This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



SHERIFF'S OPERATIONS

Examining Transparency, Accountability, and Community Policing within the LA County Sheriff's Department



2022 – 2023

LOS ANGELES COUNTY

CIVIL GRAND JURY

BOARD OF SUPERVISORS

Hilda L. Solis	Holly J. Mitchell	Lindsey P. Horvath	Janice Hahn	Kathryn Barger
First District	Second District	Third District	Fourth District	Fifth District

Chief Executive Office.

COUNTY OF LOS ANGELES
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, CA 90012
(213) 974-1101 ceo.lacounty.gov

CHIEF EXECUTIVE OFFICER
Fesia A. Davenport

August 31, 2023

To: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

From: Fesia A. Davenport FOR
Chief Executive Officer

2022-2023 LOS ANGELES CIVIL GRAND JURY FINAL REPORT

Attached are responses to the 2022-2023 Civil Grand Jury Final Report. We are responding to specific recommendations dealing with the following sections:

- Aging Out: Transitional Aged Youth
- All Aboard: Is Metro Rail on Track
- Civil Grand Jury Compensation
- Election Operations
- Have We M.E.T.? Mental Health Evaluation Teams and How They Work
- Housing Vouchers For Low income and Homeless Angelenos
- The Inmate Reception Center: An Outdated Process Imperils Staff, Inmates, and the Justice System
- Juvenile Justice CYA
- Lack of Housing: The Social Injustice of the 21st Century
- Los Angeles County Fire Department Workers Compensation
- Medi-Cal Reimbursement: The Final Resolution of an Ongoing Issue
- Proposition 19: Implementation and Related Matters
- Sheriff's Operations: Examining Transparency, Accountability, and Community Policing within the LASD
- Storm Water Capture and Wastewater Reuse
- Zero Emissions: Air Quality Monitoring

Attachment A represents the Chief Executive Officer's responses; Attachments B through V represent the departments' responses; and Attachment W represents a matrix of the questions and responses from each department.

If you have any questions regarding our responses, please contact me, or your staff may contact Cheri Thomas, by phone at (213) 974-1326 or by email at cthomas@ceo.lacounty.gov.

FAD:JMN:CT:md

Attachments

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Assessor
Sheriff
Auditor-Controller
Children and Family Services
Fire
Health Services
Human Resources
Internal Services
Mental Health
Probation
Public Health
Public Social Services
Public Works
Regional Planning
Registrar-Recorder/County Clerk
Los Angeles County Development Authority
Los Angeles County Metropolitan Transportation Authority
Los Angeles County Sanitation Districts
Los Angeles Homeless Services Authority

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
CHIEF EXECUTIVE OFFICER FOR THE BOARD OF SUPERVISORS

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR
SHERIFF'S OPERATIONS

RECOMMENDATION NO. 1.1(a)
If Law Enforcement Gang (LEG) membership is disclosed, the staff admission should be noted in employee personnel file and submitted to an intra-office database tracking LEG membership, rehabilitation and recidivism.

RESPONSE
Agree. This recommendation will be implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.1(b)
If willingly disclosed, leadership personnel should flag employee for counseling and constructive monitoring.

RESPONSE
Disagree in part. This recommendation will not be implemented per the LASD's response. The BOS defers to the LASD's response for additional information.

RECOMMENDATION NO. 1.1(c)
If uncovered involuntarily, staff belonging to an LEG must begin an immediate review process to determine membership and follow a termination process consistent with the law and due process.

RESPONSE
Agree. This recommendation will be implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.1(d)
If leadership is made known of a staff member's involvement in an LEG and action is ignored, punishment delayed or aid provided to conceal illegal gang status, they should be immediately removed from ranked duties pending review.

RESPONSE
Agree. This recommendation will be implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.2
All identified LEG logos and emblems, including the "Fort Apache" logo at the East LA Station, must be removed from all LASD stations and property.

RESPONSE
Agree. This recommendation will be implemented per the LASD's response. The BOS defers to the LASD response for implementation details.

RECOMMENDATION NO. 1.3
LASD personnel must hold themselves to a strict non-partisan personae while in uniform and comply strictly with official policies and procedures.

RESPONSE
Agree. This recommendation will be implemented per the LASD's response. The BOS defers to the LASD's response.

RECOMMENDATION NO. 1.4
LASD and oversight monitors should publicize the existence of the Special Counsel by adding contact information somewhere on their public websites.

RESPONSE
Disagree. This recommendation falls outside the jurisdiction of LASD and will not be implemented per the LASD's response. The BOS defers to LASD's response for additional details.

RECOMMENDATION NO. 1.5(a)
The Constitutional Policing Advisors (CPA) should participate in teambuilding exercises with Station Sergeants to get them familiar with the role of the unit and understand the importance of disseminating, implementing and upholding the CPA's recommendations.

RESPONSE
Disagree in part. This recommendation will not be implemented per the LASD's response. The BOS defers to the LASD's response for additional information.

RECOMMENDATION NO. 1.6
CPAs should publish written progress reports published to a dedicated tab located on lasd.org/transparency.

RESPONSE
Disagree. This recommendation will not be implemented per the LASD's response. The BOS defers to the LASD's response for additional information.

RECOMMENDATION NO. 1.7
Add a link on the lasd.org TRANSPARECY page listing ongoing consent decrees, restraining orders and lawsuits involving oversight monitors.

RESPONSE
Agree. This recommendation has been implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.8
Require a brief, written discussion of events leading up to the shooting incident and any findings or results in order to give videos context.

RESPONSE
Agree. This recommendation requires further analysis by the LASD. The BOS defers to the LASD's response for details of the analysis.

RECOMMENDATION NO. 1.9
All weapon discharge cases should be submitted to the District Attorney's (DA) office for outside review.

RESPONSE
Partially agree. This recommendation will not be implemented per the LASD's response. The BOS defers to the LASD's response for additional information.

RECOMMENDATION NO. 1.10(a)
The Incoming Sheriff's Information Bureau (SIB) director should establish new Information policies and procedures to reflect modern marketing and information sharing trends.

RESPONSE
Agree. This recommendation will be implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.10(b)
Collaborate with the Community Oriented Policing Services (COPS) Bureau to ensure updated policies and procedures are focused on best practices on how the public should best receive Department communications.

RESPONSE
Agree. This recommendation is in the process of being implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.11
Implement Community Advisory Committees (CAC) Department-wide.

RESPONSE
Agree. This recommendation is in the process of being implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.12
Law Enforcement (LE) Bystander Training programs like the Department of Justice's (DOJ) Active Bystandership in Law Enforcement Project (ABLE) should be incorporated into standing LASD Training.

RESPONSE
Agree. This recommendation is in the process of being implemented per the LASD's response. The BOS defers to the LASD's response for implementation details.

RECOMMENDATION NO. 1.13
The DA's Office must develop a quick evaluation to determine if a case needs immediate action or if could be kicked back to the LASD for an internal investigation.

RESPONSE
Disagree. This recommendation is outside the jurisdiction of LASD and will not be implemented per the DA's and LASD's response. The BOS defers to the DA's and LASD's response for further details.

OFFICE OF THE SHERIFF
COUNTY OF LOS ANGELES
HALL OF JUSTICE
ROBERT G. LUNA, SHERIFF

August 7, 2023

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

RESPONSE TO THE FINAL REPORTS OF THE 2022-2023 LOS ANGELES COUNTY CIVIL GRAND JURY

Attached is the Los Angeles County Sheriff's Department (Department) response to the 2022-2023 Civil Grand Jury Report (CGJ) recommendations. The CGJ's areas of interest specific to the Department included:

- All Aboard: Is Metro Rail on Track (Attachment C)
- Have we M.E.T.? Mental Health Evaluation Team and How They Work (Attachment D)
- Sheriff's Operations: An Erosion of Trust. Examining Transparency, Accountability and Community Policing within the Los Angeles County Sheriff's Department (Attachment E)
- The Inmate Reception Center: An Outdated Process Imperils Staff, and the Justice System (Attachment F)

Should you have questions regarding our response, please contact Division Director Conrad Meredith, Administrative Services Division, at (213) 229-3310.

Sincerely,

R. Luna

ROBERT G. LUNA
SHERIFF

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR
SHERIFF'S OPERATIONS

RECOMMENDATION NO. 1.1a
If Law Enforcement Gang (LEG) membership is disclosed, the staff admission should be noted in employee personnel file and submitted to an intra-office database tracking LEG membership, rehabilitation and recidivism.

RESPONSE
Agree. The recommendation will be implemented.

All lawful action will be taken against deputies or their supervisors who participate in, support, or knowingly ignore the existing policies and laws prohibiting law enforcement gang participation. Newer policies relating to these issues have been drafted and are in the review process.

RECOMMENDATION NO. 1.1b
If willingly disclosed, leadership personnel should flag employee for counseling and constructive monitoring.

RESPONSE
Disagree in part. The recommendation will not be implemented.

All lawful action will be taken against deputies or their supervisors who participate in, support, or knowingly ignore the existing policies and laws prohibiting law enforcement gang participation. Newer policies relating to these issues have been drafted and are in the review process. The actions undertaken by the Department will be in accordance with the law, and not based upon whether the information was voluntarily or involuntarily disclosed. Counseling and constructive monitoring may or may not be appropriate in an individual case but will not be based solely upon whether LEG membership was voluntarily disclosed.

RECOMMENDATION NO. 1.1c
If uncovered involuntarily, staff belonging to an LEG must begin an immediate review process to determine membership and follow a termination process consistent with the law and due process.

RESPONSE
Agree. The recommendation will be implemented.

All lawful action will be taken against deputies or their supervisors who participate in, support, or knowingly ignore the existing policies and laws prohibiting law

enforcement gang participation. Newer policies relating to these issues have been drafted and are in the review process. However, the actions undertaken by the Department will be in accordance with the law, and not based upon whether the information was voluntarily or involuntarily disclosed. Termination may be appropriate in either situation.

RECOMMENDATION NO. 1.1d
If leadership is made known of a staff member's involvement in an LEG and action is ignored, punishment delayed or aid provided to conceal illegal gang status, they should be immediately removed from ranked duties pending review.

RESPONSE
Agree. The recommendation will be implemented.

All lawful action will be taken against deputies or their supervisors who participate in, support, or knowingly ignore the existing policies and laws prohibiting law enforcement gang participation. Newer policies relating to these issues have been drafted and are in the review process.

RECOMMENDATION NO. 1.2
All identified LEG logos and emblems, including the "Fort Apache" logo at the East La Station, must be removed from all LASD stations and property.

RESPONSE
Agree. The recommendation will be implemented.

All lawful action will be taken against deputies or their supervisors who participate in, support, or knowingly ignore the existing policies and laws prohibiting law enforcement gang participation. Newer policies relating to these issues have been drafted and are in the review process. These new policies include a policy specific to logos and includes all stations not just East Los Angeles.

RECOMMENDATION NO. 1.3
LASD personnel must hold themselves to a strict nonpartisan personae while in uniform and comply strictly with official policies and procedures.

RESPONSE
Agree. The recommendation will be implemented.

Department personnel are aware that they must act in a non-partisan manner to build trust with all members of the community.

RECOMMENDATION NO. 1.4
LASD and oversight monitors should publicize the existence of the Special Counsel by adding contact information somewhere on their public websites.

RESPONSE
Disagree. The recommendation will not be implemented as jurisdiction falls outside of the LASD.

Any publicity relating to the position of Special Counsel is at the discretion of the Civilian Oversight Commission, or any other entity that is empowered to create and appoint a person to that position.

RECOMMENDATION NO. 1.5a
The Constitutional Policing Advisors' (CPA) should participate in teambuilding exercises with Station Sergeants to get them familiar with the role of the unit and understand the importance of disseminating, implementing and upholding the CPA recommendations.

RESPONSE
Disagree in part. The recommendations will not be implemented as written.

The role and responsibilities of CPAs will not include team-building exercises. Furthermore, it is not anticipated that they will be disseminating or implementing CPA recommendations. The Office of Constitutional Policing will, however, conduct training and/or engage in presentations and discussions as to its role and responsibilities. The Office will also discuss recommendations made by oversight Monitors, the Office of Inspector General, and/or the Civilian Oversight Commission.

RECOMMENDATION NO. 1.6
CPAs should publish written progress reports published to a dedicated tab located on lasd.org/transparency.

RESPONSE
Disagree in part. The recommendations will not be implemented.

It is not anticipated that CPAs will be publishing progress reports. The Office of Constitutional Policing will, however, contribute materials to the transparency page of the LASD website that describe the progress on recommendations made by oversight Monitors, the Office of Inspector General, and/or the Civilian Oversight Commission.

RECOMMENDATION NO. 1.7
Add a link on the lasd.org TRANSPARECY page listing ongoing consent decrees, restraining orders and lawsuits involving oversight monitors.

RESPONSE
Agree. The recommendation has been implemented.

The Office of Constitutional Policing previously updated the website to include key settlement agreements and court proceedings in those matters. The website will continue to be updated to include relevant material, in consultation with County Counsel.

RECOMMENDATION NO. 1.8
Require a brief, written discussion of events leading up to the shooting incident and any findings or results in order to give videos context.

RESPONSE
Agree. LASD agrees with this recommendation, but further exploration would have to be conducted with County Counsel in six months.

The scope of the narrative of events provided will be subject to conversations with County Counsel.

RECOMMENDATION NO. 1.9
All weapon discharge cases should be submitted to the DA's office for outside review.

RESPONSE
Partially agree. The recommendation cannot be implemented at this time, as described by the DA in his response to this recommendation.

The Office of the District Attorney responded to this recommendation on July 17, 2023, in which he stated that: "The recommendation to review all weapon discharge cases would require, at the outset, a renegotiation of the current protocol with all participating agencies and would significantly increase the number of shooting cases reviewed by the LASA. Without a corresponding increase in staffing, the LASA does not currently have the operational capacity to effectively and efficiently respond to an increase in the number of cases reviewed and is therefore unable to implement this recommendation."

The LASD is, however, willing to engage in further discussions with the Office of the District Attorney on this and other matters related to oversight and accountability and will follow all protocols to advance these objectives.

RECOMMENDATION NO. 1.10a
The Incoming SIB director should establish new Information policies and procedures to reflect modern marketing and information sharing trends.

RESPONSE
Agree. The recommendation will be implemented.

Any new communications team member will utilize best practices to ensure factual information and contemporary practices are used in providing information to the public.

RECOMMENDATION NO. 1.10b
Collaborate with the COPS Bureau to ensure updated policies and procedures are focused on best practices on how the public should best receive Department communications.

RESPONSE
Agree. The recommendation is in the process of being implemented.

Dr. Barney Melekian has joined the Office of Constitutional Policing, and he previously served as the Director of the COPS Office at the Department of Justice. His skill and experience will assist the LASD in ensuring best practices are implemented.

RECOMMENDATION NO. 1.11
Implement Community Advisory Committees (CAC) Department-wide.

RESPONSE
Agree. The recommendation is in the process of being implemented.

LASD is working with the Center for Policing Equity (CPE) and the United States Department of Justice's (DOJ) Community Relations Service (CRS) to develop a robust community engagement program.

RECOMMENDATION NO. 1.12
Law Enforcement (LE) Bystander Training programs like the DOJ's ABLE should be incorporated into standing LASD Training.

RESPONSE
Agree. The recommendation is in the process of being implemented.

LASD is currently reorganizing its training program to ensure it is robust and comprehensive and addresses 21st Century Policing principles. It should be noted that ABLE is one such program which is managed by Georgetown Law and not DOJ. A number of programs are being evaluated to identify the appropriate training program.

RECOMMENDATION NO. 1.13
The DA's office must develop a quick evaluation to determine if a case needs immediate action or if could be kicked back to the LASD for an internal investigation.

RESPONSE
Disagree. This recommendation will not be implemented by the LASD as jurisdiction falls outside of the LASD.

This recommendation relates to the DA's Office developing an evaluation guide for cases. The Office of the District Attorney responded to this recommendation.

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF

July 21, 2023

The Honorable Samantha P. Jessner
Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, 13th Floor, Room 13-303
Los Angeles, California 90012

Dear Presiding Judge Jessner:

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT RESPONSE TO THE LOS ANGELES COUNTY CIVIL GRAND JURY'S REPORT ON SHERIFF'S OPERATIONS

Thank you for providing a copy of the Civil Grand Jury report entitled: "Sheriff's Operations: Examining Transparency, Accountability and Community Policing within the LASD." I thank the Civil Grand Jury for its work and dedication to public service, and their efforts in creating a meaningful report.

While many of the grand jury's observations were made about activities that took place during a prior administration, I welcome the opportunity to offer comments. First, as noted in the report, the "Public Integrity Unit" was in fact disbanded and the primary purpose of the Sheriff's Information Bureau is to provide factual information to the public.

The report does not mention the formation of the newly created Office of Constitutional Policing ("OCP"), which never previously existed. Once fully staffed, it will consist of attorneys, paralegals, investigators, and sworn personnel who will work on many of the issues described in the report. The report only refers to the individual position of Constitutional Policing Advisors (CPAs) but does not fully describe the expansive effort being undertaken to focus efforts into constitutional and community-based policing.

The report also references the Civilian Oversight Commission's ("COC") report entitled "Report and Recommendations of the Special Counsel to Sheriff Civilian Oversight Commission Regarding Deputy Gangs and Cliques in the Los Angeles Sheriff's Department," and suggests that the recommendations would not be implemented given the Department's history. I have attached hereto a copy of my latest update to the COC report regarding the progress made regarding those recommendations. This report is not being ignored.

The following reflects the Department's specific response to recommendations made in the Grand Jury Report:

- Recommendations 1.1(a)-(d) and 1.2 relate to law enforcement gangs and policies. Details about the Department's efforts are highlighted in the attached COC letter. All lawful action will be taken against deputies or their supervisors who participate in, support, or knowingly ignore the policy against law enforcement gang participation. Policies relating to these issues have been drafted and are in the review process.
- Recommendation 1.3 relates to Department personnel acting in a non-partisan manner while on duty. Department personnel are aware that they must act in a non-partisan manner to build trust with all members of the community.
- Recommendation 1.4 relates to publicizing the position of Special Counsel. Any publicity relating to the position of Special Counsel is at the discretion of the Civilian Oversight Commission, or any other entity that is empowered to create this appoint a person to that position.
- Recommendations 1.5 -1.7 relate to transparency and the work of the Office of Constitutional Policing. The Office of Constitutional Policing has already updated the website and will continue to post relevant material to the website as it is available.
- Recommendations 1.8 related to posting additional details relating to shooting incidents. The scope of the narrative of events provided will be subject to conversations with County Counsel.
- Recommendation 1.9 relates to submitting additional cases to the Office of the District Attorney. The Office of the District Attorney responded to this recommendation.
- Recommendation 1.10(a) relates to the new position in the Sheriff's Information Bureau. Any new communications team member will utilize best practices to ensure factual information and contemporary practices are used in providing information to the public.
- Recommendation 1.10(b) relates to collaboration with the COPS Bureau. Dr. Barney Melekian has joined the Office of Constitutional

Policing, and he previously served as the Director of the COPS Office at the Department of Justice. His skill and experience will assist the Department in ensuring best practices are implemented.

- Recommendation 1.11 relates to implementing Community Advisory Committees ("CACs") Department-wide. The Department is working with the Center for Policing Equity ("CPE") and the United States Department of Justice, Community Relations Service ("CRS") to develop a robust community engagement program.
- Recommendation 1.12 related to active bystander training. The Department is reorganizing its training program to ensure it is robust and comprehensive and addresses 21st Century Policing principles.
- Recommendation 1.13 relates to the District Attorney's Office developing an evaluation guide for cases. The Office of the District Attorney responded to this recommendation.

Thank you again for the opportunity to provide feedback. Should you have any questions, please contact Division Director Eileen Decker, Office of Constitutional Policing, at (213) 229-3096.

Sincerely,

R. Luna

ROBERT G. LUNA
SHERIFF

EXECUTIVE OFFICE
BOARD OF SUPERVISORS
CELIA ZAVALA
EXECUTIVE OFFICER

COUNTY OF LOS ANGELES
EXECUTIVE OFFICE
BOARD OF SUPERVISORS
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
(213) 974-1411 • www.bos.lacounty.gov

MEMBERS OF THE BOARD
HILDA L. SOLIS
HOLLY J. MITCHELL
LINDSEY P. HORVATH
JANICE HAHN
KATHRYN BARGER

July 21, 2023

TO: Fesia A. Davenport
Chief Executive Officer

FROM: Celia Zavala
Executive Officer

2022-23 LOS ANGELES CIVIL GRAND JURY RESPONSE

Attached are responses to the 2022-23 Civil Grand Jury Final Report. We are responding to specific recommendations related to the following sections:

- Proposition 19 Implementation and Related Matters
- Sheriff's Operations. Examining Transparency, Accountability and Community Policing within the Los Angeles County Sheriff's Department
- Zero Emissions and Air Quality Monitoring

Despite not being a designated department for the Proposition 19 response, it is important to mention that we provided feedback because it relates to the operations of the Assessment Appeals Board division within the Executive Office of the Board of Supervisors.

If you have any questions, please contact me at (213) 974-1401, or your staff may contact Hanna Cheru, Assistant Executive Officer, at (213) 893-2564 or hcheru@bos.lacounty.gov.

CZ:HC:ja

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
EXECUTIVE OFFICE OF THE BOARD OF SUPERVISORS – OFFICE OF INSPECTOR GENERAL AND CIVILIAN OVERSIGHT COMMISSION

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR
SHERIFF'S OPERATIONS: AN EROSION OF TRUST, EXAMINING TRANSPARENCY, ACCOUNTABILITY AND COMMUNITY POLICING WITHIN THE LASD

RECOMMENDATION NO. 1.4
LASD and oversight monitors should publicize the existence of the Special Counsel by adding contact information somewhere on their public websites.

RESPONSE
The respondent agrees with the finding. The recommendation has been implemented.

In June 1993, the Los Angeles County BOS designated Merrick Bobb to serve as Special Counsel to the BOS to report to the Board on LASD's implementation of the Kolts Commission recommendations. Special Counsel served in that capacity and issued semi-annual reports between 1993-2014. The Office of Inspector General was created by Los Angeles County Code Section 6.44.190 in 2014, to promote constitutional policing and the fair and impartial administration of justice by providing comprehensive oversight, monitoring, and reporting about LASD. The Ordinance states that the Inspector General serves as Special Counsel to the BOS and to the Civilian Oversight and Probation Oversight Commissions. The Office of Inspector General's and the Civilian Oversight Commission's websites were updated to better publicize this.

GEORGE GASCÓN
LOS ANGELES COUNTY DISTRICT ATTORNEY

HALL OF JUSTICE
211 WEST TEMPLE STREET, SUITE 1200 LOS ANGELES, CA 90012-3205 (213) 974-3500

July 26, 2023

TO:

SUPERVISOR HANICE HAHN, CHAIR
SUPERVISOR HILDA L. SOLIS
SUPERVISOR HOLLY J. MITCHELL
SUPERVISOR LINDSEY P. HORVATH
SUPERVISOR KATHRYN BARGER

FROM: GEORGE GASCÓN
District Attorney

RE: SHERIFF'S OPERATIONS: EXAMINING TRANSPARENCY, ACCOUNTABILITY AND COMMUNITY POLICING WITHIN THE LASD

Thank you for providing a copy of the 2022-2023 Los Angeles County Civil Grand Jury Report, in which the Los Angeles County District Attorney's Office (LADA) is mentioned in certain Findings and corresponding Recommendations.

Pursuant to Penal Code §§ 933(c) and 933.05, my response to Recommendations 1.9 and 1.13 of the Civil Grand Jury's report on Sheriff's Operations, Examining Transparency, Accountability and Community Policing within the LA County Sheriff's Department, is attached to this cover letter.

I am available if any further clarification or requests are needed on this matter.

Very truly yours,

GEORGE GASCÓN
District Attorney

RESPONSE TO THE CIVIL GRAND JURY FINAL REPORT

COUNTY OF LOS ANGELES
OFFICE OF THE DISTRICT ATTORNEY

2022-2023 CIVIL GRAND JURY RECOMMENDATIONS FOR
SHERIFF'S OPERATIONS: AN EROSION OF TRUST, EXAMINING TRANSPARENCY, ACCOUNTABILITY AND COMMUNITY POLICING WITHIN THE LASD

RECOMMENDATION NO. 1.9
All weapon discharge cases should be submitted to the District Attorney's (DA) office for outside review.

RESPONSE
Partially agree due to protocols currently in place as established by MOUs. This recommendation will not be implemented at this time given the current structure and protocols in place to investigate these types of incidents. The Protocol for District Attorney Officer-Involved Shooting Response Program For Officer/Deputy-Involved Shootings and In-Custody Deaths (Protocol) sets forth the agreement between The Los Angeles District Attorney (LADA) and participating local law enforcement agencies regarding the LADA response to the scene of officer-involved shootings and the subsequent investigation to determine the existence of potential criminal liability, or lack thereof, of any law enforcement officer. The protocol specifies that the LADA shall respond to incidents in which a peace officer, on or off duty, shoots and injures any person during the scope and course of employment. At this time, the protocol with law enforcement agencies does not include all firearm discharge cases including accidental or unintentional discharges and officer involved shootings when an individual is not injured. Currently, 67 law enforcement agencies across Los Angeles County participate in the protocol. See Protocol available at:
https://da.lacounty.gov/sites/default/files/policies/JSID%20DART%20Protocol%202014.pdf.

The LADA currently responds to an average of 69 shooting cases per year county-wide that are consistent with the Protocol.[1] Of the 32 deputy-involved shootings that occurred in 2020, 26 persons were struck by a bullet and six were non-hits; In 2021, 24 persons were struck by a bullet and 11 were non-hits; In 2022, 18 persons were struck by a bullet and eight were non-hits; Between January 1, 2023 and March 31, 2023, six persons were struck by a bullet and eight were non-hits.[2] It is unknown how many accidental or unintentional discharges of a firearm occurred during those time periods. The recommendation to review all weapon discharge cases would require, at the outset, a renegotiation of the current Protocol with all participating agencies and would significantly increase the number of shooting cases reviewed by the LADA.

[1] Representing calendar years 2020, 2021, and 2022.
[2] Los Angeles County, Office of Inspector General, Reform and Oversight Efforts: Los Angeles County Sheriff's Department reports 2020-2023.

Without a corresponding increase in staffing that considers available resources and competing priorities, the LADA does not have the operational capacity to effectively and efficiently respond to an increase in the number of cases reviewed and is therefore unable to implement this recommendation.[3]

However, this response in no way prohibits or impedes law enforcement agencies from submitting for charge evaluation, any officer-involved shooting cases in which the subject has not been struck or injured as well as any accidental or unintentional discharges of a firearm, to the LADA for charge evaluation if there has been a determination of probable cause to believe that a criminal offense has been committed. Additionally, when any such shooting is brought to the LADA's attention and there is reason to believe the conduct might be criminal, the LADA is free to reach out to the law enforcement agency for relevant reports and has never been denied access to them for purposes of review and evaluation.

RECOMMENDATION NO. 1.13
The DA's office must develop a quick evaluation to determine if a case needs immediate action or if [sic] could be kicked back to the LASD for an internal investigation.

RESPONSE
Partially agree due to protocols currently in place as established by MOUs. This recommendation will not be implemented at this time given the current structure and protocols in place to investigate these types of incidents. The manner in which a local law enforcement agency conducts an administrative review of officer-involved shooting cases lies solely within the discretion of the respective agency. This discretion includes whether an administrative review will be conducted concurrent with a criminal review, such as with the LAPD and other local agencies. Thus, the LADA must defer the resolution of this matter to LASD, as it has the discretion and authority to review and/or modify its policies and memorandum of agreements with their unions regarding the timing of administrative reviews. See LASD's Internal Affairs Bureau Unit Order #49 – Gate/Johnson Settlement Agreement, available at https://pars.lasd.org/Viewer/Manuals/16084/Content/16209.

[3] In addition to investigating officer-involved shooting cases in which a person is struck by a bullet, the LADA investigates and prosecutes all allegations of criminal misconduct by law enforcement personnel, where probable cause exists to believe that a crime has been committed, whether felony or misdemeanor, and whether the member of the law enforcement agency was on-duty, off-duty, sworn or non-sworn.

GEORGE GASCÓN
LOS ANGELES COUNTY DISTRICT ATTORNEY

HALL OF JUSTICE
211 WEST TEMPLE STREET, SUITE 1200 LOS ANGELES, CA 90012-3205 (213) 974-3500

July 17, 2023

Judge Ricardo R. Ocampo
Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 W. Temple Street, 13th Floor, Room 13-303
Los Angeles, CA 90012

Dear Judge Ocampo,

RE: SHERIFF'S OPERATIONS: EXAMINING TRANSPARENCY, ACCOUNTABILITY AND COMMUNITY POLICING WITHIN THE LASD

Thank you for providing a copy of the 2022-2023 Los Angeles County Civil Grand Jury Report, in which the Los Angeles County District Attorney's Office (LADA) is mentioned in certain Findings and corresponding Recommendations.

Pursuant to Penal Code §§ 933(c) and 933.05, my response to Recommendations 1.9 and 1.13 of the Civil Grand Jury's report on Sheriff's Operations, Examining Transparency, Accountability and Community Policing within the LA County Sheriff's Department, is as follows:

Recommendation 1.9:

All weapon discharge cases should be submitted to the DA's office for outside review.

Response:

This recommendation cannot be implemented at this time. The Protocol for District Attorney Officer-Involved Shooting Response Program For Officer/Deputy-Involved Shootings and In-Custody Deaths (Protocol) sets forth the agreement between LADA and participating local law enforcement agencies regarding the LADA response to the scene of officer-involved shootings and the subsequent investigation to determine the existence of potential criminal liability, or lack thereof, of any law enforcement officer. The protocol specifies that the LADA shall respond to incidents in which a peace officer, on or off duty, shoots and injures any person during the scope

and course of employment. At this time, the protocol with law enforcement agencies does not include all firearm discharge cases including accidental or unintentional discharges and officer involved shootings when an individual is not injured. Currently, 67 law enforcement agencies across Los Angeles County participate in the protocol. See Attachment I.

The LADA currently responds to an average of 69 shooting cases per year county-wide that are consistent with the Protocol.[1] Of the 32 deputy-involved shootings that occurred in 2020, 26 persons were struck by a bullet and six were non-hits; In 2021, 24 persons were struck by a bullet and 11 were non-hits; In 2022, 18 persons were struck by a bullet and eight were non-hits; Between January 1, 2023 and March 31, 2023, six persons were struck by a bullet and eight were non-hits.[2] It is unknown how many accidental or unintentional discharges of a firearm occurred during those time periods. The recommendation to review all weapon discharge cases would require, at the outset, a renegotiation of the current Protocol with all participating agencies and would significantly increase the number of shooting cases reviewed by the LADA. Without a corresponding increase in staffing, the LADA does not currently have the operational capacity to effectively and efficiently respond to an increase in the number of cases reviewed and is therefore unable to implement this recommendation.[3]

However, this response in no way prohibits or impedes law enforcement agencies from submitting for charge evaluation, any officer-involved shooting cases in which the subject has not been struck or injured as well as any accidental or unintentional discharges of a firearm, to the LADA for charge evaluation if there has been a determination of probable cause to believe that a criminal offense has been committed. Additionally, when any such shooting is brought to the LADA's attention and there is reason to believe the conduct might be criminal, the LADA is free to reach out to the law enforcement agency for relevant reports and has never been denied access to them for purposes of review and evaluation.

Recommendation 1.13:

The DA's office must develop a quick evaluation to determine if a case needs immediate action or if [sic] could be kicked back to the LASD for an internal investigation.

Response:

The manner in which a local law enforcement agency conducts an administrative review of officer-involved shooting cases lies solely within the discretion of the respective agency. This discretion includes whether an administrative review will be conducted concurrent with a criminal review, such as with the Los Angeles Police Department and other local agencies. Thus, the LADA will defer the resolution of this matter to LASD, as it has the discretion and authority to review and/or

[1] Representing calendar years 2020, 2021, and 2022.
[2] Los Angeles County, Office of Inspector General, Reform and Oversight Efforts: Los Angeles County Sheriff's Department reports 2020-2023.
[3] In addition to investigating officer-involved shooting cases in which a person is struck by a bullet, the LADA investigates and prosecutes all allegations of criminal misconduct by law enforcement personnel, where probable cause exists to believe that a crime has been committed, whether felony or misdemeanor, and whether the member of the law enforcement agency was on-duty, off-duty, sworn or non-sworn.

modify its policies and memorandum of agreements with their unions regarding the timing of administrative reviews.

Very truly yours,

GEORGE GASCÓN
District Attorney

Protocol for District Attorney Officer-Involved Shooting Response Program

For Officer/Deputy-Involved Shootings and In-Custody Deaths

PREAMBLE

Law enforcement officers perform a vital and often dangerous job in our communities. Situations will occur where peace officers must use deadly force; we expect that such force will be used only when legally necessary and as prescribed by law. When officers or deputies use deadly force, the public has a right to expect that a thorough and neutral examination will be conducted of these incidents and that all parties shall be held legally accountable for their actions.

The Los Angeles County District Attorney's Office and participating local law enforcement agencies agree that district attorney personnel will immediately respond to the scene of officer-involved shootings and in-custody deaths. The policies and procedures to be followed as well as the focus of our response team are set out in this protocol.

SEPARATION OF CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS

Law enforcement agencies may have the responsibility in an officer-involved shooting or in-custody death investigation to address several issues, such as: (1) whether any criminal law violations have occurred, (2) whether any participant has incurred or is at risk of incurring civil liability, (3) whether departmental policies have been followed, (4) whether appropriate law enforcement tactics were utilized under the circumstances.

It is the District Attorney's role to only investigate and determine whether any violation of criminal law may have occurred. However, the role of the law enforcement agency may also be to administratively investigate other issues as well, and they may sometimes choose to conduct an administrative review concurrently with the criminal investigation.

During the course of an administrative inquiry, law enforcement agencies are authorized by law to compel their officers to give statements regarding matters that are the subjects of administrative investigation. (Public Safety Officers Procedural Bill of Rights Act, Government Code sections 3300 et seq.) However, the law provides that such a compelled statement and any evidence derived therefrom may be inadmissible in a criminal prosecution. Therefore, it is very important from the outset of an investigation to clearly separate the administrative from the criminal investigation. District Attorney personnel should not be present during any compelled interview, nor should they receive any information concerning the content of a compelled statement, absent unusual circumstances.[1] Because evidence derived from a compelled statement may be inadmissible in a criminal proceeding, care should be given to keep separate criminal and administrative investigations.

[1] For further discussion on this subject, see section entitled "Interviews of Officers and Deputies."

© 2014 Los Angeles County District Attorney's Office

Deputy district attorneys and investigators from the Justice System Integrity Division of the Los Angeles County District Attorney's Office will respond to the incident site to work with law enforcement officers and, when appropriate, conduct their own independent investigation. The District Attorney's Office will work with the investigating agency to ensure that the inquiry is conducted in a fair and professional manner that will serve the interest of justice, the community, the involved officers, those persons injured, and the families of those affected. The primary objective of this program is to accurately, thoroughly, and objectively investigate all relevant evidence and to determine the potential criminal liability, or lack thereof, of any party.

INCIDENTS TO BE INVESTIGATED

This protocol shall apply when either of the following incidents occur within Los Angeles County:

1) A peace officer, on or off duty, shoots and injures any person during the scope and course of employment.

2) An individual dies while in the custody or control of a law enforcement officer or agency and the law enforcement agency investigating the death or the police agency in whose custody the deceased was confined requests our presence and assistance. This protocol will only apply to in-custody deaths where the use of force by a peace officer may be a proximate cause of the death.

This protocol will apply to peace officers employed by an agency outside Los Angeles County, if the incident occurs within Los Angeles County. This protocol will not apply where officers or deputies from Los Angeles County are involved in incidents that occur outside the borders of Los Angeles County.

There may be occasions where one law enforcement agency, which is a member of the DART program, is conducting an investigation on behalf of another agency, which is not a member of the program. Upon request of the investigating agency and with the express consent of the non-member agency, the District Attorney will roll-out to the scene and later issue a closing report.

Upon the request of any law enforcement agency, the District Attorney's Office will review an officer-involved shooting investigation for criminal violations, even if that agency is not a signatory to the protocol.

NOTIFICATION OF DISTRICT ATTORNEY COMMAND CENTER

For all incidents described in 1 and 2 above, it is the responsibility of the law enforcement agency investigating the incident to immediately notify the District Attorney Command Center.

© 2014 Los Angeles County District Attorney's Office

Notification should be made as soon as practicable. Each agency should notify the District Attorney Command Center immediately after notification is made to its own investigators.

If the Los Angeles County Sheriff's Department is conducting the investigation on behalf of another agency, which has agreed to participate in the District Attorney's Officer-Involved Shooting Response Program, both the Sheriff's Department and the participating agency shall notify the District Attorney Command Center regarding the incident.

The District Attorney Command Center should be given a brief summary of all the facts known at the time, including: location of the incident, command post location, suggested access routes, and any safety concerns. The notification should be made as soon as possible, preferably no later than 30 minutes after the incident. An early response to the scene of an investigation is critical so that district attorney personnel may gain first-hand knowledge of lighting conditions, witness demeanor, trajectories, vehicle and pedestrian traffic conditions, etc.

The District Attorney Command Center will notify the deputy district attorney and the district attorney investigator on-call who will respond to the scene.

AT THE SCENE

The investigating law enforcement agency shall have primary responsibility to conduct a thorough, objective, and professional investigation of the incident. They shall be responsible for securing the location, collecting all physical evidence, photographing and/or diagramming the scene, and interviewing witnesses in cooperation with district attorney personnel.

The District Attorney's Office has the authority to conduct an independent investigation. The responsibilities of the on-scene district attorney personnel shall include the following:

1) Assist and advise the investigating officer on criminal law issues as they relate to the investigation.

2) Observe and participate fully with the investigative agency in the police investigation. District Attorney personnel should take notes of their observations and record interviews of witnesses.

3) Advise and assist investigative officers as to the collection of evidence and the interview of witnesses, when appropriate.

4) Conduct an independent investigation, at the District Attorney's discretion, separate from the law enforcement investigation when it is determined that the circumstances of the particular case make this appropriate. It is understood that

© 2014 Los Angeles County District Attorney's Office

an independent investigation may include evidence collection and witness interviews.

District Attorney personnel will notify the officer maintaining the log listing personnel at the scene upon their arrival. As soon as practical, the officer in charge of the investigation will provide district attorney personnel with an initial briefing of the incident. The briefing will consist of all relevant information known at that time, including but not limited to:

1) the names and present whereabouts of the officers involved in the incident;

2) the names, addresses and present whereabouts of all civilian witnesses to the incident;

3) the statements of the officers, if not compelled, pursuant to Government Code sections 3300 et al. (*Lybarger*);

4) the physical evidence discovered;

5) a summary of witness statements and the status of the investigation;

6) a "walk through" at the scene, including witness descriptions of the events and the evidence recovered;

7) the medical condition of injured parties.

The investigating officer will ensure that district attorney personnel have access to the scene of the investigation. All physical evidence shall remain in the custody of the police agency conducting the investigation.

If district attorney personnel determine that additional district attorney personnel are needed to assist the investigation, additional district attorney investigators or deputy district attorneys can be called to the scene.

INTERVIEWS OF CIVILIAN WITNESSES

District Attorney personnel, with the investigating agency, will make every attempt to locate, identify and interview all potential witnesses to an incident. District Attorney personnel will be present and participate with the investigating agency in all interviews of civilian witnesses whenever practicable. All witnesses shall be interviewed separately to maintain the integrity of their statements. All interviews should be electronically recorded.

© 2014 Los Angeles County District Attorney's Office

INTERVIEWS OF OFFICERS AND DEPUTIES

All officer or deputy witnesses to the events of the incident shall be separately interviewed. The interviews should take place as soon as is practical and should be recorded. During the pendency of the investigation and prior to the interview, all witnesses or potential witnesses should be kept apart to maintain the integrity of their individual statements. When appropriate the interviews may take place at the scene to aid the officer in recalling and explaining the exact locations of the parties and the events that took place.

District Attorney personnel will be available to participate in interviews of law enforcement personnel at the request of the investigating agency. However, if the officer chooses to make a non-compelled statement outside the presence of district attorney personnel, investigators will inform district attorney personnel of the substance of the statement and provide access to any recording of the statement.

If the officer chooses not to make a voluntary statement and the police agency elects to compel a statement pursuant to the Public Safety Officers Procedural Bill of Rights Act (Government Code sections 3300 et seq.), district attorney personnel will be available to participate in the compelled interview at the request of the investigating agency, if the deputy district attorney assigned to the investigation determines, in his or her judgment, that our presence will not compromise any criminal investigation.

MEDICAL EVIDENCE

When circumstances permit, district attorney personnel should remain at the scene of a fatal shooting or in-custody death until the coroner's investigator arrives and completes his investigation at the scene. When an individual has been wounded by the police, district attorney and law enforcement personnel shall attempt to question the medical doctor who has treated the wounded individual and make efforts to preserve evidence that could be obtained from the doctor, such as the angle of bullet entry, lacerations, contusions, or the presence and effect of any drugs or alcohol.

INVESTIGATIVE REPORTS

It is the intent of the District Attorney's Office and participating law enforcement agencies to complete their review of these matters as quickly as possible, consistent with the primary goal of conducting a thorough and objective review of the facts.

The investigating agency will submit all relevant reports regarding the incident to the District Attorney's Justice System Integrity Division as soon as possible and absent unusual circumstances within 60 to 90 days, depending on the policy of the investigating agency. As the investigation proceeds, reports should be forwarded to the Justice System Integrity Division as they are completed regardless of whether all reports are completed. This procedure will permit the review process to proceed simultaneously with the

© 2014 Los Angeles County District Attorney's Office

investigation. It will also permit timely requests and implementation of any additional investigation and clarification of completed reports if required.

FINAL ACTION

At the conclusion of the investigation, the District Attorney's Justice System Integrity Division will review and analyze all the evidence to determine whether the officer acted lawfully.

The crime charging standards are the same for civilians and peace officers. The District Attorney's policies regarding crime charging are set forth in the District Attorney's Legal Policies Manual and state in part:

> "The prosecutor should charge only if the following four basic requirements are satisfied:
>
> 1. The prosecutor, based on a complete investigation and a thorough consideration of all pertinent facts readily available, is satisfied that the evidence proves that the accused is guilty of the crime to be charged:
>
> 2. There is legally sufficient, admissible evidence of a corpus delicti:
>
> 3. There is legally sufficient, admissible evidence of the accused's identity as the perpetrator of the crime charged; and
>
> 4. The prosecutor has considered the probability of conviction by an objective fact finder and has determined that the admissible evidence is of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after hearing all the evidence available to the prosecutor at the time of charging and after considering the most plausible, reasonably foreseeable defense inherent in the prosecution evidence."

If no charges are filed, the District Attorney's Office will issue a closing report summarizing the results of the investigation and analyzing the evidence. This report will address the question of whether or not there is proof beyond a reasonable doubt that an officer, deputy, or any other person committed a crime. It is not the purpose of the District Attorney's investigation or report to determine if any officer or deputy violated police policy or procedure, or committed any act which would be subject to civil sanctions. The Justice System Integrity Division will review all matters in a timely manner and, except in unusual circumstances or where additional investigation is required, issue a closing report containing its findings and conclusions within 60 days of the receipt of the completed investigative package. This report shall be sent to the involved police agencies.

© 2014 Los Angeles County District Attorney's Office

The District Attorney's Office will notify the appropriate Chief of Police or Sheriff's representative prior to releasing to a third party any document related to an officer-involved shooting or in-custody death, and prior to conducting a news conference or issuing a press release concerning an officer-involved shooting or in-custody death.

Updated January 2014

© 2014 Los Angeles County District Attorney's Office

STORM WATER CAPTURE AND WASTEWATER REUSE



2022 – 2023

LOS ANGELES COUNTY

CIVIL GRAND JURY

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

MARK PESTRELLA, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE SWP-0

July 20, 2023

TO: Fesia A. Davenport
Chief Executive Officer

Attention Cheri Thomas

FROM: Mark Pestrella, PE
Director of Public Works

REPONSES TO THE 2022-23 LOS ANGELES COUNTY CIVIL GRAND JURY FINAL REPORT

We received your memo dated July 3, 2023, requesting responses to the 2022-23 Los Angeles County Civil Grand Jury report titled *Storm Water Capture and Wastewater Reuse*.

Attached are the recommendations and corresponding responses from Public Works for Recommendation Numbers 1.1 thru 1.4 and 1.6 thru 1.10.

If you have any questions, please contact me or your staff may contact Assistant Director Anthony Nyivih at (626) 458-4014 or anyivih@pw.lacounty.gov.

JA
2022-23 laco civil grand jury final rept responses (07 20 2023)

Attach.