

# Antelope Valley Monitoring Team 15th Semi-Annual Report



December 2022

## CONTENTS

I.	INTRODUCTION.....	1
II.	WORK TO DATE .....	6
A.	Monitoring Activities in this Reporting Period .....	6
B.	Stops, Seizures, and Searches .....	7
C.	Bias-Free Policing.....	22
D.	Enforcement of Section 8 Compliance.....	30
E.	Data Collection and Analysis .....	32
F.	Community Engagement .....	35
G.	Use of Force .....	47
H.	Personnel Complaint Review .....	58
I.	Accountability.....	65
III.	CONCLUSION .....	71

## TABLES

Table 1: Stops, Seizures, and Searches Compliance Status
Table 2: Bias-Free Policing Compliance Status
Table 3: Enforcement of Section 8 Compliance Status
Table 4: Data Collection and Analysis Compliance Status
Table 5: Community Engagement Compliance Status
Table 6: Use-of-Force Compliance Status
Table 7: Personnel Complaint Review Compliance Status
Table 8: Accountability Compliance Status

## APPENDICES

A.	Monitoring Team and Website
B.	How the Parties and Monitoring Team Work
C.	Settlement Agreement Compliance
D.	Supplemental Information for Each SA Paragraph (Appendix D is located in a separate file on the Monitor’s website, <a href="http://www.antelopevalleysettlementmonitoring.info">http://www.antelopevalleysettlementmonitoring.info</a> )

## I. INTRODUCTION

During this reporting period on the Settlement Agreement (SA) between the County of Los Angeles and the Los Angeles County Sheriff's Department (LASD or the Department) and the US Department of Justice (DOJ) for the Antelope Valley (AV), Robert Luna was elected sheriff, running on the goals of restoring public trust and reform with an emphasis on the community-centered practices established by President Barack Obama's Task Force on 21st Century Policing. As documented in this and previous reports, these ideals have not been evident in our recent work with LASD; however, the Monitors of the LASD-AV Settlement Agreement are hopeful that under Sheriff Luna's leadership, LASD will approach the SA with a sense of urgency and integrity that we have not seen since prior to former Sheriff Alejandro Villanueva's tenure.

In July 2020, halfway into the Villanueva administration, we included letters to the Sheriff and to Judge John F. Walter to draw attention to several crucial SA requirements still unfinished and to the lack of sufficient LASD leadership regarding the implementation of the SA, which we found to be the main cause of the delays. Two years later, in our July 2022 report, we documented that progress had continued to stall or backslide and that those crucial tasks were still not completed. The Monitors' frustrations with the delays were at an all-time high, compelling us to request that DOJ, LASD, and the County (collectively referred to as the Parties in these reports) seek judicial involvement in the case. Faced with a department and county that were unsupportive if not outright resistant to the reforms outlined in the SA, and a void of leadership willing or able to prioritize the SA, the Monitors felt that judicial involvement was necessary to motivate LASD to implement the SA. We cited the following factors as critical failures by LASD and the County with the implementation of the SA.

1. Lack of leadership and executive involvement.
2. Lack of attempts to undertake or prioritize required SA-related work.
3. Lack of urgency.
4. Insufficient resources allocated to the SA-related work.
5. Insufficient use of data and a lack of a culture of transparency.
6. Lack of progress on LASD internal audits.

While we have since noticed more executive involvement and incremental improvement in some areas, the critical failures listed above remain. As will be noted later in this section and throughout the report, LASD made very little progress toward compliance in the last six months. Despite direct and much appreciated interventions undertaken by the Assistant Sheriff for Patrol and, increasingly, the North Patrol Division (NPD) chief, we have seen little evidence that overall LASD leadership was willing or committed to turning things around and stressing the importance of undertaking the needed reforms under former sheriff Villanueva's leadership.

That said, we want to again acknowledge the Compliance Unit (CU) for their continued efforts to move the Department along despite inadequate resources, support, or direction. We continue to note an earnest effort from the CU to carry out the SA-required work.

One of the strategies employed by the CU this reporting period was to narrow their focus and concentrate on a smaller number of goals that LASD felt could be accomplished by the end of 2022. As expressed by NPD leadership and the CU, the idea was to concentrate attention and resources on a limited number of activities, demonstrate that progress could be made, and then build on those successes in the next reporting period.

To support the CU's intentions and efforts, the Monitoring Team (MT) reflected LASDs' priorities and timelines in our Monitoring Plan, which included completion of or significant progress on several key tasks. The Parties and MT also instituted monthly status meetings where LASD personnel provide updates on LASD's prioritized issues to their executive leadership, DOJ and the MT. The purpose of these regular meetings is not only to identify progress but also to identify barriers that require attention and intervention by executive staff.

The prioritized tasks for this reporting period (through December 2022), work completed, and compliance status are as follows:

1. Use of Force Policy .....**Incomplete**
2. Use of Force training curriculum for 119 (a–e) .....**Incomplete**
3. LASD Use of Force Data Analysis Report for 2020 .....**Incomplete**
4. Division Order on the review of BWC footage.....**Complete**
5. 2021 LASD Community Engagement Report .....**Complete**
6. WCSR Handbook .....**Incomplete**
7. MPP sections related to complaints .....**Incomplete**
8. Administrative Investigations Handbook.....**Incomplete**
9. Revised and new compliance metrics .....**Incomplete**

As shown, LASD made progress in a few areas, such as its Community Engagement Report and the dissemination of the Central Patrol Division order related to review of body-worn camera (BWC) footage to the Northern Patrol Division. LASD also maintained their responsibilities to carry out various ongoing SA-related tasks, such as the Constitutional policing and bias-free policing trainings, deputies' community engagement activities, the Crime Management Forum (CMF) and Risk Management Forum (RMF), participation in the Community Survey, quarterly reports, and other regular activities.

We note for the community, the Court, and Sheriff Luna that no substantive progress was made on the use-of-force (UOF) policy, training, or analysis, nor did the Department meet their own goals for complaint-related policies or training. Despite the Compliance Unit's identification of priorities and some additional executive involvement, LASD continues to plod along unsuccessfully in these areas essential to the SA, essential to effective risk management, and essential to the provision of Constitutional policing in the AV.

To date, the Parties have not reached agreement on seeking the involvement of the Court, although the Monitors continue to think it would be helpful. We are hopeful that the new Sheriff will take the SA seriously, allocate the needed resources for implementing rather than avoiding and delaying the required reforms, and hold management at the stations and other key divisions, including the training bureau and those responsible for policy development,

responsible to the court orders of the Settlement Agreement.

From that vantage point, we want to stress some overarching issues that we believe Sheriff Luna will want to take immediate action to remedy.

1. The overall pace of progress is woefully insufficient. In this reporting period, the MT supported LASD's approach and desire to focus on a small list of key goals with timelines that LASD proposed as realistic so that the department could demonstrate some success and gather some momentum. As noted above, LASD was able to accomplish few of these goals. There is no reason why LASD should not be able to come into compliance with the SA objectives during this term of Sheriff Luna's administration. To accomplish this, LASD must set internal implementation timelines for the critical components of the SA, provide the resources and staffing necessary to meet those timelines, and ensure the implementation plan is closely monitored by the upper echelons of the organization.
2. LASD needs to stop approaching the implementation of the SA as being strictly an Antelope Valley issue. It is not. While the monitoring is focused on the AV stations, the behavior of AV deputies and managers is governed by the Department's policies and manuals as well as the organizational culture. AV staff are highly mobile. LASD personnel are routinely transferring in and out of AV stations, so expecting that AV deputies would or should possess skills, training, and supervision that is unique only to the AV is a serious logistical problem at best and an approach that undermines the spirit of the SA—and 21st century policing—at worst.
3. Midlevel management has proven to be a barrier to the SA. There is a continued culture of resistance to the SA, defensiveness and justification surrounding behaviors and poor performance, and resistance to accountability that permeates the stations. Station leadership seem empowered if not encouraged to malign the SA. There have been some particularly egregious examples of this in the Palmdale station.<sup>1</sup> Several members of the community quoted the captain as referring to the SA as a "piece of s\*\*\*" at a community meeting—an incident that the MT has shared with LASD executives. A sergeant—whose job responsibilities included management of SA compliance work—was heard mocking a member of

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<sup>1</sup> The issue with attitudes toward the SA and the Monitors is not new. In our 14th Semi-Annual Report, we noted that there was a narrative among some within LASD that the lack of progress is the "Monitors' fault." We wrote: "The Monitors are concerned that this attitude among line staff may be reflective of the messaging they receive from some station and divisional managers. Anyone in the Department who perpetuates this false narrative is hindering LASD's progress and undermining the requirements of the SA. The MT has also found that this attitude is sometimes expressed to Community Advisory Committees (CACs) members and the general community. This represents a failure of executive leadership and station managers, as well as of the Department's community engagement efforts. The MT encourages LASD-AV leadership to provide consistent messaging supporting the goals of the SA—which includes ensuring that LASD-AV deputies are best prepared to provide safe, effective, and Constitutional policing in the AV—and regular updates on the SA to Lancaster and Palmdale stations to keep all ranks informed and to increase deputy morale." (Page 14)

the Monitoring Team and making derogatory references during a video meeting that included DOJ, LA County Counsel, and an LASD commander.

4. LASD relationships with some parts of the Antelope Valley community, especially among those identified in the SA such as people of color, have not shown sufficient improvement since the start of the SA. While many in the AV continue to support the Department, the Monitors have heard from a growing number of community members voicing concerns about such issues as the complaints process and potential disparities in enforcement practices—as supported by community perceptions and by published reports and articles such as those from OIG and the *Los Angeles Times*—and basic trust in the Department. They also perceive the Department as lacking a genuine commitment to supporting the mission of the Community Advisory Committees (CACs) or to engaging in genuine collaboration with the community in pursuit of solutions. Many have expressed dissatisfaction with the pace of reform, for which they blame not just the Department but the Monitors and DOJ, citing an inability to hold the Department accountable, and requesting Court intervention.

Monitoring the implementation of the SA is expensive. LASD and the County bear the direct responsibility for the cost of the monitoring, County Counsel expenses, and the fees for the outside law firm supporting County Counsel. LASD and the county will also incur substantial costs related to developing and implementing training, procuring a new early warning data system, hiring data analysts and external consultants, adequately staffing the Compliance Unit, and so forth. However, resisting the implementation of the SA is much more costly in the long run—both for the Department and the community, not only because the resistance has led to a lack of progress, which prolongs the direct costs of the monitoring, but more importantly, it is costly in terms of the damage to the relationship between the LASD and the community and to public safety. The commitment of time and energy of the CAC members and other community members is another cost that may be squandered if the Department fails to hold up its end of the agreement. Not having compliant use of force policies and trainings also leads to lawsuits. And not providing adequate support, training, and supervision to deputies leads to lowered morale, inhibited career trajectories, greater risk of injury, and costly missed work and turnover in an agency already challenged by staff shortages. Finally, the majority of the reforms required by the SA will benefit the Department countywide and would be incurred anyway as the Department gradually institutes the technologies and best practices expected of all modern law enforcement agencies.

## **Format of this Semi-Annual Report**

This report varies from previous reports in the formatting of the material. In short, we concentrate our assessments on those areas that LASD committed to achieving by the close of 2022. Each section will begin with an indication of which priorities were identified by the CU and County Counsel and an assessment of any related progress achieved. We also note areas in which LASD maintained ongoing activities, such as the Constitutional policing and bias-free policing trainings, deputies' community engagement activities, and others. We then describe the key activities that were not prioritized and where the Department remains out of compliance. As in the last report, the compliance assessment of each SA paragraph is included in a compliance status table for each section, and additional and far more detailed information is provided in the related appendix. We also describe additional work conducted by the MT to assess compliance and identify obstacles to compliance with each section.

### **The Antelope Valley Settlement Agreement: Summary**

The Antelope Valley Settlement Agreement (SA) was established between the US Department of Justice, Civil Rights Division (DOJ); the Los Angeles County Sheriff's Department (LASD); and the County of Los Angeles, and it was filed with the US District Court for the Central District of California in April 2015. (DOJ, LASD, and the County are collectively referred to as the Parties.)

The purpose of the SA is to ensure that residents of the Antelope Valley (AV) have police services that are lawful and fully consistent with the Constitution of the United States and contemporary policing practices. The SA specifically identifies, as individual sections, a variety of reforms and objectives to be met by LASD in the AV related to stops, seizures, and searches; bias-free policing; enforcement of Section 8 compliance; data collection and analysis; community engagement; use of force; personnel complaint review; and accountability.

The SA also stipulates that a professional monitor be selected to track and assess LASD's progress in implementing and achieving compliance with the SA; work with the Parties to address obstacles to achieving compliance; and report on the status of implementation to the Parties and the Court. Per SA Paragraph 171, the Monitors submit a semi-annual report every six months; the first of these was issued in December 2015.

The AV lies in the northeast corner of the County of Los Angeles and includes two cities—Lancaster and Palmdale—and several unincorporated communities spread across hundreds of square miles. LASD provides law enforcement services in the unincorporated areas of the AV as well as via contracts with Palmdale and Lancaster. An LASD station serves each city, with law enforcement activities for the surrounding areas split roughly between the two.

## **II. WORK TO DATE**

### **A. Monitoring Activities in this Reporting Period**

The MT's assessment of current LASD compliance with the requirements they agreed to when they entered into the SA is based on a number of factors, including formal MT compliance assessments and audits, the MT's ongoing reviews and observations that it conducts before and in between formal audits, and the MT's ongoing assessment of LASD's efforts to address shortcomings and areas of non-compliance identified by MT and DOJ reviews. Formal compliance audits are typically spaced so as to provide the Department with the opportunity to correct deficiencies that have been identified and then ensure adequate time has elapsed that will allow for a realistic and accurate assessment of the impact of any changes/improvements made. The results of previous audits remain valid and relevant, especially when key SA-compliant policies and trainings have not been implemented or when there continues to be evidence that shortcomings identified in the audits have yet to be addressed.

To inform compliance assessments of all areas of the SA, the Monitoring Team conducted a variety of work activities in this reporting period, including regular meetings with the Parties, the CACs, and community members; site visits; ongoing telephone and electronic communications with the Parties and with community members; observations of the Crime Management Forum and the Risk Management Forum, including review of accompanying materials; verification of stops, bias-free policing, and housing training; review of deputy community engagement activities; and review of LASD efforts to conduct data analysis and use the findings to inform practice.

Two site visits were conducted during this reporting period. A primary purpose of the site visits was to discuss and assess the extent to which the stations are embracing SA reforms with a particular emphasis on the use of data and reports, community engagement and CACs, and management review of quarterly reports. The MT also reviewed and contributed to the discussion of UOF cases selected by DOJ.

During this reporting period the MT conducted site visits to the Antelope Valley August 16–18 and November 1–3. The MT conducted ride-a-longs with deputies in both the Lancaster and Palmdale stations and observed interactions with the community, hosted community meetings in English and Spanish, met individually with community members, audited the Community Tracker of both stations that documents compliance with community engagement requirements, interviewed deputies and sergeants at both stations, and met with the LASD Compliance Unit as well as leadership of Lancaster station and the compliance lieutenant representing the Palmdale station. The MT also observed CAC meetings through the reporting period.

Also during this reporting period, the MT addressed LASD's concerns regarding our sampling for the stops audit in writing and had a fruitful discussion with the LASD Audit and Accountability Bureau (AAB), CU, and counsel and resumed our formal compliance assessment (i.e., the MT



stops audit). We also produced a detailed monitoring plan for the upcoming year; the Parties have provided feedback that will be further discussed at our first Parties meeting in the new reporting period. The MT launched the Community Survey, with data collection continuing into 2023. We held discussions regarding the remaining concerns with LASD's UOF policy, and LASD proposed revision to a compliance metric in the Community Engagement section of the SA. We continued ongoing monitoring of UOF cases and set a timeline for the next UOF audit, reviewed quarterly reports and provided feedback, observed monthly CACs and provided feedback, and also observed the NPD's risk management forum. The MT produced a plan to begin the assessment of the Performance Mentoring Program (PMP). We reviewed BWC footage and UOF reports in preparation for DOJ's case reviews as well as for those cases examined in the Executive Force Review Committee (EFRC) forums.

When requested, the MT also provided input on the development of a video introduction of the Constitutional policing and bias-free trainings by an LASD executive.

## **B. Stops, Seizures, and Searches**

### 1. Progress on Department Priorities in this Reporting Period

The Department did not establish any specific priorities regarding the Stops section for this reporting period;<sup>2</sup> however, they did continue the following work.

- Continue providing full-day Constitutional policing and roll call trainings.
- Continue development of the Department's data analysis capacity and its use of stops and calls-for-service (CFS) data to inform practice and enforcement strategies.
- Continue providing support to the MT's stops audit by fulfilling data and information requests.

#### *a. Constitutional Policing Training*

- *The Department is in compliance for the full-day Constitutional policing training for this reporting period.*

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<sup>2</sup> For a full description of the work history and more details on the status of each paragraph, please see the Stops section in [15 Semi-Annual Report, Appendix D Only.pdf](#) and the [14th Semi-Annual Report](#), both of which can be found at our website for MT website: <http://www.antelopevalleysettlementmonitoring.info>.

The Constitutional policing full-day training was offered twice in 2022.<sup>3</sup> In June 2022, LASD reached 95% attendance, and this rose to 98% attendance for the training in November 2022, exceeding the compliance minimum. (Detailed compliance percentage charts are included in the appendix for Paragraph 57).

To maintain compliance, the Department must consider revising the Constitutional policing training or providing refresher training if evidence arises that deputies are not complying with its subject matter. To that end, the Parties and Monitors have discussed that body-worn camera (BWC) videos recently reviewed by the MT and DOJ raised concerns about the need for additional or refresher training on certain aspects of the Constitutional and bias-free policing trainings. The possible need for refresher training is also being assessed in the MT's ongoing stops and bias-free policing audit. (See the discussions of UOF case reviews in the UOF and Accountability sections.)

As reported in the last semi-annual report, the MT suggested that the North Patrol Division Chief provide a video introduction to the full-day trainings in an effort to create a consistent message and establish clear expectations for all LASD-AV deputies. The chief agreed to record the video, and the MT worked with the LASD Compliance Unit to craft the introductory message. The MT and DOJ are currently reviewing a script for the introductory message provided by the Compliance Unit.

*b. Quarterly Refresher Roll Call Training*

- *The Department is not in compliance for the refresher training.*

LASD is required to provide continuing refresher roll call trainings that address Constitutional policing, bias-free policing, and housing requirements on a quarterly basis to those deputies assigned to the AV stations. While the stations did meet the attendance compliance minimums for this training in the quarters under review in this report (the second and third quarters of 2022), they did so using an unapproved methodology. Specifically, two of the quarterly trainings were provided on the same day, which is not how the trainings were designed and does not follow the training delivery plan approved by the MT and DOJ. More importantly, providing multiple sessions on the same day does not meet the objective of providing periodic and effective reinforcement of the importance of Constitutional and bias-free policing practices. The Monitors have noted the same violation of the training protocol previously but have not held the Department out of compliance. Instead, we discussed the importance of the issue in meetings and in the 12th, 13th, and 14th semi-annual reports with the understanding that the practice would not be continued. Unfortunately, it occurred again in this reporting period, and the Department made no attempt to troubleshoot this issue with the MT. The Monitors thus have no choice but to hold the Department out of compliance; we hope this will be impetus for

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<sup>3</sup> As the training in June was held too late to detail in our 14th Semi-Annual Report, this current report addresses both of the 2022 training sessions.

station managers to establish a plan to permanently resolve this issue. (Detailed compliance percentage charts are included in [15 Semi-Annual Report, Appendix D Only.pdf](#) for Paragraph 71, at our website <http://www.antelopevalleysettlementmonitoring.info>.<sup>4</sup>

The MT notes that the Palmdale station did not provide their required quarterly roll call training during the second quarter of 2022. However, the MT did not hold the Department out of compliance in this case because the Department identified and proactively addressed the issue in a timely fashion. This is the type of attentiveness and corrective action we want to encourage.

It should also be noted that in 2020, LASD expressed a desire to provide additional quarterly roll call training scenarios with fresh content. Most AV deputies had participated in each of the training sessions multiple times, and personnel at the stations have noted that the trainings have become stale. DOJ and the MT readily agreed and provided suggestions for additional scenarios. However, the Department decided to postpone development of new briefings until 2023 with the intent to achieve compliance with the minimum thresholds for compliance, so no progress was made on this effort in this reporting period.

*c. LASD-AV Analysis of Stops Data and Application of Findings*

- *Further progress was made in this reporting period, but the Department is not yet in compliance with the data analysis and reporting provisions as outlined in various provisions of the SA, including Paragraphs 46, 51, and 68, and in the preface to the Stops section, which states: "LASD shall ensure that investigatory stops and searches are part of an effective overall crime prevention strategy, do not contribute to counter-productive divisions between LASD and the community, and are adequately documented for tracking and supervision purposes." (SA p. 7)<sup>5</sup>*

*i. LASD Use of Stops Data*

The use of data includes four basic elements: collection, analysis, interpretation or assessment of the findings, and application. Each of these activities also needs to be documented, including data analysis methodology, findings, summary of management's assessment, corrective action taken, and tracking the impact of any action taken through subsequent data analysis.

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<sup>4</sup> In the 14th semi-annual report, the Compliance Unit informed us that they implemented a new practice to ensure the roll call training was being delivered in a more consistent manner, by which the training sessions are offered during the first two months of each quarter and then any deputies who have not yet attended are assigned to attend during the final month of the quarter. It appears this method has helped the stations improve consistent roll call training attendance.

<sup>5</sup> Similar data activities also apply to the Data Collection and Analysis section (SA Paragraphs 82–86) and UOF (Paragraphs 110–123).

LASD has been **collecting** most SA-required data for several years; the thoroughness and reliability of that data, and the capacity and functionality of current LASD data systems are currently being formally assessed in various ways, including through the MT stops and bias-free policing audit and the MT review of AV quarterly reports. Additionally, the AAB has committed to complete a detentions audit in 2023, and the Department is currently exploring revamping their computer-aided dispatch (CAD) system and adding an early warning system (EWS) (see discussion below).

The Department has recently begun producing some of the data **analysis** required to meet SA provisions. Since the end of 2021, the station captains have received monthly reports prepared by an LASD crime analyst detailing stop enforcement activity of deputies in the AV.<sup>6</sup> In this reporting period, the AV station captains also received a draft analysis report covering all 2021 stops, an initial effort to create an in-depth review of stops that have taken place in each of the AV stations. The reports provided an overview of stops-related factors such as: (1) traffic collision locations and stops, (2) the outcomes of certain kinds of stops, (3) population demographics, (4) types of stops and characteristics of those being stopped, and (5) age of vehicles stopped.

Furthermore, LASD informed the MT they had an assessment underway to determine what internal resources and expertise would be required for them to consistently produce the reports and level of analysis needed by management and required by the SA and to determine if external support was needed. The LASD-generated stops reports and the efforts to assess and broaden capacity for the analysis of data are positive steps forward toward compliance.

**Interpreting** or assessing the data findings refers to the process by which the Department determines what the data results show about law enforcement practice in the AV and how those results can help the Department understand and evaluate the effects of AV station enforcement decisions, not only on enforcement objectives and public safety but also on such related issues as community engagement and trust and any potential negative impacts like disparities or “counter-productive divisions between the LASD and the community” (SA p. 7). A key aim of this assessment is to establish whether adjustments may be necessary to better align stops and calls for service activity with the stations’ enforcement strategies and SA requirements. The next step is to **apply** the findings, that is, to implement any adjustments or changes that stem from the interpretation process. (See the Bias-Free section for more discussion.)

As described here and elsewhere in this report, the Department has increased its efforts to interpret and apply data findings. These efforts are at their early stages. Importantly, the Department has not begun the sort of disparity analysis contemplated by the SA in Paragraphs

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<sup>6</sup> Before LASD began conducting its own analysis, the MT provided the Department stops data reports biannually. We also provided technical assistance and demonstrations regarding the steps managers should take to interpret, conduct further inquiry, and begin to develop responses to the information in these types of reports. In particular, the 14th semi-annual report discussed management use of the reports in the Stops and Bias-Free sections of the report as well as SA Paragraph 89. See also Appendix A of the 13th semi-annual monitor report for the most recent MT stops report.

68 or 81–86 or the routine application of data findings in the assessment of crime prevention strategies or community policing activities as addressed elsewhere in the Stops and Community Engagement sections. We note that during discussions at the November site visit, the Lancaster captain raised questions seeking to understand why certain disparities were evident in the LASD 2021 stops data report; we look forward to more discussions on the topic and, especially, on how the Department will address those crucial SA requirements.

While building the proficiency to make effective use of the data findings—to interpret and apply the results—will require regular practice as well as leadership to build a culture that recognizes the importance and usefulness of the process, some progress has been made. The MT asked the AV station managers to discuss the ways they use the LASD stops data reports to inform the work of their station personnel. Lancaster station supervisors and managers reported posting the 2021 stops report in the briefing room and using the data in discussions with their staff. In our observations during our onsite work, it appears the Lancaster captain has shown a willingness and taken steps to improve efforts to integrate data into policing practices. Specifically, he reported using the 2021 stops report to ask questions of the deputies about their enforcement decisions. He stressed linking stops to crimes being reported to LASD. The extent or depth of those conversations remains unclear, or whether instructions were provided that linked crime prevention priorities to the data results, but this appears to reflect more interest in actively using data to inform decision-making and station priorities. In parallel data work, the Lancaster captain has been working to reduce wait times for 911 response (calls for service) and has been reminding staff of the importance of choosing when to engage in self-initiated activities so as not to impact call response times negatively.

As of November 2022, the Palmdale station captain had not established how his station would use the 2021 data report, but the Palmdale lieutenant assigned to SA compliance reported meeting with supervisors to discuss trends in the monthly data reports and how they can be used to focus attention on locations with higher numbers of traffic collisions or crime.

An integral aspect of using data to inform practice is documenting the efforts and strategies implemented after analyzing data and other information so those efforts can be evaluated and adjusted to improve performance. During an on-site meeting with LASD in August 2022, the MT was asked for the best way for LASD to document LASD station managers' discussions with staff regarding stops information and the findings from stops data analyses. The MT suggested a memo be written by the compliance lieutenant to the station captain to document this important and required work. This will allow station managers to track what topics are discussed, what instructions or guidance are given, and the results of any subsequent changes to practice or actions taken. It will also allow the MT to track this work in addition to SPATIAL forms and observation of CMF meetings. The suggestion appeared to be well-received by staff, but to date, the MT has not been provided such documentation.

## *ii. SPATIAL and Community Policing Plans*

As reported in previous semi-annual reports, the stations have adopted an approach to problem-solving policing they call SPATIAL (Scanning, Prioritizing, Analyze, Tasks, Intervene, Assess, and Learn). Station personnel can apply SPATIAL (or SARA, the model on which it is based) to specific problem-solving efforts such as reduction of a certain type of theft or increasing community trust among a certain community group. Data analysis is an important element of SPATIAL. Data analysis plays a role in (1) identifying issues that may benefit from a problem-solving approach, (2) characterizing and understanding issues, (3) developing potential solutions, and (4) tracking whether deputies' efforts are having the intended results. The MT has also stressed that station managers can and should apply SPATIAL to issues they identify through their assessment of data findings, since it can provide a framework and practical steps to follow as the stations develop and implement interventions.

Implementation of SPATIAL and its incorporation into routine station operations has been slow. The MT has seen references made by the station captains to the use of their SPATIAL model during the Crime Management Forum (CMF) meetings, but only in an overview form and without probing questions into the SPATIAL process, how it is being applied, or any assessments of results. The Palmdale captain indicated there was minimal use of the SPATIAL forms at his station, noting that his staff needs additional training in the use of the forms, which will be provided in the community engagement training currently under development. In this reporting period, the MT reviewed a few SPATIAL forms and gave the stations some initial thoughts, including encouraging them to apply SPATIAL to issues that arise through the assessment of data findings and, conversely, to use SPATIAL to identify areas to which data analysis processes may be applied. The MT is now in the process of closely reviewing those forms and related materials. The Lancaster station captain indicated that our feedback would be most helpful if it is provided in conversation instead of in written form. We appreciated the request and will be scheduling meetings with both stations early in the next reporting period.

Relatedly, the MT has also asked LASD to provide the community policing plans that are required by their own LASD policy (MPP 301-110-00) but has yet to receive these. Like the use of data and SPATIAL, those plans and the community policing policy can and should be integral parts of ensuring Constitutional policing and building community trust in the AV.

## *d. MT Stops and Bias-Free Policing Compliance Assessment*

As reported in the last semi-annual report, since 2016, the MT has conducted periodic stops data reviews and discussed its findings and observations, including preliminary determinations of compliance, with the Department so that the Department could take corrective action, inform training at the stations, and increase the likelihood that the eventual formal MT stops and bias-free policing audit would find compliance. Particular focus was placed on thorough and accurate data entry and narratives to ensure MT reviews would be based on reliable information. From its own reviews and based on AAB audits, the Compliance Unit had significant concerns that the

CAD data were not accurate or reliable; therefore, the CU implemented further training at the stations to correct this. It was agreed that a formal MT audit would not occur until the Department had time to respond to the MT's early reviews and the Compliance Unit's training. In the second half of 2021, LASD indicated it felt it was ready for the MT's formal review. The MT presented to the Parties our draft compliance assessment plan for the Stops and Bias-Free Policing sections on October 18, 2021. We received written comments from LASD (via County Counsel's outside counsel) on October 22 and from DOJ on November 3, followed by extensive discussions on the plan at the October 2021 onsite visit. We then submitted a revised plan November 20, 2021.

In late June 2022, several months after the MT had begun the audit and several months after the SA-designated time frame for commenting on the revised work plan,<sup>7</sup> the external lawyers supporting County Counsel submitted a letter alleging the MT's audit methodology was flawed in several ways and questioning the MT's auditing expertise and independence. In attempting to provide evidence for their position, County Counsel's letter contained critical data processing errors and misconstrued communications between the MT and AAB. Several members of the MT, including the Monitors, spent a significant amount of time and resources responding to these claims, which included reconfirmation of the accuracy of our data analysis, identifying the specific errors that led to inaccurate findings in the letter, responding to related requests for information, and meeting several times with the Parties on the issues raised. The assessment process was paused for several months, which resulted in a significant delay in the MT completing our stops and bias-free compliance review. Ultimately, the Parties agreed to our restarting the audit with no changes to the methodologies, except for one aspect of our sampling strategy, which will be somewhat altered in the next audit.

At this stage, the MT's compliance assessment continues. It addresses stops and other contacts that occurred during the third quarter of 2021. As the audit plan lays out, several more document requests remain for this audit. Moving forward, the speed of this work will be dependent on the timeliness and thoroughness of the information received from LASD for each request.

## 2. Status of Other Stops-Related Work

This section describes work completed and compliance status for some of the important SA provisions that were not among LASD's prioritized work described above. See also [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for detailed descriptions of status for every SA paragraph.

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<sup>7</sup> SA Paragraph 159: "At least 45 days prior to initiation of any outcome measure assessment of compliance review, the Monitor shall submit a proposed methodology for the assessment or review to the Parties. The Parties shall submit any comments or concerns regarding the proposed methodology to the Monitor within 15 days of the proposed date of assessment or review. The Monitor shall modify the methodology as necessary to address any concerns, or shall inform the Parties in writing of the reasons s/he is not modifying the methodology as proposed."

*a. MT Field Observations*

The MT had two visits to the AV stations for purposes of observing LASD deputies' stops and activities in the field: in Palmdale on August 29 and November 2, 2022; and in Lancaster on August 28 and November 1, 2022. One of the goals was to assess how station leadership was using data to inform, alter, or deploy policing strategies as discussed above. MT members participated in ride alongs, conducted interviews with watch commanders and sergeants, and had the opportunity to sit with them to observe day-to-day operations as well as read incident reports that were being submitted by deputies and observe BWC footage. MT members were able to observe deputies interact with community members via calls for service, at the scene of traffic collisions, and stopping for refreshments; with other units, such as Homicide; and with other agencies, such as the fire department and the coroner's office. We had the following observations from those visits.

- Most deputies we interacted with were assigned to the stations from a detentions rotation or had a few years in patrol.
- Overall, we found the deputies' familiarity with the Settlement Agreement and MT semi-annual reports varied, from not having read them to having read portions. Most deputies were aware of the SA but also had no experience in AV patrol prior to the SA, so had no basis for comparison. Despite a lack of familiarity with our reports, most deputies and sergeants nonetheless expressed concerns such as "the MT holds LASD out of compliance for the smallest things" or that "the MT expects us to be perfect," but they were largely unaware of our frequently documented concerns regarding Department delays in developing critical SA requirements such as a SA-compliant UOF policy, UOF training, and complaints policy, or regarding ongoing shortcomings that had been repeatedly noted relating to insufficient management reviews and accountability.
- The deputies receive their priorities for addressing crime during their shifts as well as via other opportunities and requirements for additional training that are the result of emails, posted bulletins at the roll call briefings, discussions with station investigators, reports from station crime analysts, and reports from other patrol deputies.
- Throughout the interactions the MT observed, the communications with community members and other law enforcement professionals were professional and respectful.



- Some deputies were observed applying non-enforcement-related skills when interacting with youth by being friendly, engaging, and inquisitive in a nonthreatening manner. This was in line with the principles of Procedural Justice (i.e., Voice, Neutrality, Respect, and Trustworthiness).<sup>8</sup>
- Deputies all spoke highly of the Mental Evaluation Team (MET) and noted the importance of working with therapists trained to work with law enforcement, and the unique role they play when responding to calls for service involving individuals with mental and/or behavioral health issues.<sup>9</sup> All expressed a need for increased availability of the MET.
- All deputies we spoke to indicated they appreciate using body-worn cameras to help clarify any misunderstanding or allegation made by community members, and to also refresh their recollections when needed. They understood that community members also like the BWC for similar purposes, including transparency and accountability.

### 3. Obstacles and Successes

As discussed above, the MT acknowledges and appreciates the incremental progress that LASD has made this year with regard to the use of data. This includes working to evaluate and utilize data in ways they have not historically done and in exploring upgrades to their data systems and assistance from external experts. We are optimistic that still further progress will be made in the coming reporting periods. As that work continues, there are several issues that the Monitors feel are crucial for LASD leadership to keep in mind.

In this reporting period, the North Patrol Division Chief informed the MT that a process is underway for acquiring a new CAD system as well as an EWS. The importance of upgrading the current CAD system cannot be overstated. LASD's abilities to analyze data and apply what is learned are currently hampered by the archaic technology used to collect and process data related to stops and calls for service. LASD continues to use an antiquated CAD system to record information related to stops, and this has significant limitations, such as insufficient space for narrative data entry, poor automated reporting capabilities, and little capacity for expansion as the Department's data recordation and analysis needs grow. Deputies find the limitations on the number of characters allowed by the CAD system to be cumbersome and a barrier to completing accurate and swift reporting, which then impedes their ability to return to the field in a timely manner. The system is incapable of capturing sufficient data and providing the necessary, timely reports required for accountability by the SA and, for that matter, by any contemporary policing agency. Although the Department believes development could take a

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<sup>8</sup>See <https://law.yale.edu/justice-collaboratory/procedural-justice>

<sup>9</sup> The MET is staffed with mental health professionals partnered with specially-trained deputies who work in the field and respond to calls for service involving mental health crises.

number of years, this would be a significant step forward given the widespread concerns and acknowledgment of the existing deficiencies and limitations with the current CAD system. Designed carefully, a new system would provide greatly improved abilities to document and gather information on encounters with the public (such as calls for service and stops and detentions), and significantly increase management's ability to access and conduct timely analysis of data to assess performance, evaluate the effectiveness of their programs and strategies, and better direct and deploy their resources to meet community needs and expectations. (See also discussions in the Bias-Free Policing, Data Collection and Analysis, and Accountability sections.)

Similarly, the implementation of a modern, automated early warning system is essential to achieving timely compliance with several areas of the SA, including identifying and addressing deputy performance and other risk management issues addressed in the Stops, Bias-Free Policing, Data Collection and Analysis, UOF, and Accountability sections.

There has been insufficient effort in the AV stations to formalize crime strategies and to connect deputy activities to established problem-oriented policing strategies. For instance, the MT has seen little evidence of the field deputies receiving specific direction to support problem-solving efforts using their SPATIAL strategy. Properly using SPATIAL will assist LASD in gauging effectiveness of their efforts and make improvements where and when appropriate. The use of SPATIAL should also be incorporated into the community engagement training in development.

The LASD and Compliance Unit have multiple demands and expectations to contend with at any one time and this has resulted in extended delays in producing required documents. This hinders MT work and interferes with the Department's progress toward SA compliance. An improved CAD system along with related data processing capacity will help. In the meantime, LASD should find ways to supplement existing staffing and overcome these obstacles if they are to improve their ability to meet the SA requirements and obligations for furnishing requisite data and documents in a timely fashion.

#### 4. Next Steps

The MT will continue to verify LASD training participation, and we expect to complete the first phase of the MT stops compliance assessment by February 2023, contingent upon timely responses from LASD to MT data requests. The MT expects the following to be the focus of LASD's efforts in the next reporting period.

The MT will continue to monitor and provide technical assistance (TA), as needed or when requested, in order for the LASD to make effective use of stops information to address any concerning patterns and trends associated with the impacts of enforcement activities.

County Counsel recently informed the MT of the Department’s intention to have the AAB submit a work plan for a stops audit of each AV station in February 2023 to the MT and DOJ for review. AAB stops audits are not required by the SA, but they do represent a good management practice to ensure stops are documented according to policy. The MT is pleased that County Counsel also indicated that the work plans would reflect comments received from the MT previously and that the audit would proceed only after AAB received further comment from the MT and DOJ.

Although the Department indicated development could take a number of years, the MT will expect updates on progress in the upcoming reporting period, and, in fact, the CU has invited the MT to quarterly status meetings in 2023 regarding development of the new CAD system.

#### 5. Stops Compliance Status Table

Table 1 provides the compliance status for each paragraph in the Stops section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

**Table 1**

**Stops, Seizures, and Searches Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
41	Stops and detentions are based on reasonable suspicion.	Yes 05/15/17	Partial	Partial	No
	<b>Notes:</b> The MT has seen no indication of recurring or systematic violations of this provision, and the MT has found the Department in partial compliance pending an ongoing formal assessment that began January 2022. The delivery of the training is measured in SA Paragraphs 57, 70, and 71.				
42	Elements of procedural justice are incorporated into training.	NA	Yes 06/15/17	Yes 08/17/18	Yes 08/17/19
	<b>Notes:</b> The principles of procedural justice are incorporated in the eight-hour bias-free policing training. The delivery of the training is measured in Paragraph 70. DOJ’s case review has indicated significant concerns about deputies not complying with this provision and that a refresher may need to be implemented; this issue will be discussed in 2023.				
43	LASD-AV does not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor in establishing reasonable suspicion or probable cause, except as part of actual and credible description(s) of a specific suspect or suspects.	Yes 05/15/17	Partial	Partial	No
	<b>Notes:</b> See Paragraph 41.				
44	Stops are accurately and thoroughly documented in MDC patrol logs.	Yes 05/17/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> The delivery of the training is measured in SA Paragraphs 57 and 70. See also Paragraph 41.				
45	Accurate and specific descriptive language (non-boilerplate) is used in reports.	Yes 05/03/16	Yes 08/16/18	Partial	No
	<b>Notes:</b> The delivery of the training is measured in Paragraphs 57 and 70. See also Paragraph 41.				
46	Efficacy and impact on the community of searches based on probation and parole are assessed.	NA	NA	Partial	No
	<b>Notes:</b> LASD has begun tabulating statistics related to the number of parole and probation searches. LASD needs to show documentation of its assessments of the data and how it addresses problems identified. The MT has found the Department in partial compliance pending completion of its ongoing formal compliance assessment.				

**Table 1**

**Stops, Seizures, and Searches Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
47	Backseat detentions require reasonable suspicion and reasonable safety concerns.	Yes 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> MT ad hoc reviews and AAB audits found compliance with some of the elements of Paragraph 47. The MT has found the Department in partial compliance pending completion of its ongoing formal assessment. The delivery of the training is measured in SA Paragraph 57.				
48	Backseat detentions are not conducted as a matter of course.	Yes 05/17/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> See Paragraph 47.				
49	Deputies respond to complaints about backseat detentions by calling supervisor.	Yes 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> See Paragraph 47.				
50	Deputies do not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation in exercising discretion to conduct a search, except as part of an actual and credible description of specific suspect(s).	Yes 05/17/17	Partial	Partial	No
	<b>Notes:</b> See Paragraph 41.				
51	Deputies do not conduct arbitrary searches.	Yes 05/17/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> The delivery of the training is measured in SA Paragraph 57. See also Paragraph 41.				
52a	Deputies equipped with BWCs record requests for consent to search.	Yes 05/03/16	Yes 08/16/18	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance pending completion of a formal assessment. LASD comprehensively deployed Axon body cameras to both AV stations by July 2021. The MT received access to the system and is assessing compliance with this provision in its ongoing review. The delivery of the training is measured in Paragraph 57.				
52b	Outreach is conducted about the right to refuse or revoke consent.	NA	NA	Yes 02/19/19	Yes 02/19/20
	<b>Notes:</b> This requirement was completed with the CACs' assistance and a brochure that is written in English and Spanish.				

**Table 1**

**Stops, Seizures, and Searches Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
52c	Individuals with limited English proficiency (LEP) are informed in appropriate non-English language.	Yes 04/08/18	Yes 08/17/18	Partial	No
	<b>Notes:</b> LASD implemented the SA-compliant LEP plan on April 8, 2018. The MT has assessed this provision through complaint reviews, ride-alongs, and community input. The MT has found the Department in partial compliance pending completion of its ongoing formal assessment. The delivery of the training is measured in SA Paragraph 70.				
52d	Supervisors are notified before home-based search.	Yes 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> With regard to housing-related searches, the Department is in compliance with this provision. The MT has begun assessing other home searches in its ongoing formal assessment. The delivery of the training is measured in SA Paragraph 57.				
53	Reasonable number of deputies are present at a search.	Yes 05/03/16	Yes 08/16/18	Partial	No
	<b>Notes:</b> With regard to Section 8 housing-related searches, the Department is in compliance with this provision. The MT is assessing other home searches in its ongoing formal assessment. The delivery of the training is measured in Paragraphs 57 and 70.				
54	Section 8 compliance checks require articulated safety concerns.	Yes 03/14/18	Yes 08/16/18	Yes 05/31/19	Yes 02/28/22
	<b>Notes:</b> LASD-AV included this requirement in policy and training and was found to be in implementation compliance based on the lack of any indication of housing-related enforcement activity. See the Housing section for more information. The delivery of the training is measured in Paragraphs 57 and 70.				
55	During home searches, individualized suspicion or probable cause determines who, besides subject of search, is subject to detention or search and for how long they are detained.	Yes 05/03/16	Yes 08/16/18	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance pending completion of its ongoing formal assessment. The delivery of the training is measured in Paragraphs 57 and 70.				
56	Probation and parole searches are carried out only when search conditions are established and in accordance with the Stops section.	Yes 05/15/17	Yes 08/16/18	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance pending completion of its ongoing formal assessment. The delivery of the training is measured in Paragraph 57.				

**Table 1**

**Stops, Seizures, and Searches Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
57	Constitutional policing training is provided.	NA	Yes 06/14/17	Yes 06/14/22	No
	<b>Notes:</b> The Department has been in continual compliance with Paragraph 57 since August 16, 2018, for deputies assigned to the AV stations, and since June 14, 2022, for both AV-assigned deputies and embedded deputies from specialized units. The outcome of this training is measured through the practice provisions of this section of the SA. The Department must also consider changes to the curriculum and/or refresher training if evidence of the need arises.				
58	Additional accountability and supervision to ensure unlawful stops and searches are detected and addressed.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> The MT has found the Department in partial compliance pending completion of its ongoing formal assessment. Although there were no AAB audits provided to the MT this reporting period, over the last several years, the MT ad hoc reviews and AAB audits have found compliance with some of the requirements of Paragraphs 58–63.				
59	Supervisors review CAD logs.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
60	Supervisors review justification for stops and searches.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
61	Supervisors and station commanders address all violations and deficiencies in stops and searches.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
62	Supervisors and station commanders track repeated violations of this SA and corrective action taken.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				
63	AV supervisors and commanders are held accountable for reviewing reports and requiring deputies to articulate sufficient rationale for stops and searches under law and LASD policy.	Yes 05/03/16	Partial	Partial	No
	<b>Notes:</b> See Paragraph 58.				

Note: See also [15 Semi-Annual Report, Appendix D Only.pdf](http://www.antelopevalleysettlementmonitoring.info) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

## C. Bias-Free Policing

### 1. Progress on Department Priorities in this Reporting Period

The Department did not establish any specific priorities regarding the Bias-Free Policing section;<sup>10</sup> however, they did continue the following work.

- Continue providing full-day bias-free policing and roll call training.

#### a. *Full-Day Training*

- *The department is in compliance for bias-free policing training as of this reporting period.*

Bias-free policing full-day training was offered on June 15 and November 8, 2022.<sup>11</sup> LASD had 95% attendance in June 2022 and 98% in the November 2022 training, exceeding the compliance minimum. (Detailed compliance percentage charts are included in the appendices.)

To maintain compliance, the Department must consider revising the bias-free policing training or providing refresher training if evidence arises that deputies are not complying with its subject matter. To that end, the Parties and Monitors have discussed that body-worn camera (BWC) videos recently reviewed by the MT and DOJ raised concerns about some deputies violating the procedural justice aspect of the training (Paragraph 42) and the possible need for additional or refresher training. The possible need for refresher training is also being assessed in the MT's ongoing stops and bias-free policing audit. (See the discussions of UOF case reviews in the UOF and Accountability sections.)

#### b. *Quarterly Refresher Roll Call Training*

- *The Department is not in compliance for the refresher training.*

See discussion in Stops section.

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<sup>10</sup> For a full description of the work history and more details on the status of each paragraph, please see the Bias-Free Policing section in [15 Semi-Annual Report, Appendix D Only.pdf](#) and the [14th Semi-Annual Report](#), both of which can be found at the MT website: <http://www.antelopevalleysettlementmonitoring.info>.

<sup>11</sup> Because the second quarter training was held too late to detail in our 14th Semi-Annual Report, both of the 2022 training sessions are discussed in this report.



## 2. Status of Other Bias-Free Policing Work

This section describes work completed and compliance status for some of the important SA provisions that were not among LASD's prioritized work described above. (See also [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for detailed descriptions of status for every SA paragraph.)

### a. *Assessment for Disparities of LASD-AV Programs, Initiative, and Activities*

- *The Department is not in compliance for the review of their programs, initiatives, or activities for possible disparities. (SA Paragraph 68)*

During this reporting period, LASD decided to postpone further work on Paragraph 68 until 2023. LASD has not made any progress on this provision since late 2021.

### b. *LASD Use of Data to Assess Potential Disparity*

The Stops section describes the Department's recent efforts in the analysis and use of data and in the use of the SPATIAL problem-solving model. Thus far, these efforts have been focused on crime reduction and deputy deployment issues like traffic enforcement at dangerous intersections, catalytic converter thefts, or CFS response times. Those are important areas to consider, but to meet compliance with the bias-free policing provisions, station leaders must take seriously the responsibility to use the data to identify potential disparities and to respond to those findings. This involves similar data analysis and assessment processes, but adds other elements as well, such as the need for the Department to honestly self-assess and to consider the efficacy of its enforcement practices against the impact of those practices on the quality of the Department–community relationship. Not all disparity in enforcement means there is disparate treatment, but there must be an analysis of why the disparity exists, its impact on community safety, and its impact on community perceptions of the Department. When appropriate, LASD must then initiate the development and implementation of strategies to effectively resolve issues caused by identified disparities.

## 3. Obstacles and Successes

The Compliance Unit has indicated that an annual stops report—an enhanced version of the 2021 draft report produced in this reporting period—may eventually be used to address SA Paragraphs 68 and 82–86 or other SA requirements to use data to identify potential issues that need remediation. Making such an effort successful will require clear direction from leadership that data are important and useful as well as a commitment to look introspectively to

understand and, when necessary, address apparent disparities.<sup>12</sup>

As we expressed in the Stops section, the Monitors are pleased at recent Department efforts regarding using data. Significantly, the Lancaster captain has begun introducing probing questions into the conversation, a positive development, but this is not the norm. For instance, in one discussion, a senior-level manager said the 2021 stops data report mainly helped stations decide the busiest traffic collision locations are where they should concentrate their enforcement efforts. Addressing traffic safety concerns and other enforcement issues is an appropriate use of the data, but it cannot be the only use of the important information contained in the data reports.

We stress that it is essential that NPD executives play an active leadership role to continue these developments and to reach the goal of the regular and proficient use of data to understand and guide Department activities. This role will include introducing improved data systems and training to ensure managers can become savvy users of data, applying the inquisitiveness and professional skepticism required to interpret the data findings, delve further into the data when necessary, make connections between the data findings and other information, and seek solutions.

Beyond these basic tools and knowhow, Department executives need to create a culture where the intensive and forthright use of data is integral to station operations. This will require they lead the way—via policy, instructions, behavior modeling, and mentoring—in reversing the defensiveness the MT has noted, which has been characterized by efforts to discount any potential issues identified in data and to justify Department decisions and practices rather than taking the opportunity to understand, assess, and improve.

The Department needs to engage not only with its own internal data reports but with data findings from analyses conducted by external sources, such as the OIG. The 14th semi-annual report Bias-Free Policing section discussed some non-LASD reports and the Department's response. The Parties and MT had further discussions about those reports in this reporting period. During these discussions, station management provided some helpful insights as to the steps they have taken to respond to some of those reports, including engaging in dialog with some of the involved parties and an internal assessment of the data, both of which the MT supported. The NPD and station managers present committed to responding constructively to any future external reports and to genuinely engage with relevant data analysis to better inform and improve practices.

As part of their response to the external reports regarding school resource officers, the Department discovered that some of the numbers concerning LASD-AV contacts at local schools may have been inflated due to a CAD data entry limitation, which they subsequently took steps

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<sup>12</sup> See *Crime Prevention Strategies* box, which says, "It is incumbent on LASD to use the data to identify disparities and address the findings. In some circumstances, there may be a reason for a disparity, but LASD must be able to clearly explain the reasons for the disparity and efforts to ensure its decision making and/or enforcement direction is free of bias or disparate impacts."

to change. To be useful, data need to be accurate and reliable, so the MT appreciated that LASD conducted this assessment. Unfortunately, the motivation for this particular assessment that revealed the CAD issue—to defend the Department against claims of disparate treatment of youth of color—was consistent with the Department’s response to other such reports and data findings. We would expect the Department to be as conscientious and proactive when confronted with other issues, not just shortcomings in their data systems but potential issues in policy, training, management review, and, most importantly, law enforcement practice and its positive and negative impacts on community trust.

### **Crime Prevention Strategies**

The Settlement Agreement states:

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

Crime prevention strategies facilitate an organized and consistent approach to crime intervention and prevention based on manager-driven priorities and tactics, data-guided decision making, effective and efficient allocation of resources, and accountability. They also provide a framework for gathering and incorporating community input so that community members are co-producers of public safety.

Although there are a variety of approaches to crime prevention strategies, at a minimum, effective strategic plans include common elements such as goals, objectives, directed activities, data collection and analysis, and designation of staff assignments and timelines for completing specific tasks. They also incorporate community perceptions and input regarding enforcement priorities and crime prevention activities. Implementing the plan requires the support of Divisional managers but is directed and conducted at the station level.

Input from AV community members can be gathered through numerous avenues, including the CACs, the annual Community Survey, community engagement events, one-on-one engagement with community members (recorded as stat code 755 in the AV), and designated meetings to discuss specific issues or areas. LASD’s SPATIAL problem-solving model and its policy for Community Policing and Engagement (MPP 301-110-00) are tools the Department already has in place that can help in providing a framework as well as documentation procedures for these efforts.

Crime prevention strategies can serve as a structure as management begins to actively assess where bias may be present in station-directed enforcement efforts in the AV (SA Paragraph 68). This involves many of the reviews already underway, such as Deputy Daily Work Sheet (DDWS) reviews, reviews of reports, and supervisory observations of deputies in the field. Stops and call-for-service data and other enforcement information need to play a key role. This involves more than analyzing deputies' individual actions; it includes an analysis of the impact of larger enforcement efforts in the AV, including potential disparities.

For example, the overreliance on vehicle stops in an area to address traffic safety issues or criminal behavior could have a disparate impact on a specific community. It is incumbent on LASD to use the data to identify disparities and address the findings. In some circumstances, there may be a reason for a disparity, but LASD must be able to clearly explain the reasons for the disparity and efforts to ensure its decision making and/or enforcement direction is free of bias or disparate impacts. Compliance with the SA requires clear evidence that LASD management both holds deputies accountable for engaging in bias-based practices and identifies and addresses any LASD enforcement strategies that result in bias or disparate impacts in the community.

#### 4. Next Steps

In addition to the work we describe in the above section on stops, the MT expects the following to be the focus of LASD's attentions and efforts related to this topic during the next reporting period.

- The MT will continue verification of LASD bias-free and roll call trainings and continue the work on its formal compliance assessment of stops and bias-free policing with the Departments' continuing assistance in providing data and information to facilitate that process. The MT will provide feedback to the LASD regarding the use of the SPATIAL forms.
- LASD will continue providing the stops data analysis to the station captains. The station captains will continue to improve their processes for reviewing the information with their staff and making any appropriate changes to enforcement practices, community engagement activities, or other efforts. The MT is waiting for documentation of this process from LASD. The MT will also provide feedback on improving the content of the stops data reports and application of its findings.

- The MT also awaits documentation from LASD that will show how the LASD data reports are used, if at all, to address disparities in enforcement when warranted. Particular attention will be given to the use of probing questions related to disparate treatment and the use of the data to inform practice. LASD will restart its work on the disparity analysis required by Paragraph 68 beginning with the list of programs, activities, and initiatives to be considered.

#### 5. Bias-Free Policing Compliance Status Table

Table 2 provides the compliance status for each paragraph in the Bias-Free Policing section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

**Table 2**

**Bias-Free Policing Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
64	Members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. Deputies do not initiate stops or other field contacts because of an individual's actual or perceived immigration status.	Yes 05/15/17	Partial	Partial	No
	<b>Notes:</b> Although data analyses reflect disparities that have not yet been addressed by the Department, in its informal assessments on a case-by-case basis, the MT has seen no indication of recurring or systematic violations of this provision and has found the Department in partial compliance pending an ongoing formal assessment that began January 2022. The delivery of the training is measured in SA Paragraphs 57, 70, and 71.				
65	Museum of Tolerance and other experts are consulted on prohibited conduct, bias-free policing, implicit bias, and stereotype threat.	NA	NA	No	No
	<b>Notes:</b> LASD and the Museum of Tolerance had a working relationship previously, but in spring 2021, LASD requested to replace the Museum of Tolerance with an organization with more local, relevant expertise. In this reporting period, LASD suggested contracting with another national organization. The MT and DOJ have indicated they are amenable to this change pending LASD's efforts to identify and establish a relationship with a suitable external expert.				
66	Effective communication and access to police services is provided to all AV members, including those with limited English proficiency (LEP).	Yes 04/08/18	Yes 08/16/18	Partial	No
	<b>Notes:</b> LASD implemented the SA-compliant LEP plan on April 8, 2018. The MT currently assesses this provision through complaint reviews, ride-alongs, and community input and has found the Department in partial compliance pending a formal review.				
67	Bias-free policing and equal protection requirements are incorporated into the personnel performance evaluation process.	Yes 05/03/16	NA	No	No
	<b>Notes:</b> In previous semi-annual reports, the Department was previously found in partial compliance with this paragraph. However, the MT and Parties continue to discuss how LASD will use enforcement statistics for stops as a part of their performance evaluation process. LASD has indicated it may be more appropriate to address this provision in other types of reviews rather than the annual performance evaluations. As part of the MT's stops and bias-free policing audit, the MT is meeting with the Parties to discuss and identify an appropriate sample to assess compliance.				

Table 2					
Bias-Free Policing Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
68	All LASD-AV programs, initiatives, and activities are analyzed annually for disparities.	NA	NA	No	No
	<b>Notes:</b> In February 2022, the MT provided comments to LASD’s draft list of programs, initiatives, and activities to be included in the annual reviews, which consolidated DOJ’s December 2021 comments to that list, into a proposal to advance monitoring in this area. The list and methods for review need to be further discussed.				
70	Bias-free policing training is provided.	NA	Yes 08/16/18	Yes 06/15/22	No
	<b>Notes:</b> The Department has been in continual compliance with Paragraph 57 since August 17, 2018, for deputies assigned to the AV stations, and since June 15, 2022, for both AV-assigned deputies and embedded deputies from specialized units. The outcome of this training is measured through the practice provisions of this section of the SA. DOJ’s case review has indicated concerns about deputies not complying with some aspects of this training and that a refresher may need to be implemented; this issue will be discussed in 2023.				
71	Quarterly roll call briefings on preventing discriminatory policing are provided.	NA	Yes 02/01/19	No	No
	<b>Notes:</b> Approved briefings began February 1, 2019, but have not been consistently in compliance based on MT quarterly review of training verification documentation and LASD delivery of the training not being consistent with the SA-compliant plan (i.e., providing the refresher sessions quarterly rather than grouped on a single day). DOJ’s case review has indicated a need to consider revising or enhancing this training; this issue will be discussed in 2023.				

Note: See also [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

## **D. Enforcement of Section 8 Compliance**

As reported in the 14th semi-annual report, the Department has been deemed to have achieved sustained compliance with the SA housing provisions and, absent evidence to the contrary, the MT will no longer monitor SA Paragraphs 73–80 (and Paragraph 164 as it regards housing-related training) moving forward.<sup>13</sup>

### 1. Housing Compliance Status Table

Table 3 provides the compliance status for each paragraph in the Housing section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

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<sup>13</sup> Pursuant to the DOJ and LASD approval of MT SA Paragraph 150 Recommendation re. Housing Paragraphs 73-80 and 164 v2-28-22.



Table 3

Enforcement of Section 8 Compliance Status Table

SA Paragraph	Summary of SA Requirements	Compliance				
		Policy	Training	Implementation	Sustained	Paragraph 150
73	New housing non-discrimination (HND) policy is implemented.	Yes 2/23/18	Partial	Yes 05/31/18	Yes 05/31/19	Yes 02/28/22
74	All current deputies acknowledge receipt and understanding of HND policy.	Yes 2/23/18	Partial	Yes 5/31/18	Yes 05/31/19	Yes 02/28/22
75	All newly assigned deputies acknowledge receipt and understanding of HND policy within 15 days.	Yes 2/23/18	Partial	Yes 5/31/18	Yes 09/14/20	Yes 02/28/22
76	Policies regarding the review of requests from a housing authority for deputy accompaniment are revised.	Yes 03/14/18	Partial	Yes 5/31/18	Yes 05/31/19	Yes 02/28/22
77	Accompaniment policy regarding LASD housing investigations is implemented.	Yes 03/14/18	Partial	Yes 05/15/18	Yes 05/31/19	Yes 02/28/22
78	Deputies document all voucher holder compliance checks using Stat Code 787.	Yes 03/14/18	Partial	Yes 05/31/18	Yes 05/31/19	Yes 02/28/22
	<b>Notes:</b> The Parties and MT agreed that if there was no indication that LASD participated in housing-related enforcement actions, including Section 8 compliance checks, they would be found in compliance with Paragraphs 78, 79, and 80. On this basis, the MT found the Department in compliance after review of several years of community input and Department documentation of stops, arrests, and other actions indicated no such actions occurred.					
79	Deputies document each independent investigation for fraud based on voucher holder compliance with the voucher holder contract using Stat Code 787.	Yes 03/14/18	Partial	Yes 5/31/18	Yes 5/31/19	Yes 02/28/22
80	Deputies document housing-related activity using Stat Code 787 and do not inquire into an individual's Section 8 status.	Yes 03/14/18	Partial	Yes 05/31/18	Yes 5/31/19	Yes 02/28/22

Notes:

- The MT submitted a memo dated February 28, 2022, subsequently approved by the Parties, invoking Paragraph 150 for Paragraphs 73–80.
- The SA-mandated training related to housing is monitored in the bias-free policing training (Paragraph 70, in compliance) and the quarterly roll call trainings, Preventing Discriminatory Policing Parts A–G (Paragraph 71, not in compliance).
- See also [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

## **E. Data Collection and Analysis**

### **1. Progress on Department Priorities in This Reporting Period**

Despite assigning a full-time data analyst to the Compliance Unit over a year ago, LASD did not identify Paragraphs 81–86 as a priority in this reporting period. LASD remains out of compliance for Paragraphs 81–86. The SA provides a detailed and thorough description of the work that needs to be completed for this section, especially with regard to the particular data that need to be collected and how that data needs to be analyzed.

### **2. Status of Other Data Collection and Analysis Work**

Apart from continuing to collect the data addressed in Paragraph 81, the reliability of which is being assessed in the MT’s stops audit, LASD has made some limited progress work related to Paragraphs 81–86 in this reporting period. The CU has started identifying both internal and external data sources that can be used to develop a compliant data report. Additionally, the CU is exploring the option of bringing in a consultant to conduct the required analysis. The CU has produced a sample of a monthly data report intended to provide the station captains with a timely snapshot of their station’s stops data to assist them in their patrol duties. (See Stops section for further discussion)

### **3. Obstacles and Successes**

As discussed at length in the Stops and Bias-Free Policing sections and in previous reports, LASD faces a number of obstacles to achieving compliance with Paragraphs 81–86. First and foremost is that the data collection system is antiquated, inflexible, and insufficient. Another significant barrier is that LASD does not have a robust culture of using data to inform practices.

### **4. Next Steps**

The CU will continue to explore the data sources and assess whether changes must be made to data collection systems to be in compliance. Also, the CU is going to convene a quarterly meeting regarding an early warning system and is considering the stops data that should connect to that system. LASD has indicated a desire to engage a qualified consultant to produce the SA-required data analysis and a report including an exploration of trends in the next year.

### **5. Data Collection and Analysis Compliance Status Table**

Table 4 provides the compliance status for each paragraph in the Data Collection and Analysis section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

**Table 4**

**Data Collection and Analysis Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
81	LASD collects data related to bicycle stops, backseat detentions, probation and parole stops and searches, consent searches, and vehicle impoundments.	NA	NA	Partial	No
	<b>Notes:</b> LASD has been collecting the required data for several years and is in partial compliance pending completion of an ongoing formal assessment of the accuracy and thoroughness of the data collection.				
82	LASD conducts semi-annual analysis of various data documenting stops, searches, seizures, backseat detentions, arrests, vehicle impoundments, uses of force, civilian complaints, and Section 8 voucher compliance checks.	NA	NA	No	No
	<b>Notes:</b> LASD initially committed to producing a inaugural draft report by May 31, 2022. No draft report has been produced. LASD's current goal is to deliver a work plan, written in conjunction with an external consultant, by May 2023.				
83	LASD's semi-annual data analysis includes regressions, including appropriate controls, to determine if law enforcement activity has a disparate impact on any racial or ethnic group.	NA	NA	No	No
	<b>Notes:</b> See Paragraph 82.				
84	From the analysis, LASD identifies any trends or issues that compromise Constitutional policing and respond accordingly by, for instance, reviewing and revising as necessary policy, training or practice.	NA	NA	No	No
	<b>Notes:</b> LASD should also examine, publicly respond to, and potentially use to inform practice the analysis provided by the Monitors and the reports presented by OIG, local universities, and ProPublica. Also see Paragraph 82.				
85	LASD's analysis identifies any problematic trends among reporting districts or deputies and takes appropriate corrective action. LASD's analysis is incorporated into routine operational decisions.	NA	NA	No	No
	<b>Notes:</b> LASD has not incorporated the required data analysis and assessment into routine operational decisions. Also see Paragraph 82.				

Table 4					
Data Collection and Analysis Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
86	LASD produces a semi-annual report summarizing the results of the analysis and steps taken to correct problems and build on successes. The report is publicly available in English and Spanish and posted on LASD's website.	NA	NA	No	No
<b>Notes:</b> No report has been produced, accepted, or published for compliance.					

Note: See [15 Semi-Annual Report, Appendix D Only.pdf](http://www.antelopevalleysettlementmonitoring.info) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

## **F. Community Engagement**

### 1. Progress on Department Priorities in This Reporting Period

LASD's community engagement-related priority for this reporting period was to complete the following task by the end of 2022:

- LASD Community Engagement Report

Additionally, LASD continued the following activities during this reporting period:

- Community Engagement Tracker
- CACs and Community Engagement
- Crime Management Forum (CMF)
- Risk Management Forum (RMF)
- Community Survey

#### *a. Annual Community Engagement Report*

- *The Department is in compliance for its annual Community Engagement Report.*

LASD submitted the 2021 Community Engagement (CE) Report for reviewing during this monitoring period. The MT and DOJ provided feedback and comments, noting the draft was not in compliance. On November 21, 2022, LASD re-submitted the 2021 CE Report addressing the MT and DOJ's response. LASD revisions adequately addressed all of the MT and DOJ's concerns, and the report was determined to be in compliance.

#### *b. Review of LASD-AV Deputy Community Engagement Tracker*

- *The Department is in partial compliance for deputy involvement in community engagement activities (SA Paragraph 88).*

LASD continues to make progress toward sustained compliance with this provision of the SA in terms of sworn personnel attending the required number of community events or conducting 755s (contacts that are self-initiated, positive engagements with members of the community). The MT provided feedback to LASD regarding its community engagement activities. Some of the 755 logs need to better describe how the interaction with members of the public was initiated. There were a few questionable community engagement events. There was some missing documentation or inaccurate tracking where the calculations did not match the number of forms showing community events for individual deputies. The MT also pointed out some examples of very good community engagement events and resident interactions.

During the next monitoring period, the MT will review the end-of-year Community Engagement Tracker report for 2022 to determine compliance with Paragraph 88; the findings will be included in the next semi-annual report. It is our hope that during Sheriff Luna's administration, given his understanding of 21st-century policing, the Compliance Unit and/or the compliance lieutenants at the stations will be in a better position to review deputy community engagement efforts and provide ongoing feedback to deputies and their supervisors on their engagement activities and how to better tailor those activities to fit with and inform the stations' community policing strategies.

*c. CACs and LASD Community Engagement*

- *The Department is out of compliance with Paragraph 87b regarding being available for community feedback, but is in compliance with the various provisions for facilitating the CACS (Paragraphs 87a, 87c, 93, 94, 96, 97).*

On November 1, the MT hosted a community meeting at a church in Lancaster whose pastor is a former member of the Lancaster CAC. Approximately 50 people were in attendance, filling the modest-size church, including CAC representatives, members of LASD, the MT, and DOJ representatives. Most attendees were members of the AV community. The MT provided a brief overview of the SA, the monitoring process, and the current status of LASD's efforts. There were also brief introductions made by CAC members of both Palmdale and Lancaster. The remainder of the meeting was dedicated to open discussion about policing in the AV.

Several AV community members shared their specific complaints and concerns about incidents they had experienced or were aware of involving LASD. Overall, the room was full of AV community members whose prevailing sentiment was largely one of concern, frustration, and anger toward LASD and the MT for not holding LASD more accountable, as well as similar frustrations with the county government and school system. Some CAC members and attendees were critical of the MT and our reports, specifically, that the MT does not credit the CACs for all of their hard work, that the reports are too lengthy and difficult to follow, and the reports do not separate compliance out by station. They also asked for earlier notice of our future meetings.

While the Department is currently in compliance with Paragraph 93 and the other provisions regarding facilitation of the CACs, improvements must be implemented in order for compliance to be maintained and, most importantly, to ensure the CACs effectively function in the manner envisioned by the SA. As we discuss below, LASD needs to improve its outreach for representation on the CACs and for meeting attendance, and both LASD and the CACs need to improve their documentation and tracking of community input.

The MT acknowledges that it is unlikely that every community meeting ends with universally satisfied and content constituents. However, we see evidence that LASD is not fostering an environment that allows for the consistent and candid sharing of concerns, collaboration and transparency expected by the CACs, and actionable strategies to build relationships with critics

in the community and are therefore holding the Department out of compliance in this area. To our knowledge, neither CAC is empowered by the stations to document and track all community concerns over time, and both are suffering from significant turnover, with departing members often raising concerns that LASD leadership is not open to criticism. Exiting and current CAC members have reported to the MT that they feel their concerns and ideas are not truly heard or followed-up on. The Department does not routinely document and track input it receives from the community either through the CACs or through its other community events and interactions; nor does it track its response to that input. Non-CAC members have reported a loss of confidence and trust in the CACs and their ability to successfully fulfill their mission, which includes “leverage the insights and expertise of the community to address policing concerns, including . . . racial or ethnic profiling and access to law enforcement services,” “work with the Sheriff and station commanders to establish and carry out community public safety priorities,” and “receive and convey to LASD public comments and concerns” (Paragraph 93). In fact, some members of the community have expressed their interest in forming a separate group because they do not feel the present CACs have enough independence from the Department.

The MT very much appreciates the hard work and dedication of the CAC members, all of whom are volunteering their time to building and strengthening relationships between the stations and the community. We note concerns in this area not to be critical of the talented group of individuals that make up the CACs, but to underscore their importance to this work.

To reach and maintain compliance in this area, both stations must work hard to expand their CACs to include AV residents who represent the diversity of the valley, including members who are vocal critics of the Department. The stations need to increase their efforts to hear and respond constructively to all CAC members and the community voices they represent. Station leadership needs to work more closely with the CACs to reach both the over-policed and under-policed communities in the AV and to enhance relationships with particular groups, such as youth and communities of color; to open lines of communication and build trust; and to seek—and document—more input from the community to inform crime prevention and community policing goals. The Department certainly has general support from many parts of the AV community, but the SA requires that community engagement efforts extend across all community groups.

Discussions were held during the site visits regarding strategies for improving general community attendance and participation in the CAC meetings. The MT acknowledges the compliance teams at the stations are also concerned about attendance and are putting effort into improving attendance. We will follow up on this issue in the next reporting period.

In our last report, we challenged both LASD and CACs to improve their documentation of issues, concerns, and problems identified during community outreach efforts and to track those concerns and the Departmental response over time. We also asked that monthly CAC meetings include time dedicated to discussion of these issues, and that the meeting minutes or notes document LASD’s responses and intentions, with follow-up on outcomes and lessons learned in subsequent meetings. This process, routinized as a practice, would impact many compliance

provisions. We have not seen any evidence that this is happening in any formal way, but we continue to believe this practice is important and would be helpful to LASD and the CACs by improving trust and transparency with the community as well as serve the SA's requirements of expanding outreach efforts and informing their community policing strategies.

*d. Crime Management Forum*

- *The Department is in partial compliance with Paragraph 90 regarding CMF meetings.*

Members of the MT observe all monthly CMF meetings for the North Patrol Division, which includes Lancaster and Palmdale. The MT also attends the semi-annual RMF meetings. The MT has provided two memos over the past three years advising LASD of where non-compliance with this provision of the SA has been noted and providing examples and recommendations on how the Department can come into compliance. The MT has re-sent those memos to new personnel transferred into the Compliance Unit.

Although recent progress has been made by LASD, particularly in the Lancaster station, one area where the AV stations are still deficient in the CMF meetings is the need to engage with the community in efforts to support and measure community and problem-solving policing efforts. While the stations are identifying problem-solving activities that are being driven internally, there has been little to no documentation of how or whether any of these efforts are being undertaken based on community input and identification of their priorities, or that the community has been actively engaged as a co-producer of public safety where those opportunities are present. This is an area that needs to improve for LASD to come into full compliance with this provision of the SA.

*e. Risk Management Forum*

- *The Department is in partial compliance with Paragraph 90 regarding the RMF.*

The Department conducts semi-annual Risk Management Forum meetings to evaluate the performance of stations in every Division. The MT has been engaged in observing all the North Patrol Division RMF sessions so as to assess compliance with various SA provisions, such as those related to conducting an analysis of trends in misconduct complaints and community priorities, the development of needed interventions, and improving the application of analytics to assess their deployment strategies to better support community policing and problem-solving efforts.

The MT has noted recent improvement regarding the content of the material covered during these meetings. Of note, we have found the NPD RMF has allocated additional time during the meetings for AV station captains to present information on issues and trends that are



consequential and related to the SA. This was not previously done. During the early years of the SA the presentations concerning the station's data and trends were rarely probed by executive staff, and even when such a probe may have occurred, any explanations provided by the station captains were passively accepted as being sufficient. Executive staff have recently displayed a greater interest in and willingness to probe and evaluate the station captain's explanations about crime trends and patterns that have become evident as well as the policing strategies that are being employed to address those matters. The MT finds this to be a sign of progress and consistent with the SA objectives.

What the MT has not yet observed and where more attention must be devoted in the near term in order for LASD to achieve compliance in this area is to have the station captains routinely present information on whether and how community concerns and priorities are identified, using that information to help inform and tailor each station's policing strategies, and then ensure the results are also being constantly evaluated for their impact. Those are specific requirements of the SA that can best be achieved when command staff and station managers practice, and model for their own subordinates, the application of critical thinking skills that are undertaken for the purpose of developing and refining increasingly effective crime reduction strategies and engaging in the range of problem-solving efforts that the community is seeking.

*f. Community Survey*

- *The Department is in compliance for the Community Survey.*

Prior to launching this year's Community Survey, the MT and the Parties met to discuss certain revisions to the Year 4 data collection process, including discontinuing survey administration at AV high schools due to low response rates in the past. The survey was modified to ensure the perspectives of younger AV residents are still captured in the general survey. Some additional minor revisions were made to the survey questions in order to improve the quality of data being collected.

Data collection for the fourth annual Community Survey began in mid-November 2022. At this point, data collection is primarily being done virtually through an online survey, with a limited amount of paper surveys being made available to community members attending community meetings or upon request. LASD, both CACs, and a handful of community-based organizations and individual community members are currently distributing the survey to their networks. Data collection will continue into 2023 until data have been collected from a representative sample of respondents.

2. Status of Other Community Engagement Work

This section describes work completed and compliance status for some of the important SA provisions that were not among LASD's prioritized work described above. See [15 Semi-Annual](#)

[Report, Appendix D Only.pdf](#) at our website for detailed descriptions of status for every SA paragraph.

LASD did not make progress on the following activities:

- Community Engagement Training
- Deputy Survey

*a. Community Engagement Training*

- *The Department remains out of compliance with the required Community Engagement Training, Paragraph 89.*

LASD has previously made progress toward developing a training curriculum that will comply with most but not all the provisions of the training requirements in the CE section. The Department remains out of compliance until the training is approved and implemented. In August 2022, the Department indicated they would not be able to finish the next draft of the training in 2022 and chose to prioritize other work. The MT and DOJ disagreed with this decision, stressing the importance of the training and urging the Department to build on the momentum it had established. In December, County Counsel also proposed a revision to the established compliance metric associated with Paragraph 89, which will be further discussed in the next reporting period.

The MT provided an updated review of the proposed Community Engagement training curriculum and submitted a memo to LASD on June 7, 2022. The memo included the MT's assessment that the updated curriculum complied with most of the sub-provisions required by Paragraph 89 of the SA.<sup>14</sup> To their credit, both station captains have asked for this training to be implemented because they have identified that deputies in their stations need exposure to these topics and that they will help with implementation of SPATIAL.

Additionally, DOJ's case review highlighted that deputies would benefit from greater attention to several aspects of Paragraph 89, including leadership, ethics, and interpersonal skills; principles of procedural justice; conflict resolution and verbal de-escalation of conflict; and cultural awareness and sensitivity training. (See UOF and Accountability sections for further discussion of the case reviews.)

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<sup>14</sup> Paragraph 89 of the SA requires LASD to "provide structured annual in-service training on community policing and problem-oriented policing methods and skills for all AV deputies, including station supervisors and unit commanders" and lists several specific subjects which must be addressed in the trainings, including (a) methods and strategies to improve public safety and crime prevention through community engagement; (b) scenario-based training that promotes the development of new partnerships between the police and community targeting problem-solving and prevention; (c) leadership, ethics, and interpersonal skills; (d) problem-oriented policing tactics; (e) community engagement techniques, including how to engage with youth, immigrant, and LGBTQ communities; and (f) conflict resolution and verbal de-escalation of conflict.

## b. Deputy Survey

- *The Department is in partial compliance with the deputy survey, pending their decision to revise the instrument (SA Paragraphs 69 and 72).*

The Department has conducted two deputy surveys in the past (see Appendix). In this reporting period, the Department expressed a desire to make changes to the Deputy Survey instrument to make it more informative and useful to station captains. The MT and DOJ agreed to review their proposed changes. The Department later indicated it would provide those proposed changes in 2023, so no additional discussions or review occurred in this reporting period.

## 3. Obstacles and Successes

Based on community meetings observed and communications received, while LASD is in technical compliance with the majority of the provisions in this section of the SA, the MT continues to have great concern regarding how segments of the AV community, especially communities of color, are treated and how they perceive LASD. In addition, data analyses reflect disparities that have not yet been addressed by the Department (see the Stops and Bias-Free Policing sections of this report).

As mentioned in previous reports and in other sections, LASD continues to struggle with collecting, scrutinizing, and utilizing data and information, particularly community feedback. LASD continues to not use community feedback to set priorities for the Crime Management Forum. The MT continues to receive concerns and complaints from members of the AV community, including CAC members, that LASD is backsliding on compliance and/or is not interested in positively engaging with all segments of the community. Community members have expressed frustration at the slow pace of progress made by LASD to fully comply with the SA, and they have complained that the MT has not been able to compel compliance from LASD.

## 4. Next Steps

During the next monitoring period, the MT will review the end-of-year Community Engagement Tracker report for 2021 to determine compliance with Paragraph 88; the findings will be included in the next semi-annual report. MT will continue to hold community meetings and continue our offer to provide assistance or training to the CACs. LASD has committed to producing another iteration of the community engagement training to meet the requirement of Paragraph 89. We anticipate that the Community Survey data will be analyzed and published in the next reporting period, as will LASD's 2022 Community Engagement Report. We are hopeful that, under the new administration and consistent with Sheriff Luna's stated goals of prioritizing community policing, the stations and the CACs will begin to routinize a practice of documenting and following up on community concerns, and the stations will institutionalize their COP and POP practices, including the integration of the community engagement training, articulated

crime prevention strategies, SARA/SPATIAL activities, and data analysis into daily practice.

#### 5. Community Engagement Compliance Status Table

Table 5 provides the compliance status for each paragraph in the Community Engagement section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

**Table 5**

**Community Engagement Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
<b>69 (In Bias-Free Section)</b>	Annual organizational culture and climate study including using experts and the Community Survey to study organizational climate and culture in the AV stations to aid in developing the requirements in the section. Personnel will be allowed to confidentially provide information for the study.	NA	NA	Partial	No
	<b>Notes:</b> The survey was administered in 2019 and 2020 but the Department has not informed the MT or provided documentation of how it uses the Community Survey to inform community engagement activities (see Paragraph 88). In December 2021, the MT asked to schedule a time to discuss LASD revisions to the previous Deputy Survey instrument and other methodological considerations. The Parties and MT subsequently discussed the Deputy Survey in 2022, which led to the Department requesting additional time to consider revisions they feel would make it more useful.				
<b>72 (In Bias-Free Section)</b>	LASD agrees to use experts and a survey to study organizational climate and culture in the AV stations to aid in developing bias-free policing training requirements.	NA	NA	Partial	No
	<b>Notes:</b> See Paragraph 69.				
<b>87a</b>	Actively participate in community engagement efforts, including community meetings.	Yes 12/11/19	NA	Yes 09/21	No
	<b>Notes:</b> The mechanisms for deputy participation in community engagement efforts are in place; the extent and quality of that participation are measured in Paragraph 88.				
<b>87b</b>	Be available for community feedback.	Yes 12/11/19	Partial	No	No
	<b>Notes:</b> As described in this section, the MT has observed indications that Department managers may not be open to all feedback. The MT has provided guidance on how to better document feedback received and responded to. The eventual community engagement training (Paragraph 89) will address productive Department–community interactions.				
<b>87c</b>	Develop CACs.	Yes 12/11/19	NA	Yes 06/16	Yes
	<b>Notes:</b> The CACs existed before the SA but were implemented in accordance with the SA in 2016 and have been maintained ever since.				

Table 5

Community Engagement Compliance Status

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
87d	Work with the community to develop diversion programs.	Yes 12/11/19	NA	Yes 09/21	No
	<b>Notes:</b> The MT found the Department in compliance with the diversion program provision through the review of LASD documentation, direct observation, and discussion with community members.				
88	Ensure all sworn personnel attend community meetings and events, and take into account the need to enhance relationships with particular groups within the community including, but not limited to, youth and communities of color.	Yes 1/10/19	Partial	Partial	No
	<p><b>Notes:</b> LASD published an approved Attendance Work Plan (January 10, 2019; revised April 1, 2020). The MT assesses this provision through review of LASD documentation of events/755s, direct observation, and discussion with deputies and community members. The MT, which has not yet formally assessed the qualitative requirement to genuinely engage in events/755s, has found LASD:</p> <ul style="list-style-type: none"> <li>• In compliance with the quantified metrics for deputy attendance at events and/or 755s for 2021; 2022's compliance will be determined in March 2023 and included in the next MT Report</li> <li>• Out of compliance with the qualitative requirements to account for the need to enhance relationships with particular groups</li> <li>• Out of compliance with using the annual Community Survey to inform changes to the attendance plan, if needed.</li> </ul>				
89	In-service training on community policing and problem-oriented policing is provided to all AV personnel.	NA	Partial	No	No
	<b>Notes:</b> LASD previously implemented a portion of Community Engagement training: the Virginia Center For Policing Innovation (VCPI) training, a two-hour online introduction to COP/POP, but that implementation was not continued in this reporting period. The Department postponed additional work on the full-day training until 2023. After full implementation of the training, outcomes related to each aspect of the Community Engagement training will be measured in other provisions.				

Table 5

Community Engagement Compliance Status

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
90	Revise content of CMF and RMF to include discussion and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them using techniques to better support and measure community and problem-solving policing efforts.	NA	NA	Partial	No
	<b>Notes:</b> The MT observes every RMF and CMF and found that the meetings have shown progress with the usage of data, examination of trends, probing of responses, and expectations for follow-up to be conducted. Each of those activities needs to be further developed to reach compliance. Other areas needing further development include the identification and prioritization of community expectations, addressing those via community policing and problem-solving strategies, routinely assessing intended and unintended consequences of strategies employed, and ensuring follow-up is conducted on matters discussed in previous meetings, with time to discuss outcomes, lessons learned, and improvements to implement.				
91	Complete annual reports on the impact of community engagement efforts, identifying successes, obstacles, and recommendations for future improvement in order to continually improve police–community partnerships.	NA	NA	Yes	No
	<b>Notes:</b> The MT and DOJ provided feedback on drafts of the 2021 LASD Community Engagement Report and have approved it for publishing.				
92	Seek community assistance in disseminating SA.	NA	NA	Yes	Yes
93	Support and work with CACs to help them meet their mission to leverage the insights and expertise of the community to address policing concerns, including, but not limited to, racial or ethnic profiling and access to law enforcement services, and to promote greater transparency and public understanding of LASD.	Yes 9/27/14 2/11/15	NA	Yes	No
	<b>Notes:</b> The Department continues to support and work with the CACs but must make improvements to remain in compliance and to ensure the CACs effectively function in the manner envisioned by the SA. LASD needs to improve its outreach for representation on the CACs and for meeting attendance. LASD and the CACs need to improve their documentation of issues, concerns, and problems identified during community outreach efforts and to track those concerns over time. Monthly CAC meetings should include time dedicated to discussion of these issues and meeting minutes should document LASD’s responses, with follow-up on outcomes and lessons learned in subsequent meetings.				

Table 5

Community Engagement Compliance Status

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
94	Memorialize CACs and facilitate quarterly meetings.	Yes 02/11/15	NA	Yes 02/11/15	Yes
	<b>Notes:</b> See the notes for Paragraph 93 for the MT’s expectations of improved documentation of the CAC meetings and communications with Department between meetings. Also, in the next reporting period the stations will need to put greater effort into ensuring youth representation on the CACs.				
95	Post CAC reports on LASD-AV website and respond to recommendations.	NA	NA	Partial	No
	<b>Notes:</b> The MT has posted most CAC reports on their website, but in past reporting periods, the Department’s responses to those reports were not posted.				
96	Provide administrative support and meeting space for CACs.	Yes	NA	Yes	Yes
97	Ensure CACs have no access to non-public information.	Yes	NA	Yes	Yes
98	Assist the Monitors in annual Community Survey.	NA	NA	Yes	Yes
99	Cooperate with independent researcher in conducting annual Community Survey and Deputy Survey.	NA	NA	Yes	Yes
100	Cooperate with administration of the annual Community Survey and focus groups.	NA	NA	Yes	Yes
101	Post annual Community Survey report on LASD-AV website.	NA	NA	Yes	Yes

Notes:

- Training is monitored in Paragraph 89.
- See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.



## G. Use of Force

### 1. Progress on Department Priorities in This Reporting Period

The UOF-related tasks that LASD chose to prioritize in this reporting period were:

- SA-Compliant UOF Policy
- SA-Compliant UOF Training
- Continued EFRCs
- Division Order on BWC Review by Managers
- UOF Data Analysis

Unfortunately, the UOF policy, training, and data analysis remain out of compliance. The Parties and MT exchanged comments on the UOF policy, but no progress was made on training and analysis. The Department continues to hold EFRCs for Category 3 uses of force but remains out of compliance for SA Paragraph 114. The Parties and MT had fruitful discussions on the Division Order, and it was published.<sup>15</sup>

#### *a. Use-of-Force Policy—SA Preface*

- *The Department is out of compliance on its UOF policy.*

Following multiple exchanges of drafts and related discussions over the past three years, the Parties and MT continued to discuss the Department's UOF policy during this reporting period.<sup>16</sup> LASD has failed to update the UOF policy in alignment with the SA to date. As we have previously reported, in April 2019, DOJ, the Monitors, and LASD representatives reached a tentative agreement on an updated UOF policy. However, the Department's executive management team was unresponsive to that version, and it was never approved by the Department. Subsequent versions of the policy submitted by the Department did not contain all the previously tentatively agreed-upon text, and some of those same areas remain unresolved today.

Another reason progress toward compliance on policies and other SA requirements can be drawn out is when the Parties have disagreements on particular subject matter. The Monitors believe the involvement of the Court, which we have been requesting for some time, would help resolve some of these disputes more quickly, as long as the Department makes every effort to produce carefully considered drafts that address all relevant SA requirements and that address all the MT and DOJ feedback previously provided so that any points of disagreement can be

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<sup>15</sup> For a full description of the work history and more details on the status of each paragraph, please see the Use of Force section in [15 Semi-Annual Report, Appendix D Only.pdf](#) and the [14th Semi-Annual Report](#), both of which can be found at our website for MT website: <http://www.antelopevalleysettlementmonitoring.info>.

<sup>16</sup> SA Paragraph 160 describes the process for policy approval.

promptly identified and given the attention needed.

On July 22, 2022, Monitors and the DOJ received from County Counsel the Department's response to its comments on the latest draft UOF policy. On August 6, 2022, the parties virtually met and discussed the Department's policy and the remaining concerns of the MT and DOJ. Several more meetings with the Department, Monitoring Team, and DOJ occurred over the next few months, the last of which was on November 21, 2022. Unfortunately, seven significant aspects of the policy remain unresolved:

1. The Department's policy for the investigation, review, and adjudication of uses of force involving the intentional pointing of a firearm by deputies;
2. The definition of proportionality and how that can affect a deputy's duty to intervene if they witness excessive force by another deputy;
3. The guidance regarding de-escalation and force reduction principles;
4. DOJ's position that the Department include the definition of "Necessary Force" to non-lethal uses of force;
5. The definition of "totality of the circumstances";
6. The definition of improvised weapons and techniques, and the categorization, investigation, and adjudication of deputies' uses of force that involve the use of improved weapons and/or improvised techniques; and
7. Department members may display a drawn firearm if they reasonably believe it will help establish or maintain control in a potentially dangerous situation.

In November 2022, the Department indicated that the soonest it could provide the MT and DOJ the next draft use-of-force policy would be February 16, 2023. The Department has also indicated it would now prioritize the related TASER policy, which the DOJ and MT last provided feedback on in May 2022.

*b. Use-of-Force Training – SA Paragraphs 119a–e*

- *The Department is out of compliance on its UOF training.*

Since early 2021, LASD has been working to revise its UOF training to meet SA requirements for Paragraph 119a–e. The MT and DOJ have reviewed several iterations of the curriculum, observed

trainings, and given feedback to the Department.<sup>17</sup> In our last six-month report, the Department indicated it would soon provide a newly revised curriculum and that intention was reiterated during this reporting period. The Department did not meet this goal. The Department has set a new goal to provide an updated training draft in February 2023.

In previous reports, the MT and DOJ review of the current UOF training identified a number of significant problems including but not limited to inadequate emphasis on the de-escalation of tense and evolving incidents with the goal of resolving those incidents without having to resort to the UOF.

Also, LASD has not developed training that would achieve compliance with SA Paragraph 119f, deputy tactics training, and 119g, mandated annual supervisory UOF investigation training. LASD intends to submit a training for compliance assessment in May 2023.

*c. Executive Force Review Committee (EFRC) Reviews*

- *The Department remains out of compliance with the SA requirement that the EFRC review the most serious uses of force for “any policy, training or tactical concerns and/or violations.”*

EFRCs are composed of three area commanders, one of whom is designated as the chairperson by the Professional Standards Division Chief. EFRCs are held to evaluate the most serious uses of force (Category 3).<sup>18</sup> During this reporting period, the MT assessed three EFRCs that addressed a deputy-involved shooting, a use of force resulting in serious injury, and a use of force involving an in-custody death. In these reviews, the Department executives’ questions were more probing than in the past, and they did identify some violations and other concerns, but they failed to adequately identify or address several serious violations of Department policy, including the failure to acquire a target before shooting in one case and the pointing of a firearm when the subject did not present an imminent threat in another case. The EFRC also did not raise concerns about important procedural issues such as trainees working in the field without the supervision of a Field Training Officer and a sergeant giving ambiguous instructions.

Additionally, the effectiveness of one EFRC was deeply impaired by the fact that it was held almost five years after the incident. This was because the Internal Affairs Bureau (IAB) does not investigate a case until any associated district attorney criminal investigation of deputy conduct is resolved. Four years after the incident involving this in-custody death, the district attorney’s

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<sup>17</sup> SA Paragraph 160 describes the process for training approval. See also Paragraph 160 in [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website.

<sup>18</sup> Category 3 uses of force involve the most significant types of force, including deputy-involved shootings, skeletal fractures, and/or force resulting in significant injury. They are investigated, reviewed, and adjudicated with a different process than Category 1 and 2 uses of force. EFRCs are held to evaluate Category 3 but not Category 1 or 2 force. (Technically, EFRCs are held to evaluate every shooting and force incident wherein the activation of an IAB Force/Shooting Response Team is required to investigate the use of force.)

office issued their finding that the deputies used reasonable force and were not criminally responsible for the death. At that time, IAB began its own investigation, but one of the two deputies was no longer working for the Department and did not respond to repeated requests for an IAB interview. The other involved deputy, the sergeant, and several key witnesses had understandable difficulty recalling specifics for the event. The EFRC eventually recommended disciplinary action in the case; however, corrective action taken five years after the incident eliminates its effectiveness and is grossly unfair to the involved parties. As we have discussed in MT audits and previous EFRC reviews, these kinds of lengthy delays critically compromise, if not totally prevent, the Department's ability to conduct thorough, SA-compliant investigations and, when warranted, administer discipline or make necessary changes to policy or training in a timely manner. The vast majority of law enforcement agencies in California do not have such lengthy delays in adjudicating cases like this. The MT recommends that IAB conduct its investigation concurrent with the criminal investigation. This would allow for a timely administrative review and appropriate corrective actions to be undertaken without unnecessary delay.<sup>19</sup>

*i. UOF Case Reviews*

During this reporting period, DOJ presented in-depth UOF case reviews, including BWC footage, of a number of cases for discussion with LASD managers. The cases stemmed from deputies listed in the quarterly reports produced by the AV stations.<sup>20</sup> The case reviews found, as has each MT UOF audit and our EFRC reviews, failures on the part of investigators and managers, including executive managers, to identify important issues, including clear allegations of misconduct, and apply corrective action.<sup>21</sup> Included in the review were cases where LASD policy was violated—sometimes multiple times in the same event—but those violations were not identified or addressed by either the investigators or senior LASD management as required by the SA. The violations included missed opportunities for de-escalation, excessive force involving the use of pepper spray on a handcuffed subject, the out-of-policy pointing of a firearm, and others. The cases also highlighted a need for the Department to re-emphasize and/or increase its training in Procedural Justice (SA Paragraphs 42, 57e, 70i, and 71) and on its BWC activation policies. The DOJ presented multiple incidents in which traffic stops quickly escalated to UOF incidents.

These findings highlight once again the crucial need to have in place an SA-compliant and

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<sup>19</sup> This was an opportune case for the EFRC to raise concerns at the executive level about the need to correct the harmful effects of the 1991 Gates/Johnson Settlement Agreement with ALADS and how this negatively impacts employees and the agency due to the ongoing failures in bringing timely resolution on administrative investigations because these cases are delayed for years.

<sup>20</sup> See the Accountability section for further discussion of the DOJ UOF case reviews and of the quarterly reports.

<sup>21</sup> At the time of the last MT UOF audit in July 2021, body-worn camera (BWC) footage, which can provide a much more robust understanding of what occurred in the field, was not available. Future MT audits will include BWC review.

implemented UOF policy and training in the use of force, de-escalation techniques, and comprehensive requirements governing the investigation, review and management adjudication of force incidents. Along with the implementation of new policy and training, there needs to be a stronger commitment on the part of LASD executives to (1) provide deputies with the training and guidance they need and to then hold them accountable for subsequent policy violations, and (2) hold supervisors and managers accountable for the thorough investigation, review, and adjudication of uses of force.

On November 30, 2022, DOJ sent a follow-up email to the Department identifying specific remedies the Department should implement in order to address the issues raised in the case reviews, to wit:

1. LASD Policy Must Include Pointing a Firearm as a Reportable Use of Force;
2. Provide Additional Training on Procedural Justice;
3. Provide Additional Training on De-Escalation and Force Decision-Making;
4. Provide Additional Training on Waiting for Backup;
5. Body-Worn Camera Policy Should Require Activation Upon Dispatch or Development of Reasonable Articulable Suspicion; and
6. Ensure Accountability Through Supervisory Review of Use-of-Force Incidents.

In a reply to DOJ, County Counsel indicated the Department was amenable to DOJ's list of remedies. The MT expects the Department to accomplish those objectives in 2023 and will request status updates on the Department's efforts in this regard in the next reporting period.

*d. Divisional Directive Regarding Manager Review of BWC Footage for Category 2 Force Incidents*

During the previous reporting period, North Patrol Division (NPD) management requested MT and DOJ feedback on a draft of a Central Patrol Division order which NPD was considering mirroring for its personnel. The Parties and MT had fruitful discussions on the order and agreed that the final version would be circulated in the NPD, which occurred as of Sept 15, 2022. The MT appreciates the proactive outreach from the NPD Chief to the MT to review the CPD before it was distributed in the Antelope Valley.

e. *LASD Use-of-Force Data Analysis: SA Paragraphs 120-123*

- *The Department is out of compliance on its UOF analysis.*

In this reporting period, the Department intended to prioritize the production of the first of its annual analyses of use-of-force data, but in November 2022, they informed us they will instead provide the first draft of their report in June 2023. They also intend to provide the draft of their second annual UOF analysis in October 2023.

## 2. Obstacles and Successes

For seven and a half years, LASD has failed to develop and publish a UOF policy and related training that satisfies SA mandates. This failure reduces the preparedness of deputies during stressful encounters and their ability to successfully resolve those tense and evolving situations without having to resort to force, and when that is not possible, to tactically resolve those incidents using lower levels of force. It is inevitable that the types of tactical errors, policy violations, and inadequate investigations found in the MT's EFRC reviews, MT audits, and DOJ's UOF case reviews will continue without clear guidance to deputies and managers through policy and training. The Department owes its deputies, and the communities they serve, the very best integrated UOF policy and training, which should include effective communications, assessments, de-escalation, and tactics. Research has shown that integrated de-escalation and UOF training can lower the number of UOF incidents by up to 26% and lower injuries to law enforcement officers by up to 36%.<sup>22</sup> Our audits have also documented that the Department has failed to adequately train sergeants in how to competently investigate the UOF by deputies; watch commanders in how to review UOF investigations; and management in how to adjudicate those investigations.<sup>23</sup> This continual managerial carelessness in achieving compliance with the SA's UOF requirements is critical and must be addressed with a sense of urgency.

## 3. Next Steps

LASD has stated its UOF-related goals for 2023 include the following.

- The Department will produce new versions of its UOF and Taser policies.
- The Department will produce the next version of its UOF training, both for the use of force in the field and its investigation by Department managers.
- The Department will produce its first and second annual analyses of UOF data.

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<sup>22</sup> <https://www.uc.edu/news/articles/2022/01/police-training-reduces-certain-incidents-study-says.html>

<sup>23</sup> MT website: <http://www.antelopevalleysettlementmonitoring.info/>

The Department also needs to provide the MT and DOJ updates on any corrective action taken in response to DOJ's requests related to the UOF case reviews it presented at the November 2022 site visit. These should include the following.

- Departmental review of other law enforcement agencies' policies and procedures associated with the investigation and review of deputies intentional pointing of a firearm and will publish an updated policy and develop and deliver associated training.
- Enhanced or additional training on Procedural Justice.
- Departmental evaluation of additional de-escalation training.
- Departmental evaluation of the development of an annual refresher UOF training course for its supervisors that includes conducting through UOF investigations.

The Parties and MT will discuss the methodology for the MT's next UOF audit, and then we will conduct that work. The scheduling of a UOF audit has been delayed because the Monitors and DOJ were hopeful that an agreement would be reached on a revised Department UOF policy and associated training. Although that has not occurred, Monitors will submit an audit work plan to the parties in the first quarter of 2023, with the audit work to begin as soon as the audit sample, including body-worn camera recordings, is provided to the audit team. The Parties and MT will decide which uses of force—non-categorized force (NCI), Category 1, Category 2, and/or Category 3—will be addressed in each MT audit.<sup>24</sup> In addition, the MT will verify attendance at UOF trainings once they are approved and implemented.

#### 4. UOF Compliance Status Table

Table 6 provides the compliance status for each paragraph in the UOF section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

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<sup>24</sup> In 2018, Category 1 force was split into two categories: non-categorized force incidents (NCIs) and Category 1; the definition of Category 1 remained the same, except that the lowest levels of force were now categorized as NCI. The MT's first Category 1 and 2 audit (2018) was conducted before this change. The second MT Category 1 and 2 audit (2021) addresses NCIs and Category 1 force separately.

**Table 6**

Use-of-Force Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
<b>102, 104, 105</b>	LASD to revise use-of-force policy.	No	No	Cat 1 and 2: Yes Cat 3: No	No
	<b>Notes:</b> DOJ’s targeted case reviews provide evidence that LASD is not in compliance with several UOF provisions. MT will conduct a UOF audit that has available BWC footage to assess.				
<b>103</b>	Use de-escalation techniques before resorting to force and reduce force as resistance decreases.	No	No	Cat 1 and 2: Yes Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
<b>106g</b>	Prohibit using force on a person legally recording an incident.	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
<b>107</b>	Prohibit head strike with impact weapon unless deadly force is justified, and report unintentional head strikes	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
<b>108</b>	Deputies will report force incidents.	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
<b>109</b>	UOF reports will be without boilerplate language, and deputies held accountable for omissions or inaccuracies.	No	No	Cat 1 and 2: Yes Cat 3: No	No
<b>110</b>	Deputies will notify supervisors immediately of the use of force.	No	No	Cat 1 and 2: Yes Cat 3: Yes	No
<b>111a–d</b>	Perform thorough UOF investigations.	No	No	Cat 1 and 2: No Cat 3: Yes	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
<b>111e</b>	Supervisors will thoroughly review deputies’ UOF reports.	No	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
<b>112a</b>	Supervisors will thoroughly report their independent review of UOF incidents.	No	No	Cat 1 and 2: No Cat 3: Yes	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				



**Table 6**

**Use-of-Force Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
<b>112b-e</b>	Supervisor’s UOF investigation reports will be complete.	No	No	Cat 1 and 2: No Cat 3: Yes	No
<b>113</b>	Management will review thoroughness of UOF investigations.	No	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
<b>114</b>	Executive Force Review Board will thoroughly review Category 3 force.	Yes	Yes	Cat 1 and 2: NA Cat 3: No	No
	<b>Notes:</b> LASD has policies in place for the EFRC review process. Paragraph 114 was not in implementation compliance for the Category 3 audit. (Paragraph 114 does not apply to Category 1 or 2 uses of force.) Ongoing reviews of EFRC processes have shown an improvement, but the Department remains out of compliance pending a compliance audit which is under discussion with the parties.				
<b>115</b>	Deputies held accountable for force that violates policy.	No	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> See notes for Paragraphs 102, 104, 105.				
<b>116</b>	Supervisors held accountable for inadequate investigation.	No	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> DOJ’s targeted case reviews provide evidence that LASD is not in compliance with several UOF provisions. The MT will conduct a UOF audit that has available BWC footage to assess. Paragraph 116 was not in compliance for the second Category 1 and 2 audit or the Category 3 audit. In the first Category 1 and 2 audit, the MT was unable to determine compliance.				
<b>117</b>	AV commanders identify and curb problematic UOF trends.	NA	UTD	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> DOJ’s targeted case reviews provide evidence that LASD is not in compliance with several UOF provisions. MT will conduct a UOF audit that has available BWC footage to assess. The MT has attended several RMF meetings, which review uses of force, including deputy-involved shootings and unintentional discharges, and other risk management issues for each command. The Monitors are unable to make a determination as to compliance with Paragraph 117 at this time pending our formal review of the RMF process and the establishment of a compliance metric by the Parties.				

Table 6					
Use-of-Force Compliance Status					
SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
118	LASD and AV unit commanders will regularly review and track "training and tactical reviews."	Yes	No	Cat 1 and 2: No Cat 3: No	No
	<b>Notes:</b> The Parties and the MT have not agreed to a compliance metric for this paragraph. The MT has not found indication that informal supervisory feedback was replacing the need for formal discipline, but all three audits found that LASD data systems were not able to store the training and tactical review section of UOF reports. The Department has previously reported it has developed a plan for tracking this information; however, as of the submission of this report it has not been provided to the Monitors.				
119	Updated UOF training is provided.	No	No	No	No
	<b>Notes:</b> Since early 2021, LASD has been working to revise the UOF training to meet SA requirements for Paragraph 119a–e. The MT and DOJ have reviewed iterations of the curriculum, observed trainings, and given feedback to the Department. The Department did not achieve its goal of submitting a new draft of the 119-a–e curriculum for review in this reporting period. The Department has set a new goal to provide an updated training draft in February 2023. The Department also intends to submit draft training materials for 119f–g in May 2023.				
120–123	LASD to produce annual management analysis and public report on UOF data and trends.	NA	NA	No	No
	<b>Notes:</b> The Department did not meet its goal to submit its first UOF analysis report by November 2022. The Department has set a new goal to provide an initial report in June 2023. The Department also intends to submit a draft work plan for a second UOF analysis in October 2023. Once that plan is approved, the Department will conduct the analysis and submit a full report that, once determined to be SA-compliant, will be made available to the public.				

Notes:

- The MT has done two audits of the lesser uses of force (Categories 1 and 2) and one audit of the most serious use of force (Category 3).
  - » 1st Category 1 and 2 Audit: October 2018
  - » 2nd Category 1 and 2 Audit: July 2021
  - » 1st Category 3 Audit: November 2019

- In 2018, Category 1 force was split into two categories: non-categorized force incidents (NCIs) and Category 1; the definition of Category 1 remained the same except that the lowest levels of force were now categorized as NCI. The MT's first Category 1 and 2 audit (2018) was conducted before this change. The second MT Category 1 and 2 audit (2021) addresses NCIs and Category 1 separately but combine them in determinations of compliance.
- Any reference to Category 1 in this semi-annual report includes NCI.
- The existing UOF policy addresses many of the SA requirements, but policy compliance is based on the Department having an MT and DOJ approved policy in place.
- Training is monitored in Paragraph 119
- See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

## H. Personnel Complaint Review

### 1. Progress on Department Priorities in This Reporting Period

LASD's complaints-related priorities for this reporting period<sup>25</sup> were to achieve significant progress in the following areas by the end of 2022:

- Service Comment Review (SCR) Handbook
- Manual of Policies and Procedures (MPP) Section on Complaints
- Administrative Investigations (AI) Handbook

The SCR Handbook, MPP, and AI Handbook govern the intake, investigation, and adjudication of complaints for the Department.<sup>26</sup> As described below, the SCR Handbook was given conditional approval in November 2021, with a revised conditional version approved in August 2022, but the MPP and AI Handbook remain out of compliance.

#### a. *SCR Handbook*

- *The SCR Handbook was approved by the MT and DOJ and is currently pending publication and implementation.*

A version of the SCR Handbook was approved by the Monitors and DOJ on November 3, 2021, on the condition by DOJ that the Parties will revisit any structural concerns identified and revise SCR policies and the SCR Handbook should future Monitor audits reveal that LASD is out of compliance with the SA's requirements. Department representatives subsequently indicated additional changes were required and committed to submission of a revised draft by June 30, 2022. They did not make that date, but a draft was submitted August 9, 2022. DOJ approved the draft on August 23, 2022, as did the Monitors on August 24, 2022. At that time, a decision was made to hold off publishing the handbook until the related MPP sections and AI Handbook were finalized so all three could be published concurrently. The three documents address similar issues and contain overlapping material that would best be addressed through simultaneous training.

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<sup>25</sup> Please see [15 Semi-Annual Report, Appendix D Only.pdf](#) at <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

<sup>26</sup> SA Paragraph 127 requires that the Department revise its complaint-related policies, including the SCR Handbook, MPP 3-04, and IAB policy manuals, to ensure they are complete, clear, and consistent. When the SCR Handbook, MPP, and AI Handbook are finally published, in addition to meeting SA requirements, it will bring the Department's classification of complaints into compliance with California Penal Code section 832.5 and will facilitate compliance with PC 13012.

b. *Department Manual of Policies and Procedures (MPP)*

- *The MPP remains out of compliance.*

On August 12, 2022, the Department submitted its latest draft of the MPP section on complaints. The Monitoring Team reviewed that draft and found it to be inconsistent with the procedures agreed to in the SCR Handbook. Most notably, the classification of complaints (e.g., sustained, not sustained, exonerated and unfounded) was inconsistent with both the definitions agreed upon for the SCR Handbook and the language in the California Penal Code. Several other critical issues of concern were identified, including the standard to assess witness credibility and the use of a preponderance of evidence for complaint dispositions. The Monitors returned the draft to the Department on August 29, 2022, with those observations and other comments pointing out a lack of clarity and/or a lack of consistency. LASD circulated revisions on November 28, 2022. DOJ provided comments on December 9 and the Monitors provided comments on December 14, 2022.

c. *Administrative Investigations Handbook*

- *The AI Handbook remains out of compliance.*

The Department submitted a revised version of the AI Handbook on October 27, 2022. The MT reviewed the draft and found the same critical flaws as the draft MPP section; that is, it was not consistent with the certain key areas of the already-approved SCR Handbook, such as those involving complaint classifications, standards for assessing credibility, and using a preponderance of evidence to adjudicate complaints. Additionally, the new draft AI Handbook did not, as required by SA Paragraph 129, “clarify and strengthen” its policies regarding which cases require an administrative investigation and which cases must be handled by IAB rather than at the unit level. Administrative investigations address the more serious cases that may lead to disciplinary action, so it is crucial the Department comply with this requirement. On November 10, 2022, the MT returned the draft to the Department with our concerns documented. DOJ provided comments regarding the AI Handbook on November 25, 2022.

2. Status of Other Complaints-Related Work

Not included in the Department’s list of priorities for this reporting period was conducting the internal complaints audits required by SA Paragraph 140. Also not prioritized were publishing the SCR Handbook and developing and implementing training on the SCR Handbook. These tasks will await finalization of the other complaints policies. 0. Each of these important objectives therefore remain incomplete and out of compliance.

### 3. Obstacles and Successes

The Department continues to struggle with a slow pace of revisions and, even after DOJ and MT approval, the slow pace of internal approvals and publication of these crucial policies. These delays have cascading effects: delays in finalizing the SCR Handbook delayed revisions to the MPP and AI Handbook; development of training cannot be completed without approved policies in place; and MT auditing to determine SA-compliance requires all of those pieces to be in place in order to assess if their intended outcomes are being met.

Once the policies are approved and implemented, the Department must develop and implement training on those new policies. After the policy and training have been given sufficient time to become regular practice in the field, the Monitors will then be able to conduct a thorough assessment of compliance. As it currently stands, the Department remains in only partial compliance with the Complaints section of the SA.

The Monitors note that, while the new policies and training are critical, the bottom line is that Department managers must be accountable for any failure within their commands to ensure public complaints are willingly accepted, adequately investigated, and fairly adjudicated and for ensuring personnel who commit misconduct are held accountable for their actions. These fundamental requirements are the responsibility of any law enforcement agency, not just those subject to a settlement agreement. Prior MT audits have found the Department **not** in compliance with those basic requirements.

### 4. Next Steps

On November 11, 2022, the Department provided the Monitor with a list of priorities for the next reporting period and expected due dates. For complaints, that included:

- *Update/finalize the Manual of Policies and Procedures (MPP)* —December 15, 2022
- *Finalize the Administrative Investigations (AI) Handbook*—January 27, 2023
- *Submit draft training materials on the new complaint policies and procedures*—April 20, 2023
- *LASD AAB complaints audit work plans (both stations)*—January 6, 2023

The MT strongly encourages the Department to expedite development of training on the new complaint policies. Already extraordinarily delayed, the new plan for submitting draft training curriculum is 1½ years after the Monitor and DOJ approved the SCR Handbook. And meeting that schedule is based on an assumption the Department will meet its own deadlines for publishing these policies, which thus far has not occurred.

The Department has indicated the AAB will produce two audits of public complaints in 2023 (one for each station) and will submit work plans for MT and DOJ review in January. The MT also reminds the Department that, for an audit to meet SA compliance, the MT and DOJ need to review and approve an audit plan prior to the work being conducted. As reported in the Stops section, the Department has reported it will also produce two detentions audits in the next reporting period.

The Parties and MT will meet to establish a timeline for the next MT audit of complaints. Generally, we allow sufficient time for an organization to implement and train its personnel on a new procedure before auditing compliance. However, in this case an earlier audit may be possible. While the revised standards for handling public complaints will be new to the rest of the Department, most of these requirements were implemented in the AV through a Divisional Order issued several years ago. Complaint classifications will be new, but we can take that into consideration in our audit findings.

#### 5. Personnel Complaints Compliance Status

Table 7 provides the compliance status for each paragraph in the Complaints section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

Table 7

Personnel Complaint Review Compliance Status

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
Preface	Complaints are fully and fairly investigated and personnel are held accountable.	Partial	Partial	No	No
	<b>Notes:</b> The preface was not in compliance on either audit.				
124	Public has access to complaint forms and information.	Partial	Partial	Partial	No
	<b>Notes:</b> LASD was not in compliance for the first audit, and the MT was unable to assess compliance in the second audit due to COVID-19 restrictions. During a site visit this reporting period, the MT documented that complaint forms were available in six of seven locations. Our third audit is on hold pending publication of the SCR Handbook.,				
125	Accept all complaints.	Partial	Partial	No	No
	LEP language assistance.	Partial	Partial	Partial	No
	<b>Notes:</b> LASD was not in compliance with regard to accepting all complaints in either audit. The requirement for providing language assistance was not in compliance for the first audit but was in compliance for the second audit.				
126	Impeding the filing of a complaint is grounds for discipline.	Partial	Partial	UTD	No
	<b>Notes:</b> The Department was not in compliance for the first audit. In the second audit, the MT identified no complaints that alleged a complainant was impeded, and we were unable to determine compliance. Should no such cases arise in the next audit, the Parties and MT will discuss how to proceed with compliance assessment. Training for this area is monitored in Paragraphs 138–139.				
127	Revise MPP, SCR, and IAB manual so they are complete, clear, and consistent.*	No	No	No	No
	<b>Notes:</b> The Monitors and DOJ authorized the Department to move forward with the revised SCR Handbook on November 3, 2021, but the Department did not publish it. Additional minor changes to the handbook were conditionally approved by DOJ and MT in August 2022. The Department has since indicated it wants to publish all three policies simultaneously. The drafts of the MPP section and the Administrative Investigations Handbook they have submitted are inconsistent with the language agreed upon in the SCR Handbook.				
128	Ensure personnel complaints are not misclassified as service complaints.	Partial	Partial	No	No
	<b>Notes:</b> LASD was found to be in compliance for the first audit but not in compliance for the second audit.				



Table 7

## Personnel Complaint Review Compliance Status

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
129	Revise policies for allegations requiring IAB investigation and behavior requiring formal discipline.	No	No	No	No
	<b>Notes:</b> The Monitors and DOJ approved the draft SCR Handbook on November 3, 2021, but the Department has not published it.				
130	Ensure each complaint is appropriately classified at outset and review.	Partial	Partial	No	No
	Investigate every allegation even if the complainant did not specifically articulate it.	Partial	Partial	No	No
	<b>Notes:</b> Not in compliance for either audit.				
131	Investigations are as thorough as necessary to reach reliable and complete findings.	Partial	Partial	No	No
	<b>Notes:</b> Not in compliance for either audit.				
132	Refer appropriate cases to IAB or Internal Criminal Investigations Bureau (ICIB).	Partial	Partial	No	No
	<b>Notes:</b> Compliance could not be determined in the first audit because there were no relevant cases in the audit population. There were two such cases in the second audit and neither one was referred as required. Training is monitored in Paragraphs 138–139.				
133	Investigation conducted by uninvolved supervisor.	Partial	Partial	Yes 12/15/20	No
	<b>Notes:</b> Not in compliance in the first audit but in compliance in the second audit.				
134	Identify all persons at scene.	Partial	Partial	Yes 12/15/20	No
	<b>Notes:</b> In compliance for both audits. Training is monitored in Paragraphs 138–139.				
135	Obtain a full statement from all persons at scene.	Partial	Partial	No	No
	<b>Notes:</b> In compliance in the first audit but not in compliance in the second audit.				
136	Investigator interviews complainant in person or gives justification.	UTD	UTD	UTD	No
	<b>Notes:</b> In our second audit, we were unable to determine compliance, and a discussion is pending with the Parties about our recommendation that the investigator be allowed to rely on the intake interview providing it addresses the key issues.				

Table 7

Personnel Complaint Review Compliance Status

SA Paragraph	Summary of SA Requirement	Compliance			
		Policy	Training	Implementation	Sustained
137	Interview witnesses separately.	Partial	Partial	No	No
	Use uninvolved interpreter for people with LEP.	No	No	Yes 12/15/20	No
	<b>Notes:</b> Not in compliance in either audit with regard to interviewing witnesses separately. Also, the Department was not in compliance for the first audit but was in compliance for the second audit with regard to using an uninvolved interpreter.				
138	Provide supervisor and deputy training on intake and investigations.	NA	Partial	Partial	No
	<b>Notes:</b> Directives were issued in 2018, and watch commanders have been trained in those directives. After publishing the SCR Handbook, the MT will assess whether any changes need to be made to annual and refresher trainings and will verify that all appropriate personnel have received those trainings.				
139	Provide supervisor training on misconduct investigations.	NA	Partial	Partial	No
	<b>Notes:</b> See Paragraph 138.				
140	Conduct semi-annual audit of public complaints.	NA	NA	No	No
	<b>Notes:</b> The Department has produced three complaint audits in the past seven years (not the 14 required), and none of the three audits complied with the SA’s requirements. The Department has indicated it will provide a Complaints audit plan for MT and DOJ review in January, 2023.				

Notes:

- Complaints-related training is monitored in Paragraphs 138–139.
- See [15 Semi-Annual Report, Appendix D Only.pdf](http://www.antelopevalleysettlementmonitoring.info) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.

\* On November 3, 2021, DOJ stated: “DOJ is willing to agree to not withhold approval of the SCR Handbook pursuant to Paragraphs 160–163 with the understanding that the Parties will revisit these structural concerns and revise SCR policies and the SCR Handbook should future Monitor audits (i.e., those after the Handbook goes into effect) reveal that LASD is out of compliance with provisions of Paragraphs 127–132.” In December 2021, LASD agreed to this compromise.

## I. Accountability

### 1. Progress on Department Priorities in This Reporting Period

The Department did not establish any specific priorities regarding the Accountability section; however, they continued the following work:

- Quarterly reports
- Performance Mentoring Program

#### a. *Quarterly Reports*

- *The Department's quarterly reports continue to improve, and the Department is in partial compliance with SA Paragraphs 141 and 142.*

The MT conducted detailed reviews of the quarterly reports for the fourth quarter of 2021 (see the 14th semi-annual report) and for the first quarter 2022 and provided their findings and recommendations to the Parties.

The MT found that the quarterly report process of reviewing each station's deputies and identifying those who exceed an established threshold gives managers the opportunity to review the deputies' performance as well as the supervision they receive. From that, managers can take whatever remedial action they deem necessary, such as additional training, supervision, or mentoring.

The quarterly report system has proven to be capable of identifying patterns and trends that warrant closer attention, whether for possible remedial action or to assess where and why any improvements occurred. However, the MT has encouraged the Department to significantly enhance and extend this aspect of the reports. Some of that feedback has focused on the process of gathering and aggregating the data. For example, the MT recommended separating NCI cases from the other UOF tabulations so patterns of the more significant uses of force can be more readily identified.<sup>27</sup> We have also noted a need for a deeper analysis of the information—examples include the following.

- The analysis of the quarterly data is narrowly focused on individual deputies rather than on identifying patterns of consequence that may be evident within and between various work groups. For example, eight of the deputies found on one station's quarterly reports are all assigned as School Resource Officers. This is a unique concentration of deputies who appear to require closer attention and

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<sup>27</sup> For implementation of any change to how the quarterly reports address NCI uses of force, the Parties will need to agree to the plan and a revised unit order, to include the new thresholds for inclusion in the report for each type of force.

performance monitoring, yet they are assigned to work with youth—one of the SA’s focus populations. There may very well be a logical explanation for assigning deputies who fall under the quarterly report criteria to work primarily with adolescents, but none was provided. More importantly, the concentration of deputies in this type of sensitive assignment was not noted or addressed in the management review at the station or division levels particularly in light of the OIG report regarding the SROs (see the 14th semi-annual report for discussion).

- The quarterly reports for the first quarter of 2022 reflected a significant decrease (15%) in the number of deputies listed on the reports but no management insight or assessment was provided for this striking reduction. While it is possible such a decline might be the result of closer supervision and increased management attention being devoted to addressing performance issues (which would be commendable), it is also possible this could be the result of data entry or classification errors, transfers, changes in assignment, or some other factor. No matter what the possible influences may have been, this is an example of a pattern that should have been noted and commented upon during the review process.

The MT also identified recordation errors and inconsistencies in the quarterly reports. We encouraged the stations to take extra steps to review the reports and to record any issues with source data. The MT notes that, given the lack of automated systems for producing the data and analyses in the reports, the process relies on station personnel to collect and tabulate the information from multiple primary sources—a process that is both time consuming and prone to error, despite the committed effort of staff.

The most important issue regarding accuracy and reliability stems from the source data upon which the quarterly reports are based. When the source data are unreliable, the quarterly reports are unreliable as well, impacting the conclusions drawn and contributing to failures among managers to recognize and address performance deficiencies and other risk issues.<sup>28</sup> In our review of the quarterly reports and in our UOF and complaints audits, the MT has described PRMS reliability issues that impacted the reliability of those reviews. Serious reliability issues—as well as broader issues with the Department’s accountability processes—were further demonstrated by the DOJ’s review of case files for a number of deputies appearing on recent quarterly reports. These reviews are described in the UOF section and are summarized here.

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<sup>28</sup> The information and conclusions from various investigative reports (e.g., reports for UOF and complaints) are entered into PRMS. In turn, PRMS is the main source of information for the quarterly reports along with other sources for some subject areas like deputy CAD data entry (DDWS), obstruction arrests, and community engagement. The quarterly reports can only be as reliable as those other sources.

*b. Quarterly Report UOF Case reviews*

In the last reporting period, we reported conducting a “spot audit” of 11 use-of-force reports cited in the fourth-quarter 2021 report. That review showed that in one of those reports, the watch commander wrote that the force used was “out of policy,” but the captain changed it to training rather than disciplining the deputy for violating the Department’s use-of-force policy. To compound matters, that use of force was erroneously shown on the Quarterly Report as having “no issues.”

The misclassification of force incidents arose again in this reporting period as the result of DOJ’s in-depth review of 12 UOF incidents included in the reports for the third- and fourth-quarters of 2021. Those incidents involved nine deputies (four in Lancaster; five in Palmdale). The findings from these reviews were greatly concerning, particularly because of patterns of deficiencies in critical thinking and thoroughness by management during their reviews and approval processes. A few of the most striking cases included the following.

- In two cases, the deputies’ BWCs clearly showed the force used was unnecessary and/or excessive; yet, in both cases the Unit Commander found the force to be consistent with Department policy and the Division Commander concurred with that finding.
- In one of those two cases, the reporting supervisor hypothesized that the deputy may have experienced “stress induced time distortion” and cited that as a rationalization for the deputy spraying the subject with oleoresin capsicum (OC) four separate times from about a foot away into the face of a handcuffed 50-year-old man who was already secured in the back seat of a patrol vehicle. That explanation as well as the force used should have been challenged at multiple levels during the review of the case.

Taken together, the MT and DOJ reviews of LASD’s quarterly reports and the case information on which the quarterly reports are built indicate that the reports are not being used in a sufficient or reliable manner, and the managerial reviews of these reports are also insufficient. The monitors do not expect deputies’ behavior to be perfect, nor do we expect the quarterly reports to be perfect. However, managers should be required to identify and correct obvious mistakes. That is not happening on a reliable basis. The MT has determined that LASD is in partial compliance on these provisions because of the hard work that goes into aggregating all the information. Full compliance can only be achieved once LASD is reliably and consistently using this information to identify and correct mistakes or deficiencies. These failings indicate a need for remedial steps to be taken regarding the performance deficiencies found among deputies, supervisors, and station managers as well as possible changes needed in policy or training.

### c. *Performance Mentoring Program*

- *The Department is in partial compliance with SA Paragraphs 144 and 145.*

The Performance Mentoring Program (PMP) has been operational for several years and is guided by two handbooks: one for Unit level PMP and the other for Department level PMP. The MT has developed a three-phase workplan to review PMP's compliance with SA Paragraphs 144 and 145, and that plan has been agreed to by the Parties. The first phase consists of reviewing the two handbooks to identify the key components of each and then assessing their compatibility with one another and their compliance with the SA's requirements. From that initial review, we will develop a workplan for the second phase, which is a review of the AV Stations' PMP use. This will be followed by a third phase or stage, which involves a review of the Department PMP. We intend to have the PMP review completed in the next reporting period.

### 2. Status of Other Accountability-Related Work

This section describes work completed and compliance status for some of the important SA provisions that were not among LASD's prioritized work described above. (See also [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for detailed descriptions of status for every SA paragraph.)

### 3. Obstacles and Successes

As has been a theme through each of our semi-annual reports, there are continuing signs and evidence that management has not been sufficiently attentive to information that is at their disposal. The lack of thorough and consistent management reviews has been evidenced in the quarterly reports as well as in other important risk management spheres, including the investigation and adjudication of uses of force—such as in the EFRCs—and complaints. While the quarterly report **process** can provide managers with insightful information on the performance and quality of service being provided by their deputies and work groups, this is wholly dependent on the reports containing reliable data and thorough assessments, which the MT has found to be insufficient on both fronts. Devoting more funding to developing a reliable, automated early warning system (see below) will be helpful in many ways—including saving time and reducing the unavoidable human error involved when reports are completed essentially “by hand” as quarterly reports are—but it will not in itself compensate for managers misclassifying incidents as “consistent with Department standards” when those incidents involve egregious tactics and questionable, if not out of policy, uses of force. NPD managers—commanders and above—must hold captains accountable for those obfuscations and ensure deficiencies are identified and corrected. Identifying deputies who engage in substandard behavior and the supervisors who allow it are responsibilities that require increased attention and follow-up by station and NPD management. LASD needs to prioritize accountability, because identifying and remediating problematic deputy behavior benefits not only the community but the deputy themselves by giving them the guidance and training they need to

safely and effectively serve the community. Further, tracking and responding to issues includes considering whether changes are needed to be made to the policies and training that govern these crucial Department–community interactions.

#### 4. Next Steps

Starting in January 2023, the CU intends to hold quarterly meetings with the Department’s Data Services Bureau and external programmers as they undertake the development of a revised early warning system to replace PRMS. The MT looks forward to attending those meetings and providing TA as appropriate.

The MT is encouraged by this development. Since the start of the SA, the MT and DOJ have repeatedly expressed concern about the lack of such a system for identifying risk and for giving Department managers ready access to the data and information they need (see discussion in the Stops section and in the 14th semi-annual report). Also, the quarterly reports were always meant as a temporary fix pending a more automated alternative. Crucial in the development of such a system will be the Department having clearly articulated expectations of what functionality it requires and exactly how the system will be used. More broadly, the Department will need to have a clear idea of what problems or shortcomings it expects the system to solve and, for that matter, which SA paragraphs it will address.

The MT expects the following to be the focus of our monitoring efforts in the next reporting period.

- The MT will be meeting with the Parties to come to a consensus on the MT’s quarterly report recommendations and to further refine the quarterly report process.
- The Monitoring Team, in consultation with the Parties, will review the Performance Mentoring Program to assess its compliance with the SA.
- The Monitoring Team will conduct a review of the Risk Management Forum (RMF) which the AV stations participate in to assess whether and how they utilize the PRMS, quarterly reports, and other programs to meet the SA requirements for documenting and responding to the community concerns and input unique to the respective stations (SA Paragraph 143).

#### 5. Accountability Compliance Status Table

Table 8 provides the compliance status for each paragraph in the Accountability section. (See [15 Semi-Annual Report, Appendix D Only.pdf](#) at our website for more detailed information about the status of each paragraph.)

**Table 8**

**Accountability Compliance Status**

SA Paragraph	Summary of SA Requirements	Compliance			
		Policy	Training	Implementation	Sustained
141	<ul style="list-style-type: none"> <li>Establish PRMS as LASD-wide decision support system.</li> <li>Modify system to allow peer-to-peer comparisons of deputies and units.</li> <li>AV commanders will conduct periodic reviews of all personnel to identify trends.</li> </ul>	Partial	Partial	Partial	No
	<b>Notes:</b> North Patrol Division published an order in 2019 requiring each AV unit commander to prepare a Quarterly Report designed to satisfy the elements of Paragraphs 141–143 not provided for by PRMS. The MT reviews of the reports have found them in partial compliance.				
142	<ul style="list-style-type: none"> <li>Modify PRMS to access additional info.</li> <li>Maintain PLEs in electronic format.</li> <li>Ensure PRMS is accurate and that there is accountability for errors.</li> </ul>	Partial	Partial	Partial	No
	<b>Notes:</b> See Paragraph 141.				
143	LASD will establish a plan for periodic review of trends at stations.	Partial	TBD	Partial	No
	<b>Notes:</b> The quarterly reports are one element of this plan, as are performance evaluations, RMF, UOF and complaint reviews, EFRC, AAB audits, etc. A purpose of the MT’s ongoing compliance review is to assess the success of the plan to ensure accountability across all these tools and processes. Results thus far indicate partial compliance.				
144	Make modifications to Performance Mentoring Program (PMP); ensure 30-day turnaround.	Partial	TBD	Partial	No
	<b>Notes:</b> The mentoring programs appear to be established and functioning. During this period, the MT began a review of the qualitative effectiveness of those programs and the degree to which they comply with SA Paragraphs 144 and 145.				
145	Coordinate between Department-wide and Division PMP.	Partial	TBD	Partial	No
	<b>Notes:</b> See Paragraph 144.				

Notes

- Training is monitored in Paragraphs 138–139.
- See [15 Semi-Annual Report, Appendix D Only.pdf](http://www.antelopevalleysettlementmonitoring.info) at our website <http://www.antelopevalleysettlementmonitoring.info> for more details on work completed, compliance status, and work remaining for each paragraph.



### **III. CONCLUSION**

The Monitors have high expectations for LASD's new administration and are looking forward to working more closely with Sheriff Luna's executive team in achieving the SA priorities that have been established. We are optimistic that under Sheriff Luna's leadership, his values and past experiences with community-based, 21st-century policing principles will be integrated into LASD's culture, and that the community will begin to see that the SA goals are being embraced throughout the organization and diligently pursued. As we have stated in previous reports, once the agency's executive leadership, managers, and supervisors have fully implemented the SA reforms that were mutually agreed upon, the community should expect to see immediate and ongoing results demonstrated in the field. However, this requires more than mere expressions of support for the concepts involved: Personnel at all levels must be held accountable for the outcomes sought under the SA. The goals that were agreed to in the SA cannot be achieved when staff resist committing to modern policing practices, ongoing and effective data collection and utilization, meaningful community engagement, procedural justice, transparency, and accountability.

## **Appendix A**

### **Monitoring Team and Website**

#### Monitoring Team

The Court-appointed Monitors—Dr. Angie Wolf and Joseph Brann—have assembled an experienced team with credentials and skills uniquely suited to the SA work. The membership of the MT was finalized in March 2016. The two Monitors and seven team members have extensive expertise and experience in monitoring and evaluation work in policing and corrections.

Additionally, most of the MT members have served in law enforcement or continue to have distinguished careers in this field, several in the Los Angeles area. Several have served in leadership positions in law enforcement or corrections agencies during the implementation of the compliance period of a settlement agreement or consent decree and therefore understand the unique challenges that large organizations face in those circumstances. The MT members also have expertise in dealing with the diverse issues addressed in the SA, such as those related to UOF, training, the Fair Housing Act, data collection and analysis, survey methods, and the complexities of community engagement.

#### **Antelope Valley Monitoring Website**

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

The website's URL is [www.antelopevalleysettlementmonitoring.info](http://www.antelopevalleysettlementmonitoring.info)

## **Appendix B**

### **How the Parties and Monitoring Team Work**

To complete the work of the SA, the Parties (US DOJ, LASD, and the County of Los Angeles) and the MT communicate daily through a variety of means. In each six-month period, the Parties and the MT hold multiple meetings at LASD headquarters; the offices of the Compliance Unit; other administrative offices; Palmdale and Lancaster stations; and various community centers, schools, and places of worship in the AV. The MT periodically meets in person with the captains of both AV stations and their staff, and participates in multiple onsite meetings with LASD's Compliance Unit, usually regarding specific issues such as policy or protocol review or data system discussion.

The MT also holds meetings with units or leadership from other operations that are critical to this reform work, such as the AAB or the commander in charge of training. The MT typically observes the semi-annual LASD risk management meeting and the CMF. Although some of these meetings and events are general in scope and pertain to several sections of the SA, most are related to specific sections or provisions of the SA. The Parties and the MT also participate in several small- and larger-group community meetings in Palmdale and Lancaster—often with the CACs—where various topics are discussed, such as the MT semi-annual reports, LASD and CAC Community Engagement Reports, community perceptions about LASD and its approach to policing, and other topics.

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

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

## Appendix C

### Settlement Agreement Compliance

Much of the SA involves developing or revising policies, procedures, and training; putting into place various processes (such as a plan for ensuring all new AV deputies receive training mandated by the SA or additional accountability mechanisms to facilitate peer comparisons); assessing data and information to guide the implementation of required reforms and to determine their effects; and striving to more effectively engage with community organizations and entities, such as the Community Advisory Committees (CACs). This work is usually done collaboratively among the Parties and the MT, with documentation of the change (new policy, revised training, etc.) eventually being formally submitted to the MT and DOJ for approval.

For most provisions, several steps are involved before the Department can reach full **implementation** (SA Paragraph 20) and thus achieve the status of being in full compliance. Paragraph 149 states, "Compliance with, or implementation of, a material requirement of this Agreement means that LASD has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) ensured that the requirement is being carried out in practice."

Any approved policies related to the SA must be distributed to every deputy according to SA-required procedures and, as necessary, incorporated into training curricula. An approved training curriculum will require documentation that appropriate personnel received the training. New procedures and processes must be successfully instituted. Most importantly, each of the established improvements must be proven effective and practical in the real world—that is, they are assessed through MT activities such as reviews, audits, interviews, observation, and data analysis to establish whether they are successfully reflected in law enforcement practices and achieve the intended qualitative and quantitative impacts on the AV community. Paragraph 153 lays out several qualitative and quantitative outcome assessments the MT will do "to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of constitutional violations."

Changes to policy and practice also must be incorporated into LASD-AV's accountability practices. The reviews, analyses, studies, and audits that the SA requires LASD to conduct must use appropriate methodologies, and, in turn, their findings must be used effectively to inform policies and practices.<sup>29</sup> Finally, this level of performance must be sustained for one year to achieve **full and effective compliance** and to satisfy the terms of the SA (Paragraph 205). In some cases, the SA requires ongoing improvement in the delivery of services (Paragraph 15).

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<sup>29</sup> Paragraph 171b gives a summary of the stepwise process by which the Monitors assess compliance and document their findings. Each provision of the SA needs to be "(1) incorporated into policy; (2) the subject of sufficient training for all relevant LASD deputies and employees; (3) reviewed or audited by the Monitor to determine whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitor to have been fully implemented in practice."

This process of achieving compliance is laid out in various provisions of the SA, especially through the following paragraphs.

- In Paragraph 20, implementation is defined as “the development or putting into place of a policy or procedure, including the appropriate training of all relevant personnel, and the consistent and verified performance of that policy or procedure in actual practice.” What is meant by “consistent and verified performance” is to be laid out in compliance metrics for each provision.
- According to Paragraph 205, the terms of the SA will have been met when “the County has achieved full and effective compliance with the Agreement and maintained such compliance for no less than one year.”
- In Paragraph 15, full and effective compliance is defined as “achieving both sustained compliance with all material requirements of this Agreement and sustained and continuing improvement in constitutional policing and public trust, as demonstrated pursuant to the Agreement’s outcome measures.”

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

It is important to note that the SA was not written in a “check the box” fashion that would require or allow each provision to stand separately such that it would then be evaluated based on a single, straightforward compliance metric for each provision. The assessment work that is required to evaluate the intended outcome for one provision is sometimes dependent upon the activities of and relationship to other provisions, and therefore they are interconnected. For example, the Department cannot draw conclusions about the potential disparity in its programs and activities (SA Paragraph 68) without completing the assessments required of deputy performance, stops, community input, uses of force, and complaints (SA Paragraphs 67, 82–86, 88, 120–123, 140). Similarly, the MT’s compliance assessment for one provision may partially depend on the compliance assessment for another. In short, in some cases, as long as the Department is not in compliance with one provision, it necessarily will be out of compliance on one or more other provisions.