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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE COUNTY OF LOS ANGELES
AND THE LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT,

Defendants.

CASE NO. 2:15-CV-03174-JFW-FFM
**SUBMISSION OF MONITORS'
EIGHTH SEMI-ANNUAL REPORT**

On May 1, 2015, the Court approved and entered the parties' Settlement Agreement ("Agreement") to resolve the United States' claims against the County of Los Angeles and the Los Angeles County Sheriff's Department pursuant to 42 U.S.C. 14141 (re-codified at 34 U.S.C. § 12601) and the Fair Housing Act, 42 U.S.C. 3601 *et seq.*

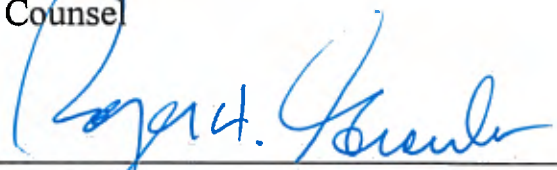
Paragraph 171 of the Agreement requires the Monitors to publically issue a report every six months that details the Parties' progress in implementing the Agreement and achieving compliance with the Agreement. The parties hereby submit the Monitors' eighth semi-annual report.

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2 DATED:

July 24, 2019

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Antelope Valley Monitoring Team Eighth Semi-Annual Report



June 2019

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I. INTRODUCTION

This is the eighth semi-annual report issued by the Monitoring Team (MT). It covers the monitoring activities that have taken place during this reporting period and in the months prior. This report provides an overview of both administrative and operational issues. It describes the MT's observations on progress of Los Angeles County and the Los Angeles County Sheriff's Department (LASD) in meeting the requirements of their Settlement Agreement (SA)¹ with the US Department of Justice (DOJ) for the Antelope Valley (AV). This report focuses primarily on work undertaken between January and June 2019.

Key activities of this reporting period included the MT and Parties working together to finalize and publish the reports for the AV-wide Community Survey and focus groups, finalize and implement the plan for ensuring AV deputies participate in regular and meaningful engagement activities with AV community members, and develop and formalize LASD's plan for documenting new station- and division-level accountability processes. The MT and Parties made significant progress toward final approval of the Department's revisions to public complaint policies and procedures based on SA requirements and the MT's complaints audit. The MT finalized and published its first use-of-force (UOF) audit and worked with the Parties on ensuring its findings are reflected in any necessary changes to LASD policy or practice. The MT continued to regularly interact with the AV Community Advisory Committees (CACs), receiving feedback and providing technical assistance. The MT also continued to track deputy attendance at LASD trainings, review LASD stops data, and review and comment on Department stops data entry procedures. This report covers progress in all these areas along with discussions of how this work fits into the broader context of achieving the SA's objectives.

The Monitors and members of the MT and DOJ were in Los Angeles at LASD offices and at various locations in the AV for multiday onsite work in February, March, and June 2019. Other onsite meetings were held with smaller groups through the six-month reporting period. The MT acknowledges that these site visits and meetings require a significant effort on the part of the Compliance Unit and station personnel, the CACs and other community members, and the LASD managers who participate. The MT appreciates the hospitality and cooperation they have experienced.

For more information about the composition of the MT and the processes by which the MT, DOJ, LASD, and community members work together to bring about the reforms required by the SA, see the appendices.

In the past six months, LASD continued to provide AV personnel with the full-day trainings on constitutional and bias-free policing; implemented new roll call training modules for constitutional policing, bias-free policing, and Fair Housing Act (FHA) enforcement; and worked with the Parties and MT on developing in-service training for community engagement and community policing. LASD continued work to improve deputy stops data collection; formalized

¹Settlement Agreement, No. CV 15-03174, United States v. Los Angeles County et al. (D.C. Cal. Apr. 28, 2015).

new Department accountability processes; and made significant progress addressing other SA-required activities such as the Community Survey and revisions to policies and procedures related to complaints, uses of force, and other areas. The MT acknowledges and appreciates these efforts, specially recognizing the committed and collaborative Compliance Unit personnel. The Compliance Unit, the AV station command staff and personnel, North Patrol Division management, and the Office of County Counsel continue to approach the SA requirements and related work with good-faith engagement and collaborative energy. The working relationship between the Department, DOJ team members, and the MT continues to be conducive to meeting the goals of the SA and making important improvements to law enforcement services in the AV. The MT also appreciates all of the AV community members who participate in meetings and in other forums; who completed and helped spread the word about the Community Survey; and who continue to hold the MT, DOJ, and LASD accountable for carrying out the mandates of the SA. In particular, the MT appreciates the continued efforts of the members of the CACs, which have both made considerable progress in meeting the expectations of the SA and representing the AV community.

The Antelope Valley Settlement Agreement: Summary

The Antelope Valley Settlement Agreement (SA) was established between the US Department of Justice (DOJ), Civil Rights Division; the Los Angeles County Sheriff's Department (LASD); and the County of Los Angeles and was filed with the US District Court for the Central District of California in April 2015. (DOJ, LASD, and the County together are referred to as the Parties.) The purpose of the SA is to ensure that the residents of the 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. As per Paragraph 171 of the SA between the Parties, the Monitor submits 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 roughly split between the two.

A. A Note About Settlement Agreement Compliance

Much of the SA involves developing or revising policies, procedures, or training; putting into place various processes (such as a plan for ensuring new AV deputies receive training); and striving to more effectively engage community organizations and entities such as the 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. Gaining that approval would seemingly indicate that the Department is now "in compliance" with that provision. However, while it does represent a crucial step forward, the Department at that stage may be considered only in *partial* compliance (or "policy compliance"). This is because, in most cases, there are more steps involved before the Department reaches full **implementation** (SA paragraph 20, see below) and, thus, full compliance.

An approved policy 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 have received the training. Most importantly, each of the established improvements—for instance, the policies and trainings—will need to be found to perform or work in the real world. That is, they are then assessed through such MT activities 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.

Changes to policy and practice must also 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.² In some cases, the SA requires ongoing improvement in the delivery of services (SA paragraph 15). Finally, this level of performance must be sustained for one year to reach **full and effective compliance** and to satisfy the terms of the SA (paragraph 205).

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

- 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 each SA section's compliance metrics.
- 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."

²Paragraph 171b gives a summary of the stepwise process toward compliance. Most provisions of the SA need 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."

- Paragraph 15. Full and effective compliance means “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 full compliance with each SA provision. The written metrics mirror the language of the SA, but they also ensure the Parties and MT agree on how the SA language translates into workable and measurable standards for LASD-AV policy and practice and for assessing compliance.

During this reporting period, the MT and Parties continued work on finalizing compliance metrics associated with each section of the SA. Many of these metrics are straightforward and easily agreed upon. Others are more complex, and the Parties determine them using information gleaned from the ongoing audits, data and document reviews, interviews, and observations conducted by the Department and MT.

This report addresses SA provisions where the MT considers the Department to be in compliance or to have made substantial progress toward compliance. Also discussed are provisions that require additional work, with emphasis on those that will likely require substantial time and resources for the Department to come into compliance or for the MT to effectively assess levels of compliance. When possible, this report also summarizes the sequence of activities and steps the Department must take to achieve full compliance.

II. WORK TO DATE

This section of the report provides detailed descriptions of the work performed to date by LASD, DOJ, and the MT to ensure the requirements of the SA are fulfilled, concentrating primarily on those activities undertaken or completed during the past six months (January through June 2019). The report discusses MT observations related to the goals, scope, and nature of the work; issues and obstacles that have arisen during the work; MT findings; and evaluative observations that have been discussed with the Department. LASD's progress toward compliance with each section of the SA is delineated along with steps toward compliance still to be addressed.

As in prior semi-annual reports, one major section of the SA—Data Collection and Analysis—is not addressed separately. The concepts and activities for data collection and analysis overlap significantly with those for the other sections of the SA, and the work done on this thus far is best understood within the context of those sections; therefore, these discussions are embedded as appropriate. Finally, some SA paragraphs are discussed in more than one section of this report because they address more than one area of AV policing. For example, paragraph 51 concerns constitutional stops and searches, Section 8 housing compliance, and bias-free

policing. Similarly, "accountability" is addressed throughout the SA, not only in the Accountability section.

A. Stops, Seizures, and Searches

The SA provisions describe the way in which LASD-AV deputies must conduct and document investigative stops, detentions, and searches. These provisions also detail many of the ways Department supervisors and managers must document, track, review, and assess these practices. The introduction to Stops, Seizures, and Searches summarizes the overall goals of this section.

LASD agrees to ensure that all investigatory stops, seizures, and searches are conducted in accordance with the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. LASD shall ensure that investigatory stops and searches are part of an 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 page 7).

1. Activities in This Period

a. *Constitutional Training*

LASD continued to provide the Constitutional Policing training for LASD deputies assigned to the AV stations. This training is critical as it establishes a shared understanding of expectations and practice for all LASD-AV deputies as they provide law enforcement services to the AV community. This training was previously approved by the MT, DOJ, and LASD to meet SA training requirements for stops, seizures, and searches. It is taught by an outside expert with decades of experience in constitutional law and training. The Compliance Unit staffs the training classes with a representative from the unit to ensure the accuracy of the attendance roster and to collect the evaluations at the end of the course. At the time of the last semi-annual report, LASD-AV had reached compliance in this area based on the tentatively agreed-upon standard that requires at least 95% of currently assigned and available personnel be trained in constitutional policing practices. The bulk of AV deputies have already taken this full-day training; as of the last semi-annual report, 169 from Palmdale and 184 from Lancaster had. During this period, one session was offered on March 5, 2019, with 34 students in attendance, representing deputies newly assigned to the AV or previously unavailable for training. A review of the attendance percentages for this period is currently underway by the MT.

b. Quarterly Roll Call Training

SA paragraph 71 states, "LASD-AV will conduct roll call trainings at least quarterly to emphasize the importance of preventing discriminatory policing. These roll call sessions will include scenario-based discussions of real and hypothetical situations." "Roll call" refers to the daily briefing deputies receive at the start of each of their shifts. These roll call trainings are important because knowledge of bias-free policing practices and related SA requirements to prevent discriminatory policing are widely regarded as perishable skills that require constant reinforcement as well as updates regarding any changes in case law or policy. In the previous reporting period, the MT and DOJ provided feedback to LASD and agreed on the final content of the trainings, which includes seven scenarios approved for the roll call training focusing on constitutional policing, bias-free policing, and fair housing policies. Train-the-Trainer courses took place December 3–7, 2018, with invited sergeants, lieutenants, and master field training officers who would then be teaching the roll call sessions to the deputies. Members of the MT and DOJ were present to observe the training for the first three days and gave feedback. The trainings were subsequently approved by the Parties and MT.

During the roll call sessions, deputies are presented with a scenario and respond to a series of written questions regarding the legality of taking action were those situations to arise in their work in the field. The facilitator then leads the deputies through a discussion to ensure the deputies understand which answers are correct. The roll call sessions will be offered on an annual basis according to the following schedule.

First Quarter (January – March)

- *Preventing Discriminatory Policing Exercise A:* In this scenario, deputies conduct an enforcement stop on an individual matching the description of a person believed to be involved in a recent shooting.
- *Preventing Discriminatory Policing Fair Housing Act Exercise B:* In this scenario, deputies are asked to increase enforcement intended to target African American families at an apartment complex who may be engaged in criminal activity in order to make room for "good families" on the waiting list.

Second Quarter (April – June)

- *Preventing Discriminatory Policing Exercise C:* In this scenario, a deputy stops Hispanic males to investigate their presence in a "high-crime" area.
- *Preventing Discriminatory Policing Fair Housing Act Exercise D:* In this scenario, deputies respond to a request to accompany a housing authority official to investigate the violation of a housing authority tenant agreement.

Third Quarter (July – September)

- *Preventing Discriminatory Policing Exercise E:* In this scenario, a deputy is observed by other deputies as citing only Hispanic drivers for vehicle code violations.
- *Preventing Discriminatory Policing Exercise F:* In this scenario, a supervisor notices a deputy targets enforcement efforts on those who hire Hispanic day laborers. The supervisor then engages the deputy in a conversation regarding the activity.

Fourth Quarter (October – December)

- *Preventing Discriminatory Policing Exercise G:* In this scenario, deputies receive a call from a concerned citizen regarding an African American male playing loud music in a car. There was also a recent rise in burglaries in this neighborhood.

LASD began the roll call training sessions on January 31, 2019. During this period, the MT observed four of these roll call training sessions (one at Palmdale Station, three at Lancaster Station). The training sessions were acceptable and delivered as agreed upon, but there were areas for improvement.³ For example, the correct answers for one of the scenarios are obvious and can be covered with the deputies quickly, while other scenarios do not readily generate sufficiently deep and applicable discussion about the important concepts. For future sessions, it would be helpful if all scenarios have challenges and circumstances more likely to generate discussion about possible multiple conclusions to the scenario. The MT will provide written recommendations for improvement to the Parties and discuss the further development of scenarios in the next reporting period.

The LASD Compliance Unit has recently provided the roll call training attendance rosters for the first quarter of 2019 for MT inspection similar to that conducted for the full-day trainings and reported in the last semi-annual report. This will be completed in the next reporting period.

c. *MT Stops Data Review*

MT activities continue to be focused on evaluating the integrity of the various data collected by deputies as they conduct their daily operations in the community. Deputies are required to record information chronicling each stop, call for service, citation or arrest; dispositions of the call; and short narratives in certain circumstances (paragraph 44). The MT's validation process will identify the assumptions and limitations of the data, which is critical for moving forward with

³ During one of the roll call training sessions, a significant event took place in the community, and the roll call was stopped immediately to allow deputies to respond. None of the deputies received credit for that session. Given the emerging nature of events, it is sometimes necessary for supervisors to shorten the roll call and thus terminate the training session. This is not of concern to the MT as long as the deputies are provided the training in subsequent roll calls.

the various SA-required reviews and analyses. It is essential that the data on which most of the various LASD and MT audits, analyses, and reviews are based are complete and reliable.

Over the last reporting period, the MT has compared independent lists of citation data to ensure the stops were correctly recorded in computer-aided dispatch (CAD) as required by the SA. To date, the findings are encouraging; and the MT will continue using various methods to verify all stops are captured as required by the SA. The last two years show strong evidence of continued improvement in data collection as required by the SA. The MT will further share its findings regarding data integrity and stops practices as they become available and in subsequent semi-annual reports.

Also, the MT has had initial discussions with an outside consultant regarding the SA-required analysis of the data collected (paragraphs 82–86). This work will be a focus of the next reporting period.

The Importance of Stops Data

A key focus of the monitoring activity for this section of the SA are the various types of data collected by deputies as they conduct their daily operations. They record extensive information chronicling nearly every interaction with the public, including each stop or call for service; each search, detention, citation, or arrest; the dispositions of each call; and in some circumstances, short narratives. They also now record certain community engagement activities. It is essential that these data—which serve as the foundation for all audits, analyses, and reviews conducted by both the MT and by LASD—are accurate, thorough, and reliable. When a deputy stops and detains someone, however briefly, the facts and circumstances that led to that stop and detention and any subsequent action must be rigorously documented and later reviewed in an effort to assess the deputy's decision making, the legality of the deputy's actions, and compliance with LASD policy and the terms and conditions of the SA.

Data collection for stops requires entering one or more alpha or numerical codes associated with the primary actions of the stop. Deputies can consult codebooks for these. The codes determine the other fields that appear on the screen and that must be completed. Importantly, supervisors, managers, and auditors typically use these codes to retrieve information about each entry to properly supervise deputies and units, conduct risk management assessment, and monitor activities. For example, a supervisor may want to review all records from the past month for pedestrian stops, which use code 841. Such a request will retrieve only the stops recorded as pedestrian stops. Incorrectly coded stops will not appear in the search. With thousands of stops and other activities recorded in the database, it is of course very important that accurate codes are used to identify each type.

d. Compliance Unit Stops Data Training

The Compliance Unit has provided stops data-entry training to LASD-AV deputies, and it monitors the completion of the information via the Deputy Daily Work Sheets (DDWS) form reviews. Based on their own observations, feedback from the Parties, and LASD Audit and

Accountability Bureau (AAB) findings, the training material is updated with the latest recommendations for improvement in the data collection. The Compliance Unit also continues to work directly with AV station supervisors and commanders in the proper review of stop forms for accuracy and completeness. This engagement with the stations by the Compliance Unit is valuable in ensuring relevant and timely training is received at the stations. Additionally, as each AV station undergoes normal movement and transfers, the Compliance Unit can help to ensure newly assigned personnel understand the requirements of data collection at the AV stations. It is also important, however, that station supervisors and management provide independent oversight of these important processes.

e. LASD AAB Audits

The Department continues to struggle with the requirement that it conduct regular compliance audits of the SA provisions for stops, complaints, uses of force, and other areas. The AAB has yet to publish an audit specifically designed to assess SA compliance; some audits have referenced the SA, but none have used the methodology or provided the information necessary to thoroughly assess SA compliance. This has been a problem since the inception of the SA and is one that the MT, Compliance Unit, and North Patrol Division have so far been unsuccessful in resolving. Recently, the MT has been informed that AAB has begun a dialogue with the Compliance Unit and is in the process of initiating an audit that will measure the AV's compliance with the Unit Orders issued to correct deficiencies in the handling of personnel complaints. Once again, the MT is encouraged by this news and looks forward to progress in this area.

Further, on March 26, 2019, the MT met with AAB auditors to discuss their methodology for conducting an audit of the required SA stop information. The AAB auditors described how the narratives were reviewed to determine if the deputies listed an adequate amount of information in the narratives to justify the lawful reasons for their actions. Additionally, the AAB reviewed supervisory documentation of SA-required DDWS reviews. To identify the sample population for their audit, the AAB gathers all CAD information for their audit period. The AAB then filters the information for the stop codes entered by the deputies and selects a sample from those stops. The MT found the auditors worked in a professional manner with appropriate methodology. This gave the MT additional confidence in the findings of the AAB audits. Still, previous AAB audit reports of stops and complaints focused on specific components of the SA and had a very limited scope. They also did not contain sufficient detail for the MT to effectively assess the audit's methods and conclusions. For compliance with the SA to be considered, there will need to be additional discussions regarding the scope of the audits; their assessments of probable cause, reasonable suspicion, and boilerplate language; and the nature of the audit reports. The reforms put in practice as required by the SA will be institutionalized only if the AAB provides methodologically sound and thoroughly reported audits specifically targeting SA requirements.

During the last reporting period, the MT was advised the AAB's new audit of stops information was forthcoming. The MT is still awaiting the release of this audit. Previous AAB audits showed

low levels of compliance with the SA requirements for stops data collection. These findings led to the DDWS training provided to the AV stations by the Compliance Unit described above.

f. MT Interviews, Observations, and Ride-Alongs

During site visits and ride-alongs, the MT conducted observations and spoke to station commanders, supervisors, and deputies assigned to the AV stations. The MT observed deputies conducting stops in the field and subsequently entering the data into CAD as required by the SA. The MT also observed LASD deputies entering the data into a separate California state-required database for stop information. Additionally, the MT observed a briefing document titled "Foot Pursuit/Illinois v Wardlow" was made available and placed on the tables in the roll call rooms. The document reviewed the LASD policy regarding engaging in a foot pursuit and reviewed case law regarding a foot pursuit. The MT recognizes this type of briefing as an excellent practice that should be done on a regular basis for a wide range of topics.

The MT observed deputies responding to a wide range of calls for service. During one, deputies responded to a call involving a mentally ill person locked in a house and threatening family members. The deputies patiently met with family members outside the house and engaged in conversation with the mentally ill family member. A supervisor responded to the scene and was actively involved in directing deputies throughout the incident. After a lengthy time applying de-escalation techniques, deputies were able to talk the person out of the home and detain him. In another instance, a deputy responded to a call for medical assistance and began CPR on a community member who was not breathing. Paramedics arrived and took over the CPR from the deputy. The person was ultimately revived; the deputy's swift action kept the individual alive until advanced life support arrived on scene.

g. SA Compliance Metrics

The MT worked with the Parties to complete compliance metrics for the SA provisions in this section. These metrics will be the standards—either numerical minimums or qualitative guidelines—for the MT to determine if the Department has reached compliance with each SA provision. There was general agreement on the principles and goals for the metrics; discussions to finalize specific thresholds and definitions of terms will occur in the upcoming reporting period. (See "A Note About Settlement Agreement Compliance" for more information about compliance metrics and the process for achieving SA compliance.)

In these discussions, the MT shared specific methodologies related to analyzing concise narratives in CAD entries as required by the SA. There was also significant discussion regarding the data entry restrictions imposed by the CAD system upon entering and analyzing the concise narratives. Given these limitations, the MT outlined steps that will be used to review the narratives as a basis for refining the compliance metrics. The MT's ongoing verification of stops

data illuminates the real-life possibilities and limitations for data entry in the field and helps establish reachable and accurate goals for compliance metrics.

2. Steps Toward Compliance

As described in more detail above, some of the progress toward compliance on the Stops provisions that the Department has made in this reporting period includes the following.

LASD continues to offer the required Constitutional Policing training and was in compliance with the preliminary percentage requirements in the last reporting period (paragraph 57). LASD offered an additional Constitutional Policing training session during this reporting period, and the MT is in the process of conducting verification for compliance this period.

The Department also implemented the quarterly roll call trainings (paragraph 71), a major step forward for SA-required training provisions. The MT will verify deputy participation in the upcoming reporting period.

MT has not completed its own review of stops data, but previous audits by the AAB found that both the Lancaster and Palmdale stations fell short of the requirements for documenting the required SA stops information. The LASD Compliance Unit offers training to LASD AV station deputies and supervisors when requested, a process that seems to be moving the Department toward compliance with data collection provisions such as paragraph 44.

The MT and Parties began planning for a new effort at meeting the semi-annual analysis requirements of paragraphs 82–86.

3. Next Steps

In the upcoming reporting period, the MT will determine if the LASD-AV deputies attended the required roll call training sessions. The MT will continue to process LASD stops data and provide the Parties with interim findings as soon as they become available. As the compliance metrics will likely be completed during this reporting period, the Parties and MT will move to an important time for measurement of compliance with the SA requirements.

B. Bias-Free Policing

The primary goal of the Bias-Free Policing section of the SA is encapsulated in SA paragraph 64:

In conducting its activities, LASD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation, and in accordance with

the rights secured or protected by the Constitution or laws of the United States. Deputies shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

1. Activities in This Period

a. *Bias-Free Policing Training*

LASD continued to provide the Bias-Free Policing training for LASD deputies assigned to the AV stations. This training is critical in order for all LASD AV deputies to ensure a shared understanding of bias-free policing practices in the AV. This training was previously approved by the MT and Parties to meet SA training requirements for paragraph 70. It is taught by the same expert presenter as the Constitutional Policing training and the Train-the-Trainer courses for the roll call trainings. The Compliance Unit staffs the training classes with a representative from the unit to ensure the accuracy of the attendance roster and to collect the evaluations at the end of the course. In the previous period, LASD has maintained compliance in this area based on the tentatively agreed-upon standard that requires at least 95% of available AV sworn personnel be trained. Most AV deputies have already taken this full-day training—as of the last semi-annual report, 171 from Palmdale and 186 from Lancaster had. Training is now provided to newly assigned LASD-AV deputies or deputies who were not available when the training was offered previously. During this reporting period, there was one session offered on March 4, 2019, which 28 students attended. A review of the attendance percentages for this period is currently underway by the MT.

b. *Quarterly Roll Call Training*

In this reporting period, the Department began the approved quarterly roll call trainings for preventing discriminatory policing, which include training on constitutional policing, bias-free policing, and fair housing (paragraph 71). See the Stops section above for a full description. In the upcoming reporting period, the MT will be discussing with the Parties suggestions for improving the ongoing trainings. The MT will also be verifying deputy attendance at the trainings.

c. *Bias-Free Policing Training Verification*

In the previous period, the MT conducted training verification for the Bias-Free Policing course offered to AV deputies. During this period, LASD offered one training course for bias-free policing. In the next reporting period, the MT will provide training attendance review results.

d. SA Compliance Metrics

The Parties and MT met in February 2019 and made progress in the completion of the compliance metrics for this section of the SA. The compliance metrics specifically detail the processes and measurements for each SA requirement, critical to ensuring full understanding of the expectations and requirements to reach compliance with the SA. Bias-free practices and impacts are not always easy to measure; rather, they require careful and thoughtful analysis. Progress on completing the compliance metrics is an important step toward defining and implementing those practices and measuring their impact. (See "A Note About Settlement Agreement Compliance" for more information about compliance metrics and the process for achieving SA compliance.)

e. MT Interviews, Observations, and Ride-Alongs

While on ride-alongs, the MT observed deputies interacting with community members in a variety of productive ways, such as by engaging with children in the neighborhoods and having conversations with adults about any concerns they had. These interactions were not related to calls for service; rather, they were self-initiated by the deputy in a non-enforcement fashion. (See the Community Engagement section below for a discussion of the compliance metrics for AV deputy community engagement.)

The MT spoke to numerous deputies, supervisors, and managers at the LASD AV stations. There were a number of ways supervisors and managers focused the enforcement efforts of LASD patrol deputies. Criminal case and trend information is relayed via email, bulletins, verbal discussions at roll call sessions, and broadcasts. The MT observed that LASD AV deputies used this type of information to direct some of their efforts while on patrol. Patrol deputies are unaware of whether their efforts are part of an organized, written crime-reduction plan; they believe they respond to crime trends simply by providing additional presence and enforcement in the targeted areas. The patrol deputies also described being regularly overwhelmed by the amount of calls for service ("tags"), preventing any long-term work on crime trends.

The MT has encouraged the LASD AV stations to adopt and implement community policing and problem-solving strategies that are more in line with national best practices. The MT has also stressed that using methodologically sound and measurable approaches is critical for commanders when evaluating the constitutionality of policing efforts. These can serve as a unifying link between the Bias-Free Policing training, the roll call trainings, and the deputies' daily field activities. Implementing sound community policing practices and effective problem-solving strategies is a staple of bias-free policing, as the principles require constant measurement of program effectiveness and impact in the community. (See the Community Engagement section below for further discussion of community policing and problem-solving activities.)

2. Steps Toward Compliance

As described in more detail above, some of the progress toward compliance on bias-free policing that the Department has made in this reporting period includes the following.

- LASD continues to offer the required Bias-Free Policing training and was in compliance with the tentative percentage requirements in the last reporting period (paragraph 70). LASD offered an additional session during this most recent reporting period, and the MT is in the process of conducting verification for compliance. Additionally, LASD continues to offer this training to LASD deputies outside the LASD-AV stations and offers compensation to reserve deputies assigned to the AV stations for training attendance. The MT recognizes this continued commitment to providing this training to LASD-AV deputies.
- The Department also implemented the quarterly roll call trainings (paragraph 71), a major step forward for SA-required training provisions. The MT will verify deputy participation in the upcoming reporting period.
- The MT and Parties began planning for a new effort at meeting the semi-annual data analysis requirements (paragraphs 82–86); had early discussion of methodologies for assessing Department programs and activities for bias (paragraph 68); and published the Community Survey and administered the organizational climate and culture study (“Deputy Survey”), which are to be used to inform Bias-Free Policing training and practice (paragraphs 69 and 72).
- The Department has engaged with outside experts such as the Museum of Tolerance to help guide AV personnel on Bias-Free Policing training and practice. Further discussions with the Parties and MT have been held on how to capitalize on these consultations (paragraph 65).

3. Next Steps

The MT and Parties preliminarily discussed a plan for LASD-AV to systematically “assess all programs, initiatives, and activities to determine the extent of any disparate impact” and to ensure that none unlawfully discriminate (paragraph 68). This important discussion, at the core of the SA, will be continued in the upcoming reporting period. Paragraph 64 states, “In conducting its activities, LASD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, or sexual orientation, and in accordance with the rights secured or protected by the Constitution or laws of the United States. . . .”

While LASD continues to assign LASD deputies to the Bias-Free Policing training sessions, the measure of compliance and effectiveness will rely on the actual practice of Bias-Free Policing and the results experienced in the AV communities. In the next reporting period, the MT will

conduct verification of attendance in the roll call training sessions. These ongoing training efforts are important, but the true measure of the effectiveness will be how it ensures Bias-Free Policing concepts are carried out in enforcement actions, community partnerships, and community policing efforts.

In the last reporting period, the MT reported observations regarding inconsistent understanding of community policing principles among AV deputies. LASD has indicated they will take steps to bring about additional awareness of community policing principles at the LASD AV stations. The MT has recommended resources to LASD and will discuss next steps collaboratively with the Parties. The MT will continue to conduct observations in the field to measure compliance with the SA because this is where all the goals of the SA intersect in actual practice.

Finally, as mentioned above, the Parties intend to complete the compliance metrics for these important sections. The MT will continue to work closely with parties to move forward with this work.

C. Enforcement of Section 8 Compliance

LASD's new Housing Non-Discrimination (HND) Policy, Field Operations Directive (FOD) 18-001, was issued February 23, 2018; and its revised Housing Authority Non-Criminal Investigations/Inspections Policy (FOD 12-002 or Accompaniment Policy) was issued March 14, 2018. The MT's focus during this reporting period was on working with the Parties to develop compliance metrics for both policies and reviewing documents and data related to the SA-required dissemination of these policies.

Regarding both the HND and Accompaniment Policies, SA paragraph 164 requires:

Within 30 days after issuing a policy or procedure pursuant to this Agreement, LASD shall ensure that all relevant LASD personnel assigned to AV have received, read and understand their responsibilities pursuant to the policy or procedure . . . LASD shall document that each relevant LASD deputy or other employee has received, read, and sufficiently understands policy.

SA paragraphs 74 and 75, as they relate to the HND Policy, require:

- *All relevant personnel acknowledge he/she "... has had the opportunity to have questions answered, and agrees to abide by the relevant provisions of this Order and relevant Housing Non-discrimination Policy" (SA paragraph 74).*
- *"During the term of this Settlement Agreement, within 15 days after each new deputy is assigned to LASD-AV, LASD shall provide the individual with*

a copy of the Housing Non-Discrimination Policy and shall secure the same signed acknowledgement" (SA paragraph 75).

Pursuant to SA paragraph 164, LASD developed Policy Acknowledgement Forms for both the HND Policy and the revised Accompaniment Policy. To implement the HND Policy SA paragraph 74 requirements, LASD developed a Supplemental Policy Acknowledgement Form.

1. Activities in This Period

a. *SA Compliance Metrics*

After ongoing discussions and exchanges of draft compliance metrics, the MT and Parties reached agreement on HND Policy and Accompaniment Policy compliance metrics. (See "A Note About Settlement Agreement Compliance" for more information about compliance metrics and the process for achieving SA compliance.)

The salient provisions of these compliance metrics include the following.

- For both policies, current and future AV personnel acknowledge they have received, understand, and agree to abide by the new housing policies in a timely manner.
- For the HND Policy (FOD 18-001), LASD will be deemed in outcome compliance based on a quantitative and/or qualitative assessment of implementation when all of the following apply.
 - » LASD properly reports, investigates, and adjudicates complaints against Department members for allegations of potential violations of the FHA.
 - » LASD employees are found not to have violated the FHA or HND Policy.
 - » Any issues related to the HND Policy are identified, and appropriate action is taken via LASD's review and accountability processes.
- For the Accompaniment Policy (FOD 12-002), LASD will be deemed in substantial outcome compliance based on a quantitative and/or qualitative assessment of implementation when all of the following apply.
 - » LASD personnel have properly assessed the need for accompaniment of housing authority workers; and when necessary, assigned the correct number of deputies.

- » Allegations of fraud on the voucher program referred by the housing authority are properly evaluated, and required steps are taken pursuant to FOD 12-002.
- » LASD initiated investigations for criminal fraud based on compliance with the voucher contract are properly evaluated, and required steps are taken pursuant to FOD 12-002.
- » Names and addresses of Section 8 residents or occupants are not sought or shared in a manner inconsistent with FOD 12-002.
- » All required Section 8–related information and interactions (SA paragraphs 78–80) are properly documented by deputies using statistical (stat) code 787.
- » If LASD-AV deputies are found to do no accompaniment of Section 8 voucher compliance checks, LASD will be deemed in compliance with SA paragraphs 76 and 78.
- » If LASD-AV deputies are found to do no independent investigations of fraud based on housing voucher compliance, LASD will be deemed in compliance with SA paragraphs 77 and 79.
- » If LASD-AV deputies are not involved in incidents related to voucher holders and do not inquire into an individual's Section 8 status during routine traffic enforcement activity, LASD will be deemed in compliance with SA paragraph 80.
- » Any issues related to the Accompaniment Policy are identified, and appropriate action is taken via LASD's review and accountability processes.

LASD reports that they have not accompanied housing authority workers on Section 8 compliance checks for several years, and the MT is not aware of any recent reports that indicate otherwise.

b. Verifying HND Policy and Accompaniment Policy Acknowledgements

During this reporting period, the MT reviewed LASD data and documents demonstrating the dissemination to sworn personnel and return of the HND Policy (SA paragraphs 74 and 75) and Accompaniment Policy (SA paragraph 164) Acknowledgement Forms. The documents included the HND Policy Acknowledgement Forms, Supplemental Policy Acknowledgement Forms, and Housing Authority Non-Criminal Investigations/Inspections FOD 12-002 Acknowledgement Forms for the Palmdale and Lancaster Stations.

During the period covered by the MT review, 179 deputies were assigned to the Palmdale Station, 21 of whom were assigned after the issuance of the HND and Accompaniment Policies. The Lancaster Station had 210 deputies during the period covered by the MT review, 31 of whom were assigned after the issuance of the HND and Accompaniment Policies. Sworn personnel assigned to the station before issuance of the policies are subject to SA paragraphs 74 and 164; those assigned after are subject to paragraph 75.

The review determined that at least 95% of the deputies assigned to each station prior to the issuance of the HND and Accompaniment Policies received the policies. The stations regularly, but not always, met the 30-day timeframe for dissemination and return of the policies and the 15-day timeframe for new deputies assigned to the AV. Both stations seldom met the 30-day timeframe for dissemination and return of the Supplemental Policy Acknowledgement Forms. The Lancaster Station was substantially more consistent in meeting the 30- and 15-day timeframes than was the Palmdale Station.

Tables 1 and 2 show the percentage of AV deputies that has now completed each policy acknowledgement as well as the percentage that did so within the 30- or 15-day timeframe. Table 1 addresses receipt of policies by deputies who were already assigned to the AV when the policies were issued. Table 2 addresses deputies who were assigned to or returned to the AV after the issuance of the policies. Compliance is not necessarily dependent on adhering to the timeframe. When the timeframe is not met, the MT confers with the Compliance Unit to determine the reason for delays and makes a judgment as to reasonableness.

Table 1								
Receipt of New Policies by AV Personnel Assigned <i>Prior</i> to Issuance								
Form	Palmdale N = 158				Lancaster N = 179			
	Complete		Within Timeframe		Complete		Within Timeframe	
	n	%	n	%	n	%	n	%
HND Policy								
Acknowledgement Form	158	100%	116	73%	171	96%	162	91%
Supplemental Form	156	99%	125	79%	171	96%	155	87%
Accompaniment Policy								
Acknowledgement Form	156	99%	81	51%	172	96%	165	92%

Table 2								
Receipt of New Policies by AV Personnel Assigned <i>After</i> Issuance								
Form	Palmdale N = 21				Lancaster N = 31			
	Complete		Within Timeframe		Complete		Within Timeframe	
	n	%	n	%	n	%	n	%
HND Policy								
Acknowledgement Form	21	100%	15	71%	31	100%	24	77%
Supplemental Form	20	95%	13	62%	31	100%	24	77%

The MT's review of the deputies subject to these policies who have signed the HND Policy and Accompaniment Policy Acknowledgement Forms and the Supplemental Policy Acknowledgement Form, and confirmation that any deputy questions related to the HND Policy have been answered in a timely manner by the Compliance Unit, are substantial steps by LASD toward compliance. The delays indicated in tables 1 and 2 were not due to a lack of effort or intention on the part of the Department. The MT further has found no indication that the delays had any impact on enforcement activities. Although the time requirements were not always met, the MT has determined that LASD's performance of the compliance metrics for paragraph 74 and 75 was generally within a reasonable amount of time. Pending receipt of some additional information, especially regarding the ongoing distribution of policies to newly assigned or returned deputies (paragraph 75), the MT will determine if the Department is in compliance with SA paragraphs 74–76; and with regard to housing, 164. For future compliance, the MT will expect the stations take steps to improve their performance on meeting the timetables for policy distribution, especially to deputies newly assigned or returning to the AV.

Regarding paragraph 75, LASD must continue to provide the HND policy to each new deputy assigned to the AV and obtain the HND Policy Acknowledgement Form and Supplemental Policy Acknowledgement Form within 15 days of assignment. The MT will continue to monitor the dissemination of the HND Policy to new deputies to determine LASD reaches and remains in compliance with paragraph 75 for at least one year.

c. Palmdale Community Advisory Committee Meeting on June 10, 2019

The MT attended the June 10, 2019, Palmdale Community Advisory Committee meeting where the guest speaker was a representative of the Housing Assistance Division, Los Angeles County Development Authority (formerly the Housing Authority of the County of Los Angeles).

The representative explained the housing authority's role in providing information and support related to public housing, Section 8 housing choice voucher program, home ownership, and assistance to developers. She told attendees that the housing authority is also under a settlement agreement with DOJ that is separate from the LASD settlement agreement with DOJ.

and that the housing authority's investigation and enforcement unit that previously existed have been dissolved. The only ongoing relationship the housing authority has with LASD is a contract to perform criminal background checks of applicants seeking federally subsidized housing. The housing authority representative described how the Section 8 voucher program operates, including the eligibility requirements for voucher holders, the requirements for owners who rent Section 8 housing, and the housing authority's responsibilities in administering the program. In an open discussion period, the representative responded to the following questions and concerns.

- A real estate salesperson sought guidance on the proper steps in selling a home currently occupied by a voucher holder.
- An owner of housing who rents to Section 8 voucher holders expressed concern that owners do not receive adequate support from the housing authority or LASD when they face challenging voucher-holder issues.
- Several persons described their difficulties navigating the process of obtaining housing.

The audience raised no questions or concerns related to any interaction between an occupant of housing in the AV and LASD. (See the Community Engagement section below for further information on this meeting.)

2. Steps Toward Compliance

As described in more detail above, some of the progress toward compliance on Enforcement of Section 8 Housing that the Department has made to date includes the following.

- The new HND Policy and revisions to FOD 12-002 (paragraphs 73–80) were published, and the MT and Parties reached agreement on the compliance metrics for SA housing provisions. These are major steps toward achieving compliance.
- The MT is finishing review of acknowledgement receipts for the new policies. At this point, it is likely the Department will be found in compliance with most aspects of that process (paragraphs 74–76; and, regarding housing, 164). While most deputies eventually received the policies, the MT will expect for future compliance that the stations take steps to improve their performance on meeting the timetables for policy distribution, particularly regarding paragraph 75.
- LASD continues to offer the required housing-related training (part of the Bias-Free Policing training; paragraph 70) to deputies newly assigned or returning to the AV and to reserve deputies and deputies outside the LASD-AV stations. LASD offered an additional session during this reporting period, and the MT is in the

process of conducting verification for compliance this period as part of the verification for the stops and Bias-Free Policing trainings.

- The Department implemented the quarterly roll call trainings that have a fair housing module (paragraph 71). The MT will verify deputy participation in the upcoming reporting period.

Full compliance will be achieved when each provision of the Housing section of the SA is met and the MT determines through onsite observations, records reviews, audits, and outcome analysis that the Department has met and remains in compliance with these requirements for at least one year, including evidence that the intentions of the SA as expressed in the new policies are thoroughly and consistently met in the field and that outcomes are reviewed by supervisors and managers, with appropriate corrective action taken as necessary.

3. Next Steps

The following summarizes the expected MT activities in the next reporting period regarding Section 8 housing.

a. *HND Policy*

- The MT will review LASD complaints, administrative investigations, survey results, Watch Commander Logs, and other relevant documents and resources for LASD-AV deputy involvement in housing-related activities to determine whether such activity was conducted; and if so, if it was in accordance with the FHA and the HND Policy.
- The MT will conduct interviews of LASD personnel, community members, and persons with information relevant to LASD-AV housing activities to determine whether any such activity was conducted; and if so, if it was in accordance with the FHA and the HND Policy.

b. *Accompaniment Policy (FOD 12-002)*

- The MT will review and analyze all stat code 787 data, including deputy accompaniment of housing authority workers during voucher holder compliance checks; LASD's independent investigations for criminal fraud based on voucher holder compliance with the voucher contract; and deputy calls, observations, or incidents involving voucher holders.
- The MT will analyze LASD complaints, administrative investigations, Community Survey results, Watch Commander Logs, and semi-annual analysis of data

containing stat code 787 and other relevant documents and resources for LASD-AV deputy involvement in housing-related activities to determine whether such activity was conducted in accordance with FOD 12-002.

- The MT will interview relevant LASD personnel, community members, and persons with information potentially relevant to LASD-AV housing activities.
- The MT will review LASD semi-annual analysis of data containing stat code 787 on a county-wide basis.

c. *Additional SA Provisions Regarding Compliance Assessment*

The following SA paragraphs describe the SA-required audits and analysis that address multiple SA provisions and that both the Department and MT will use to assess compliance with the housing-related elements of the SA.

- *LASD will conduct at least semi-annual analysis of, at a minimum, the following AV data: . . . Voucher Holder compliance checks involving LASD personnel (paragraph 82g).*
- *In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative outcome assessments to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of constitutional violations. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of . . . Section 8 Compliance Enforcement Measurements . . . (paragraph 153c).*

The Parties and MT have discussed conducting these additional analyses beginning in the next reporting period. The results of the Community Survey described in the Community Engagement section below will also be analyzed to address Section 8–related outcomes.

D. Community Engagement

The Community Engagement section of the SA states that "LASD agrees to promote and strengthen partnerships within the community, to engage constructively with the community to ensure collaborative problem-solving and bias-free policing, and to increase community confidence in the Department" (page 20). The term "community engagement" primarily refers to the Department's efforts to engage the community and thus build and maintain trust and confidence in the Department among all community members, per the goals of the SA. The MT's role in the community-engagement process is to assess LASD's efforts to interact with and improve its relations with the AV community. The MT may also provide advice and technical assistance as appropriate and requested.

1. Activities in This Period

During this period, the MT made three onsite visits to the AV for Community Engagement compliance monitoring (in March, May, and June 2019), usually with a DOJ representative participating as well. In addition to the onsite visits, the MT also attended some community meetings and reviewed community event reports provided by LASD, reviewed Community Policing training material, and reviewed various other reports and material relating to the Community Engagement section of the SA. These visits and reviews are detailed in this section.

a. *Onsite Visits and Observations*

On March 11, 2019, members of the MT attended the Palmdale CAC meeting in the unincorporated community of Sun Village. The meeting provided an opportunity for community members to discuss their concerns about public safety and homelessness in the area. A member of the MT presented on the SA, monitoring, and LASD's compliance status. A representative from the City of Palmdale Neighborhood Services department presented on various services available to the homeless population.

On May 8, 2019, members of the MT and DOJ conducted ride-alongs with patrol deputies from the Palmdale Station to observe how deputies are interacting with members of the community and to assess if stops, searches, and other activities performed by deputies are in compliance with the SA.

b. *LASD-AV Deputy Community Engagement Documentation*

On May 9, 2019, members of the MT and DOJ met with members of the Compliance Unit and both AV stations regarding compliance with provisions of the Community Engagement section of the SA. Specifically, the MT reviewed and discussed LASD's documentation of "self-initiated, positive community contacts." As mentioned in the previous report, the Parties agreed that LASD-AV deputies can engage in "self-initiated, positive community contacts" as a way of fulfilling some community event participation requirements. LASD documents such activity through the use of the Department's 755 stat code to track compliance. The stat code cannot be used to qualify for compliance with the SA if it is in relation to a Call for Service (e.g., responding to a 911 call).

The MT reviewed numerous documents containing community engagement activity captured by the 755 stat code and community events attended by LASD-AV personnel. The MT provided feedback to LASD about which of the logged 755 contacts would and would not qualify for the purposes of compliance. Of course, LASD-AV deputies have numerous productive and meaningful contacts with community members throughout their shifts; the self-initiated 755 contacts are of a specific nature and focus. The MT sent LASD a follow-up memo that outlined criteria for qualifying contacts and provided examples of qualifying and non-qualifying contacts.

The MT mostly focused its feedback on LASD's need to indicate how the contact with a resident is initiated and differentiating engaging in conversation with community residents from interactions like providing directions or assisting a resident with car trouble.

The review of the 755 logs revealed that LASD continues to struggle with describing self-initiated community contacts and how they differ from their other community interactions. The June 2019 onsite visit included significant discussion of the information that needs to be in the narrative so that compliance can be assessed. These discussions suggested that the stations and deputies are certainly putting effort into the process but should focus less on the perceived burden of additional logging requirements and more on improving general commitment to making high-quality contact with community members. The MT's memo to LASD included the following guidance.

As agreed, the activity by sworn personnel captured under code 755 that is eligible for compliance with paragraph 88 of the SA should be self-initiated, positive engagement with residents of the AV. Such engagement should be deliberate and meaningful, of sufficient duration and significant to advance one or more of the principles outlined in the LASD Community Engagement Attendance Work Plan which was finalized in January 2019.

Also, the Department would benefit from addressing this area in consultations with the Museum of Tolerance or other experts (paragraph 65).

c. Community Survey

As mentioned in the previous six-month report, the first annual AV Community Survey was launched in February 2018 by an independent research team at University of California, Los Angeles. The purpose of the survey is to assess community perceptions of the relationship between LASD and the AV community and to attempt to measure how, if at all, the SA reforms affect that relationship. The survey was made available for community members to complete both online and on paper. Approximately three dozen community-based organizations (CBOs) in the AV were approached to help raise awareness of the survey and to distribute a link or hard copy; 13 participated. In addition to the general survey, an almost identical youth survey was administered. All AV high schools were approached for participation; two participated.

During this monitoring period, the results of the survey and an associated focus group study were published. The findings reports for both can be found on the MT website (<http://www.antelopevalleysettlementmonitoring.info/>), and much more extensive data tables can be found at <http://bit.ly/AV-Public>. Visitors to this data website can see how different groups (e.g., age, gender, race/ethnicity, Section 8 status, previous arrest status, zip code) responded differently to the survey items.

While a detailed analysis and summary can be found in the reports, some highlights and key themes of the survey findings include the following.

- The final sample was of 5,003 respondents.
- Of the respondents, 44% were adults, and 56% were youth.
- Most (90%) survey responses were obtained online.
- Nearly all (97%) adult respondents indicated that they lived in the AV, and more than half (61%) also worked in the AV.
- The majority (58%) of survey respondents were female.

Tables 3–6 show, as a small set of findings from the survey, the responses to four important items for each race/ethnicity. "Black" includes those who indicated "black" *and* those who indicated more than one race/ethnicity including "black." "Multiracial" includes those who indicated more than one race/ethnicity not including "black." Participants who indicated "other" are included in the total but not tabulated separately.

Table 3			
I Have Confidence That Sheriff's Department Deputies in My Community Do Their Job Well.			
Race/Ethnicity	Agree/Strongly Agree	Neutral	Disagree/Strongly Disagree
All (N = 4,986)	62%	26%	12%
Hispanic (n=2,261)	55%	33%	12%
White (n=1,546)	78%	15%	7%
Black (n=633)	43%	34%	24%
Multiracial (n=128)	75%	13%	13%
Asian/Pacific Islander (n=103)	75%	19%	6%
Native American (n=37)	52%	24%	25%

Overall, 62% of survey participants (78% of white participants, 55% of Hispanic participants, and 43% of black participants) agreed or strongly agreed that they have confidence in LASD deputies.

Conversely, 12% overall (7% of white participants, 12% of Hispanic participants, and 24% of black participants) disagreed or strongly disagreed with this sentiment.

Table 4			
In My Neighborhood, Sheriff's Department Deputies and Residents Have a Good Relationship.			
Race/Ethnicity	Agree or Strongly Agree	Neutral	Disagree or Strongly Disagree
All (N = 4,986)	46%	38%	16%
Hispanic (n=2,261)	38%	46%	16%
White (n=1,546)	66%	26%	8%
Black (n=633)	29%	40%	30%
Multiracial (n=128)	47%	36%	16%
Asian/Pacific Islander (n=103)	49%	36%	15%
Native American (n=37)	52%	19%	29%

Overall, 46% (66% of white participants, 38% of Hispanic participants, and 29% of black participants) agreed or strongly agreed there was a good relationship between residents and LASD deputies in their neighborhood.

Conversely, 16% overall (8% of white participants, 16% of Hispanic participants, and 30% of black participants) disagreed or strongly disagreed with this sentiment.

Table 5			
The Sheriff's Department Is Responsive to the Concerns of My Neighborhood.			
Race/Ethnicity	Agree or Strongly Agree	Neutral	Disagree or Strongly Disagree
All (N = 4,986)	53%	32%	15%
Hispanic (n=2,261)	47%	38%	14%
White (n=1,546)	66%	22%	12%
Black (n=633)	41%	34%	25%
Multiracial (n=128)	54%	30%	16%
Asian/Pacific Islander (n=103)	60%	32%	8%
Native American (n=37)	38%	27%	35%

Overall, 53% (66% of white participants, 47% of Hispanic participants, and 41% of black participants) agreed or strongly agreed that the LASD deputies are responsive to the concerns of their neighborhoods.

Conversely, 15% overall (12% of white participants, 14% of Hispanic participants, and 25% of black participants) disagreed or strongly disagreed with this sentiment.

Table 6			
The Sheriff's Department Takes the Time to Meet Members of My Community and Neighborhood.			
Race/Ethnicity	Agree or Strongly Agree	Neutral	Disagree or Strongly Disagree
All (N = 4,986)	28%	34%	37%
Hispanic (n=2,261)	21%	36%	43%
White (n=1,546)	41%	33%	25%
Black (n=633)	21%	30%	48%
Multi-Racial (n=128)	22%	35%	43%
Asian or Pacific Islander (n=103)	26%	30%	45%
Native American (n=37)	30%	32%	38%

Overall, 28% (41% of white participants, 21% of Hispanic participants, and 21% of black participants) agreed or strongly agreed that the LASD deputies take time to meet community members.

More participants overall felt the opposite way: 37% overall (25% of white participants, 43% of Hispanic participants, and 48% of black participants) disagreed or strongly disagreed with this sentiment.

Overall, the survey confirmed what the MT has heard from community members throughout the monitoring period: that while there has been improvement in the relationship between LASD and the community, there is still a lot of improvement to be made, particularly with the most disenfranchised community members. The MT noted that respondents who completed the survey through a link distributed by LASD represented the majority of total respondents in the adult survey. While this may correlate to an overall feeling of satisfaction with LASD, the MT did find it significant that people of color provided less favorable responses and were more critical of LASD.

Table 7 shows that, compared to racial and ethnic proportions in the general AV population,⁴ some groups were somewhat overrepresented in the final survey sample, such as Hispanics (46% of survey participants versus 42% of the AV population). Other groups were underrepresented, including whites (31% of survey participants versus 38% of the AV population) and African Americans (10% of survey participants versus 13% of the AV population). Regarding black participants, it is difficult to precisely align US census population groupings with the survey's;

⁴ According to US Census estimates (American Community Survey 2016)

but when the "black" and "multiracial including black" categories identified in the survey were combined, the representativeness was proportional (13% of survey participants versus 13% of the AV population). Also, racial and ethnic proportionality changed somewhat when the adult and youth surveys were analyzed separately. For example, while Hispanics overall were overrepresented, they made up a higher percentage of participants in youth surveys than in adult surveys. As a result, it is likely that Hispanic adults were underrepresented. Efforts to achieve representativeness among all groups is an important objective and an issue that the MT and the Parties are working toward improving in the second annual Community Survey. The Parties are strategizing on how to address underrepresentation going forward by recruiting the help of a wider range of AV community-based organizations and by distributing the survey at community events that underrepresented groups are likely to attend.

Table 7		
Survey Participants and the AV Population: Proportions for Adults and Youth Combined		
Race/Ethnicity	Survey* (n=4,987)	Population† (n=500,083)
Black	10%	13%
Black/Multiracial*	3%	--
White	31%	38%
Hispanic	46%	42%
Asian/Pacific Islander	2%	4%
Native American	1%	<1%
Multiracial (Non-Black)	3%	3%
Other	4%	<1%

*Adult and youth study participants who completed the race/ethnicity item

†All ages

Unlike the Community Survey, the focus group study was not intended to be representative by race/ethnicity but was rather meant to gather additional qualitative data from a small group of community members regarding their perceptions of and experience with LASD-AV. The Parties and MT agreed to a methodology meant to recruit a variety of community members, yet the resulting participant group was predominantly people of color. The sentiments expressed in the focus groups did not reflect the same overall level of satisfaction with LASD that the survey responses did. Perspectives varied more, and there was more critique of LASD overall, than in the survey data.

A detailed analysis and summary of the focus group data can be found in the focus group report on the MT website (<http://www.antelopevalleysettlementmonitoring.info/>). Some highlights and key themes of the findings include the following.

- Five focus groups were conducted between July and September 2018, three with adult residents and two with youth residents.
- The focus group participants were:
 - » Predominantly (87%) people of color;
 - » Approximately two thirds adult and one third youth; and
 - » Half from Lancaster and half from Palmdale.
- Adult focus group participants reported a “mix” in terms of their perceptions of the quality of deputies; overall, they expressed that LASD deputies do their job well.
- Youth were more critical of LASD’s work in their neighborhoods.

The MT hopes to see LASD use the survey and focus group data to inform a community-oriented policing strategy and to further encourage their commitment to community engagement with the entire AV community, as required by the SA.

In various discussions with the MT, DOJ, and community members, LASD station leadership has emphasized that, regardless of representativeness of the survey or focus groups, the Department understands that attitudes and perspectives varied by race, ethnicity, and other characteristics. They have also emphasized that they intend to use that information to improve their community engagement and other policing activities. The MT will continue to work with the Parties to ensure these important statements are reflected in SA-related activities.

d. Community Survey Presentation

On May 8, 2019, the MT hosted a community meeting at Antelope Valley College attended by more than 100 students and community members. The independent researcher who conducted the survey presented the findings of the AV Community Survey and focus groups as well as demonstrated how to use the online data visualization tools. There was a robust and productive discussion, with some community members expressing disappointment with the representativeness of the survey sample. Students and community members suggested greater participation throughout AV high schools and a larger number of African American and Latino respondents in the next survey. The MT engaged in a dialogue with CAC and community members about lessons learned from the first survey and how to broaden participation and improve representativeness in the second annual survey, and the MT took suggestions from them. For instance, because all high schools were contacted for the first survey but only two participated, community members suggested various strategies for increasing participation in the second survey.

The Parties and the research team have discussed the feedback from the community and are currently finalizing the survey methodology and developing a plan to distribute the second

annual Community Survey, which will formally launch in the summer of 2019. As mentioned in previous semi-annual reports, the data gathered through the initial annual survey will be used as a baseline and will be compared with future survey data to assess changes in the relationship between LASD and the community over time.

e. Palmdale Community Advisory Committee Meeting on June 10, 2019

On June 10, 2019, the MT and DOJ representatives attended the Palmdale CAC's quarterly community meeting in a housing complex that has several residents with Section 8 vouchers. The discussion focused primarily on housing issues in an effort to highlight the fair housing provisions of the SA. Approximately 50 community members attended the meeting. The meeting provided an opportunity for community members to engage in a discussion with LASD and the housing authority about Section 8 housing-related issues. After comments from CAC members, the MT, and the Palmdale captain, there was a guest speaker from the housing authority who provided information and resources regarding fair housing and safety. The MT also announced the second annual Community Survey as well as administered surveys to participants. (See the Housing section above for further information on this meeting.)

f. LASD Organizational Climate Study

An organizational climate and culture study (aka "Deputy Survey") of the attitudes of LASD-AV personnel toward various SA-related topics was administered during this reporting period (paragraphs 69, 72, and 99). The survey was distributed to all Lancaster and Palmdale station personnel. The MT is currently compiling findings.

g. Annual In-Service Training

The Compliance Unit has put extensive effort into formulating a plan for meeting the in-service training requirement for community policing and problem-oriented policing methods and skills for all AV deputies, including station supervisors and unit commanders (paragraph 89). LASD originally planned to comply with this provision by providing a series of roll call trainings to deputies in Palmdale and Lancaster using a format similar to that used for the roll call trainings for constitutional policing, bias-free policing, and fair housing (see the Stops section above for more description). While those three trainings have been implemented, the MT and DOJ found significant shortcomings in the Train-the-Trainer course for the new roll call trainings addressing community engagement and community policing. The Department then proposed to train all deputies in a community-oriented policing training that had been encouraged by the MT. Personnel from LASD traveled to Virginia in May 2019 to participate in a multiday Train-the-Trainer course in order to come back to the AV to provide training to all LASD-AV sworn personnel. Although LASD no longer intends to implement this plan, the MT commends the Compliance Unit for their diligence in seeking a solution to this SA requirement. The MT also

commends the Compliance Unit and Palmdale personnel who took the time to participate in the training. The Compliance Unit has recently proposed an alternative approach combining the originally planned roll call trainings with additional training in community policing for all personnel. The MT and Parties are reviewing the proposed plan and materials. The MT stresses that the training for community policing and problem-oriented policing needs to be linked to community engagement activities and to the station captains' enforcement and crime prevention strategies. It is crucial, therefore, that the stations play a lead role in planning and implementing these items.

2. Steps Toward Compliance

As reported in previous semi-annual reports, LASD has been in compliance with several provisions of the SA, including dissemination of the SA (paragraph 92), participation in community meetings and establishing the CACs (paragraph 94), providing support to the CACs (paragraph 96), and ensuring the CACs do not receive non-public information (paragraph 97).

Progress has been made on developing diversion programs (paragraph 87). LASD has agreed to implement the County's new diversion program being developed by the Los Angeles County Office of Diversion and Reentry (ODR). ODR has also agreed to roll out the county's diversion programs in the AV first.

As discussed above, the Parties and MT are close to finalization of a plan for all AV personnel to actively and regularly attend community meetings and events, which is an important part of paragraph 88. Other elements related to the requirement are less developed, such as the Department's plan for enhancing relationships with community groups such as youth and communities of color. Another to be further developed is use of the Community Survey and CAC feedback to inform these activities and link them to the Department's broader community engagement, community policing, and problem-oriented crime reduction efforts. Additionally, while the MT commends LASD on its progress and its significantly improved tracking of this issue, the MT continues to urge the Department to strive toward genuine community engagement as the goal, not simply technical compliance with this provision of the SA. This includes adopting and implementing a community policing strategy; seeking and receiving a diverse array of community input, including positive and negative feedback and ideas for problem-oriented policing; and making special effort to positively engage segments of the community where relations are more strained, especially with the African American, Latino, and youth populations.

The Department has taken steps to add AV-specific modules to their Risk Management Forums (RMF) called "Trends in Misconduct Complaints" and "Risk Management Associated With Our Communities." The MT will review and assess the manner in which these reviews are conducted and considered by commanders responsible for the operations in the AV stations; and most importantly, how performance and outcomes are affected in the process. Additionally, the MT will assess how well the reviews address the SA requirement that the RMF includes "discussion

and analysis of trends in misconduct complaints and community priorities to identify areas of concern, and to better develop interventions to address them” (paragraph 90). Paragraph 90 also requires similar enhancements to the Crime Management Forum (CMF) and requires LASD to use techniques such as spatial mapping and scientific deployment analysis to enable the RMF to better support and measure community and problem-solving policing efforts. In discussions, LASD has reported that some of these techniques are being used in these meetings; the MT will observe upcoming CMFs and related materials to confirm the use of and assess these activities.

3. Next Steps

The MT is encouraged by LASD’s decision to provide more detailed and meaningful training on community policing to its personnel in the AV. But the MT continues to caution LASD that public relations does not equate to community policing or genuine community engagement.

In addition to training, the MT continues to recommend that LASD adopt a community policing strategy, make it Department policy, and implement it in practice. The adoption of such a strategy may not be an explicit requirement of the SA, but compliance with many SA provisions related to bias-free policing, community engagement, and accountability are likely to require elements of community policing; and the most effective means to achieving those ends is a comprehensive plan or strategy.

Although the MT is already determining compliance on certain provisions of the SA based on preliminary agreement on compliance metrics for those provisions, the Parties have yet to finalize agreement on compliance metrics on the entire Community Engagement section. The Parties intend to finalize the compliance metrics during the next reporting period. (See “A Note About Settlement Agreement Compliance” for more information about compliance metrics and the process for achieving SA compliance.)

The MT will conduct ongoing assessments of the Community Engagement section of the SA through various activities, such as:

- Monthly reviews of LASD community engagement activity reports and all other Community Engagement-related reports;
- Regular communication with AV community members and CAC members;
- Observation of trainings required by the SA;
- Hosting and observation of community meetings;
- Attending CMF and RMF meetings; and
- Regular site visits to the AV, to include informal and formal interviews, meetings, and ride-alongs.

E. Use of Force

The SA includes numerous mandates associated with the use, investigation, and adjudication of force by LASD in the AV. Those mandates include the avoidance and de-escalation of force when possible, prompt reporting of UOF incidents, thorough and independent investigations, and adjudication processes based on the preponderance of evidence. The SA Use of Force section requires the MT to conduct compliance audits for those requirements, which include but are not limited to:

- Continuing to prohibit the use of force above compliant handcuffing to overcome passive resistance and of the use of retaliatory force (paragraphs 102 and 105);
- Using advisements, warnings, and verbal persuasion when possible before resorting to force and to de-escalate force immediately as resistance decreases (paragraph 103);
- Using force as a last resort, assessing threats prior to using force (whenever possible), and not using force against individuals who are under control (SA preface to Use of Force section, page 24; and paragraph 104);
- Prohibiting using force to prevent someone from lawfully taking photographs or video recordings (paragraph 106);
- Continuing to prohibit hard strikes to the head with an impact weapon unless deadly force is justified (paragraph 107);
- Continuing to report all uses of force and any medical treatment provided (paragraphs 108 and 109);
- Continuing to notify a supervisor immediately following a use of force or upon receipt of an allegation of unreasonable or unreported force (paragraph 110);
- Conducting thorough investigations of uses of force, forwarded through the chain of command, reviewed for completeness, adjudicated with the preponderance of evidence standard (paragraphs 111–113);
- Continuing to require that the Executive Force Review Committee (EFRC) review UOF incidents requiring the response of Internal Affairs Bureau (IAB; paragraph 114);
- Holding employees accountable for uses of force that may violate law or the Department's prohibited force policy and forwarding those cases to IAB for investigation or review (paragraph 115);

- Holding supervisors accountable for not adequately investigating or responding to force that is unreasonable or otherwise contrary to LASD policy (paragraph 116);
- Holding AV unit commanders accountable for identifying and reporting force trends and for taking preventive steps to curb problematic trends (paragraph 117); and
- Holding AV unit commanders accountable to review and track *training and tactical review* findings to ensure that informal feedback does not replace formal discipline (paragraph 118).

Some additional SA provisions critical to UOF investigation, adjudication, and accountability are in other sections of the SA, addressing such factors as allegations of misconduct (paragraphs 127, 130–133), assessment and response to any patterns of violations (paragraphs 143 and 153), and data recording (paragraph 142).

1. Activities in This Period

a. *SA Compliance Metrics*

During this reporting period, Monitors, DOJ, LASD executives, and County Counsel had several in-person and telephone meetings to finalize the compliance standards for the SA provisions associated with the use, investigation, and adjudication of force. The Parties and MT agree on most provisions. Results of those meetings are currently being formalized in written form; they are expected to be finalized and approved in the next reporting period.

b. *LASD Use-Of-Force Policy*

The MT has continued to work with LASD on the development of its updated UOF policy. While the policy is still a work in progress, the Department has proposed several significant improvements to the previous policy, including but not limited to an increased emphasis on de-escalating evolving incidents; factors in determining objective reasonableness of the force used; and documentation and investigation of allegations of excessive force that are alleged or discovered during UOF investigations. The MT and the Parties are in tentative agreement with the provisions of the draft policy, which is under final review by the Department.

c. *MT Use-of-Force Audit*

During the reporting period, the MT finalized its first UOF audit of LASD's compliance with the SA's provisions governing the use, investigation, and adjudication of force by LASD in the

AV (paragraphs 102–118) and other issues as they relate to uses of force including public complaints, audits, and management oversight and accountability.

The UOF audit included a detailed analysis of the investigation and adjudication of the UOF incidents that were completed during January – March 2017.⁵ The audit assessed the following critical areas:

- The objectively reasonable use of force (SA paragraphs 102, 104–107);
- Avoiding force and de-escalation (SA preface to Use of Force section, page 24; and paragraph 103);
- Reporting and investigating uses of force (SA paragraphs 108–112); and
- Management oversight, remedial training, and recording of data (SA paragraphs 112–116, 118, 127, 130–133, 143, 153, and 167).

i. Audit Scope and Scope Limitation

The audit did *not* assess uses of force that occurred in the AV that were investigated by non-AV commands. The Parties and MT continue to discuss whether the scope of MT UOF compliance audits should include investigations of force by LASD personnel from AV embedded units. Embedded units include those who may work in the AV but who do not report directly to the AV station captains, such as the gang unit, narcotics unit, and Community Partnerships Bureau. The Department believes those uses of force to be outside of the scope of the SA. DOJ and the MT categorically disagree with that position and believe the analysis in UOF audits should include all uses of force that occur in the AV, regardless of where the LASD personnel involved are assigned. With that issue still not resolved, the MT cannot conclusively determine compliance with the audit's objectives. Therefore, the findings in the audit are to be considered preliminary.

ii. Preliminary Compliance Metrics

Once the Department, DOJ, and Monitors have finalized SA compliance metrics, those standards will be used to evaluate the Department's compliance with SA mandates. The MT's audit measured *preliminary* assessment of compliance based on the following standards.

⁵ This time period was selected to establish an initial baseline of LASD's progress in achieving compliance with the provisions of the SA.

1. Out of compliance: The Department was not complying with an SA provision to the extent that it would not meet any reasonable qualitative and quantitative standard that may be established in the final compliance metrics.
2. Unable to determine: Insufficient data were provided, or the Parties must resolve substantive issues regarding the compliance metrics.
3. In preliminary compliance: The Department was complying with an SA provision to the extent that it meets or exceeds reasonable qualitative and quantitative standards that may be established in the final compliance metrics; however, until the Parties and MT finalize compliance metrics and come to resolution on the scope of UOF audits, full compliance cannot be determined, nor can the 12-month compliance period begin (SA paragraph 205).

Despite not having finalized metrics, the UOF audit provided the Department with valuable information regarding its progress toward meeting SA mandates. A summary of the MT UOF audit findings and preliminary compliance assessments follows.

iii. *Objectively Reasonable Use of Force*⁶

The audit found that all 49 (100%) of the Department's uses of force that occurred during the audit period complied with the SA provisions requiring that uses of force be objectively reasonable. Specifically, the audit evidence supported a finding that the Department is in preliminary compliance with the SA provisions that:

- Restrict the UOF to overcome passive resistance (paragraph 102);
- Prohibit the UOF when a person is exhibiting resistive behavior but is otherwise under control and poses no threat (paragraph 104);
- Prohibit the use of retaliatory force (paragraph 105);
- Prohibit using force to prevent someone from recording the incident (paragraph 106);
- Restrict the use of a hard strike to the head with any impact weapon (paragraph 107); and
- Require that the analysis and findings of LASD uses of force are supported by a preponderance of the evidence (paragraph 113).

⁶ Category 3 uses of force include but are not limited to lethal uses of force, hospitalization of the suspect, skeletal fractures, canine bites, and any force that results in the response of the IAB as defined in the LASD Manual of Policy and Procedures (MPP) 3-10/130.00.

iv. Avoidance and De-Escalation of Force

The audit found that 47 (96%) of the Department's 49 uses of force that occurred during the audit period complied with the SA provisions pertaining to the avoidance and de-escalation of force. Specifically, auditors found the Department in preliminary compliance with the SA provisions that require:

- The use of force as a last resort (SA preface to Use of Force section, page 24);
- The use of advisements, warnings, and verbal persuasion whenever possible before resorting to force (paragraph 103); and
- De-escalation as resistance decreases (paragraph 103).

v. Reporting Uses of Force

The audit found the Department in preliminary compliance with the SA requirements that all reportable uses of force must be immediately brought to a supervisor's attention and that the involved deputies must complete a thorough report. Specifically, the audit found the Department in preliminary compliance with the SA provisions that require:

- Deputies to report force immediately and complete thorough reports (paragraph 108);
- Deputies to avoid the use of "boilerplate" language (paragraph 109); and
- Witnessing deputies to ensure supervisory notification (paragraph 110).

vi. Investigations of Uses of Force

Several key SA mandates are associated with supervisors' investigation of AV UOF incidents. The Department was found out of compliance with one mandate and in preliminary compliance with three. The Department was found in preliminary compliance with the SA requirements that:

- A supervisor responds to the scene and conducts a thorough investigation (paragraph 111);
- The supervisor completes a thorough report (paragraph 112); and
- The supervisor submits the investigation for management review in a timely manner (paragraph 113).

The Department was not in compliance with the portion of SA paragraph 112 that requires that the supervisor's investigation must constitute an "independent review of the facts and circumstances of the incident." The audit found that 12 (26%) of the 47 UOF investigations were completed by the sergeants who had directed deputies to use the force in the very incidents the sergeants were investigating. This is inconsistent with the requirement for an "independent" review and is an untenable conflict of interest.

The audit found that of the 47 UOF investigations, six (13%) contained an allegation(s) of misconduct. Only one (17%) of those six cases sufficiently investigated the allegation(s). In other words, 83% of the investigations with allegations of misconduct were not sufficiently investigated. Therefore, the Department was found not in compliance with the SA requirements to:

- Accurately classify all allegations (paragraph 127);
- Thoroughly investigate every allegation of misconduct (paragraphs 130–132); and
- Accurately capture complaint information in Performance Recording and Monitoring System (PRMS, formerly the Personnel Performance Index or PPI; paragraph 142).

vii. Management Oversight

The audit found the management review of the force used in each case to be generally timely, thorough, and complete. Each UOF investigation contained sufficient information to adjudicate the use of force based on a preponderance of evidence. However, the management review for non-force issues, such as personnel complaints and risk-management issues, needs improvement. Nine (19%) of the 47 UOF investigations contained risk-management issues that were not identified or addressed during the management review process. Those concerns notwithstanding, the audit is unable to determine compliance in this area until the compliance metrics governing compliance with management oversight are established (paragraphs 113 and 115–117).

viii. Remedial Training

The audit found the Department in preliminary compliance with the requirement that supervisors include documentation of training and tactical concerns in their investigative report (paragraph 112). The audit identified eight UOF cases in which a reviewing unit and/or division commander directed that a total of 25 employees attend specified training. In three cases, the three involved employees attended the directed training in a reasonable period of time. However, in the other five cases, 22 employees had not attended the training, which at the time of assessment was one and a half years after

the uses of force occurred. Therefore, the Department is not in compliance with the SA requirement that AV unit commanders review and track training and ensure that training is completed, documented, and recorded (paragraphs 118, 153, and 167).

ix. Recording of Data

The MT was unable to determine compliance with the SA requirements for capturing and entering accurate data into the PRMS, paragraph 142. The UOF investigations were recorded accurately on the forms and in PRMS, and the Discovery Unit's data entry into PRMS was accurate. However, there were excessive delays of up to seven months for the Discovery Unit entering data on completed cases.

d. Follow-Up Executive Force Review Committee Audit

There was only one Category 3 UOF case in the initial MT UOF audit sample.⁷ That case was investigated by IAB and reviewed by the EFRC. The audit revealed deficiencies associated with the timeliness and completeness of the investigation *and* of EFRC review of that case. However, reliable conclusions about the EFRC process cannot be established with the review of a solitary case. So, a follow-up audit of Category 3 uses of force and the EFRC's reviews is underway (paragraph 114).

During this reporting period, Monitors and the Department agreed on a work plan for the follow-up audit of Category 3 uses of force. MT auditors conducted numerous interviews, identified and tested the audit population, and prepared assessment tools. The Department provided the audit sample in a timely manner. As of the submission of this semi-annual report, the majority of the investigations in the sample have been analyzed, and initial assessments have been completed; however, progress toward audit completion has been delayed because MT requests for additional documents have not been fulfilled. Specifically, the Department has not yet provided videos and other investigative documents necessary for the Monitors to complete their assessments of uses of force that resulted in significant injuries, including skeletal fracture and traumatic brain injury. One of those cases involved a deputy who was terminated for unreasonable use of force but who subsequently appealed and was rehired by the new LASD administration; the MT is awaiting video and audio files for that case.

⁷ Category 3 uses of force include but are not limited to lethal uses of force, hospitalization of the suspect, skeletal fractures, canine bites, and any force that results in the response of the IAB as defined in the LASD Manual of Policy and Procedures (MPP) 3-10/130.00.

2. Steps Toward Compliance

As reported above, the MT audit found the Department in preliminary compliance with several provisions of the Use of Force section of the SA, while other provisions will require further attention. The MT's UOF and EFRC audits will be used to inform the final compliance standards that will be used for future evaluations of the Department's SA compliance. The MT will also evaluate the Department's updated UOF policy as soon as the Department submits it. (See "A Note About Settlement Agreement Compliance" for more information about compliance metrics and the process for achieving SA compliance.)

3. Next Steps

The next steps will include the finalization of the compliance standards to be used to evaluate the Department's compliance with the provisions of the SA. The Parties and MT will further discuss the scope of the MT audits and how to address the embedded units. Once the ongoing EFRC audit has been finalized, the MT will assist the Department in developing a plan to correct any deficiencies identified. Subsequent audits conducted by Monitors will evaluate the Department's implementation of any new policies and remediations.

F. **Personnel Complaint Review**

The preface to the SA's Personnel Complaint Review section states:

County will ensure that all allegations of personnel misconduct are received and are fully and fairly investigated, and that all personnel who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. To achieve these outcomes, LASD and the County agree to implement the requirements below. (p. 29)

Specifically, the SA requires that:

- LASD continue to make personnel complaint forms and information readily available to the public (paragraph 124);
- LASD continue to accept all personnel complaints, including anonymous and third-party complaints (paragraph 125); and
- Personnel found to have committed misconduct be held accountable (preface to the Personnel Complaint Review section of the SA, page 29).

The SA also requires that the Department revise its policies to ensure that:

- All complaints are classified accurately, and each allegation receives the appropriate level of review (paragraph 127);
- Personnel complaints are not misclassified as service complaints (paragraph 128);
- Each allegation of misconduct, whether specifically articulated by the complainant or not, is identified and investigated fully and fairly (paragraph 130); and
- It is clear which complaints may require discipline or should be handled as an administrative investigation rather than as a service complaint (paragraphs 129–130).

The SA identifies minimum investigative standards (paragraphs 131–137) and training that must be provided to supervisors (paragraphs 138–139). It also requires that the Department perform an annual audit of community complaints (paragraph 140).

1. Activities in This Period

In this reporting period, the Department made progress in addressing certain deficiencies in its handling of public complaints identified by the MT's 2018 complaints audit. This work included unit order implementation and policy manual revisions addressing, among other things, the availability of complaint forms, personnel response to citizens wanting to file a complaint, thorough investigations, and managers' response to risk-management issues.

a. Unit Orders

As reported in the last semi-annual report, each AV command issued a Unit Order, approved by the Parties and MT, that established procedures and expectations to correct these deficiencies.⁸ The next MT audit of public complaints will determine if AV public complaints are now being handled in accordance with the Unit Orders and SA requirements and if any additional policy or training changes are required.

b. Policy Manual Revisions

In addition to the Unit Orders, the MT reached consensus with DOJ and the Compliance Unit on revisions to the LASD Manual of Policy and Procedures (MPP). Those revisions were necessary to address the issues identified in the MT's Complaint Audit and ensure those guiding documents are complete, clear, and consistent (SA paragraph 127). The revisions will also bring the Department's personnel complaint practices into compliance with state laws governing the

⁸ The Lancaster Unit Order was issued on July 10, 2018, and the Palmdale Unit Order was issued on June 21, 2018.

reporting of public complaints. The revisions the Parties and MT agreed to have now been forwarded to the Department's Field Operations Support Services (FOSS), which is responsible for maintaining many major Department directives and obtaining management approval for revisions to those documents. FOSS is reviewing the proposed changes to ensure the language is consistent with that used in Department directives; upon completion of that review, FOSS will circulate the proposed changes for approval by the Department's highest-ranking managers.

It is important to note that revisions to the MPP—and, in the future, the Service Complaint Review Handbook—affect the entire Department, not just the AV stations. Therefore, the changes require special attention to ensure they will be effective and undertaken appropriately throughout the Department. While a Unit Order, which applies only to one unit or station, can be issued relatively quickly, Department-wide directives require much more time.

c. SA Compliance Metrics

With consensus achieved on the manual revisions, the MT turned its attention to finalizing the compliance metrics for the SA's complaint provisions. Compliance metrics are the standards that are used to determine whether the Department is in compliance with the various provisions in the Agreement. Compliance with each provision must be established via an audit or other review method and then must be maintained for at least a year. (See "A Note About Settlement Agreement Compliance" for more information about compliance metrics and the process for achieving SA compliance.)

During this reporting period, the MT held three in-person meetings and six conference calls to discuss the compliance metrics with the Parties. From those discussions, consensus was reached that the complaint provisions fall into eight categories.

1. Policy revision and alignment
2. Availability of complaint material
3. Intake of complaints
4. Investigation of complaints
5. Referral of designated complaints to IAB
6. Adjudication and oversight of complaints
7. Training
8. Department audits

At the June 2019 onsite visit, the Parties and MT discussed details regarding the numerical and/or qualitative levels that will be used to measure compliance on each provision within those categories. Taken into account is the fact that some provisions are very high risk and therefore require a high level of compliance, while other provisions are more ministerial in nature, meaning a lesser level of compliance is more appropriate. Verbal consensus was reached on all major aspects of the compliance metrics, which will now be formalized in writing. The MT expects final approval for these compliance metrics early in the next reporting period.

2. Steps Toward Compliance

Since the MT's Complaints Audit, the Department has taken important steps toward SA compliance by formalizing changes in how it receives and investigates public complaints via Unit Orders and revisions to policies and procedures (e.g., paragraphs 124–126, 130–131, 135–137, 139). The next MT audit will assess the success of these activities' implementation.

3. Next Steps

During the next reporting period, the MT will formalize the compliance metrics for the SA's Personnel Complaint Review section that were agreed to at the June 2019 onsite visit. The MT will use these metrics to assess compliance in its follow-up audit of personnel complaints generated in the AV.

In the upcoming reporting period, the MT plans to initiate a second audit to assess the Department's compliance with the SA's complaint requirements. That will include an assessment of the Unit Orders' effectiveness in correcting the deficiencies identified in the MT audit and consideration of any additional training of deputies, supervisors, or managers that may be required under paragraphs 138–139. While the effectiveness of the Unit Order will be measured, it is likely that the changes to the MPP and Handbook will not be published in time for their impact to be measurable before a later audit.

G. **Accountability**

The intent for the Accountability section and related provisions in the SA is to ensure that appropriate oversight is provided by management and supervisory personnel through the ongoing observation and evaluation of both individual behaviors and employees' collective performance.⁹ Effective accountability requires management's capacity and willingness to scrutinize, identify, and remedy both individual and systemic deficiencies. Careful and consistent consideration of every stage of personnel performance must be built into the fabric of operations at every level of the organization, and reliable and current information must be available to managers.

The MT's role is to verify that these accountability operations are effectively conducted according to LASD policy and as required by the SA. For this Accountability section, monitoring activities primarily focus on paragraphs 141–145 and their requirements concerning data

⁹ Management personnel includes the captains, operations lieutenants, and watch commanders at each AV station and the North Patrol Division chief and commander. The sergeants are supervisors rather than managers, but they support management in review functions and in ensuring effective oversight is provided in the field.

collection and evaluating personnel performance via the PRMS, other data systems and related processes, and the Performance Mentoring Program (PMP).

Accountability systems—including but not limited to electronic data systems, file storage, and the policies and procedures governing their use—provide permanent mechanisms for management to routinely review and evaluate operations and performance in real time, assess risk exposures, and ensure and verify that standards are being appropriately met. In this regard, SA paragraphs 141 and 142 require LASD to make several PRMS modifications—in particular, to give it the capacity to compare deputies and units, identify trends, and access and report additional data relevant to determining compliance with the SA.

As reported in previous semi-annual reports, PRMS is not capable of functioning as the sole repository of information and data needed for management to provide effective oversight of all the operational elements required by the SA. The SA provides that alternatives to a single data system may be used if together they meet the various requirements of the SA. LASD has several management processes and stand-alone information systems, some that were developed as a response to the SA and others that predate it. Since cataloging those processes and systems and ascertaining how each one is used, the MT has worked with the Compliance Unit and AV stations to document how they are or can be integrated into a documented, reliable, and effective central accountability process.

1. Accountability Provisions in Other SA Sections

The SA's management accountability requirements are far broader than those identified in the Accountability section. In fact, they permeate every aspect of the SA. Each provision of the SA has several steps required to reach full compliance, one of which is that the Department adapts its accountability systems so that the implementation and impact of these changes are tracked, assessed, and corrected as necessary. This includes stations and deputies being held accountable for properly incorporating the change into their practices. It also includes supervisors and managers being held accountable for tracking deputy performance and establishing whether the change is having its intended effect. The MT assesses the accountability practices required for each section of the SA via the reviews and audits specific to those sections.

2. Activities in This Period

MT activity during this reporting period once again primarily included written and telephone communications and onsite meetings with the Compliance Unit, focused on the Department's need to develop an overarching plan to not only provide a framework for management accountability functions but also to establish clear guidelines for documenting accountability practices.

a. SA Compliance Metrics

At the February 6, 2019, meeting between the Parties (and subsequent meetings with the MT and Compliance Unit), the compliance metrics to be used by the MT to determine compliance with the SA paragraphs 141–145 were discussed. At that time, there was one primary issue left unresolved, and that also related to the process for complying with SA paragraph 142, which states, “LASD-AV will ensure that PPI data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered.” Because the MT has agreed that the PRMS cannot contain all the information and data necessary to comply with all the requirements of SA paragraphs 141–145 or the accountability requirements laid out in other SA sections, using a variety of information and data systems is necessary. It is necessary to ensure that the data and information derived from these various data systems are accurate and up to date and that personnel are held accountable for errors in data entered so that management can depend on them for determining trends and making decisions regarding performance and outcomes. The discussions centered around the best way for LASD to ensure and verify that data systems contain accurate and up-to-date information when reports are constructed and when they are reviewed by management. (See “A Note About Settlement Agreement Compliance” for more information about compliance metrics and the process for achieving SA compliance.)

b. Employee Quarterly Review

As reported in the last semi-annual report, in response to the MT communications regarding the need for a formalized plan or approach to integrate and consider information from the various information systems, the Compliance Unit developed the Employee Quarterly Review (quarterly report). This process is designed to provide LASD AV management another tool for evaluating reported information and data necessary to compare deputies and units, determine whether performance objectives and standards are being met, and identify potential trends in the operations.

In November 2018, the MT and DOJ met with the Compliance Unit to review and discuss the proposed Employee Quarterly Review process. In this process, information from the various data collection systems is compiled and presented to management. In the early stages of development, it was the consensus that this is a reasonable approach to meeting the SA's requirement for developing a plan to periodically review how the AV stations analyze information and respond to concerns unique to their stations. On February 6, 2019, the MT and DOJ met again with the Compliance Unit to discuss modifications to the proposed Employee Quarterly Review guidelines discussed last year and to review the latest draft in an effort to finalize the process and provide Parties and MT approval for implementation.

In the plan currently being prepared for final review and approval, the station operations lieutenants will be responsible for reviewing the data systems and collecting pertinent

information to populate the Employee Quarterly Reviews.¹⁰ If the process is to be effective and conform to the SA, the operations lieutenants will also be responsible for having appropriately designated personnel review the various data systems to spot check the data, ensuring the information is accurate and up to date. Using this process, any errors in the information entered will be identified and rectified, and follow-up will be conducted with personnel as appropriate (paragraph 142).

As proposed, the unit commanders will be responsible for reviewing the quarterly reports and assessing the information presented to evaluate unit and individual deputy/supervisor performance, make comparisons, and identify potential issues and trends. These Employee Quarterly Reviews, including the unit commander's assessments, will be forwarded to the Compliance Unit for a quality assurance review and then to the North Patrol Division commander and the North Patrol Division chief for review and final determination. The chief will respond to the unit commanders with any follow-up orders or directions based on the chief's review of the unit commander's assessment(s).

Following the discussions and meetings to finalize the Employee Quarterly Review process this reporting period, the MT made recommendations for revising the proposed Employee Quarterly Review to include the requirements of SA paragraph 142 so the information used to populate the Employee Quarterly Review is reliable and accurately represented in the Employee Quarterly Reviews.

At the June 2019 onsite visit, these data verification issues were discussed with the Parties, and the Parties and MT agreed on procedures for meeting the SA requirements. The procedures will be formalized in the Employee Quarterly Review guidelines at the start of the next reporting period. These will be the last steps before the MT begins assessments of compliance for SA paragraphs 141–145.

3. Steps Toward Compliance

a. *Employee Quarterly Review*

The final approval and implementation of the Employee Quarterly Review will represent a major step toward meeting SA accountability requirements (paragraphs 141–143). If implemented as designed, it will establish a formalized accountability process incorporating supervisor, unit commander, and division-level reviews. As stated in the last report, the MT believes the draft Employee Quarterly Review process represents thoughtful and diligent work toward meeting the SA accountability requirements. It will give management the tools to not only determine

¹⁰ The data systems to be reviewed for populating the Quarterly Reviews include but are not limited to the Sheriff's 11, the obstruction arrest tracker, the performance log entries (PLE) tracker, the community engagement tracker, the DDWS logs, and the PRMS.

individual performance but also to compare deputies and identify overall trends or performance patterns for the stations.

The Employee Quarterly Review process should provide the framework for conducting and documenting the systematic review of accountability processes as required by the SA. It will allow the MT to begin assessments of LASD's accountability structures from the standpoint of how consistently and uniformly they are applied and toward what ends and outcomes. The assessments will include reviewing the Employee Quarterly Review along with the unit commander's review and actions taken in response to the information provided in each report. The MT compliance assessments will include data validity reviews of the databases and information sources used to populate the Employee Quarterly Reviews in order to assess the accuracy of the information used to prepare the reports. The MT will be particularly interested in and focus on the qualitative assessment of outcomes related to actions taken to address performance deficiencies and trends identified through this process.

b. Performance Mentoring

The Parties also agreed to include information in the Employee Quarterly Review that can be used to verify that the SA requirements regarding the PMP are being followed and met (paragraphs 144–145). This will enable management to determine if AV personnel are provided mentoring in the PMP within 30 days after the need for mentoring is identified; that appropriate procedures are in place for supervising deputies in the program; and there is appropriate coordination between the Department-wide PMP and the North Patrol Division PMP. Information that will enable this process has been appropriately entered into the proposed Employee Quarterly Review.

4. Next Steps

To summarize, the MT has established that the Department has several accountability practices and various databases in place that use information and data from the PRMS and several other sources. As discussed above, the quarterly report guidelines still need to be approved and implemented by the MT to provide a structure for periodic managerial review of information and data necessary to determine individual performance and trends in performance at the AV stations. The process, once approved, will provide for collecting and evaluating information from a variety of data sources. The MT will begin a formal review of the sufficiency and effectiveness of the Employee Quarterly Review process in meeting the requirements for accountability as required in paragraphs 141–145 once the Employee Quarterly Review guidelines are approved and implemented. This review will be designed to assess not only the availability of data and information but also how the information is accessed, evaluated, acted upon, and documented by managers and how the quarterly report fits into other aspects of LASD's accountability systems. More broadly, the MT will review how the various accountability requirements within other sections of the SA work independently as well as jointly to provide a gapless system of

documented review and oversight of all LASD activities. It is expected that the compliance metrics to be used by the MT in these formal reviews will be discussed by the Parties and agreed upon early in the next reporting period.

III. CONCLUSION

This report on the status of the implementation of the SA describes the progress the Monitors have observed to date, the state of the activities underway, and those areas that the Monitors believe require continuing attention and greater effort for LASD to ultimately achieve full compliance with the SA.

With the election of Sheriff Villanueva, the citizens of Los Angeles County have clearly communicated their concerns for holding the deputies policing their communities accountable and for improving relationships between LASD and the community, in particular among the most disenfranchised members of the community. As illustrated in this report, relationships with various constituencies, the Department's community engagement efforts, and community policing strategy are among those areas requiring greater attention and sustained commitment by both the Department and the community. The Monitors look forward to the sheriff prioritizing such needed engagement in the AV.

Similarly, as the sheriff has promised and the SA requires, continuous improvements in both organizational transparency and accountability practices are essential if the expectations and intended outcomes of the SA are to be achieved. This will require sustained rigor in pursuing the highest professional standards and performance by Department staff in carrying out their responsibilities related to the investigation of force, the documentation and investigation of public complaints, the effective use of data to identify problematic as well as exemplary behaviors by deputies and command staff, and other areas.

The Monitors would like to especially extend their appreciation and thanks to Lieutenant Eric Lasko for dedication to this effort. Lieutenant Lasko has led the work of the Compliance Unit from its inception. Much of the progress apparent in this and prior reports is directly attributable to him and his leadership of the unit. The Monitors wish him well in his new position and look forward to working with his successor. We are hopeful the momentum continues during this transitional period.

Appendix A: The 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 particular expertise in dealing with the diverse issues addressed in the SA, such as those related to use of force, training, the FHA, data collection and analysis, survey methods, and the complexities of community engagement.

This constellation of team members was assembled to support the Monitors' philosophy of collaborative reform; it is using the principles of evaluation and technical assistance to provide an actionable assessment of LASD's progress toward implementation of the SA.

Appendix B: Antelope Valley Monitoring Website

This website allows AV community members to learn more about the SA, the backgrounds of the MT members, and the monitoring activities; access documents related to the monitoring work, including each semi-annual report; 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 antelopevalleysettlementmonitoring.info

Appendix C: 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 are in daily communication through a variety of means. In each six-month period, the Parties and MT hold multiple meetings at LASD headquarters; at the offices of the Compliance Unit; at other administrative offices; at the Palmdale and Lancaster stations; and at 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 particular 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 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, there are a variety of conference calls 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 is held that involves the MT, DOJ, and the Compliance Unit; and the MT and 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 D: Monitors' Note on the Settlement Agreement,
Constitutional Policing, and Organizational Change**

As noted in previous reports, the MT understands and remains mindful of the many complexities encountered when a large organization undertakes broad policy changes as well as the challenges of implementing such changes. The Monitors also appreciate the considerations of LASD management in dealing with matters of this nature, such as whether the changes will be confined to the AV stations or affect the entire organization; the likelihood that other existing policies could be affected and therefore need to be revised; that evolving "best practices" and legal considerations also influence policies related to use of force, video recordings, and so on; and the need in many instances to consult with labor groups or legal resources before such policy changes can occur. Throughout the work to date, the Monitors have found the Parties to be strongly committed to ensuring that the requirements of the SA will not be weakened or overlooked because of these considerations. Based on the ongoing collaboration among the Parties, the MT believes the SA objectives can be achieved in a timely manner.

Critical to successfully implementing and sustaining the SA reforms is a commitment to constitutional policing principles. LASD's ability to meet these responsibilities is dependent on clear policies and effective training. Only when prepared with sufficient training and clarity about the purpose of the SA can deputies clearly understand what the Department expects from them in their community interactions. Only then can deputies honor Constitutional standards of policing. Department capacity is also affected by the need to have sufficient accountability systems in place to monitor and evaluate employee performance and management oversight practices.