, 369 (4.3%) had a consent vehicle search.

not usually enough space to document everything. These include person-specific actions, such as length of BSD or person search.

- The system allows some fields required by policy to be left blank, such as the length of a BSD, vehicle search, and even the reason for the stop.
- LASD-AV supervisory reviews of CAD logs regularly find errors. Extrapolating the number of errors found in the relatively few cases reviewed by supervisors suggests it is likely that a high proportion of stops contains data errors and inconsistencies. Furthermore, errors that are found are not typically corrected in CAD, so that chance to improve reliability is not taken.
- Deputies describe their often-complex stops in the space provided in CAD. But one of the most important CAD data entry fields—the narrative field, where deputies describe what occurred during the stop and the reason for stops, searches, detentions, car seizures, etc.—allows only 156 characters. This forces deputies to use abbreviations, truncations, and other shortcuts and, in many cases, entirely omit important information.¹⁰
- While assessing other objectives for compliance, the MT found that CAD information did not always align with the related video. In stops involving more than one individual or resulting in any further action such as a search, BSD, or vehicle tow, the CAD fields and narrative often did not provide sufficient detail or specificity to fully understand what occurred for the purposes of assessing deputy conduct or the legality of the actions. The MT also observed cases involving BSDs and consent searches where there were discrepancies between what was written in documents and what was observed in BWC videos. (See detailed discussion in the CAD and BWC Comparison section.) These discrepancies could be the result of deputy data-entry error, the idiosyncrasies of CAD, or both. These observations call into question the validity of CAD data entered by LASD deputies.
- The unreliability of CAD means the managers at LASD will not receive complete and meaningful reports about the enforcement activity of their staff (SA paragraphs 58–63). This puts into question the usefulness of supervisory review of stops that rely on CAD data rather than using BWC video to provide a more complete understanding of each stop.

In short, the MT has doubts that the current CAD captures accurate and thorough data for all the critical supervisory, accountability, risk management, and data analysis processes for which it is relied upon. The Department has stated its intention to replace the current CAD with a new system that can address these failures, but this is still several years from implementation.

In the meantime, the Department should validate the data contained in CAD, take steps to increase the reliability where possible, and, as often as possible, make corrections in CAD when errors are identified. Also, the MT has encouraged the Department to explore modifying the Sheriff's Automated Contact Reporting System (SACRS) to augment the functionality of CAD. SACRS is essentially a parallel system used to collect more extensive data required by the state of California for stops and detentions.

¹⁰ It is possible to open a new CAD narrative entry for additional space, but this option is rarely used by AV deputies.

b. CAD and BWC comparison

The MT observed BWC footage of stops where the activities shown conflicted with CAD entries in significant ways. A “conflict” was noted when at least one thing written or indicated in CAD (e.g., “furtive movement,” “BSD based on weather,” or consent for search asked for and provided) was not represented in the accompanying BWC video(s). Specifically, as part of the audit of various objectives, the MT reviewed BWC video for 40 cases involving BSDs and/or consent searches.

- In 17 (42.5%), the CAD statements were consistent with the BWC footage.
- In 23 (57.5%), at least one statement or point of fact in CAD was not consistent with the footage.

As with many objectives in this audit, late activations or early deactivations of BWCs caused significant difficulties when assessing many of these stops and were considered when determining if a conflict existed.

As described in the Audit Procedures section, the MT did not randomly select cases for the purpose of comparing CAD data to BWC footage. The fact that we found high a rate of discrepancies when we compared CAD data and BWC footage is a very concerning finding that needs to be considered moving forward both for the purposes of planning MT and LASD audits and for supervisorial review, use of force, and complaints investigations, etc. However, for the current audit, the MT has followed the approved audit work plan, except where indicated. We note where we believe CAD reliability issues may have impacted findings. (See Recommendation 3b.)

c. Late activation and early deactivation of BWC

The MT watched BWC videos for a total of 60 stops as part of the various audit objectives.¹¹ For 43 (72%) of those incidents, one or more BWCs on scene had late activation or early deactivation of the recordings. This violates LASD policy and SA paragraph 52. It also limits the MT’s ability to fully assess compliance and the Department’s ability to use the BWC footage in their investigations and audit.

The MT recognizes this was early in the BWC program for LASD, but this was an unacceptable rate of adherence to the BWC policy. The MT sought to use BWC footage to better understand what took place during the stops. The lack of complete recordings significantly hindered a full review of the events. The MT recognizes LASD proactively recognized this problem and instituted corrective measures—including review of randomly selected BWC videos to assess if they were started according to policy—but that did not mitigate the impact on this audit. There was an unacceptable rate of compliance with the policy. This was also troublesome because in the available BWC footage, there were conflicts with what was observed on camera and documented in CAD.

¹¹ Five out of the 60 stops reviewed included three stops conducted by detectives who had not yet been provided with a BWC and two for which BWC video was not recorded.

d. Interactions with passengers

Among the BWC videos reviewed for the various audit objectives, the MT saw numerous examples where LASD deputies interacted in a directive way with the passengers during enforcement stops. These interactions often were elevated into detentions without a justification documented in CAD or apparent on video. For some deputies, the practice of asking passengers for identification or asking passengers to sit on the curb seemed to be a routine occurrence, yet LASD does not track this activity. In at least one case, the deputy erroneously stated California law requires the passenger in a vehicle to provide ID.

e. Deputy intervention

In several of the stops reviewed where a deputy's comments and/or actions were likely to harm community trust or violate the SA, the MT noted the presence of other deputies on the scene who were in a position to say something to the other deputies or step in to calm down the situation, but failed to do so. Examples include stops in which deputies were rude to community members, unnecessarily escalated situations, and did not explain the reasons for BSDs despite the subject asking for a reason. Law enforcement professionals owe it to the community and each other, ethically and professionally, to step in when other personnel act contrary to legal or policy requirements or in ways that may damage the Department–community relationship.

6. RECOMMENDATIONS

Recommendation 3a. Include BWC Footage in Regular Supervisory Reviews. Given concerns about the accuracy and completeness of CAD and other written documentation, the MT has recommended that LASD include regular and meaningful review of BWC footage, along with review of written documentation in order to provide adequate evaluation of deputy decision making and actions. This is perhaps the most important recommendation for this audit, and one that applies to almost every objective. The MT has provided feedback to LASD's initial plans for regular supervisory audits of BWC video.

Recommendation 3b. Incorporate BWC Footage Into Future Audits. Also due to concerns regarding CAD, the MT plans to more fully incorporate BWC video review into its future audit methodologies. Rather than reviewing video in certain circumstances, we will ensure that the audit plan includes review of BWC video in every case rather than relying on CAD data. We have encouraged the AAB to do the same; they have indicated they are doing so with their current stops and detentions audit.

Recommendation 3c. Modify SACRS. This audit raises doubts that the current CAD system is capable of providing accurate and thorough data for all the critical supervisory, accountability, risk management, data analysis, and auditing processes for which it is relied upon. LASD has stated its intention to replace CAD with a new system that can address the failures of the current system, but this is several years from implementation. In the meantime, the MT encourages LASD to explore modifying SACRS to collect required data for the state of California so it can be used as the primary method of

collection for Department data regarding stops and detention until the new CAD is built. Among other capabilities, LASD should ensure SACRS—and any future CAD system—can capture all the reasons for a stop, reasons for conducting a search, and actions taken during a stop specific to the individual being stopped and also to ensure the space for the narrative is sufficient to accurately summarize what happened during a stop. This change would provide a more complete picture of deputy activities. The criteria for inclusion of an action in SACRS is broader than what is done in CAD. For instance, if a stop immediately results in an arrest, a BSD is not required to be noted in CAD. Also, SACRS requires deputies to assess and record whether any individuals contacted had limited English proficiency. This change would also reduce data entry time for deputies by not requiring separate stop data entries for both CAD and SACRS.

Recommendation 3d. Assess Training Effectiveness. Deputies have been trained in the requirements for Objective 3 for over six years, but results of this audit and of DOJ and MT case reviews call into question the effectiveness of the training offered to date for this and other SA provisions. The MT and DOJ have stressed the need for refresher and/or additional training for AV deputies regarding constitutional policing, bias-free policing, procedural justice, and use of force. The MT has provided feedback on LASD’s training revision plan and will track and evaluate progress moving forward.

OBJECTIVE 4: ACCURATE AND SPECIFIC LANGUAGE (SA PARAGRAPH 45)

Determine if deputies used accurate and specific descriptive language and did not rely solely on “boilerplate” or form language in any reports describing factual circumstances of investigatory stops, detentions, and searches.

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

1. AUDIT POPULATION AND SAMPLING

Paragraph 45 applies to narratives used in crime reports, CAD entries, and other reports describing factual circumstances of investigatory stops, detentions, and searches. The MT used the same sample in this objective as the one used in Objective 3, which resulted in the review of CAD entries for 229 stops and review of additional reports for 56 of those stops, including 27 incident reports and various other documentation such as arrest reports, statement of facts, and probably cause declarations.

2. METHODOLOGY

The MT identified and documented the use of accurate and specific descriptive language as part of the review of the incident reports, arrest or search documentation, and other relevant documentation of enforcement actions.

When boilerplate language was evident, the MT assessed whether the use of boilerplate language¹² rendered the description of enforcement actions to be insufficient for supervisors, managers, and auditors to properly and accurately assess whether the action was conducted in accordance with the SA, LASD policy, and relevant state and federal laws. The mere presence of boilerplate language does not mean a stop is out of compliance. It is deemed out of compliance only if the CAD narrative or report relies *solely* on the boilerplate language to describe the stop or to provide justification for actions.

3. COMPLIANCE MEASURES

- All reports describing factual circumstances of investigatory stops, detentions, and searches use accurate and specific descriptive language and do not rely solely on “boilerplate” or form language (paragraph 45). Compliance for paragraph 45 will be measured in the work plans addressing those areas and indicated by footnotes.
- At least **95%** of reports describing factual circumstances of investigatory stops, detentions, and searches use accurate and specific descriptive language and do not rely solely on “boilerplate” or form language.

4. FINDINGS FOR OBJECTIVE 4

Finding 4 (paragraph 45): In Compliance. Documentation for 224 (98%) of 229 stops did not solely rely on boilerplate language to describe circumstances of stops, detentions, and searches. This is above the 95% needed for compliance.

In five stops, the MT observed an overreliance on boilerplate language used in the CAD entries: two with regard to articulating reasonable suspicion, three regarding BSDs, and four regarding consent searches. (There were multiple issues for some of the five stops). An overreliance on boilerplate language was not present in descriptions of any of the 56 stops for which the MT received supporting documentation.

The MT noted there was a tendency to use more boilerplate language in CAD entries than in incident or arrest reports written by deputies. This is likely because there is more space to write out the description of what took place in police reports than in the limited space available in a CAD entry.

As part of this objective, the MT did not review BWC footage for each of the 229 stops. As reported in Objective 3, we did compare CAD data and BWC footage for a subset of 40 cases. Those 40 were chosen not to specifically assess Objective 4 but because, for other objectives, the MT needed to review additional information (besides the CAD data and any additional documentation) to better understand what occurred during the stop. In that review, we found several stops where the findings of the review of BWC footage put into question the accuracy of the deputies’ narrative entries in CAD. The next MT

¹² “Boilerplate” language is not defined in the SA, but in the MT’s experience, it generally refers to the same canned or similar language in repetition from stop to stop as a regular practice. Black’s Law Dictionary defines it as “content that is made to fit many uses.”

audit will do a randomized sampling specifically for the purpose of assessing the accuracy of the CAD entries vis à vis BWC video.

OBJECTIVE 5: CONDUCTING BACKSEAT DETENTIONS (SA PARAGRAPHS 47, 48, AND 49)

Determine if deputies conduct BSDs only when justified, explain to the individual why they are being detained, and alert supervisors to complaints. Also, determine if supervisors demonstrate an understanding of appropriate use of BSD.

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

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

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

1. AUDIT POPULATION AND SAMPLING

The audit for paragraph 48 was limited to a review of a statistically valid sample of n=100 stops involving a BSD (33 Lancaster, 67 Palmdale). The n=100 included stops from the sample for Objective 1 that included a BSD plus additional cases randomly selected from the original population of N = 3,108, not including those already chosen for Objective 1. (Placing an individual in the backseat incident to arrest is not addressed in this review.)

The MT could not fully assess SA paragraph 48 because LASD could not provide all the necessary data, specifically regarding domestic violence calls involving a BSD. Paragraph 48 applies to BSDs that occur during routine traffic stops as well as during any contact involving domestic violence. Efforts were taken

by the CU and MT to identify a population to include domestic violence cases that included a BSD. However, LASD was able to provide only seven cases where a BSD occurred during a domestic violence incident.¹³ This count is lower than expected, given that the stations report a high number of domestic violence calls and BSDs are a common action in calls of that nature. The MT decided to proceed with the audit on the limited population of just BSDs during routine stops so that the Department could have some helpful information; future audits should include domestic violence cases.

The MT could not assess compliance for paragraph 49. No cases were provided involving complaints related to BSDs, and no documentation was provided regarding cases where supervisors were called to the field.

2. METHODOLOGY

The MT reviewed CAD data, associated reports, BWC footage, and the Deputy's Daily Work Sheet (DDWS) logs for stops and domestic violence calls.

- The MT reviewed CAD entries for 100 stops involving a BSD.
- We reviewed a subset of written reports for those stops when we had questions about the stop to gain more context for the CAD entry.
- BWC footage for 20 of the 100 cases was reviewed to help assess if the deputies articulated reason for the BSD was supported by the video and audio evidence, to assess if deputies used a professional and courteous manner in explaining the reason for a BSD, if the individual complained about the BSD, and, if so, how the deputy responded (paragraphs 48 and 49).

Each case in the sample was assessed to determine if:

- The deputy had an individualized reasonable suspicion that justified the detention (paragraph 48);
- The deputy's reporting articulated reasonable safety concerns that the individual may have posed a threat or been an escape risk (paragraph 48);
- Deputies were professional and courteous in explaining the reason for a BSD (paragraph 48);
- Any substantive issues with the BSD or their documentation are identified and responded to by supervisors (paragraph 48);
- For BSDs premised on weather conditions or detainee's articulated desire for privacy, the deputy informed the civilian that the BSD was optional (paragraph 48); and
- When an individual complained about being detained in the backseat, a field sergeant was called to the scene or, if the individual did not want to wait, the individual was given complaint materials and the deputy's business card (paragraph 49).

¹³ The Department originally provided 13 cases for which the MT was informed a BSD occurred during the response to a domestic violence call. But after reviewing the incidents, the MT found that six of those cases did not involve domestic violence.

Note: The BWC videos reviewed were chosen because they were related to cases for which CAD and other reports had been found to (1) not sufficiently articulate a reason for the BSD (see Objective 3); or (2) included elements warranting further review, such as a BSD based on “furtive movement” or weather. Therefore, the BWC footage could have been skewed toward stops not likely to meet SA standards or policy. However, this method was chosen because it was not feasible to complete this audit in a timely fashion were we to view all the associated BWC footage for each stop.¹⁴

The MT considers paragraph 47 to be primarily a policy and training requirement (and therefore measured qualitatively) whose outcomes are addressed by paragraphs 48 and 49.

3. COMPLIANCE MEASURES

- For at least **90%** of BSDs, deputies have an individualized reasonable suspicion that justifies the detention, and they articulate reasonable safety concerns that the individual may pose a threat or be an escape risk (paragraphs 47 and 48).
- Deputies consistently explain to the civilian, in a courteous and professional manner, the reason for any backseat detention (paragraph 48).
- For BSDs premised on weather conditions or the detainee’s articulated desire for privacy, deputies inform the civilian that the BSD is optional (paragraph 48).
- If an individual complains about being detained in the backseat, deputies call for a field sergeant to respond to the scene to take the complaint.
- If an individual who complains about being detained in the backseat does not want to wait for the field sergeant, deputies provide the individual with a complaint brochure and business card (paragraph 49).
- Any issues related to these provisions, including but not limited to patterns of errors, are identified, and appropriate action is taken via LASD’s review and accountability processes, such as AAB audits, DDWS and CAD data review, review of crime reports, arrest reports, Watch Commander Logs and sergeant field activity logs, annual employee performance evaluations, unit level performance reviews, the Employee Quarterly Review, the Sheriff’s 11, Risk Management Forums, Crime Management Forums, other supervisory and management reviews, the Community Survey, the Deputy Survey, community engagement activities, disparate impact assessment, and independent analysis (e.g., paragraphs 82–86).

4. FINDINGS FOR OBJECTIVE 5

Finding 5a (paragraph 47): In Partial Compliance for BSD policy implementation.

After MT and DOJ approval of the policy and training, LASD began training all LASD-AV deputies on the SA-required changes to how they conduct BSDs in June 2017. The policy and full-day Constitutional

¹⁴ Each stop could have multiple BWC videos per stop. The number of videos was dependent on how many deputies responded.

Policing Training address BSD requirements, including that they occur only when a deputy has individualized reasonable suspicion that justifies the detention and when a deputy can articulate reasonable safety concerns. The policy includes that supervisors must understand how to assess the reasonableness of a BSD. The MT has observed training sessions and verified deputy attendance.

However, the lack of compliance for the outcomes measured in paragraph 48 indicates that LASD needs to assess these policies and trainings and related supervisory practices to determine if they need to be revised, updated, or enhanced to ensure AV stations meet these BSD requirements. (See audit recommendations 3c and 10i.) Also, a compliance determination could not be made for paragraph 49.

Finding 5b (Paragraph 48):

- Not in Compliance for conducting and documenting BSDs in traffic stops.
- Deferred/Unable to Assess for conducting BSDs during domestic violence calls.

In our review of CAD and all written documentation for the 100 stops with BSDs, as well as BWC footage for 20 of those cases, we observed the following.

- In 86% of the cases (86 out of 100), the deputy articulated a reason for the action in CAD. This means in 14 cases, the deputy failed to articulate a reason for the action or used insufficient descriptive language in CAD.
 - » For five of the 14 cases where CAD *did not* include a rationale for the BSD, BWC video showed that the deputies did, in fact, provide the subject a clear explanation of the reason. For the nine other stops, the auditors could not ascertain a rationale for the BSD and the video did not capture the deputy providing a rationale.¹⁵
 - » For two of six cases for which CAD *did* indicate a rationale for the BSD, that reasoning was not apparent in the BWC video. That is, for these two BSD cases, CAD documentation and BWC video did not align.
- There is no documentation or evidence that supervisors identified these issues or took corrective action.¹⁶
- In one troubling case, which was shared in the case review at the site visit, the reason for the BSD was provided long after the detention was initiated despite the lack of exigencies that would justify the delay.

¹⁵ Note that this finding does not bring LASD into compliance with 44h because 44h requires the information to be listed in CAD.

¹⁶ Although the two reviews did not address the same cases, it may be informative that the MT evaluation of DDWS logs for Objective 10 found that supervisors did identify deficiencies in one CAD entry related to explaining rationale for a BSD and that the sergeant discussed how to write more thorough entries with the deputy.

Deferment of MT Review of BSDs for domestic violence

As explained in the methods section, the MT was unable to fully assess paragraph 48 because the MT could not verify that LASD provided documentation of all domestic violence calls that involved a BSD.

BSDs during domestic violence contacts are an important area of risk and warrants further review before reaching a compliance finding. The low numbers of cases provided to the MT are likely due to the substandard nature of CAD and data entry issues. Also, the Department does not require a BSD to be recorded if the detainee is immediately arrested.

The use of curbside detentions may also be impacting this number. Verifying that all cases applicable to this objective have been identified will likely require several types of inquiry, such as reviewing CAD and other data for all domestic violence calls in order to determine how many involved an arrest and reviewing BWC video for domestic violence–related arrests to determine whether a BSD took place and then whether it was entered correctly. (See discussion of CAD shortcomings in Objective 3 and of curbside detentions below.)

Finding 5c (Paragraph 49): Unable to Assess for responding to complaints about BSDs.

LASD provided no cases and the MT did not come across any cases in this audit where individuals complained about a BSD or when such a complaint required the deputy call for a supervisor. Therefore, we were unable to assess paragraph 49.

During this audit, and in past years, the MT and LASD have discussed the lack of tracking for these events by the stations, in particular events where a sergeant is called to the scene in response to a complaint or potential complaint. LASD has said it intended to establish a process, perhaps using a sergeant’s log, but this has not occurred. Compliance assessment for paragraph 49 depends on the identification of such cases.

Note: MT audits of complaints have not identified cases involving allegations or complaints regarding BSDs where a supervisor was not called to the scene.

5. ADDITIONAL MT OBSERVATIONS RELATED TO OBJECTIVE 5

a. Concerning domestic violence case

When the MT reviewed the stops and associated BWC footage, there was one concerning instance where a person was detained and ultimately determined not to be the wanted person in the case. In this case, the MT observed LASD-AV deputies, including a supervisor, detain an African American male in a patrol vehicle for an extended period in extreme heat, to the point where the person reported “seeing spots.” This individual was not asked if they needed medical attention and only after a lengthy period was the actual individual who was involved in the original domestic violence call apprehended.

b. Curbside detentions

While not mentioned in the SA, the MT has concerns about deputies' frequent use of curbside detentions. LASD deputies can place detained individuals in curbside detentions instead of BSDs. The MT noted during the review of BWC videos that this appears to be a frequent practice. Were it not for the MT reviewing the videos, we would not have known about the frequency of this practice because it is rarely, if at all, written in CAD or incident reports. For some deputies, this practice seems to be routine, but the reason for removing the individuals from the car and holding them outside was not always clear.

The cases involving this practice often raised deputy safety issues. There were instances where multiple people were allowed to sit together and/or the detainees were allowed to move around while deputies were turned away to search vehicles. Another concern is that these types of detentions are neither recorded in CAD nor otherwise tracked by LASD; management has no report to indicate how often these types of detentions occur, the demographics of the subjects detained, or the rationale for or appropriateness of their use.

The practice should also raise policy concerns and examination as well. LASD policy currently states curbside detentions may "avoid the perceived embarrassment" more than BSDs, yet being detained outside a police vehicle in view of the public can be extremely embarrassing and brings with it the same concerns as routine use of BSDs. In no way is the MT indicating that more people should be placed in a BSD instead of a curbside detention; rather, the MT is stating the community engagement and safety concerns related to this practice merit tracking and review.

6. RECOMMENDATIONS

Recommendation 5a. Develop a Tracking Method for Requests for Supervisor in the Field. The MT and LASD discussed the lack of tracking for these events. The MT recommends that LASD track when AV deputies request a supervisor to the scene when there is a complaint about a BSD.

Recommendation 5b. Review of Curbside Detention Policy and Tracking. LASD should evaluate the practice of using curbside detentions, both restrained and unrestrained. The evaluation should include consideration of the efficacy, tactics, and potential impact on community relations and deputy safety. LASD should track curbside detentions so it can monitor the circumstances associated their use, their frequency, and whether the use of this tactic might be resulting in perceptions or findings of disparate treatment.

OBJECTIVE 6: REASON FOR SEARCHES (SA PARAGRAPHS 50 AND 51)

Determine whether deputies had reasonable and legal grounds for requesting and conducting searches.

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

SA paragraph 51.1: *LASD-AV deputies shall not conduct arbitrary searches.*

SA paragraph 51.2: *The request to conduct a consent search must be reasonable and a deputy must be able to articulate a valid reason under law and LASD policy for initially having stopped the individual.*

1. AUDIT POPULATION AND SAMPLING

The MT could not fully assess this objective because LASD could not provide all the necessary data. SA paragraph 50 and 51.1 refer to discretionary searches, which include consent searches as well as other types of searches. Efforts were taken by the CU and MT to identify a population encompassing all discretionary searches. However, in addition to limitations in recording searches conducted during stops, LASD does not consistently track other types of discretionary searches. For instance, the Department could not provide reliable data on home-based searches, on Parole Compliance Team (PCT) activity in the AV (e.g., home-based probation or parole searches), or other searches that should use the 810 code in CAD. The MT decided to proceed with the audit on the limited population of just consent searches so that the Department could have some helpful information; future audits should include all discretionary searches.

The MT reviewed a statistically valid sample of 100 stops involving consent searches (36 Lancaster, 64 Palmdale). The n=100 included stops from the samples for Objectives 1 and 5 that involved consent searches, plus additional cases randomly selected from the original population of N=3,108 (not including those already chosen for Objective 1 or 5).

Of the 10 PCT packets of information related to searches in the AV received by the MT, only one had an associated CAD entry. (The PCT conducts parole and probation searches in the AV.)

2. METHODOLOGY

For cases in the sample of stops involving consent searches, the MT made qualitative determinations of compliance for each search. If the narrative did not provide sufficient or clear information to make a determination, other reports, documentation, and BWC footage for that stop were reviewed in order to determine compliance. The compliance determination was made based on the review of all the available documents related to the stop that were provided to the MT by LASD.

To assess reasonableness, the auditors considered the totality of information provided by the deputies regarding their reasoning behind asking for consent. The auditors did not apply a probable cause or reasonable suspicion standard in assessing a deputy's request for consent to search; rather, the MT assessed whether the request was reasonable and based on information known to the deputy. For example, in stops found in compliance by the auditors, deputies observed burnt marijuana in a vehicle, drug paraphernalia in plain view, and in another example, a person said they had pepper spray.

3. COMPLIANCE MEASURES

- In exercising discretion to conduct a search, deputies do not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, sexual orientation, or gender identity except to the extent the search involves an actual and credible description of a specific suspect or suspects in a criminal investigation (paragraph 50).
- For at least **97%** of discretionary searches included in samples reviewed during Monitoring Team Stops/Bias-Free Policing audits, there is no evidence that deputies used race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor, to any extent or degree, in exercising discretion to conduct a search, except as part of actual and credible description(s) of a specific suspect or suspects in any criminal investigation; or a supervisor identified that an unconstitutional search occurred and took appropriate remedial action. (paragraph 50).
- For at least **95%** of the searches, the deputy documented probable cause (paragraph 51.1).
- For at least **95%** of consent searches, the request to conduct the search is reasonable and the deputy articulated a valid reason under law and LASD policy for initially having stopped the individual (paragraph 51.2).

4. FINDINGS FOR OBJECTIVE 6

Finding 6a (paragraph 50): Unable to Assess for constitutional searches.

The full provision with regard to all discretionary searches could not be assessed because a reliable population of all discretionary stops could not be identified.

The review of consent searches found that in 100 (100%) out of 100 stops involving consent searches, there was no indication that deputies used characteristics of a legally protected class as a basis to conduct a search.

Finding 6b (paragraph 51.1): Unable to Assess for reasonable basis for searches. The full provision with regard to all discretionary searches could not be assessed due to insufficient data.

Additionally, the MT would like to discuss with the Parties the wording of the agreed-upon compliance metric, specifically whether the standard should be based on probable cause rather than a broader

definition of “reasonable” and if the metric should be based on the existence of a justification or the documentation of a justification.

Findings 6c (paragraph 51.2): Not in Compliance. Deputies articulated a valid reason for the consent search in 79 (79%) of 100 stops involving a consent search, which is below the 95% required.

- Deputies articulated a reasonable basis to make a request for the consent search in 76 (76%) of 100 stops in CAD. (See Objective 3 for details of the consent search review.)

Of the 24 cases for which a rationale for the request was not provided in CAD, additional written documentation was available for six cases, and BWC video was available for all 24 cases. MT review of those sources found:

- Additional written documentation found no cases in which the deputy articulated the reason for requesting the search; and
- BWC video showed three cases in which a deputy articulated a rationale for the request on video.

Even in cases in which, during MT reviews of BWC footage, an assumption could be made as to why the deputy asked for a consent search, if the deputy did not document their reasons for seeking consent or clearly state a reason in the video, the MT found them out of compliance for this provision.

5. ADDITIONAL MT OBSERVATIONS RELATED TO OBJECTIVE 6

a. Review of BWC footage

The MT found patterns of violations of LASD policy and SA paragraphs 44j, 45, and 51.2, including:

- Cases where a deputy indicated a search was based on consent, yet the video did not provide any evidence that consent was sought or provided;
- Cases where the request was ambiguous, and it was doubtful that the ostensibly affirmative response from the subject in fact indicated informed consent; and
- Cases where the CAD entry and the associated reports did not offer the full picture of what took place at the stop. These included, for example, cases where deputies had already begun conducting a search and looking into pockets when they asked for consent and cases where boilerplate language was used in CAD that inhibited assessment of the stop without review of further documentation or BWC footage.

b. Quick searches with release

The MT reviewed cases involving searches that resulted in a release without a citation or arrest. The rationales for many of these searches were not made clear in CAD or adequately explained to the subject of the searches. Notably, these searches typically did not find evidence of wrongdoing and may

be in violation of SA paragraph 51, which prohibits arbitrary searches and should be analyzed for possible disparities. Most (about 80%) of the randomly selected searches in the MT audit samples involved people of color.

6. RECOMMENDATIONS

Recommendation 6a. Review the Use and Efficacy of Consent Searches. LASD should conduct a review of consent searches used by LASD in the AV. Consent searches are certainly allowed by law, but LASD must assess whether consent searches are being applied in a bias-free and constitutional manner. Additionally, the overall use and/or limited use of consent searches should be considered. LASD should make regular assessments of the use of consent search and all searches as part of the annual assessment required by paragraph 68.

Recommendation 6b. Review the Practice of Conducting Quick Searches and Releases. LASD should consider reviewing stops where there are quick searches and releases of the persons. Station managers should identify strategies that are efficient, use less resources, and have potential for less negative impact on community relations in furtherance with procedural justice principles.

OBJECTIVE 7: RECORDING REQUEST FOR CONSENT (SA PARAGRAPHS 52.1 AND 52.2)

Determine if deputies record requests for consent and the response, and if requests for consent of LEP individuals use the appropriate language.

SA paragraph 52.1: All LASD-AV deputies equipped with body worn audio or video recorders shall record all requests for consent to search and the individual's response.

SA paragraph 52.2: Where a subject is Limited English Proficient, the deputy shall affirmatively inform the subject in the appropriate non-English language.

1. AUDIT POPULATION AND SAMPLING

The sample consisted of 100 stops involving consent searches (36 Lancaster, 64 Palmdale). The n=100 included stops from the samples for Objective 1 and 5 that involved consent searches, plus additional stops involving consent searches randomly selected from the original population of N = 3,108 (not including those already chosen for Objective 1 or 5). This was the same population and sample as the consent search review in Objective 6.

2. METHODOLOGY

The MT made qualitative determinations of compliance as to whether a deputy's BWC recorded (1) a request for consent; (2) the response; and (3) for LEP, whether the communication was conducted in the appropriate language.

To inform the identification of the population and compliance assessment, the MT conferred with LASD on the need to identify encounters where consent was requested but not given and conferred to establish criteria for deputies to determine whether an individual is LEP.

The MT also looked at the totality of the documentation to determine if a subject stopped was or should have been reasonably believed to be LEP. This is a qualitative assessment. Recognizing that each stop provided a unique circumstance, this requirement was evaluated based on the totality of the communications involved and the circumstances of the stop. If the subject was observed to be clearly speaking English, the person was not considered to be LEP. If the subject was speaking a language other than English, the person was considered LEP. If there were indications a person may be LEP, the deputy should have used the LEP protocols required by this paragraph and included in the Department's LEP plan.

The MT further considered indicators such as the language the subject appears to be speaking, questions being asked by the subject in multiple languages, and responses that may not be consistent with the question being asked by the deputy.

3. COMPLIANCE MEASURES

- During the initial Stops/Bias-Free Policing Audit conducted by the MT, at least **85%** of the time LASD-AV deputies equipped with body-worn audio or video recorders record their requests for a consent search and the individual's response; and, for subsequent audits conducted by the MT, at least **95%** of the time LASD-AV deputies equipped with body-worn audio or video recorders record their requests for a consent search and the individual's response (paragraph 52.1).
- When requesting consent to search, at least **95%** of the time when a subject has LEP, LASD-AV deputies equipped with body-worn audio or video recorders record the subject being affirmatively informed in the appropriate non-English language (paragraph 52.2).

4. FINDINGS FOR OBJECTIVE 7

Finding 7a (paragraph 52.1): Not in Compliance for recording request for consent and response.

In seven (26%) of the first 27 cases reviewed, deputies recorded the request for consent and the response from the person asked for request. This falls substantially below the 85% needed for compliance in the first year of this provision. The MT advised the Parties that the audit related to consent would stop after those 27 stops were reviewed because there was no mathematical way the Department could attain compliance.

Finding 7b (paragraph 52.2): Not Assessed for searches of LEP individuals.

The MT reviewed the same stops as in paragraph 52.1 to determine if translation services were provided when necessary and did not observe any cases violating this provision to date. Since the audit was stopped because of non-compliance with paragraph 52.1, the MT did not make a compliance determination for this provision as a full sample was not assessed.

A more appropriate approach to this provision for future audits would be to build a population and sample of stops involving LEP individuals, but LASD does not routinely indicate in CAD if a stop involved an LEP individual. SACRS records if the person is perceived to be LEP; this may be a source of data the MT may consider in future requests.

OBJECTIVE 8: RULES FOR CONDUCTING SEARCHES (SA PARAGRAPHS 52.4, 53, AND 55)

Determine if deputies conduct home searches according to policy regarding supervisor approval, number of deputies present, length of detentions, and searches of other individuals present.

SA paragraph 52.4: An LASD-AV deputy shall immediately notify a supervisor when considering a home search based on consent, and the supervisor shall approve the search before it is conducted.

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

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

1. AUDIT POPULATION AND SAMPLING

Similar to Objective 6, this objective was not assessed due to insufficient data. (See discussion in Findings below.)

The MT was also provided with 10 PCT operations plans for AV activities. These packages are prepared before a search or other activity. They contain verification that the persons were on probation/parole.

2. METHODOLOGY

In attempting to identify a population for review, the MT reviewed LASD documentation of searches through various means as described below. The data provided were determined to be unreliable for the purposes of the audit. Given the time and resources already committed to identifying this population, the MT decided to stop the process.

3. COMPLIANCE MEASURES

- Deputies receive supervisor approval prior to any home search based on consent (paragraphs 52.4, 53).
- Consent searches using more than two deputies receive prior supervisor approval or are reviewed by a supervisor as soon as possible (paragraph 53).
- LASD-AV searches are conducted with only the number of deputies reasonably necessary for efficacy and officer safety based on the circumstances of the search (paragraph 53).
- For at least **95%** of searches where individuals who were not the subject of the search are present, those individuals are not detained longer than necessary (paragraph 55).
- For at least **95%** of searches where individuals who were not the subject of the search are present, those individuals are not searched or frisked without individualized suspicion or probable cause (paragraph 55).¹⁷

4. FINDINGS FOR OBJECTIVE 8

Finding 8 (paragraphs 52.4, 53, and 55): Unable to Assess for proper conduct of searches.

The auditors could not evaluate paragraphs 52.4, 53, and 55 due to unreliable and incomplete documentation provided for review. The MT attempted to identify the population for this objective through various means, including CAD code 810 (“Search Operations”) and CAD narratives, incident reports, and a review of 10 packets of information from the PCT.

LASD neither tracks home-based searches nor when or if deputies request permission to search a home. LASD advised the MT that normally, deputies should document activity related to home searches using the 810 code in CAD. LASD provided the MT with documentation related to all stops entered into CAD using the 810 code to assist the MT in finding cases involving home-based searches.

When reviewing the data provided, the MT noted that Palmdale had only three incidents logged in CAD with the 810 code and Lancaster had 86 such incidents entered. In the MT’s experience, it is unlikely

¹⁷ Searches related to Section 8 housing are not part of this audit.

that one station has 86 search-related incidents in a three-month period, while another neighboring station only had three such incidents.

The MT investigated whether there was another source of documentation of home searches and asked for responsive documents from the PCT. The PCT advised the MT that its work is supposed to be captured in CAD. However, of the 10 packets provided by the PCT, there was only one corresponding CAD entry. Based on the process that the MT had been told was in place, there should have been at least nine more CAD entries related to the PCT's activities. The MT received confirmation from the PCT that it was unable to locate CAD entries for the nine other packets. This was part of the evidence that the MT was not provided with all documentation that should have been furnished related to home-based searches.¹⁸

An additional search of CAD narratives and of incident reports found no additional indication of these types of searches.

5. RECOMMENDATIONS

Recommendation 8a. Track Home-Based Searches. LASD should institute the following practices to specifically track information related to home-based searches.

- Require thorough recording in CAD any time deputies conduct home-based searches in the AV.
- Require documentation of when deputies request and receive supervisory approval prior to conducting a home search based on consent.
- Require documentation of any supervisory approvals to use more than two deputies for home-based consent searches.
- Require deputies to list the justification for the number of deputies used to conduct the search if more than two.
- Require deputies to document when they detain any individuals present other than the subject searched and to document the reason for the detention and the reason for the length of the detention.
- Require documentation of the reasonable suspicion or probable cause to frisk or search any individual at the scene.

¹⁸ LASD advised the MT that the Parole Compliance Team used the 810 CAD code to track their activity and can include the following codes: 811, 813, 814, 815, 840, 841, 842, 940, and 941–949.

OBJECTIVE 9: PROBATION AND PAROLE SEARCHES (SA PARAGRAPH 56)

Determine if probation and parole searches were only conducted in accordance with provisions of this section and when deputies had established knowledge of a probation or parole search condition.

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

1. AUDIT POPULATION AND SAMPLING

The sample consisted of 51 stops from the combined samples for Objectives 1, 5, and 6 (n=229 cases, 149 from Lancaster, 80 from Palmdale) that included a probation or parole search.

The MT was provided with 10 PCT operations plans for activities conducted in the AV.

2. METHODOLOGY

LASD does not record in CAD the point during the stop at which the deputy asked or ascertained parole or probation status; therefore, to determine if probation and parole searches were conducted after a search condition had been established, it was necessary to review related documentation (e.g., incident reports, field citations, arrest or stop documentation) to provide context and further clarification of the sequence of events. BWC footage was viewed for a subset of cases in the sample when available.¹⁹

Probation and parole searches have somewhat different requirements. Any person on parole is subject to a search by a peace officer at any time. A person on probation may or may not have very specific search conditions imposed by the courts. But, according to paragraph 56, both require the deputy to have knowledge of the subject's status before conducting a search and to document in CAD how that information was acquired. Currently, policy does not require deputies to document that they confirmed search conditions or when this occurred; rather, it only requires them to confirm the search conditions prior to conducting the search.

¹⁹ If a person advises the deputy they are on parole, it is acceptable for the deputy to invoke search conditions at that point. The deputy can also do an MDC system search, call dispatch, or call a probation/parole officer or another law enforcement source. For persons on probation, there are many different types of search conditions that may be part of the probation conditions. The deputies may learn of the specific search conditions from the person stopped or via other ways as listed in the above paragraph.

3. COMPLIANCE MEASURES

LASD will be deemed in compliance with this provision when, in conducting a search when the reason for the initiation of the search was based solely on an individual's probation or parole status, at least **90%** of the time:

- Deputies provide an MDC narrative addressing the basis for the search that sufficiently articulates a proper justification for the search;
- Deputies verified the search conditions via MDC by calling dispatch or by contacting the applicable supervision agency (Los Angeles County Probation or the California Department of Corrections and Rehabilitation) and articulated this verification in the MDC narrative relevant to the search; and
- LASD may cure any search that does not fall within compliance under this provision if supervisors identified that an unconstitutional search occurred and took appropriate remedial action.

LASD will be deemed in substantial outcomes compliance when searches of individuals on probation or parole are conducted in accordance with the provisions of this section and when knowledge of a probation or parole search condition has been established.

4. FINDINGS FOR OBJECTIVE 9

Finding 9 (paragraph 56): Not in Compliance for proper documentation of probation and parole searches in CAD.

None (0%) of the 51 CAD entries for stops involving a probation or parole search articulated the means by which the deputy established the subject's status or search condition. The auditors note that in some CAD entries, the deputy indicated that a search was conducted based on parole or probation status, but none indicated how that status was established.

Additionally, in none of the CAD entries did the deputy indicate that the search condition was established prior to the search.

The auditors looked at additional written documentation for 23 of the 51 stops. An incident report for one of the stops indicated the deputies knew a probation search condition existed prior to the search. The auditors also reviewed BWC video for 10 of the 51 stops. In three of those 10, the point at which the search condition was established can be ascertained, either through an MDC check regarding probation status or by being told by the subject regarding a parole status. However, CAD did not indicate this information, so these remained out of compliance.

Finally, separately from the 51 stops reviewed, the MT received 10 PCT packets of information from LASD, including evidence of the search condition. However, only one of those searches was entered in CAD. These were not included in the compliance assessment.

5. RECOMMENDATIONS

Recommendation 9a. Policy Modification. The MT recommends that LASD identify a way for deputies to document how or when during the stop they confirm the parole/probation status of the person and how they confirm the search conditions. LASD policy should require LASD deputies to track deputies' confirmation of the parole/probation status of the person and how they confirm the search conditions.

OBJECTIVE 10: SUPERVISORY REVIEW (SA PARAGRAPHS 58–63)

Determine if LASD-AV stations have effective accountability and supervision practices in place to ensure stops are adequately documented and align with the SA, policy, and law.

The methods and findings for this objective are presented separately by specific topic.

Note: The MT's observations regarding CAD shortcomings and misalignment of some CAD entries and BWC footage put into question the reliability and sufficiency of any supervisory review that relies solely on CAD documentation.

OBJECTIVE 10.1: SUPERVISORY REVIEW POLICY (SA PARAGRAPH 58)

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

1. METHODOLOGY AND COMPLIANCE MEASURES

The MT considers paragraph 58 to be primarily a policy requirement whose outcomes are addressed by paragraphs 59–63.

Outcomes not necessarily addressed in paragraphs 59–63 are the requirements that LASD ensures that (1) all existing policies are followed (as opposed to only the "additional accountability and supervision practices" outlined in 58–63); and (2) unlawful stops, searches, and seizures are "effectively" addressed.

2. FINDINGS FOR OBJECTIVE 10.1

Finding 10.1 (Paragraph 58): Not in Compliance for policy and related outcomes.

Outcomes for the policy required under this paragraph are addressed in paragraphs 59-63, most of which the MT found to be out of compliance. This requirement calls for LASD to institute practices to ensure unlawful stops, searches, and seizures are detected and effectively addressed. Based on the MT review of stops in this audit, shortcomings identified in the DDWS reviews conducted by supervisors,

poor data quality, and the lack of reliance on of BWC footage as part of the regular review of stops, the MT does not believe LASD has instituted practices as required in this provision. (See further discussion with Finding 10f below.)

OBJECTIVE 10.2: QUANTITY AND QUALITY OF DDWS AND ARREST REPORT REVIEWS (SA PARAGRAPH 59)

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

1. AUDIT POPULATION AND SAMPLING

For DDWS logs, the audit period for supervisory review provisions was the last week of September 2021 (September 19–25). Based on roster information and communications with Lancaster and Palmdale stations, there were 168 deputies in Lancaster and 146 in Palmdale who were expected to have DDWS reviews that week.²⁰ In that week, there were 19 sergeants in Lancaster and 19 sergeants in Palmdale who were responsible for conducting DDWS reviews. The 314 logs represented approximately 2,244 CAD entries:

For arrest reports, the MT reviewed all reports and documents associated with 56 stops, including 27 incident reports. These are the same documents evaluated as part of Objectives 1–5.

2. METHODOLOGY

The MT requested all documentation of supervisor and manager reviews related to DDWS and arrest reports. The MT reviewed all materials provided, including DDWS Log Compliance Check Forms, the associated DDWS logs, incident reports, arrest reports, any additional stop or arrest-related documentation, any additional documentation of supervisor and manager reviews and action taken, and rosters of deputies and their supervisors.

The MT cross-referenced rosters for this period to calculate the number of sergeant reviewers and deputies needing reviews.

²⁰ These counts exclude deputies that Lancaster and Palmdale stations confirmed would not be expected to have reviews, such as those on non-patrol assignments or transferred during that time.

If a day was selected for review where no stops or detention contacts were made by a deputy, the MT cross-referenced CAD data for the review period to determine whether sergeants could have selected a different day with contacts, which is required per LASD station direction.

The MT reviewed the DDWS log reports to identify whether sergeants identified all stop- and detention-related entries and whether any of those entries needed corrective action.

After a preliminary assessment of these materials, the MT met with leadership from both stations to address questions about missing reviews and other findings, allowing for both stations to provide input to reconcile differences in roster counts and validate initial findings. The results presented in this report reflect information provided by both stations.

3. COMPLIANCE MEASURES

a. Supervisory review of the minimum required number of DDWS logs and arrest reports²¹

At least **95%** of the time, supervisors review at least one CAD log for each deputy under their supervision each week.

At least **95%** of the time, supervisors review arrest reports for each deputy under their supervision.

b. Thoroughness of supervisory reviews of cad and reports

Supervisors identify and document deficiencies in the CAD documentation, including but not limited to patterns.

In **95%** of the time when the auditors identified deficiencies or violations in a DDWS log, the supervisor had identified and documented the same errors.

At least **95%** of approved arrest reports have no deficiencies or violations identified by the auditors.

Sergeants conduct further DDWS log and/or report reviews when a need is indicated by the weekly audits or review of DDWS information, reports, citations, and other indicia appropriate to the purpose. If sergeants do not have immediate access to information (e.g., PRMS), they take the necessary steps to gather the information they need from appropriate resources.

²¹ CAD logs and arrest reports are to be reviewed for completeness, accuracy, and legal sufficiency. Supervisors are to document any deficiencies or violations they identify. (See SA paragraph 59).

4. FINDINGS FOR OBJECTIVE 10.2

a. Finding 10.2a (paragraph 59.1): Minimum Number of Reviews Conducted

- Not in Compliance for the review of DDWS logs. LASD supervisors provided the required reviews 76% of the time, which is below the required 95%.
- In Compliance for the review of arrest reports. The MT noted supervisory approval of 100% of the arrest documents provided to the MT.

i. Detailed Findings for DDWS Logs

In total, 15 (78.9%) of 19 sergeants in Lancaster and 14 (73.7%) of 19 sergeants in Palmdale conducted reviews as they were supposed to for a combined rate of 29 (76.3%) among the 38 sergeants.

- Four sergeants (three in Lancaster, one in Palmdale) failed to review one of the logs they were supposed to review.
- Five sergeants (one in Lancaster and four in Palmdale) did not always conduct their reviews of logs that contained stops or detentions. That is, for at least one of the deputies under their supervision, they did not follow policy that says to prioritize selecting a day with stops or detention activities. In those cases, there were other days available for review during which the deputy *did* conduct stops and detention activities, but the sergeant failed to select one of those alternatives.
- Reviews were conducted for 162 (96.4%) of 168 deputies in Lancaster and 142 (97.3%) of 146 deputies in Palmdale for a combined rate of 96.8% (304 of 314 deputies) in both stations.²²

The 38 sergeants who were required to do reviews either conducted reviews themselves or had the review covered by another sergeant.²³

ii. Detailed Findings for Arrest Reports

Every arrest report submitted by a deputy is reviewed and signed off on by a sergeant or lieutenant. This was true for the 29 incident reports reviewed as well as probable cause declarations and other supporting documentation (same documentation reviewed for Objectives 1–5). The MT has also noted this through field observations over the last several years of monitoring. Therefore, the stations were in 100% compliance for the supervisory review of arrest reports.

²² The MT followed up with both stations to confirm. The Department explained that there were several reassignments during this time, and there was likely a misunderstanding among sergeants about who was responsible for review. Note: Some deputies had reviews conducted by two sergeants: 12 deputies in Lancaster and five deputies in Palmdale. These counts are of distinct deputies and do not reflect multiple reviews.

²³ It is within policy that if a sergeant is not available to conduct an assigned review, another sergeant can conduct the review in their place. One sergeant in Lancaster had their review covered by another sergeant, and four sergeants in Palmdale were covered by another sergeant.

b. Finding 10.2b (paragraph 59.2): Thoroughness of reviews

- Not in Compliance for the thoroughness of the review of DDWS logs. LASD supervisors found 35 errors, but the MT found six additional errors resulting in an 85% compliance rate (35 of 41).

Note: Our DDWS findings are based on completed reviews. We cannot, of course, account for the errors identified or not identified in the 10 reviews (six in Lancaster and four in Palmdale) that were not completed (see above Finding 10b).

- In Compliance for the thoroughness of the review of arrest reports. The MT found no errors in the stops documentation reviewed for 56 cases, including 27 incident reports and various other stops documentation, for a 100% compliance rate.
- Not in Compliance for further supervisory review. Supervisors conducted further review for none (0%) of the 14 stops for which the MT found further inquiry was warranted.

The MT requested follow-up documentation for 14 stops as part of the CAD review. The documentation was related to CAD entries identified as out of compliance by the MT or where indicators were present which should prompt supervisory review, such as unclear or incomplete narratives or narratives containing the term “furtive movement” without further description. The MT did not see any instances where LASD supervisors conducted follow-up on these cases or, for that matter, on any stops in this DDWS review.

i. Detailed Findings for DDWS Logs

To determine whether sergeants detected all logging errors (which could be relatively minor missing fields or, more importantly, shortcomings in narratives) made by deputies, the MT cross-checked each of the 304 SA-relevant supervisor DDWS Compliance Check Forms with the associated DDWS logs.

- The 304 logs contained approximately 2,244 CAD entries, a subset of which were stops or detentions and thus were relevant to the audit.²⁴
- Among the 2,244 CAD entries, the sergeants correctly identified and reviewed all (100%) of the SA-relevant entries (stops or detentions).
- In Lancaster, four sergeants detected six errors in six deputies’ logs. The errors noted were failure to enter a BSD length of zero when no BSD occurred (five deputies) and failure to use a 723 CLR code (one deputy).
- All but one sergeant of the 19 in Lancaster detected all individual errors detected by the MT. The error missed by the sergeant was the deputy’s failure to provide justification for a consent search in the narrative.

²⁴ The number of CAD entries, also called tags, is estimated because they were hand counted.

- In Palmdale, 10 sergeants detected 29 individual errors in 21 deputies' logs. The errors identified were incorrect or missing CLR codes, contact types, or arrest/citation code (20 deputies had this error) and insufficient narrative (three deputies).²⁵
- Four of the 19 sergeants in Palmdale did not detect errors in six deputies' stops; however, one deputy was reviewed by two sergeants, and the other sergeant did detect the error and took corrective action. Therefore, only five deputies had undetected logging errors. The errors detected by the MT were insufficient description of circumstances in the narrative to justify detention or search reason and failure to use accurate contact codes to indicate BSD.

Note: The MT acknowledges and appreciates that in some cases, AV station supervisors identified and took action on errors in CAD that were not directly related to SA requirements.

ii. Detailed Findings Regarding Review of Arrest Reports

The stations reported that they do not track if supervisory review of arrest reports or probable cause declarations are found to have violations or deficiencies that require further discussion with the deputy. Therefore, the MT could not assess the number or type of violations or deficiencies that supervisors identified in the reports submitted to them. We also could not assess what corrective action was taken unless that corrective action involved a Performance Log Entry (PLE) or internal complaint. We could and did measure the outcome of those reviews by assessing whether reports had issues.

The MT reviewed available documents for 56 stops that included 27 incident reports as well as various other citations, arrest documentation, and vehicle tow reports. Incident reports are the most detailed reports completed by deputies, requiring complete descriptions and full narratives of what occurred at the incident. The MT did not observe significant concerns when reading the documentation provided when reviewing it in and of itself.

The MT raised concerns in this audit about cases where the written documentation did not match events observed in the BWC footage. (See the discussion of BWC footage review in Objective 3.) The MT also reviewed reports related to the 13 domestic violence incidents and noted one particularly troubling incident when reviewing the reports documenting what occurred and comparing it to the BWC footage. (See Objective 5 for discussion of this incident.)

Note: The MT has observed documentation reviews conducted by watch sergeants, as this is one important way by which the MT can assess if the process is generally functioning well. For example, during site visits, the MT has observed the process where deputies submit reports to the watch sergeants, and the watch sergeants review and provide feedback to the deputy, such as whether they need to correct anything in the report or if it was fine as submitted. However, issues identified and corrective action taken during this process are not documented, so they were not part of the compliance assessment.

²⁵ The sum of deputies with each type of error exceeds the total number of deputies with errors because some deputies had multiple types of errors documented.

OBJECTIVE 10.3: REVIEWING LEGAL SUFFICIENCY AND TAKING CORRECTIVE ACTION (SA PARAGRAPHS 60–61)

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

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

1. AUDIT POPULATION AND SAMPLING

The population and samples were the same as in Objective 10.2.

2. METHODOLOGY

The MT requested all documentation of supervisor and manager reviews related to DDWS and of any further review or corrective action taken for errors found in DDWS logs or arrest reports. In particular, the MT reviewed the DDWS Log Compliance Check Forms to determine if, for violations and deficiencies identified, corrective action was taken by the sergeants with the deputy.

For some of the DDWS logs reviewed, the MT reviewed emails sent from supervisors to deputies reminding them of the correct procedures for data entry. Additionally, the logs contained notations by the supervisors indicating they spoke to staff about the errors in the logs without any additional documentation of those conversations.

The MT cross-referenced the Employee Quarterly Review Report to assess if repeated violations were tracked.

Note: The compliance metrics for paragraphs 60 and 61 specifically assess steps taken when supervisors identify deficiencies or violations (aka "errors") in CAD. The MT stresses that these metrics do not account for the fact that supervisors (1) did not always review all the information they were assigned to review; and (2) did not find all the relevant errors (compared with those found by the MT). An effective—and SA-compliant—accountability system depends on the identification of problems (or successes) that need to be addressed, further review of those issues as necessary, and appropriate response.

3. COMPLIANCE MEASURES²⁶

a. Paragraph 60: Review legal sufficiency with deputy

In **95%** of the time when the supervisor determined that a log did not provide sufficient detail or did not articulate sufficient legal and policy justification for the action, the supervisor reviewed the action with the deputy to determine whether there was sufficient legal and LASD policy justification.

b. Paragraph 61: Corrective action

Identified deficiencies in documentation (CAD and arrest reports) are responded to by supervisors with appropriate corrective action.

Supervisors take appropriate corrective action on investigatory stops, detentions, or searches during which violations occurred or which were not based on sufficient legal and LASD policy justification.

At least **95%** of the time when the supervisor identified deficiencies or violations in a log, the supervisor took appropriate corrective action.

Supervisors take appropriate corrective action on arrest reports that are found to involve investigatory stops, detentions, or searches not based on sufficient legal and LASD policy justification. (paragraph 61)

4. FINDINGS FOR OBJECTIVE 10.3

a. Finding 10.3a (Paragraph 60): Not in Compliance for reviewing legal sufficiency.

There was no (0%) evidence that supervisors reviewed legal sufficiency with the deputies on any of the three stops for which supervisors found a narrative justifying an action was insufficient.

While paragraph 61 addresses corrective action taken in response to any error, paragraph 60 addresses just the most serious CAD deficiencies; that is, insufficient articulation of the legal or policy justification for actions taken during stops. Further, paragraph 60 specifically addresses whether, for those types of errors, the supervisor reviewed the circumstances of the stop with the deputy in order to establish whether the action had a valid basis in law or policy. Without this step, it is possible an unjustified action will not be brought to light and responded to.

²⁶ "Deficiencies" refer to reporting errors such as incompleteness, inaccuracy, insufficient detail, or insufficient articulation of legal and policy justifications. "Violations" refer to stops, searches, seizures, or BSDs that do not adhere to the laws, LASD policy, or the SA's constitutional and bias-free policing requirements, which include but are not limited to justified reasonable suspicion (paragraphs 41 and 47), bias-free policing (paragraph 43), justified BSD (paragraphs 47 and 48), and appropriate response to complaints about BSDs (paragraph 49). A violation may also be conduct contrary to the procedural justice training required in paragraph 42.

LASD supervisors identified three CAD entries with inadequate narratives describing BSDs or searches. Each of the three was in Palmdale. The Department provided documentation that, for those cases, the supervisors sent an email or told the deputy in person that they had submitted an inadequate narrative and that, in the future, the deputy should try to ensure their narratives are more thorough.

In one of these cases, the sergeant discussed how the deputy could have improved the narrative. However, there is no documentation of any supervisor having discussed the circumstances of those three stops with the deputies in order to ascertain, specifically, if the BSD or search was in policy. Also, in the supplemental CAD review by the MT, the narratives for those three stops were not corrected in CAD so that the permanent record of these stops would be reliable for future review and statistical analysis.

Additionally, the auditors identified four stops where the supervisors did not identify similar deficiencies in narrative. While these were not specifically a factor in the compliance assessment because this provision regards corrective action taken for errors that are identified by supervisors, these oversights are important to highlight because they represent additional cases where legal sufficiency was not clearly established and, thus, the Department's system for supervisory review failed.

- A Palmdale deputy listed an incorrect contact type code and provided no reason for the weapons pat down or BSD conducted.
- A Palmdale deputy failed to explain the reasons for a search.
- A Palmdale deputy listed a search as "other" and did not provide any details to adequately describe the search.
- A Lancaster deputy failed to explain the reason for requesting a consent search.

b. Finding 10.3b (Paragraph 61): Not in Compliance for corrective action taken on deficiencies or errors identified by supervisors.

LASD-AV supervisors identified 35 errors in their DDWS reviews. Appropriate corrective action was taken in 32 (91%) of these, which is below the 95% standard. Most of the errors detected were relatively minor data entry errors. In those cases, the corrective actions taken—such as pointing out the errors to the deputy to remind them of the proper procedure and to instruct them to focus more attention on proper entry in the future—were appropriate. The three cases not in compliance are the three cases described above for paragraph 60, in which supervisors failed to take adequate corrective action for deficient narratives.

- In Lancaster, this included four sergeants detecting six errors in six deputies' logs. The methods of corrective action taken by the sergeants included four via verbal counsel and two via email, which, given the relatively minor errors, were found to be appropriate by the MT.
- In Palmdale, this included 10 sergeants detecting 29 errors in 21 deputies' logs. The methods of corrective action include nine actions taken via email, six via verbal counseling/advising/notifying, and six were provided a copy of the DDWS with errors noted. Except in regard to the three deficient narratives, the MT believes the correct action provided was appropriate.

Again, the six errors not identified by supervisors (see Objective 10.2) are NOT calculated in the compliance assessment for this provision.

5. ADDITIONAL MT OBSERVATIONS RELATED TO OBJECTIVE 10.3

a. Failure to correct identified errors in CAD

It is not specifically required by the SA and this audit did not consider it a factor in compliance, but “corrective action” on the part of supervisors can and should include correcting data entry errors in CAD. If conducted carefully, this can increase, to some extent, the accuracy and reliability of the CAD data used in future reviews and analyses.

The MT reviewed CAD data provided after the review period (with sufficient time to allow for corrective action to occur) to assess whether identified violations or deficiencies were corrected in CAD. The MT requested CAD data for the third quarter of 2021 specifically pertaining to traffic (vehicle), pedestrian, and bicycle stops and other targeted areas of interest. There is a limited period in which corrections may be made in CAD before the data is locked.²⁷

The MT had access to 23 out of 35 total CAD entries with logging errors identified by sergeants. The MT did not have access to the remaining 12 CAD entries with logging errors because the errors pertained to stops with CLR codes that were not provided. Of the 23 errors identified by sergeants, five of them appeared to be corrected while 18 were not. Twenty-three is, of course, a small fraction of the CAD entries, and thus fixing them may not significantly impact CAD reliability. The errors identified by either LASD or the MT were for only one day of patrol activity for each deputy.

The number of total errors over the quarter could be quite significant. For example, multiplying the number of possible errors for each day by the number of days in a quarter (18 uncorrected errors per day times 90 days) results in an estimated 1,620 errors. Additionally, as the Department implements improved supervisory review processes, presumably still more errors will be found, at least at first. Therefore, correcting those errors in CAD will have a substantial impact on the overall reliability of CAD data for analysis and risk management purposes.

b. Failure to review BWC video

The MT acknowledges that the BWC video program was new for the period of time this audit was focused on and that LASD management did not require that supervisors incorporate BWC video into their review of deputy stops. Also, the SA does not specifically reference this practice. The SA does, however, require supervisors to conduct further reviews of available information beyond CAD when

²⁷ The time period to enter corrections is different by station. The Lancaster station allows deputies to make changes up to 10 days after the incident and Palmdale station up to seven days after the incident. Sometimes when supervisors or deputies intend to make the changes in CAD, there is not enough time before these time periods are over.

needed to thoroughly assess deputy performance (paragraph 59). Having not done so represents a failure of the Department's accountability systems.

OBJECTIVE 10.4: TRACKING REPEATED VIOLATIONS AND DEFICIENCIES (SA PARAGRAPH 62)

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

1. AUDIT POPULATION AND SAMPLING

The population and samples were the same as in Objective 10.2.

2. METHODOLOGY

The MT requested all documentation of LASD's tracking of repeated violations. The MT also met with LASD to discuss how the stations track repeated violations.

3. COMPLIANCE MEASURES

AV supervisors and unit commanders consistently track repeated violations and deficiencies in stops, searches, and seizures and take effective corrective action.

Repeated violations or deficiencies in stops, detentions, searches, and detentions and the corrective action taken are tracked in the Performance Recording and Monitoring System (PRMS), personnel logs, station logs, or by an alternative process (paragraph 62).

4. FINDINGS FOR OBJECTIVE 10.4

Finding 10.4 (paragraph 62): Not in Compliance with tracking repeated errors.

The Department has various processes in place to track repeated violations, but those processes are not thorough or effective. There is not a singular tracker or process for this purpose.

It is important that the Department develop a process for tracking repeated deficiencies or violations in stops reporting for several reasons. In particular, it is essential that there is an ability to recognize patterns and trends that may be found at the levels of individual deputies, when making peer-to-peer comparisons, and when assessing performance by field training officers, supervisors, and units. This crucial risk management and station performance information can inform policy, training, and operations. Also, a single process would allow newly assigned or promoted staff to have access to a

reliable source of historical data and not be reliant upon the less formalized sharing of knowledge from those who previously held their position but who are often unavailable due to changes in roles, retirements, etc.

Because of the importance of this SA requirement, the MT explored the processes currently in place that address or could address some aspects of paragraph 62.

- There is a process in place to document deputies' violations of SA provisions related to stops using the PLEs, but an entry into a PLE is inconsistently used and based upon a supervisor's judgment for when an entry is necessary. This may have limited efficacy in improving the conduct of individual deputies, but on its own is not useful at the unit level.
- The MT was not provided with sufficient documentation of repeated violations being tracked in watch commander or watch sergeant logs or in PRMS.
- LASD most often uses a process of alerting a deputy to add more information or correcting documents using Post-it notes and writing a deputy's name on a board to indicate the need to correct documentation. The number of times a deputy is alerted to the need for corrections using this process is not tracked.
- The Quarterly Reports include information about DDWS violations, but the reports are not sufficient for this purpose as they are currently configured. Because they are perhaps the most viable existing process that could be adapted to meet this requirement, the MT did a deeper dive into Quarterly Reports.

5. ADDITIONAL MT OBSERVATIONS RELATED TO OBJECTIVE 10.4

Tracking Repeated Errors with Quarterly Reports

While the Employee Quarterly Review (Quarterly Report) is not designed to track repeated errors as required by SA paragraph 62, employees can be listed on the report for having too many DDWS errors, and DDWS errors are tracked even for those listed on the report for other reasons. The MT therefore reviewed the Quarterly Reports to assess how well they track DDWS errors and if they can be adapted to serve paragraph 62 purposes.

To that end, the MT cross-checked the third-quarter 2021 Quarterly Reports, which would include the last week of September, to determine whether corresponding DDWS logging errors were documented for the deputies for whom errors were identified in the DDWS review.²⁸

- Of the 27 deputies (six in Lancaster and 21 in Palmdale) who had errors noted in the DDWS review for the audit, 16 (59%; four Lancaster, 12 Palmdale) were also listed in the Quarterly Report (for any reason).

²⁸ The MT did not do independent assessment of repeated violations as part of this audit. Rather, the MT requested all documentation of the Department's own process for tracking repeated violations.

- Of those 16, 13 (81%; one Lancaster, 12 Palmdale) had DDWS errors listed in the Quarterly Report.²⁹

If a deputy makes multiple logging errors, the deputy may meet the threshold for inclusion in the report, but the Quarterly Reports are not currently designed to specifically track repeated violations. Deputies listed on the reports may be included because they reached the threshold for several different factors, just one of which is DDWS errors. Quarterly Report procedures do not currently include a protocol for identifying what constitutes “repeated” DDWS violations or what the threshold for inclusion on the report would be. (See further discussion in in the MT reviews of the quarterly reports as part of the Accountability section of the SA.)

OBJECTIVE 10.5: LASD HOLDS STATION MANAGERS ACCOUNTABLE (SA PARAGRAPH 63)

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

1. AUDIT POPULATION AND SAMPLING

The population and samples were the same as in Objective 10.2.

2. METHODOLOGY

The MT reviewed all the data, materials, and findings from Objective 10.

3. COMPLIANCE MEASURES

a. DDWS

- Station commanders hold supervisors accountable for appropriate review of DDWS logs and for taking any necessary corrective actions.
- Watch commanders or lieutenants thoroughly review **95%** of the DDWS Compliance Check Forms they are required to review.

²⁹ The MT did not see any indication in Department documentation of why some deputies or DDWS errors would not be included in the reports, such as the deputies being off duty or on temporary assignment elsewhere or notes of the reports not considering certain types of DDWS errors.

b. Arrest reports

At least **95%** of arrest reports articulate sufficient legal and policy justification for any stops, detentions, or searches that occurred.

c. General compliance

Any issues related to these provisions, including but not limited to patterns of errors, are identified, and appropriate action is taken via LASD's review and accountability processes, such as AAB audits, DDWS and CAD data review, review of crime reports, arrest reports, watch commander logs and sergeant field activity logs, annual Employee Performance Evaluations, Unit Level Performance Reviews, the Employee Quarterly Review, the Sheriff's 11, Risk Management Forums, Crime Management Forums, other supervisory and management reviews, the Community Survey, the Deputy Survey, community engagement activities, disparate impact assessment, and independent analysis (i.e., paragraphs 82–86).

Station managers also review the results of AAB audits, MT stops data reviews, independent stops data analysis, and other information sources to identify any issues not being identified or addressed by supervisors.

Station commanders take appropriate corrective action as necessary.

4. FINDINGS FOR OBJECTIVE 10.5

Finding 10.5 (paragraph 63): Not in Compliance for overall supervisory and management review of stops.

The MT has found LASD out of compliance with the requirement to hold station commanders and supervisors accountable for thoroughly reviewing reports and documentation of stops, searches, and seizures, and requiring deputies to articulate sufficient rationale for these enforcement actions. Paragraph 63 is an overarching supervisor and management review objective. The role of managers is not only to review the work of their immediate subordinates but to make certain that processes and practices for lower-level managers and supervisors are in place, which will ensure agency procedures and the law are consistently and thoroughly followed. This was not found to be the case in this audit. The Department has failed to institute thorough and reliable accountability practices at this level.

Some aspects of this objective were found in technical compliance.

- Every DDWS Compliance Check Form submitted by a supervisor was signed by a lieutenant. However, there is no documentation of any errors or concerns they may have been identified or corrective action taken prior to signing off.
- Incident reports and arrest reports are signed off on by a supervisor and, as reported elsewhere (paragraph 59), the MT found the arrest reports and associated documentation in compliance with regard to providing sufficient descriptions of actions taken and the justification for those actions. This outcome is significant, but a thorough and transparent supervisory and management review

process requires the documentation of each step taken to review, identify issues, and, when needed, take corrective action. However, again, LASD does not track what errors watch commanders or lieutenants may have found or how they were handled, so that part of the process could not be assessed.

- For purposes of this provision, the shortfalls in documentation are so significant that the MT is using a qualitative assessment for this provision.

Our finding of non-compliance with paragraph 63 stems from a variety of findings in the audit.

- All or part of Objectives 3, 5, 6, 7, 8, and 9 being found to be out of compliance or unable to assess because of data availability issues.
- LASD supervisors were close to compliance for DDWS review, but supervisors did not meet LASD-required review standards.
- LASD has not done the data analysis necessary to assess patterns of potential disparity and other unintended consequences of their stops practices. This type of analysis is an essential aspect of stops accountability and is needed to fully evaluate paragraphs 41, 43, 50, and 64 as well as other SA provisions not included in this audit.
- BWC footage is included in the list of sources for information in the compliance metric and SA language, and this footage was available for LASD supervisors to review at the time of the stops reviewed for this audit. However, in the absence of any policy requirement or process making BWC video a regular part of supervisory review of stops, supervisors did not take advantage of the additional information the videos could have provided. Therefore, the stations failed to identify several concerning patterns that arose in MT review of BWC video. (See Objective 3 for additional discussion.)
 - » MT review identified significant differences between written documentation and what was observed on BWC footage. (Twenty-three of 40 CAD entries were in conflict with BWC videos; see discussion in Objective 3.)
 - » BWC footage showed that, in 20 of 27 searches listed as “consent searches” in CAD, neither the question of consent by the deputy nor the response of the person was recorded as per policy. The MT stopped the review after it became clear that mathematically, the Department would not be able to reach compliance.
 - » The stations did not use the available BWC footage of stops to confirm that probation and parole searches are conducted in an SA-compliant manner.
 - » The stations did not use the available BWC footage of stops to identify significant shortcomings in how deputies interacted in ways antithetical to the principles of procedural justice. The MT reviewed 60 BWC videos as part of Objectives 1, 3, 5, 6, and 7 and found zero cases where a deputy introduced themselves at the start of the stop.
 - » The stations did not use the available BWC footage of stops to confirm that BSDs are conducted in an SA-compliant manner.

5. ADDITIONAL MT OBSERVATIONS RELATED TO OBJECTIVE 10.5

Regular command review of sergeants' actions

The MT found two cases where supervisors in the field operated out of policy. The cases bring into question whether these sergeants are setting appropriate examples for the deputies under their supervision or holding the deputies accountable for similar actions (SA paragraphs 58–63). These cases also illustrated poor performance among sergeants that, at least as found in these cases, LASD did not have a system in place to identify or remedy.

In the first stop, the sergeant:

- Exhibited unsafe driving practices;
- Conducted an unnecessarily long high-risk detention where the sergeant provided cover instead of providing instructions to the several deputies present; and
- Was at the scene for the entirety of an individual's lengthy BSD but failed to ensure the person was secured in a safe place away from possible line of fire or that the person was offered medical care after he complained of "seeing spots" after an extended detention in a hot patrol car.

The second incident involved a sergeant who, while patrolling on his own, stopped a person for expired registration. The sergeant:

- Without justification, did not explain the reason for the stop until 20 minutes into the incident;
- Consistently spoke in a rude and unprofessional manner and in a way that did not align with the procedural justice elements of the Bias-Free Policing Training;
- Listed in CAD that the search was based on consent, yet the BWC footage showed that at no point in the stop was consent asked for or received; and
- Chose to continue the stop despite radio audio overheard on the video indicating there was a significant tactical incident taking place nearby.

6. RECOMMENDATIONS

Recommendation 10a. Assessment of Stops Review Practices in the AV. For all the reasons outlined above, LASD should create a working group to conduct an in-depth internal assessment of efforts to comply with these SA supervision, review, and intervention requirements. The review should include an assessment of whether deputies collect enough data for LASD to make accurate assessments of the stops.

Recommendation 10b. Potential Use of SACRS to Track Stops. CAD does not collect all the reasons for a stop or search, but SACRS does track data that way. In this instance, LASD may be better served by using SACRS. There may be other systems in LASD that can provide the necessary data to assess stops practices. Given the documented shortfalls of CAD, the Department must consider other systems and solutions.

Recommendation 10c. High-Level Assessments of Supervisor Responsibilities. The MT’s review revealed that LASD needs to augment management and supervision processes and practices to identify and respond to the types of issues and trends discussed throughout this document. LASD should consider how deputy activity is reviewed by supervisors and when/how supervisors take steps to address activity observed in stops.

Recommendation 10d. All Stops That Occur in the AV Should Be Subject to Review. The MT learned that AV deputies not assigned to the stations do not have stops reviewed as part of the DDWS review process. Additionally, sergeants who engage in stops do not have a weekly DDWS reviewed by a lieutenant. The policy should ensure all deputies conducting stops in the AV, regardless of rank or unit assignment, have their stops reviewed under AV policies and procedures.

Recommendation 10e. Include BWC Footage in Regular Supervisory Reviews. Given the findings and concerns about the accuracy and completeness of CAD, the MT recommends that LASD include regular and meaningful review of BWC footage along with written documentation to provide an adequate review of stops and deputy decision making and actions. Where there were problems identified in the DDWS review, supervisors should be required to watch the BWC footage to gain a better understanding of the events prior to discussing the incident with the deputy. The discussion should be documented in accordance with LASD requirements.

Recommendation 10f. Review BWC Footage of a Larger Sample of Random Stops. LASD should institute practices that meaningfully institute reviews, though the MT understands it is not always feasible to look at every associated video of a stop, given the high number of stops. The MT assessed stops that represent activity of significant risk to the Department and significant impact to the AV community, particularly communities of color.

Recommendation 10g. Risk Management Report Accuracy and Threshold. LASD should ensure the errors in logging stops are accurately listed and counted in the Quarterly Risk Management reports.

Recommendation 10h. Develop a Mechanism to Track Repeated Violations. The MT recommends that LASD improve its tracking of LASD deputy activities in the AV, review the documentation to ensure LASD commanders have the necessary information to track and hold staff accountable for repeated violations, and the corresponding corrective action. Additionally, this system should track when supervisors/lieutenants do not provide adequate review of stops and/or provide corrective action to staff when appropriate.

Recommendation 10i. Constitutional and Bias-Free Policing Training and Accountability. While the trainings may require improvement, it is apparent that some of the principles delivered in the trainings are not consistently supported through supervisory reviews, supervisor and management

accountability, informal or formal mentoring, reinforcement and example-setting by supervisors and managers, or organizational culture. LASD supervisors and management must provide that type of support and reinforcement and must hold deputies accountable for practicing procedural justice and the other concepts and principles delivered in the trainings.

OBJECTIVE 11: EQUAL PROTECTION (SA PARAGRAPH 64)

Determine if LASD provides the public equal protection of the law without bias and if deputies do not initiate contacts based on immigration status.

SA paragraph 64.1: In conducting its activities, LASD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States.

SA paragraph 64.2: Deputies shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

1. AUDIT POPULATION AND SAMPLING

For purposes of this objective, the MT reviewed the sample of 229 stops (149 Lancaster, 80 Palmdale), the same as for the narrative review in Objective 3, to determine if there were violations of this provision. The MT chose to use this sample as a time-saving technique because significant effort was placed in the review of those cases, to include review of BWC footage for a subset of the 229 stops.

2. METHODOLOGY

For SA paragraph 64.2, through its assessments of stops and other field contacts related to paragraphs 41, 42, 43, 44, 52, 63, and 66 and MT use-of-force and complaints audits, MT looked for evidence of violations of this provision. If any were identified, the MT was to make a qualitative determination of compliance based on the number and severity of occurrences and any Department corrective action. If no indications of these issues were arising, the Department was to be found in compliance with this element of the review.

In addition to the review conducted of the 229 stops in this audit, compliance with SA paragraph 64.1 will be assessed qualitatively through the review of the findings and outcomes associated with LASD's SA-required assessments of potential patterns of disparity or violations of equal protection and any corrective action taken, such as the reviews required by paragraphs 46, 68, 81-86, 120-123, and 143. Input from the community will also be considered when specific documented incidents can be identified and reviewed.

3. COMPLIANCE MEASURES

- LASD-AV deputies ensure that members of the public receive equal protection of the law in accordance with the rights secured or protected by the Constitution or laws of the United States and without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation (paragraph 64.1).
- LASD AV deputies do not initiate stops or other field contacts because of an individual's actual or perceived immigration status (paragraph 64.2).
- Violations of these provisions are identified by management, and corrective actions are implemented.

4. FINDINGS FOR OBJECTIVE 11

Finding 11a (Paragraph 64.1): Partial Compliance for equal protection.

In the stops reviewed as part of this audit, the MT did not find evidence of stops being initiated based on the prohibited conduct identified in this provision; therefore, LASD is in partial compliance with this objective. However, full compliance assessment for this provision requires additional assessment beyond this audit, including quantitative and qualitative review of stops measured across all of the MT's work and in LASD's required disparity analyses in paragraphs 68, 81–86, 120–123, and elsewhere. Although the MT did not find obvious violations of this provision in this audit, the MT did find troubling instances where people of color were being treated in ways that are in violation of other stops provisions in the SA. (See Recommendation 11a.)

Finding 11b (Paragraph 64.2): In Compliance with not using immigration status as a reason to initiate stops.

LASD is in compliance with the stops reviewed as part of this audit. The MT did not observe deputies initiating stops or other field contacts because of an individual's actual or perceived immigration status. This provision is measured across all the MT's work and LASD's required disparity analyses and requires additional assessment beyond this audit. Although the MT did not find violations of this provision while reviewing the stops, the MT will continue to look for any violations of this provision.

5. ADDITIONAL MT OBSERVATIONS RELATED TO FINDINGS FOR OBJECTIVE 11

a. **Procedural justice and the rationale for expanding the stop beyond the initial reason for the stop.**

The stops reviewed by the MT consistently fell short of compliance with the required SA paragraph related to procedural justice (SA paragraphs 42 and 57).

- The MT saw no BWC footage in which deputies introduced themselves.

- In many cases, the reasons for the stops were not explained at the beginning of the encounter despite there being no apparent reason not to do so.
- Several videos included unprofessional, disrespectful, and/or confrontational (escalating rather than de-escalating) language or tone.
- In one case, the MT expressed concern about a deputy who engaged with a detained individual prior to a Miranda advisement being given; other cases had similar issues. The deputy also used an unprofessional and confrontational tone with the individual.

Additionally, several cases did not align with the training associated with paragraph 57, which refers to the factors that should be considered in “initiating, conducting, terminating, and expanding a stop or search,” including using good judgment and considering alternatives to initiating or expanding a stop. While the audit cases were consistently in compliance with paragraph 41, which requires LASD to have a lawful reason to initiate a stop, each subsequent action in a stop also requires specific legal justification as well as consideration for the impact of patterns of actions during stops that may damage Department–community relations and trust. (See also audit recommendations 3c and 10i.)

b. Community engagement and potential disparity

Several SA provisions require the Department to avoid activities and conduct that may harm community trust and to assess activities for such potential. (See preface to Stops section on page 7 and paragraphs 64, 65, 67, 68, 70, and 91.) At the April 2023 site visit, the MT reminded the Department that stops and calls for service are the primary community engagement activities conducted by deputies and become the narratives that shape community perceptions. This highlights the need to stress procedural justice and to work to eliminate the perception found in some communities that BSDs, searches, and other actions during stops are conducted arbitrarily or—as borne out in stops data analysis—disproportionately with respect to certain demographic groups.

6. RECOMMENDATIONS

Recommendation 11a. Conduct Required Data Analyses and Disparity Reviews. The MT notes that LASD has partnered with the Center for Policing Equity (CPE) to assist the Department with an in-depth analysis of LASD stops and enforcement activity documented in CAD. LASD should use this important partnership to ensure that meaningful analysis to identify and address potential disparities is conducted. The partnership should be used to finally address the SA disparity review and analysis required by paragraphs 68, 81–86, 120–123, and others. MT analyses have shown disparities (see *An Analysis of Racial/Ethnic Disparities in Stops by Los Angeles County Sheriff’s Deputies in the Antelope Valley*.³⁰) LASD will be required to use the results of those analyses to develop and implement corrective actions to address areas where any disparate treatment has been identified in the AV. Additionally, the MT emphasizes that the review of BWC footage as part of future MT and AAB audits, UOF and

³⁰ The report can be found on the Monitors’ website, at <http://www.antelopevalleysettlementmonitoring.info/content/documents/audits%20and%20analysis/Analysis%20of%20LASD%20Stops%20in%20the%20AV%20January-July%202019.pdf>.

complaints investigations, and regular supervisory review at the stations should specifically include assessment of constitutional policing and bias-free policing factors such as those addressed in Objectives 1, 2, 6, 9, 11, and others. These reviews should include consideration of factors such as discretionary stops (especially those for low-level traffic violations) and patterns of practice by individual deputies and units and by deputies under the mentoring or supervision of particular field training officers or supervisors.

APPENDIX A: ALL PEOPLE STOPPED DURING AUDIT PERIOD (INCLUDING PASSENGERS)

DEMOGRAPHIC	LAN (N = 2,888 PEOPLE STOPPED)		PLM (N = 6,813 PEOPLE STOPPED)		TOTAL (N = 9,701 PEOPLE STOPPED)	
	n	%	n	%	n	%
Female	881	30.5%	2,016	29.6%	2,897	29.9%
Male	2,007	69.5%	4,797	70.4%	6,804	70.1%
Asian	15	0.5%	26	0.4%	41	0.4%
Black	1,205	41.7%	1,788	26.2%	2,993	30.9%
Hispanic	1,033	35.8%	3,738	54.9%	4,771	49.2%
White	590	20.4%	1,171	17.2%	1,761	18.2%
Other	45	1.6%	90	1.3%	135	1.4%
Under 25	555	19.2%	1,773	26.0%	2,328	24.0%
25 and older	2,333	80.8%	5,040	74.0%	7,373	76.0%
Asked probation/parole	948	32.8%	1,811	26.6%	2,759	28.4%
BSD	120	4.2%	367	5.4%	487	5.0%
Any person search	856	29.6%	1,828	26.8%	2,684	27.7%
Any vehicle search	625	21.6%	1,661	24.4%	2,286	23.6%
Any search: person or vehicle	933	32.3%	2,044	30.0%	2,977	30.7%
Any consent search: person or vehicle	267	9.2%	495	7.3%	762	7.9%
Any arrest	741	25.7%	1,438	21.1%	2,179	22.5%
Vehicle impounded or stored	161	5.6%	191	2.8%	352	3.6%
Vehicle impounded	72	2.5%	125	1.8%	197	2.0%

APPENDIX B: ALL PEOPLE STOPPED (INCLUDING PASSENGERS) NOT INCLUDING CITATION-ONLY OR WARNING-ONLY STOPS*

DEMOGRAPHIC	LAN (N = 1,313 PEOPLE STOPPED)		PLM (N = 2,701 PEOPLE STOPPED)		TOTAL (N = 4,014 PEOPLE STOPPED)	
	n	%	n	%	n	%
Female	296	22.5%	621	23.0%	917	22.8%
Male	1,017	77.5%	2,080	77.0%	3,097	77.2%
Asian	1	0.1%	1	0.0%	2	0.0%
Black	626	47.7%	778	28.8%	1,404	35.0%
Hispanic	439	33.4%	1,442	53.4%	1,881	46.9%
White	241	18.4%	467	17.3%	708	17.6%
Other	6	0.5%	13	0.5%	19	0.5%
Under 25	232	17.7%	735	27.2%	967	24.1%
25 and older	1,081	82.3%	1,966	72.8%	3,047	75.9%
Asked probation/parole	710	54.1%	1,247	46.2%	1,957	48.8%
BSD	120	9.1%	367	13.6%	487	12.1%
Any person search	856	65.2%	1,828	67.7%	2,684	66.9%
Any vehicle search	625	47.6%	1,661	61.5%	2,286	57.0%
Any search: person or vehicle	933	71.1%	2,044	75.7%	2,977	74.2%
Any consent search: person or vehicle	267	20.3%	495	18.3%	762	19.0%
Any arrest	741	56.4%	1,438	53.2%	2,179	54.3%
Vehicle impounded or stored	161	12.3%	191	7.1%	352	8.8%
Vehicle impounded	72	5.5%	125	4.6%	197	4.9%

*This was the population used for all or parts of objectives 1, 2, 3, 4, 5, 6, 7, and 11.

APPENDIX C: OVERALL SAMPLE: ALL PEOPLE STOPPED (INCLUDING PASSENGERS)*

DEMOGRAPHIC	LAN (N = 114 PEOPLE STOPPED)		PLM (N = 240 PEOPLE STOPPED)		TOTAL (N = 354 PEOPLE STOPPED)	
	n	%	n	%	n	%
Female	22	19.3%	52	21.7%	74	20.9%
Male	92	80.7%	188	78.3%	280	79.1%
Asian	0	-	0	-	0	-
Black	60	52.6%	66	27.5%	126	35.6%
Hispanic	42	36.8%	122	50.8%	164	46.3%
White	12	10.5%	50	20.8%	62	17.5%
Other	0	0.0%	2	0.8%	2	0.6%
Under 25	22	19.3%	74	30.8%	96	27.1%
25 and older	92	80.7%	166	69.2%	258	72.9%
Asked probation/parole	72	63.2%	130	54.2%	202	57.1%
BSD	49	43.0%	70	29.2%	119	33.6%
Any person search	85	74.6%	197	82.1%	282	79.7%
Any vehicle search	69	60.5%	178	74.2%	247	69.8%
Any search: person or vehicle	93	81.6%	209	87.1%	302	85.3%
Any consent search: person or vehicle	41	36.0%	95	39.6%	136	38.4%
Any arrest	59	51.8%	102	42.5%	161	45.5%
Vehicle impounded or stored	15	13.2%	13	5.4%	28	7.9%
Vehicle impounded	7	6.1%	8	3.3%	15	4.2%

*This table represents the 354 total individuals, including passengers, who were involved in the 229 stops included in the sample for Objectives 4 and 11. The sample of 229 stops was established through an iterative process stemming from the samples for Objective 1, 5, and 6. (See those objectives for further details.)

APPENDIX D: US CENSUS DEMOGRAPHICS FOR INCORPORATED LANCASTER AND PALMDALE*

DEMOGRAPHIC	LANCASTER CITY (N = 170,134)		PALMDALE CITY (N = 165,795)		LANCASTER AND PALMDALE (N = 335,929)	
	n	%	n	%	n	%
Female	84,485	49.7%	82,698	49.9%	167,183	49.8%
Male	85,649	50.3%	83,097	50.1%	168,746	50.2%
Asian	6,589	3.9%	6,625	4.0%	13,214	3.9%
Black	35,946	21.1%	16,508	10.0%	52,454	15.6%
Hispanic	80,933	47.6%	103,729	62.6%	184,662	55.0%
White	39,653	23.3%	32,536	19.6%	72,189	21.5%
Other**	7,013	4.0%	6,397	3.8%	1,3410	4.0%
Under 25	65,519	38.5%	60,837	36.7%	126,356	37.6%
25 and older	104,615	61.5%	104,958	63.3%	209,573	62.4%

*This US Census data is provided for reference only. It is limited to the cities of Palmdale and Lancaster and does not include the outlying areas, and thus is not representative of all the individuals who might be stopped by LASD in the AV.

**Includes American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Two or More Races; and Some Other Race.

Source: <https://www.census.gov/quickfacts/fact/table/palmdalecitycalifornia,lancastercitycalifornia>

APPENDIX E: DEFINITIONS

ARBITRARY

Not supported by fair, solid, and substantial cause, and without reason given. *Treloar v. Bigge* (L. R. 9 Exch. 155), Black's Law Dictionary.

BACKSEAT DETENTION

Restraining a person's freedom by placing them in the backseat of a patrol car for any period of time. (Settlement Agreement Paragraph 7)

CONSENT TO SEARCH

A person knowingly and willingly allowing LASD to conduct a search.

INVESTIGATORY STOP OR INVESTIGATORY DETENTION

A temporary restraint where the reasonable person subjected to the stop or detention would reasonably believe that they are not free to leave. An investigatory stop or detention may be a pedestrian, vehicle, or bicycle stop. (Settle Agreement Paragraph 21)

LIMITED ENGLISH PROFICIENT

Limited English proficient, or LEP, refers to a person who does not speak English as their primary language and has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). (Settlement Agreement Paragraph 22)

MOBILE DATA COMPUTER OR MOBILE DIGITAL SYSTEMS

Mobile Digital Computer (MDC) or Mobile Digital Systems (MDS), which is the electronic system deputies use to record daily patrol activity. (Settlement Agreement Paragraph 23)

PERFORMANCE LOG ENTRY

Performance Log Entry, or PLE, refers to the hard copy documentation of supervisory notations about a deputy's performance, including commendations, weaknesses, career guidance, and training recommendations. (Settlement Agreement Paragraph 27)

PERFORMANCE MENTORING PROGRAM

LASD's departmentwide mentoring program as well as the North Patrol Division's mentoring program. These performance mentoring programs identify and assist deputies in need of specialized or additional training, supervision, or mentoring. (Settlement Agreement Paragraph 28)

POLICY

Regulations, directives, unit orders, or manuals, regardless of the name, that describe the duties, functions, and obligations of LASD deputies and/or employees and provide specific direction in how to fulfill those duties, functions, or obligations. (Settlement Agreement Paragraph 29)

PROBABLE CAUSE FOR ARREST

A set of facts that would cause a person of ordinary care and prudence to entertain an honest and strong belief that the person to be arrested is guilty of a crime. Probable cause is required before an arrest is made and is based on the totality of the circumstances. (CA POST Learning Domain 15 V-4.16, p. 4-4)

PROBABLE CAUSE TO SEARCH

Probable cause to search an area or object means having enough facts or information to provide a fair probability, or a substantial chance, that the item sought is in the place to be searched. (CA POST Learning Domain 16 V-4.8)

REASONABLE SUSPICION

Articulable facts that, within the totality of the circumstances, lead a deputy to reasonably suspect that a crime has been, is being, or is about to be committed. (Settlement Agreement Paragraph 31)

SERVICE COMMENT REVIEW

A service comment review, or SCR, is the review of an external civilian complaint about an LASD deputy or employee's behavior. (Settlement Agreement Paragraph 33)

SECTION 8

Section 8, or the Voucher Program, refers to the federal Section 8 Housing Choice Voucher Program, which is authorized under 42 U.S.C. § 1437f and funded by the US Department of Housing and Urban Development, under which qualifying persons may receive a voucher for a portion of their rental housing costs, which they can use on the open market to obtain housing. (Settlement Agreement Paragraph 34)

SEIZURE OR DETENTION

Seizure or detention occurs when a deputy's words or actions convey to a reasonable person that they are not free to leave. (Settlement Agreement Paragraph 35)

SETTLEMENT AGREEMENT

"Settlement Agreement" or "Agreement" refers to this document, filed as a part of the action, United States v. Los Angeles County et al., Civil Action No. [No. CV 15-03174, United States v. Los Angeles County et al. (D.C. Cal. Apr. 28, 2015)].

SUPERVISOR

A sworn LASD-AV employee at the rank of sergeant or higher (or anyone acting in those capacities) and non-sworn LASD-AV personnel with oversight responsibility for other deputies. (Settlement Agreement Paragraph 38)

APPENDIX F: KEY DOCUMENTS

ARREST REPORT

A record written by the arresting law enforcement officer. It describes the circumstances that resulted in the arrest. The report includes information about the person and the alleged offenses.

CITATIONS OR NOTICE TO APPEAR

Used by deputies to document traffic offenses, infractions, misdemeanors, or issue a notice to appear in court.

COMPUTER ASSISTED DISPATCH (CAD)

The system by which calls for service are relayed to patrol deputies. It includes a database of all related information, including data entered (using MDC) by deputies describing the circumstances of any contact.

DEPUTY'S DAILY WORKSHEET (DDWS)

A log of all contacts made by a deputy for a given day/shift. It consists of all entries in CAD for one day, including calls for service, stops, detentions, and other types of contacts. Also referred to as a CAD log or DDWS log.

DDWS LOG COMPLIANCE CHECK FORM

Completed by sergeants as part of their weekly audit of the accurate completion of CAD entries by AV deputies. Policy states that one DDWS is reviewed per week for each patrol deputy.

INCIDENT REPORT

Used to document crimes and/or suspected criminal activity and the circumstances of the arrest if applicable.

MOBILE DATA COMPUTER (MDC) OR MOBILE DIGITAL SYSTEM (MDS)

The electronic system (e.g., a laptop in a patrol vehicle) whereby deputies record daily patrol activity in CAD, search databases, or populate documents.

PROBABLE CAUSE DECLARATIONS

A form containing a brief Statement of Probable Cause for an arrest. These are completed upon arrest of an individual for forwarding to a judge for review.

SEARCH WAIVER FORMS

Used to document a person's consent for a search.

SEARCH WARRANT

Document signed by a judge authorizing a search.

SEARCH WARRANT AFFIDAVIT

Document used by deputies to request a search warrant. The affidavit documents the facts and reasons for requesting a search warrant.

SUPPLEMENTAL REPORT

Used by deputies to document additional information for an incident report or other LASD document.

APPENDIX G: RELEVANT LASD POLICIES

MPP 5-09/520.00 – CONSTITUTIONAL POLICING AND STOPS

As a public law enforcement agency, the Department is committed to ensuring that members of the public receive equal protection of the law without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation and in accordance with the rights secured or protected by the Constitution or laws of the United States. These ideals are engrained into our efforts and reflect our Department's continued commitment to Constitutional Policing.

MPP 5-09/520.05 – STOPS, SEIZURES, AND SEARCHES

Department members shall conduct investigatory stops or detentions only when they have reasonable suspicion that a person has been, is, or is about to be, engaged in the commission of a crime.

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

Department members shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation in exercising discretion to conduct a search except as part of an actual and credible description of a specific suspect or suspects in any criminal investigation.

Department members shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

Department members shall not conduct arbitrary searches. The request to conduct a consent search must be reasonable, and a deputy must be able to articulate a valid reason under law and policy for initially having stopped the individual.

Department members shall conduct searches of individuals based on probation or parole status only when knowledge of a probation or parole search condition has been established.

Department members shall immediately notify a supervisor when routine field activity or observations lead to consideration of a home search based on consent, and the supervisor shall either approve the search before it is conducted or, if appropriate, a search warrant should be sought.

MPP 5-09/520.10 – BACKSEAT DETENTIONS

A backseat detention occurs when an individual's freedom is restrained by placing that individual in the backseat of a patrol car for investigative purposes for any period of time. Backseat detentions shall not be used except when the deputy has individualized reasonable suspicion that justifies a detention and an articulable reasonable belief that the detained person may pose a threat of physical harm or is an escape risk unless detained in the backseat. Backseat detentions are not permitted when based on unreasonable or factually unsupported assertions of deputy safety. Deputies shall not conduct backseat detentions as a matter of course during routine traffic stops or domestic violence situations.

In instances where an individual is provided the option of sitting in the backseat due to weather conditions or the individual's desire for privacy, the deputy will make clear this placement is a courtesy, and that the individual is free to exit the patrol car at any time.

Deputies shall explain to the individual, in a professional and courteous manner, why they are being detained in the backseat of a patrol car. If an individual complains about being detained in the backseat of a patrol car, the deputy shall call for a field sergeant to respond to the scene to address the individual's complaint. If the individual does not want to wait for the field sergeant to respond to the scene, the deputy shall provide the individual with a business card or equivalent identifying information.

Deputies shall not attempt to dissuade any individual from making a complaint with a supervisor about a backseat detention, whether through their words, actions, or by delaying the notification to, or the response from, the supervisor.

The backseat detention contact type codes shall be used as the primary code in the contact type field to document all backseat detentions on the Deputy's Daily Work Sheet. The length of time, in approximate minutes of the backseat detention, shall be documented in the "BSDLEN" field of the Mobile Digital Computer (MDC). The factual justification for the backseat detention "seizure" shall be articulated in the narrative portion of the deputy's log.

MPP 3-06/200.05 – BODY-WORN CAMERAS – EQUIPMENT

Body-worn camera (BWC) equipment consists of a body-mounted camera with a built-in microphone and a handheld viewing device. The BWC is worn on the outside of a Department member's uniform, facing forward to make video and audio recordings. The BWC audio and video recordings are stored on the BWC and can be viewed on a handheld viewer or on a Department computer.

Department personnel trained and issued a BWC device are required to wear and use their BWC while on duty, consistent with the terms of this policy. The on-duty watch commander or incident commander may grant exceptions for wearing a BWC to personnel who are working outside overtime assignments, special operations, or due to shortage of replacement cameras.

MPP 3-06/200.08 – BODY-WORN CAMERAS – ACTIVATION

Department personnel shall activate their body-worn camera (BWC) prior to initiating, or upon arrival at, any enforcement or investigative contact involving a member of the public, including all of the following.

- Vehicle stops
- Pedestrian stops (including self-initiated consensual encounters)
- Calls for service
- Code 3 responses, including vehicle pursuits
- Foot pursuits
- Searches
- Arrests
- Uses of force, including any transportation of the subject
- In-custody transports of persons who are uncooperative, belligerent, or threatening
- Suspect, victim, and witness interviews (except as indicated in the Manual of Policy and Procedures section 3-06/200.18, Body Worn Camera Recording Exceptions)
- Any encounter with a member of the public who is or becomes uncooperative, belligerent, or otherwise hostile.

Department personnel may activate their BWC for the following reasons.

- Transportation of a member of the public
- Other investigative or enforcement activities where, in the Department member's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review

MPP 3-06/200.10 – INABILITY TO ACTIVATE BODY-WORN CAMERA PRIOR TO INITIATING ENFORCEMENT OR INVESTIGATIVE CONTACT

If a Department member fails to, or is unable to, activate their body-worn camera (BWC) prior to initiating any of the enforcement or investigative contacts listed in section 3-06/200.08, they shall activate it as soon as it is practical and safe to do so. As in all enforcement or investigative contacts including vehicle and pedestrian stops, the safety of Department personnel and members of the public are the highest priorities. A member who fails to activate a BWC because an incident unfolds too quickly making activation impracticable or unsafe does not violate this policy.

MPP 3-06/200.10 – RECORDING OF THE ENTIRE CONTACT

The body-worn camera (BWC) shall continue recording until the enforcement or investigative contact involving a member of the public has ended. If an investigative or enforcement contact involving a member of the public resumes after the video has stopped, the Department member shall reactivate the BWC device and continue recording.

MPP 3-06/200.15 – DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY-WORN CAMERA OR RECORDING THE DURATION OF THE CONTACT

If a Department member is unable to, or fails to, activate their body-worn camera (BWC) prior to initiating an enforcement or investigative contact, fails to record an entire contact, or interrupts the recording for any reason, other than the exceptions listed in section 3-06/200.18, they shall document their reasons in any accompanying log entries, reports, memoranda, and metadata.

RELEVANT DIVISION ORDERS

- **Lancaster Unit Order 69:** "Supplemental Supervisory Responsibilities."
- **Palmdale Unit Order 14-06:** "Supplemental Supervisory Responsibilities," both of which established the required additional accountability requirements.
- **Lancaster Unit Order 68 and Palmdale Unit Order 14-05:** "Deputies shall use accurate and specific descriptive language and not rely solely on 'boilerplate' or form language in any reports describing factual circumstances of investigatory stops, detention, and searches."
- **Lancaster Unit Order 68 and Palmdale Unit Order 14-05:** "Deputies equipped with LASD-issued body-worn audio or video recorders ... shall record all requests for consent to search and the individual's response."