

Antelope Valley Monitoring Team Use of Force Audit



October 2018

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EXECUTIVE SUMMARY

PURPOSE AND SCOPE

The United States Department of Justice (DOJ) and Los Angeles County Sheriff's Department (LASD) Settlement Agreement (SA) of April 28, 2015, includes numerous mandates associated with the use of force. Those mandates include the avoidance and de-escalation of force when possible, prompt reporting of use-of-force incidents, thorough and independent investigations, and adjudication processes based on a preponderance of evidence. The SA also requires the Monitoring Team (MT) to conduct compliance audits for those mandates, the first of which is reported here.

Deputies are expected to avoid using force whenever possible through the use of advisements, warnings, and verbal persuasion. When that is not possible, or if those efforts fail, deputies must de-escalate the force being used at the earliest possible moment. A deputy's decision to use force must be objectively reasonable as defined in the US Supreme Court case of *Graham v. Connor*, 490 U.S. 386 (1989), and comply with Department policy and the SA's requirements.

This executive summary provides a brief overview of the audit's population, scope, methodology, and key findings. It is not meant to describe every finding or to provide additional information not provided in the full report. Readers should thoroughly read the full report for a detailed description of audit methodology and a discussion of the audit's findings and the rationale for related recommendations.

Audit Population and Methodology

Auditors selected an audit population time period of January 1 through March 31, 2017. That time span gave the Department sufficient time to begin the implementation of the SA provisions addressing the use, investigation, and adjudication of force incidents in the Antelope Valley (AV), and allowed auditors to establish a baseline for the Department's progress toward SA compliance.

This audit assessed the following areas:

- The objectively reasonable use of force (SA Paragraphs 102, 104–107);
- Avoiding force and de-escalation (SA Preface to UOF section, and Paragraph 103);
- Reporting and investigating uses of force (SA Paragraphs 108–112); and
- Management review and remedial training (SA Paragraphs 61, 112–116, 118, 127, 130–133, 143, 153, 167).

Audit Scope and Scope Limitation

This audit assessed all uses of force that occurred during the audit time period and were investigated by the commands of the AV stations. This audit did *not* assess uses of force that occurred in the AV that were investigated by non-AV commands. As of the publish date of this report, the Parties and MT continue to discuss whether the scope of this UOF audit should include investigations of force used in the AV by LASD personnel from embedded units. Embedded units, including the gangs unit, the narcotics unit, and the Community Partnerships Bureau, are staffed by deputies and supervisors who consistently work in the AV but who do not report directly to the commanders of the AV stations. The Department believes those uses of force to be outside of the scope of the SA; they offered to make those investigations available to MT auditors for a separate review but not for publication and not for the purposes of assessing SA compliance. The DOJ and MT believe the unit of analysis in UOF audits should be 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 on this audit's objectives. Therefore, the findings in this audit are to be considered preliminary.

Preliminary Compliance Measures

The Department, DOJ, and Monitors are in the process of finalizing compliance measures for each paragraph of the SA. When those measures of compliance are established, subsequent audits will measure the Department's level of compliance with those standards. In the meantime, this audit reports the MT's *preliminary* assessment of compliance pending the finalization of compliance measures for each paragraph and of the scope of the audit. The categories and standards used for this audit's findings are as follows:

1. Out of Compliance: The Department is 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 work plans.
2. Unable to Determine: There is insufficient data provided or there are substantive issues the Parties must resolve regarding the compliance measures.
3. In Preliminary Compliance: The Department is 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 work plans; however, until such time as the Parties and MT finalize compliance measures 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).

SUMMARY OF FINDINGS

Use of Force

The audit found that all 49 of the Department's uses of force that occurred during the audit period (100%) 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).

Avoiding Force and De-escalation

The audit found that 47 of the Department's 49 uses of force (96%) that occurred during the audit period comply 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 (Preface to the UOF section of SA);
- The use of advisements, warnings, and verbal persuasion whenever possible before resorting to force (Paragraph 103); and
- De-escalation as resistance decreases (Paragraph 103).

Reporting Uses of Force

The audit found the Department to be in preliminary compliance with the SA requirements that all reportable uses of force must be brought to a supervisor's attention immediately and 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).

Investigating Uses of Force

There are five key SA mandates associated with supervisors’ investigation of AV use-of- force incidents. The Department was found in preliminary compliance with four of those mandates and out of compliance with one. The Department was found in preliminary compliance with the SA requirements that:

- A supervisor respond to the scene and conduct a thorough investigation (Paragraph 111);
- The supervisor complete a thorough report (Paragraph 112); and
- The supervisor submit the investigation for management review in a timely manner (Paragraph 113).

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

Uses of Force With Allegation(s) of Misconduct

The audit found that of the 47 use-of-force investigations, six (13%) contained an allegation(s) of misconduct. Only one of those six cases (17%) sufficiently investigated the allegation(s). 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 and 131); and
- Accurately capture complaint information in PRMS (Paragraph 142);

The Department was in preliminary compliance with the requirement that the investigation be conducted by an uninvolved supervisor (Paragraph 133).

Management Oversight

The audit found the management review of the force used in each case to be generally timely, thorough, and complete. Every use-of-force 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 (discussed above) and risk-management issues, needs to be improved. Nine of the 47 UOF investigations (19%) 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, 115, and 116).

There was only one Category 3 use-of-force case in the audit sample.¹ That case was investigated by Internal Affairs and reviewed by the Executive Force Review Committee (EFRC). The audit revealed deficiencies associated with the timeliness and completeness of the investigation and of EFRC review of that case. However, we cannot draw reliable conclusions about the EFRC process with the review of a solitary case. So, a follow-up audit will be necessary to determine compliance with the SA provisions governing the EFRC (Paragraph 114).

Directed 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). However, the audit identified eight use-of-force 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. But in the other five cases, 22 employees had not attended the training at the time of our inquiry, which 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 112, 118, 153, and 167).

Recordation of Data

The Department is not yet in compliance with the SA requirements for capturing and entering accurate data into PRMS. The use-of-force investigations were recorded accurately on the forms and in PRMS. However, there were excessive delays, up to seven months, for entering data on completed cases by the Discovery Unit. On the other hand, the Discovery Unit's data entry into PRMS was found to be very accurate.

¹ 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 Internal Affairs Bureau (IAB) as defined in the LASD Manual of Policy and Procedures (MPP) 3-10/130.00.

I. DEPARTMENT OF JUSTICE—CIVIL RIGHTS DIVISION INVESTIGATION

In August 2011, the US Department of Justice (DOJ) Civil Rights Division began its investigation into allegations that the Los Angeles County Sheriff's Department (LASD) engaged in unconstitutional policing at two stations in the Antelope Valley (AV) cities of Lancaster and Palmdale. The investigation involved a review of over 35,000 LASD documents including policies, training curricula, use-of-force (UOF) reports, arrest reports, civilian complaint files, and operations plans. DOJ conducted site visits to Palmdale and Lancaster and interviewed numerous LASD command and line staff. DOJ investigators rode with patrol deputies, toured AV communities, interviewed local government officials, and met with other governmental agencies. They conducted community meetings and did outreach to community leaders. They worked closely with two police practices consultants as well as with an expert on statistical analysis.

In a 46-page letter time stamped June 28, 2013, the Civil Rights Division issued its findings. With respect to UOF, DOJ's Findings Letter concluded that LASD's Antelope Valley stations "have engaged in a pattern or practice of discriminatory and otherwise unlawful searches and seizures, including the use of unreasonable force, in violation of the Fourth Amendment, the Fourteenth Amendment, and Title VI."² DOJ's finding letter also concluded that deputies assigned to Lancaster and Palmdale Stations:

*use unreasonable force against handcuffed detainees who do not pose threats to the deputies or to the public. Notably, the vast majority of the use of force incidents that involved handcuffed subjects were against people of color. While most of these incidents appeared contrary to LASD policy, some LASD policies and practices appear to permit and even encourage deputies to use force that is out of proportion to the threat of harm presented.*³

Finally, DOJ expressed concern with the AV deputies' use of unreasonable head and face strikes of handcuffed individuals:

² Page 1, third paragraph.

³ Section II, Page 6, third paragraph.

Punches to the head or face can cause severe injuries to the individual, and additionally carry a high risk of injury to the deputy using such force. Deputies should only use this extremely dangerous level of force where lower force levels are not available or are ineffective, especially when the individual is already handcuffed and less severe use of force alternatives are available. See Graham, 490 U.S. at 396. LASD's Deputy Field Operations Manual and Defensive Tactics Manual state that "personnel are discouraged from striking an attacker's head with a fist," and encourages deputies "to use an open hand palm heel strike to lessen the potential of cutting injuries."⁴

DOJ acknowledged that LASD policies reviewed were, "for the most part, consistent with constitutional policing." However, its investigation determined that those policies were not consistently followed and that some types of policy violations were routinely tolerated:

This tolerance for misconduct occurs in part because the accountability measures LASD has in place are not effectively implemented in the Antelope Valley. We found that LASD must do more to ensure that deputies adhere to policies, and that supervisors and commanders provide appropriate redirection, guidance, and accountability when errant conduct occurs.⁵

We found deficiencies in how the Antelope Valley stations implement the use of force review systems that LASD has put in place, deficiencies that compromise LASD's ability to effectively respond to problematic uses of force by Antelope Valley deputies. While LASD supervisors in the Antelope Valley appeared willing to offer guidance or mild critiques of officer uses of force, we found a pattern of reluctance to hold deputies accountable even when they commit serious violations of LASD policy, including significant uses of unreasonable force.⁶

II. SETTLEMENT AGREEMENT

On April 28, 2015, DOJ and LASD entered into a Settlement Agreement (SA) with the goal of ensuring that police services are delivered to the people of Lancaster, Palmdale, and the surrounding unincorporated areas, in a manner that fully complies with the Constitution and

⁴ Section V, Page 32, first paragraph.

⁵ Page 1, third paragraph.

⁶ Section V, Page 29, fourth paragraph.

laws of the United States, effectively ensures public and deputy safety, and promotes public confidence in the Department and its deputies.⁷ Included in that document are several definitions pertaining to the UOF as well as several paragraphs enumerating the specific objectives to be achieved.

A. Use of Force Definitions

- *"Policy" means regulations, directives, unit orders or manuals, regardless of the name, describing the duties, functions, and obligations of LASD deputies and/or employees, and providing specific direction in how to fulfill those duties, functions, or obligations. (Paragraph 29).*
- *"Force" means any physical effort used to control or restrain another, or to overcome the resistance of another. (Paragraph 13)*
- *"Use of force" means any physical coercion used to effect, influence, or persuade an individual to comply with an order by a deputy. (Paragraph 39)*
- *"Reportable use of force" means any use of force that is greater than that required for [compliant] searching or handcuffing. Additionally, any use of force which results in injury or a complaint of pain must be reported. (Paragraph 32)*
- *"Supervisor" means a sworn LASD-AV employee at the rank of sergeant or above (or anyone acting in those capacities) and non-sworn LASD-AV personnel with oversight responsibility for other deputies. (Paragraph 38)*
- *"Active resistance" means a subject's physical actions to defeat a deputy's attempt at control and to avoid being taken into custody such as attacking or striking a deputy. Verbal statements, bracing, tensing, pulling away, or fleeing the scene, do not alone constitute active resistance. (Paragraph 5)*
- *"Defensive resistance" means a subject's attempts to evade deputy attempts to control, including pulling away from an officer's grasp or fleeing the scene. (Paragraph 9)*
- *"Executive Force Review Committee" refers to the LASD committee that reviews all uses of force requiring a roll out by the Internal Affairs Bureau force/shooting response team. (Paragraph 12)*

⁷ Settlement Agreement, No. CV 15-03174, United States v. Los Angeles County et al. (D.C. Cal. Apr. 28, 2015).

- *"Performance Mentoring Program" refers both to LASD's department-wide mentoring program as well as the North Patrol Division's [NPD] mentoring program. These performance mentoring programs identify and assist deputies in need of specialized or additional training, supervision, or mentoring. (Paragraph 28)*
- *"PPI" means the Personnel Performance Index, which is LASD's early intervention database. The PPI provides a systematic recording of data relevant to incidents such as uses of force, shootings, commendations, and complaints regarding LASD personnel. In addition, PPI tracks the progress of administrative investigations, civil claims and lawsuits, and Pitchess motions that are handled by the Department. (Paragraph 30)*

NOTE: PPI has since been replaced with the Performance Review Management System (PRMS), which is the term used throughout this report.

B. Use of Force Paragraphs

Settlement Agreement Paragraphs 102 through 118 address UOF policy and principles as well as the manner in which the Department is required to report, investigate, and review each UOF. The full text of those paragraphs is provided under the relevant objective in the Audit Objectives and Findings section of this report. Additionally, several other SA paragraphs, such as those governing public complaints and audits, are also included in the relevant objectives.

III. PURPOSE OF AUDIT

The DOJ Findings Letter noted that the Department "began taking immediate steps to proactively fix the deficiencies identified in the investigation." The purpose of this audit is to assess the degree to which the Department uses force and responds to UOF incidents since DOJ's investigation and, therefore, complies with the provisions of the SA.

Specifically, the SA requires:

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

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

There are several other paragraphs addressing the Monitors' responsibility to document the extent to which the Department is complying with SA provisions, the most notable are:

[T]he Monitor will assess the County's progress in implementing, and achieving compliance with, the Agreement; report on the status of implementation to the Parties and the Court . . . (Paragraph 146)

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

Compliance . . . means that LASD has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary . . . and (c) ensured that the requirement is being carried out in practice. Compliance reviews and audits will contain both qualitative and quantitative elements as necessary for reliability and comprehensiveness. Where appropriate, the monitor will make use of audits conducted by the Internal Monitoring, Performance Audits and Accountability Command . . . (Paragraph 149)⁸

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

⁸ On September 28, 2017, LASD Audit and Accountability Bureau (AAB) conducted a Use-of-Force Audit of Lancaster Station (No. 2017-5-A), and on October 25, 2017, it conducted a Use-of-Force Audit of Palmdale Station (No. 2017-4-A). Those audits "took into consideration the correlation between the findings and related requirements of the . . . Settlement Agreement." However, in order for AAB audits to be considered for assessing Department compliance with the SA, those audits must be specifically designed to test the Department's compliance with the SA, not merely consider it.

IV. SCOPE OF AUDIT

In the Settlement Agreement, the Department agreed to ensure its accountability measures are implemented appropriately so that AV deputies use objectively reasonable force as a last resort, in a manner that avoids unnecessary injury to deputies and civilians; and to de-escalate the need to use force, whenever possible, at the earliest possible moment. The scope of this audit was designed to assess the extent to which those goals have been achieved.

The Monitoring Team (MT) audited a sample of UOF investigations involving AV deputies and compared the audit findings to provisions of the SA. Specifically, the audit assessed if:

- The force used by AV deputies/staff was necessary, proportional, objectively reasonable, and used in response to behavior that posed a threat to the deputy or public safety (Paragraphs 102, 104–106-g);⁹
- Efforts were made whenever possible to use advisements, warnings, and persuasion to defuse and de-escalate evolving situations and resolve them without using force (Paragraph 103);
- The force used involved a hard strike to the head with an impact weapon in an incident that did not justify the need for deadly force (Paragraph 107);
- Force incidents were accurately reported to a supervisor in a timely manner (Paragraphs 108–110);
- The use of force was thoroughly investigated (Paragraphs 111–112);
- The findings and conclusions were supported by a preponderance of evidence (Paragraph 113);
- The Executive Force Review Committee (EFRC) reviewed UOF incidents that required response by the Internal Affairs Bureau (IAB) Force/Shooting Response Team for policy violations, training, and tactical concerns (Paragraph 114);
- Effective management oversight of the use of force was occurring, including holding deputies accountable for force trends and policy violations, and supervisors accountable for not detecting, adequately investigating, or responding to force that was unreasonable or otherwise contrary to Department policy and/or the law (Paragraphs 115–118); and

⁹ Neither the SA nor Department policy provides a definition of the term “proportional.” This is addressed in Objective 1 of this report.

- Information was recorded correctly on the forms and in the Performance Recording and Monitoring System (PRMS) (Paragraphs 141–143).

A. Scope Limitation

There are three non-AV LASD units that have personnel working full-time out of the AV stations under the Countywide Operations assistant sheriff. Those units, referred to as embedded units, are the following.

1. Gangs. The Detective Division's Operation Safe Streets (OSS) Bureau has one sergeant and about four detectives working out of the Lancaster Station, and one sergeant and about four detectives working out of the Palmdale Station. When OSS personnel are involved in a UOF incident, the OSS sergeant conducts the investigation and OSS does the adjudication. The commanders and their staff could not recall a UOF that the assigned OSS sergeant was unable to investigate; but if that occurred, the AV command-of-occurrence would discuss the incident with OSS and mutually decide which command would conduct the investigation and adjudication.
2. Narcotics. The Narcotics Bureau normally has about three detectives assigned to Lancaster Station and four detectives assigned to Palmdale Station. There is one Narcotics Bureau sergeant assigned to supervise both units. When an investigation requires a unique "face" (operator), an additional detective(s) will be brought in for that investigation. When Narcotics personnel are involved in a UOF, the Narcotics sergeant conducts the investigation and Narcotics does the adjudication. The commanders and their staff could not recall a UOF the assigned Narcotics sergeant was unable to investigate; but if that occurred, the AV command-of-occurrence would discuss the incident with the Narcotics Bureau and mutually decide which command would conduct the investigation and adjudication.
3. Community Partnerships Bureau. The Countywide Services Division's Community Partnerships Bureau has one sergeant and four deputies working out of Palmdale Station. These officers focus primarily on the unincorporated areas of Palmdale and Lancaster and address quality-of-life issues such as vendors and chronic call-for-service locations. Community Partnerships Bureau sergeants investigate all uses of force involving their personnel, and those investigations are adjudicated by Countywide Services Division managers.

There are also three non-AV commands with a regular presence in the AV but without personnel working out of an AV station. Those three units are overseen by the Countywide Operations assistant sheriff and include the following.

1. Courts. There are two courthouses in the AV, both within the City of Lancaster, and they are staffed by deputies assigned to the Court Services Division. Court Services Division handles any incident that occurs in a courtroom, but the geographic area command handles anything that occurs outside a courtroom, such as in the hallway or parking lot. That separation of responsibility notwithstanding, Court Services supervisors investigate all uses of force involving court deputies regardless of where they occurred, and Court Services managers adjudicate all uses of force involving their personnel.
2. County Buildings. Under the Countywide Services Division, the County Services Bureau provides security at numerous County buildings in the AV, such as libraries and Health and Human Services. Much of that security is provided by non-sworn security staff who are supervised by sworn sergeants. County Services Bureau sergeants investigate all uses of force involving their personnel, and those investigations are adjudicated by Countywide Services Division managers.
3. Transit. Under the Special Operations Division, Transit Services Bureau has one deputy with an explosives detection dog assigned to the AV. If he is involved in a UOF, a Transit supervisor responds and conducts the investigation. It is adjudicated by Transit managers.¹⁰

During the audit population validation, it was learned that deputies assigned to these units were involved in four uses of force in the Antelope Valley during the audit period. The Department believes uses of force by embedded units to be outside of the scope of the SA. The Department offered to provide auditors with these UOF investigations involving LASD staff who were not specifically assigned to Palmdale and Lancaster Stations, but did not agree that the findings associated with those cases could be used in determining compliance with the SA or included in this report. The DOJ and MT believe the unit of analysis in UOF audits should be all uses of force that occur in the AV, regardless of where the LASD personnel involved are

¹⁰ Other specialized non-AV commands dispatch personnel to support AV operations such as SWAT and K-9. If one of the specialized unit deputies is involved in a UOF, their supervisor handles the investigation, and it is adjudicated by their command.

assigned, and thus believe the uses of force that occurred in the AV by non-AV command staff should be included in the MT's UOF audits and in determining compliance levels. Discussions are still underway regarding this matter; therefore, this report's findings are to be considered preliminary because the scope of the audit reported here is limited to the UOF by staff specifically assigned to Palmdale and Lancaster Stations. Two exceptions are cases that involved both personnel assigned to AV commands and personnel assigned to non-AV commands. These cases included Audit No. L-24, which involved deputies assigned to Lancaster Station and a deputy assigned to the Department's Community Partnership Bureau, and Audit No. P-11, which involved a deputy assigned to Palmdale Station and a deputy assigned to the Department's Mental Evaluation Team (MET).¹¹

Recommendation 1: The Parties to the SA need to reach consensus on whether the SA's provisions apply to non-AV commands providing police services in the AV, particularly those commands that have their personnel housed in one of the AV Stations.

V. AUDIT POPULATION AND TIME FRAME

A. Sample Identification and Selection

An audit of this nature needs to ensure it only evaluates completed cases, because identifying errors before management has an opportunity to review the case would preclude an assessment of the effectiveness of the management review process. Therefore, the audit population needed to be as contemporaneous as possible, but old enough that the vast majority of incidents had been completed and entered into PRMS. During preparation for the audit field work, auditors met with representatives from the Compliance Unit and IT professionals who are Subject Matter Experts in the Department's PRMS database. These meetings included a demonstration of how UOF events are entered into the PRMS database. Auditors subsequently evaluated a variety of time periods from which to draw the audit's population. Auditors considered the date the Department entered into the SA, which was

¹¹ The Department has committed to assigning the staff assigned to these units to SA mandated training and requiring they adhere to all SA provisions.

April 28, 2015, and the multiple dates that the Department's UOF policy was updated and modified, the most recent being May 21, 2015.

Auditors selected an audit time period of January 1 through March 31, 2017, because a sufficient number of UOF events occurred during that period and had been fully adjudicated, which provided a reliable and sufficient sample to support the audit's findings. Additionally, that time span gave the Department time to implement the SA provisions addressing the use, investigation, and adjudication of force incidents in the Antelope Valley, and allowed auditors to establish a baseline for the Department's progress toward SA compliance.

The entire population for that audit period was evaluated, so sampling was not utilized.

B. Validation of Audit Population

One of the most critical steps in the audit process is to validate the audit population, which requires that auditors review documentation of activities that may contain indicia of unreported uses of force. This task was especially critical in this audit because of the extreme difficulty the MT auditors experienced obtaining reliable data on the number of incidents that were reported during the audit period. Some of the problems arose from AV unit personnel using a variety of sources to provide the data. There were also some miscounts in PRMS, and one investigation (L-7) was not documented on the PRMS printouts at all. The Compliance Unit was invaluable in resolving these issues and validating the audit population.

NOTE: The inability of PRMS to provide basic and reliable information continues to be a significant concern. In this audit, one UOF inexplicably did not appear on the Compliance Unit's printout of force incidents (L-7). The same thing occurred in the MT's complaint audit when a complaint did not appear on a Unit's printout of complaints.

Recommendation 2: The Department needs to determine why Audit No. L-7 did not appear on the PRMS printout for Lancaster Station's uses of force.

The first validation step was to review Watch Commander Logs from Lancaster and Palmdale stations for the audit time period to determine if all logged uses of force resulted in a

formal investigation.¹² Another validation measure was to review civil claims and lawsuits filed for incidents occurring in the AV during the audit time period to determine if any contained indicia of unreported uses of force. Finally, auditors examined a variety of LASD reports for events that have an increased potential for a UOF event; specifically, vehicular and foot pursuits and obstruction arrests.

1. Watch Commander Logs

Auditors reviewed all Watch Commander Logs completed during the audit time period and found no entries documenting a UOF event that was not included in the audit population.

2. Civil Claims and Law Suits

Auditors found that one lawsuit and five claims were filed on incidents that occurred during the audit period.¹³ None of the civil claims or the lawsuit had indicia of an unreported UOF incident.

3. Vehicle and Foot Pursuits

As law enforcement professionals, auditors recognize that vehicle and foot pursuits have an increased potential for the use of force. Auditors obtained a printout of all vehicular and foot pursuits occurring in the AV during the audit period and examined the reports to identify any unreported uses of force. Every vehicle or foot pursuit occurring during the audit time period that had indicia of force being used had been reported and was included in the UOF audit population.

¹² Watch commanders are required to complete a log entry summarizing UOF incidents.

¹³ Claims were numbered Claim 1 through Claim 5 for identification in the audit work papers.

4. Obstruction Arrests

Similarly, auditors recognize that obstruction arrests have an increased potential for the UOF. Auditors obtained a printout of all obstruction arrests occurring in the AV during the audit period and examined the reports to identify those containing indicia of force having been used. Every obstruction arrest occurring during the audit period that contained indicia of force had been reported and was included in the audit population.

Significant Finding 1: After conducting a thorough validation of the audit population, auditors found no indicia of unreported uses of force by deputies.

C. Audit Population

Table 1 shows the investigations of uses of force that occurred in the AV during the first quarter of 2017.

Table 1				
UOF Population (First Quarter 2017)				
Station	January	February	March	Total
Lancaster	14	8	5	27
Palmdale	11	4	5	20
Total	25	12	10	47

Auditors noted that there were more uses of force in the month of January than in February and March combined. Auditors conducted further analysis of the audit population to identify an explanation for this unusual pattern. Auditors compared the reported population with the Department’s Risk Management Forum data and found it to be consistent. The Compliance Unit, at auditors’ request, contacted the Lancaster and Palmdale station captains, who verified the audit population was consistent with their internal reporting processes. Auditors even analyzed weather reports for the audit time period, and there were no discernable

weather patterns that would account for the non-symmetrical statistical distribution of the audit population, which appears to simply be an anomaly.

The 47 UOF incidents involved 49 subjects of force by AV deputies and staff because two incidents (L-4 and L-22) had two subjects each. See Table 2.

Table 2				
UOF Population by Category (First Quarter 2017)				
Station	Category 1	Category 2	Category 3	Total
Lancaster	14	15	0	29
Palmdale	12	7	1	20
Total	26 (53%)	22 (45%)	1 (2%)	49 (100%)

NOTE: UOF categories are discussed in Section VII.

Auditors assessed the categorization of the use-of-force incidents in the audit population and agreed with the Department’s assessment in all but one case (P-14). In that incident, it appears the Department, in an abundance of caution, classified a contact with the subject as a Category 1 use of force. In the MT auditors’ opinion, the contact did not constitute a reportable use of force.

VI. PRELIMINARY COMPLIANCE MEASURES

The Department, DOJ, and Monitors are in the process of finalizing work plans and compliance measures for each paragraph of the SA. Depending on a paragraph’s subject, its compliance measure may involve, for instance, publishing a policy or directive, ensuring that a certain percentage of staff attend specified training, or making sure that error rates in reports are kept below a certain percentage. When those quantitative measures of compliance are established for each provision, subsequent audits will measure the Department’s level of compliance with those standards.

Meanwhile, the MT needs to audit areas such as uses of force in order to inform the change process and make interim assessments of the Department’s compliance with SA requirements. This audit reports the MT’s *preliminary* assessment of compliance pending the

finalization of the compliance measures for each paragraph and of the scope of the UOF audits (as described in the Scope Limitation section, above). The categories and standards used for this audit's findings are as follows.

1. **Out of Compliance:** The Department is 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 work plans.
2. **Unable to Determine:** There is insufficient data provided or there are substantive issues the Parties must resolve regarding the compliance measures.
3. **In Preliminary Compliance:** The Department is 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 work plans; however, until such time as the Parties and MT finalize compliance measures 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).

This report provides the rationale for the compliance determination at the conclusion of each audit objective.

VII. ANTELOPE VALLEY USE-OF-FORCE PROCESS

The MT auditors extensively reviewed LASD's UOF and related policies and interviewed the unit commanders and operations lieutenants from Palmdale and Lancaster Stations. Auditors then prepared a summary of the process used in the AV for the investigation and review of UOF incidents. That summary was reviewed by both commanders, and corrections were made. This section summarizes the process the two AV unit commanders agree is used to report, investigate, and adjudicate UOFs involving AV personnel.¹⁴

LASD has three classifications for the levels of force used. Those classifications are as follows.

¹⁴ The UOF investigation processes described by the commanders were consistent with LASD policies.

- **Category 1 Force** involves any of the following where there is no injury:
 - » Searching and handcuffing techniques resisted by a suspect;
 - » Hobbling resisted by a suspect;
 - » Control holds or come-alongs resisted by a suspect;
 - » Takedowns; or
 - » Use of oleoresin capsicum (OC) spray, Freeze +P, or Deep Freeze aerosols, or OC powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.

- **Category 2 Force** involves any of the following:
 - » Any identifiable injury;
 - » A complaint of pain that a medical evaluation determines is attributable to an identifiable injury; or
 - » Any application of force other than those defined in Category 1 Force that does not rise to the level of Category 3 Force.

- **Category 3 Force** involves any of the following:
 - » All shootings in which a shot was intentionally fired at a person by a Department member;
 - » Any type of shooting by a Department member that results in a person being hit;
 - » Force resulting in admittance to a hospital;
 - » Any death following a UOF by any Department member;
 - » All head strikes with impact weapons;
 - » Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
 - » Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;

- » Deliberately or recklessly striking an individual's head against a hard, fixed object;
- » Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member;
- » All canine bites; or
- » Any force that results in a response from the IAB Force/Shooting Response Team, as defined in the LASD Manual of Policy and Procedures (MPP) 3-10/130.00 Activation of the IAB Force/Shooting Response Teams.

If the subject of a UOF sustains or complains of any injury, the LA County Fire Department is routinely requested to respond. However, fire department personnel do not provide the Department with a copy of any reports they complete regarding their response or treatment of the subject.

Recommendation 3: The supervisor investigating a UOF should obtain a copy of any report(s) completed by LA County Fire Department personnel who provided medical treatment to the subject(s) of a UOF, and that report should be included in the force investigation package.

The subject of the UOF is transported for a medical evaluation by uninvolved deputies whenever possible. If the deputies who were involved in the UOF are the only deputies available to transport, the rationale for that decision must be documented in the UOF investigation.¹⁵

If a field supervisor on scene was involved in and/or directed the UOF, an uninvolved supervisor should be requested to respond and conduct the investigation. If an uninvolved supervisor is unavailable and the supervisor who was on scene conducts the investigation, the rationale for that decision must be included in the UOF investigation. The supervisor is also

¹⁵ MPP 3-10/105.00 Medical Treatment and Transporting Suspects.

required to complete a supplemental report detailing any observations and/or actions the supervisor took, or directed, during the UOF.¹⁶

The deputy or other staff member who made the arrest completes a detailed report documenting the elements of any criminal activity, the UOF incident and any attempts, if applicable, to de-escalate the need to use force. Any other deputies/staff who used or witnessed force complete a supplemental report when applicable.

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

- Ensuring the watch commander (WC) is notified and when appropriate requesting his/her response;
- Interviewing the subject of the UOF, a process that is normally digitally/video recorded;
- Interviewing the involved deputies and any staff members on scene;
- Canvassing the area to identify and interview any witnesses;
- Canvassing the area to identify and collect any documentary and/or physical evidence, including any recordings that may have captured the incident;
- If the subject of the UOF was transported for medical treatment, responding whenever possible to the medical facility to interview the treating physician and obtaining documentation of any medical treatment provided;
- Determining if there are any indicia that the UOF is a Category 3 event, and if so, notifying the lieutenant watch commander and requesting the response of IAB staff to conduct the investigation;
- Ensuring the involved staff complete the required crime, arrest, and supplemental reports; and
- Completing the investigative report on Category 1 and Category 2 UOF incidents.

¹⁶ MPP 3-10/110.00 Use of Force Review Procedures.

The length of time it takes for the investigating supervisor to complete the investigation and submit it to the WC can range from one to several weeks. Generally speaking, relatively simple Category 1 investigations are completed in about one to two weeks. However, complicated investigations, such as Category 2 investigations with many witnesses and camera recordings, can take several weeks. Deployment considerations, including scheduled vacations, can delay the amount of time it takes the investigating supervisor to complete the investigation. Once completed, the investigation is submitted to the WC on the Department's Supervisor's Report on Use of Force form (SH-R-438).

Category 3 UOF investigations are conducted by IAB. Those investigations are reviewed through the IAB chain of command and submitted to the EFRC for adjudication.

A. Watch Commander Responsibilities

The on-duty watch commander, who is normally a lieutenant but may be a sergeant, often responds to the incident location and, time permitting, to any medical facility where the subject of the UOF is being treated. The WC personally examines the subject of the UOF and conducts a thorough interview of the individual, which is video-recorded with a digital camera. If the subject of the UOF sustained any injuries, the WC comments on those injuries during the digital recording. The WC makes a log entry for the incident and provides guidance to the investigating supervisor. If the WC sees any indicia of misconduct he/she takes appropriate action, which can include initiating an administrative investigation and notifying the station commander and IAB depending on the situation.

Once the investigating supervisor completes the UOF investigation, the WC reviews it for completeness and makes recommendations associated with policy compliance and the reasonableness of the force used. The WC's review normally takes three to four days, but deployment, regular days off, and vacation can delay the review time.

B. Post-Watch Commander Review Process

There were slight differences between Palmdale and Lancaster Stations in the review process that occurred after the WC's review during the audit time period. After the WC's review, Palmdale Station routed the investigation as follows:

- Training Sergeant;
- Risk Management Sergeant;
- Operations Lieutenant;
- Station Unit Commander;
- North Patrol Division Commander's Aide;
- North Patrol Division Commander; and,
- Discovery Unit (for input into PRMS).

At Lancaster Station, the investigation took a different track:

- Operations Lieutenant;
- Risk Management Sergeant;
- Training Sergeant;
- Operations Lieutenant (again);
- Station Unit Commander;
- North Patrol Division Commander's Aide;
- North Patrol Division Commander; and,
- Discovery Unit (for input into PRMS)

At every level of review, the UOF investigation is evaluated for completeness, policy compliance, training, risk management, and the objectively reasonable standard. The tactics used, including the tactics leading up to the UOF and attempts to de-escalate the situation without using force, are also closely evaluated. When training issues are identified, the station training sergeant schedules and tracks the training to ensure it is provided.

The average time for a UOF investigation to flow from the WC through the station commander to North Patrol Division is approximately two weeks. At both stations, about 70% of UOF investigations are returned to the WC and investigator for clarification and/or further investigation. Approximately 5% of investigations are returned by North Patrol Division for a variety of reasons.

Both stations have omitted the written training evaluation by the training sergeant since this audit time period. That step was deemed to be redundant and slowed the review process.

C. Uses of Force Involving Allegations of Misconduct

As discussed in the MT's Audit of Community Complaints,¹⁷ Department policy in place at the time the UOF investigations in the current audit were completed required that personnel complaints be investigated and adjudicated within the UOF investigation.¹⁸ That includes allegations of excessive or unnecessary force. Because of that practice, UOF-related community complaints were not captured on an employee's work history or in PRMS. This shortcoming has been corrected via a unit order issued by each of the AV commands, and the Department is in the process of issuing a Department-wide directive to correct this issue.

At the time we conducted our Audit of Community Complaints, AV unit commanders estimated that about five UOF investigations each quarter contained a community complaint. Objective 5 of this audit specifically identifies precisely how many UOF investigations contained an allegation(s) of misconduct, whether that allegation was force related, and the extent to which the Department's handling of the complaint complied with the SA provisions governing the intake, investigation, and adjudication of public complaints.

VIII. UOF FORM AND NON-CATEGORIZED FORCE—PILOT PROJECTS

A. New Patrol UOF Form Pilot

For the past few years, the Department's Custody Division has utilized a newer version of the Department's Supervisor's Report on Use of Force form (SH-R-438). One of the major improvements in the new forms is the inclusion of standardized forced-choice questions about the incident rather than the previous method, which utilized a mostly narrative format. Also,

¹⁷ *Monitor's Audit of Community Complaints*, dated January 10, 2018.

¹⁸ MPP 3-10/100.00 Use of Force Reporting Procedures.

there are separate 438 forms for each level of the process, including the investigation, review, and adjudication.

The AV-DOJ Compliance Unit worked with the Custody Division's Force Training Unit and others to modify Custody's new 438 protocols and forms to meet the needs of field operations. The Department desires to expand the new 438 process into their field operations, and so North Patrol Division recently implemented the new 438 pilot project at the Lancaster and Palmdale stations. While this new 438 form pilot was not in place and, therefore, did not apply to the investigations in this audit sample, it is an important evolution in the Department's UOF reporting process.

B. Non-Categorized Force Incident Pilot

Since 2017, the Department's Custody Division has utilized a new category of force entitled Non-Categorized Force Incidents (NCI) to report very minor low-risk uses of force that occur in the Department's jails. The NCI protocol still requires that all uses of force be reported, but the investigative paperwork is streamlined to simplify the reporting and adjudication of these incidents. The Department wishes to expand the NCI process into their field operations and recently implemented an NCI pilot project at the Lancaster and Palmdale stations. While this NCI pilot was not in place and, therefore, did not apply to the investigations in this audit sample, it is an important evolution in the Department's UOF reporting process, so this report includes a brief synopsis.

The abbreviated NCI process can only be used under the following circumstances:

An NCI is any of the following uses of force when there is NO injury or complaint of pain once the force has concluded and there are NO allegations of excessive force or other misconduct:

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

Examples include, but are not limited to, pushing/pulling a passive resistive individual; pushing an advancing/hostile individual away in order to create a safe distance; and, pushing/pulling an individual who grabs onto a fixed object in order to avoid being handcuffed.¹⁹

The NCI may be upgraded to a Categorized UOF investigation if it is later discovered that the subject of the force complains of an injury, evidence surfaces that he/she sustained an injury, or the person alleges misconduct.

C. Involved Deputies/Staff Responsibilities

The deputies/staff involved in an NCI UOF incident are required to follow the Department's current UOF notification procedures. At the handling sergeant's direction, one of the involved staff completes a Complaint Report (SH-R-49), or force memorandum documenting the incident, and specifically identifies the subject's actions and any observed actions of other involved deputies/staff. The report memorializes the details of the UOF incident. Unless otherwise directed by the WC, any witnessing personnel are required to memorialize their observation of the incident in a supplemental report or force memorandum.

D. Investigating Sergeant's Responsibilities

The investigating sergeant's responsibilities include but are not limited to:

- Verifying that the subject was not injured and has no complaint of pain;
- Conducting an inquiry into the incident;
- Speaking with the involved personnel;
- Conducting video-recorded interviews of non-employee witnesses;
- Securing and reviewing any recorded video footage of the incident;

¹⁹ North Patrol Division Order Number 17-01.

- Notifying the WC and obtaining his/her approval to handle the UOF as an NCI;
- Directing the involved deputy(s) to write a Complaint Report (SH-R-49) or force memorandum;
- Directing all other involved or witnessing personnel to write a supplemental report or force memorandum (unless otherwise directed by the WC);
- Completing the NCI Report and documenting whether all personnel made efforts to de-escalate the incident; and
- Uploading the completed NCI Report, Complaint Report (if applicable), UOF memorandum, supplemental reports, and all video documentation to the station's NCI shared file.²⁰

E. Watch Commander's Responsibilities

The approving watch commander's responsibilities include but are not limited to:

- Determining if the incident qualifies as an NCI;
- Immediately reviewing the video-recorded interview of the subject;
- Interviewing the subject; and,
- Authorizing the sergeant to proceed with the NCI process.

The WC also determines if the incident has any risk management issues, if there is any indication of unreported force by a deputy, and if a video recording indicates the incident should not be investigated as an NCI. The WC is required to refer the matter to the unit commander to determine if an administrative investigation should be initiated whenever there is evidence of misconduct or if the video or witness accounts differ significantly from the involved deputies/staff's account.

²⁰ The hard copy of the NCI package must be submitted to Operations for review.

F. Unit Commander Responsibilities

In addition to conducting a review of NCI UOF investigations, the unit commander is responsible for creating and maintaining a computerized shared folder for storing and tracking all documentation and videos related to an NCI.

G. North Patrol Division

All NCI force packages must be forwarded to NPD for review. After they have been reviewed at NPD they are sent to the Discovery Unit for processing, and they are entered into PRMS.

The AV commands report that the NCI pilot is working well, and the supervisors are very pleased with the new process and the NCI form. The old process, which was primarily narrative, took at least two hours to complete, but the NCI process takes less than an hour. AV commands are closely monitoring this pilot and will provide their evaluation after it has been sufficiently tested.

The NCI force investigation process, as written, is consistent with SA mandates. With that said, our next UOF audit will include a stratum of NCI investigations.

IX. AUDIT OBJECTIVES AND FINDINGS

The audit objectives in this section of the report address each of the SA paragraphs pertaining to the UOF. While the purpose of this audit is to report on the Department's level of compliance with those specific requirements and prohibitions, it is important to do so while remaining mindful of the framework established in the preamble to the UOF section of the SA, which states:

LASD agrees to revise its force policies and practices to reflect its commitment to upholding the rights secured or protected by the Constitution of the United States, protecting human life and the dignity of every individual, and maintaining public safety. LASD agrees to ensure that its accountability measures are implemented appropriately so that Antelope Valley deputies use force only when objectively reasonable, and in a manner that avoids unnecessary injury to deputies and civilians; and to use force as a last resort and de-escalate the use of force at the earliest possible moment. Deputies and staff shall endeavor to use only that level of force necessary for the situation. To achieve these outcomes, LASD will implement the requirements below. (SA Page 24)

A. Overview of Uses of Force

Use-of-force events are arguably some of law enforcement's most complex incidents. The reason the deputy is there in the first place, the ability of the subject to comprehend instructions, and the event's continual ebb and flow are just some of the factors that need to be evaluated.

Each of the 10 objectives in this section of the report "drills down" into a specific aspect of each use of force. In order to fully appreciate the findings for those objectives, it is helpful to first have a broader understanding of the surrounding circumstances, including:

- The source of the involved deputies' activities (e.g., radio calls for services, deputies' observations, and citizen requests) preceding the UOF events;
- The demographic data of the subjects of the UOF by deputies;
- A determination of whether the subjects of the UOF were armed or attempted to arm themselves;
- If there were indicia that the subjects of the UOF appeared to be suffering from mental health issues;
- If there were indicia that the subjects of the UOF were under the influence of alcohol and/or drugs;
- The category of force used by the deputies; and
- The primary booking charge of the subjects.

These factors are summarized below—for the whole AV and for each of the two stations. A detailed chart for each AV command is also provided in the addenda (Addendum 1 for Lancaster and Addendum 2 for Palmdale).

B. Overall Audit Population

There were 47 UOF incidents in the audit sample, involving a total of 49 subjects. Thirty-nine of these subjects (80%) were either under the influence of alcohol and/or drugs and/or appeared to be suffering from mental health issues at the time of the use-of-force event. Three of the UOF subjects exhibiting mental health issues (all in Lancaster) were also homeless (L-2, L-4, and L-18).

Significant Finding 2: Eighty percent of the subjects of a UOF in the AV were under the influence of alcohol or drugs and/or appeared to be suffering from mental health issues. This presents a significant challenge to the Department in its training and tactics and in its enforcement of drug and liquor laws, as well as to the government agencies responsible for providing that segment of the community with health and human services.

Auditors discussed this finding with the Department’s Compliance Unit and were told that the Department was aware of the high frequency of Antelope Valley UOF incidents involving persons with mental illness and/or under the influence of alcohol and/or drugs. Auditors have attended the Department’s Risk Management Forum, and this finding is a subject of the Department’s ongoing risk management strategies.

C. Lancaster Stratum

- There were 27 UOF incidents involving 29 UOF subjects.
- Of the 27 incidents, 21 (78%) occurred when deputies responded to a call for service.

- Of the 29 uses of force, 14 (48%) were Category 1 and 15 (52%) were Category 2.
- There were no Lancaster Category 3 uses of force during the audit period.
- Of the 29 subjects, 22 (76%) were male and seven (24%) were female.
- Of the 29 UOF subjects:
 - » Six (21%) were Hispanic (four males, two females);
 - » 10 (34%) were White (seven males, three females);
 - » 13 (45%) were Black (11 males, two females).
- Of the 29 subjects, 11 (38%) appeared to be struggling with mental health issues at the time of the incident, including diminished childlike mental capacity; bipolar or manic disorders; schizophrenia; and suicidal behavior.
- Of the 29 subjects, eight (28%) were under the influence of alcohol.
- Of the 29 subjects, five (17%) were under the influence of drugs.
- One (3%) was under the influence of alcohol and drugs.
- Of the 14 subjects who were under the influence of drugs and/or alcohol, five (36%) also appeared to be struggling with mental health issues.

In summary:

- Of Lancaster's 29 UOF subjects, 25 (86%) were either under the influence of alcohol and/or drugs and/or appeared to be struggling with mental health issues at the time of the incident.
- Of those 25 subjects, four (16%) were under the influence of alcohol and or drugs *and* appeared to be struggling with mental health issues at the time of the incident.

D. Palmdale Stratum

- There were 20 UOF incidents involving 20 UOF subjects.

- Of the 20 incidents, 13 (65%) occurred when deputies responded to a call for service.
- Of the 20 uses of force, 12 (60%) were Category 1 and seven (35%) were Category 2.
- Of the 20 uses of force, one (5%) was a Category 3 (P-12).
- Of the 20 UOF subjects:
 - » 12 (60%) were Hispanic (10 male, two female)
 - » Three (15%) were White (two male, one female)
 - » Five (25%) were Black (four male, one female).
- Of the 20 subjects, seven (35%) appeared to be struggling with mental health issues at the time of the incident, including irrational behavior and hallucinations.
- Of the 20 subjects, five (25%) were under the influence of alcohol.
- Of the 20 subjects, two (10%) were under the influence of drugs.
- Unlike in the Lancaster stratum, there was no audit evidence indicating any of the Palmdale subjects who appeared to be struggling with mental health issues was also under the influence of alcohol and/or drugs.

In summary:

- Of Palmdale's 20 UOF subjects, 14 (70%) were either under the influence of alcohol or drugs, or appeared to be struggling with mental health issues at the time of the incident.
- None of the subjects who appeared to be struggling with mental health issues at the time of the incident were also under the influence of alcohol and/or drugs.

OBJECTIVE 1: THE USE OF FORCE

The following SA paragraphs establish the requirements for this objective:

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

- *LASD agrees to clarify that Antelope Valley deputies may not use force against individuals who may be exhibiting resistive behavior, but who are under control and do not pose a threat to the public safety, themselves, or to other deputies. LASD agrees to continue to require that Antelope Valley deputies assess the threat of an individual prior to using force, and emphasize that a use of force must be proportional to the threat or resistance of the subject. If a threat or resistance no longer exists, deputies cannot justify the use of force against a subject. (Paragraph 104)*
- *LASD agrees to explicitly prohibit the use of retaliatory force, particularly against subjects who express criticism of, or disrespect for, LASD Antelope Valley deputies. (Paragraph 105).*
- *LASD agrees to explicitly prohibit interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the member of the public is lawfully present. Such prohibited interference includes . . . g. Using force upon that person. (Paragraph 106).*
- *LASD will continue to require, and emphasize in its training, that a hard strike to the head with any impact weapon, including a baton, is prohibited unless deadly force is justified. Unintentional or mistaken blows to these areas must be reported to ensure that all reasonable care was taken to avoid them. (Paragraph 107).*
- *Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command, which will review the report to ensure that . . . the analysis and findings are supported by a preponderance of the evidence. (Paragraph 113)²¹*

Monitor Activity

We noted that SA Paragraph 104 requires that force used by AV deputies be “proportional to the threat or resistance of the subject.” However, neither the SA nor LASD policy defines “proportional force,” nor does the SA provide any insight into how that

²¹ In this objective, auditors’ assessment of SA paragraph 113 is limited to the supervisor’s investigation of the objective reasonableness of the force used by deputies. In this sense, paragraph 113 supports the objective reasonableness standard that is implicitly required in paragraphs 102–107. The portion of paragraph 113 requiring that management ensure the investigation is thorough and complete is addressed in Objective 7.

standard differs or complements the “objectively reasonable” standard set out by the United States Supreme Court.

Recommendation 4: The Parties need to reach consensus on the definition of “proportional force.” That definition should then be included in the SA compliance metrics and the Department’s policy, and AV deputies, supervisors, and management should be trained on the updated policy.²²

Settlement Agreement Paragraphs 102–106 and 113 either implicitly or directly involve objective reasonableness as a standard for their assessment. The use and evaluation of force for objective reasonableness is required throughout Section VIII of the SA and LASD policy,²³ and was established and defined in *Graham v. Connor*, 490 U.S. 386 (1989):

The Fourth Amendment “reasonableness” inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.²⁴

Clearly the threshold issue in any analysis of a law enforcement agency’s use of force has to start with whether or not the force being used is objectively reasonable. To make that determination, auditors extensively reviewed each force investigation package in the audit sample. That review included a thorough examination of all arrest and crime reports, supplemental reports, digital and video recordings, medical treatment reports, and

²² Once the Parties define proportional force and the Department has a reasonable time to provide the related training, it will be included in our compliance assessments.

²³ MPP 3-10/005.00 Force Prevention Principles (updated July 12, 2013).

²⁴ *Graham v. Connor*, 490 U.S. 386 (1989).

photographs.²⁵ Auditors also reviewed Department policies and the relevant provisions of the SA.

Objective 1.1: Force Used

Auditors assessed each UOF in the audit population to determine if the force used by deputies was consistent with LASD policy and the provisions of the SA, and if the force used was objectively reasonable. Auditors concurred with the Department's findings that the force used in each case was objectively reasonable and consistent with Department policy and the provisions of the SA. This is not to say other significant issues were not present, as will be subsequently addressed, but the use of force itself was objectively reasonable in every case.

Objective 1.2: Resistive Non-Threatening Behavior

There was no audit evidence in any of the force packages that deputies used force against individuals who were exhibiting resistive behavior but were under control and did not pose a threat to the public safety. There were, however, nine cases where deputies used force on subjects who were handcuffed (six) or partially handcuffed (three).²⁶ In cases where subjects were partially handcuffed, one handcuff had been applied but the other handcuff was still loose, creating the potential for someone to be inadvertently struck by or intentionally assaulted with the loose cuff.

- L-6. Deputies detained the male subject for a robbery investigation and were able to de-escalate the situation and take him into custody without a UOF. After the subject was handcuffed, he attempted to pull away, and the deputy pushed him against the hood of his patrol vehicle.

²⁵ Auditors watched 10 videos/digital media recordings of the use-of-force incidents, 27 interviews of the subjects of the uses of force, and 16 interviews of independent witnesses (L-1, L-2, L-4, L-7, L-10, L-14, L-18, L-19, L-23, L-24, P-1, P-4, P-6, and P-19). Auditors utilized a directed and purposeful sample in their selection of the videos/digital media recordings, which is not random.

²⁶ Subject refers to an individual who was the subject of force by AV deputies. There are times in this report where the term "suspect" is used to describe the subjects of force before force was used.

- L-7. An intoxicated female arrestee tensed up during booking when a female custody assistant (CA) had removed one handcuff and tried to remove the other. The CA told the subject to relax, but the subject tensed up and tried to pull away. The CA used minimal force, pushing her against the cell door to remove the other handcuff.²⁷
- L-15. A deputy responded to a disturbance created by a woman who appeared to be suffering from mental illness. A MET deputy responded and determined the woman did not meet the criteria for a mental evaluation hold, so she was allowed to leave. As the original deputy was leaving the location, he was flagged down by a citizen who identified the woman as the person who had tried to carjack her earlier. The deputy requested backup, and a sergeant and three deputies responded. They formulated a tactical plan and tried to detain the subject, but she refused to follow their commands, ran to the sergeant's patrol car, opened the driver's door, and got in the car. A deputy grabbed the subject, who was yelling and screaming, pulled her out of the car, and handcuffed her. As they were escorting her to the deputy's car she began kicking at the deputies. At the sergeant's direction, the deputies took her to the ground and applied a hobble restraint to her ankles. They picked her up and placed her in a patrol vehicle.
- L-20. The female subject was booked into Lancaster Jail by the California Highway Patrol (CHP) for vehicular manslaughter. While in the jail she tried to strangle herself with a blanket, but jail staff intervened without using force. She was transported by ambulance to AV Hospital, then two deputies took her to Century Regional Detention Facility (CRDF). As the subject exited the patrol car, she spat in a deputy's face. Another deputy grabbed her arms and pushed her forward so she could not spit on them. Then they walked her into the facility for booking.

²⁷ The incident was captured on recordings by two stationary cameras. Those recordings, along with the recordings of the interviews of the subject by the watch commander, two California Highway Patrol (CHP) officers, and an independent witness, were reviewed during the audit process and were found to be consistent with the use-of-force investigation and reports.

- L-27. Two deputies responded to a panic alarm from a commercial truck driver at a drive-through restaurant. They contacted the male subject, who had been harassing and frightening people, and determined he was under the influence of drugs. The subject was handcuffed and searched, which resulted in the recovery of a methamphetamine pipe. As the deputies attempted to place the subject in the patrol car, he actively resisted and nearly overpowered the deputies. They put out a call for backup, and four additional deputies and a sergeant responded. They tried to use firm grip to get the subject in the back of the patrol car, but he would use his feet to push off the door frame of the patrol vehicle. Numerous attempts to gain the subject's compliance were unsuccessful. Finally, the sergeant directed a deputy to spray him with OC spray. The deputy sprayed the subject twice with OC, and the subject was then taken down and a hobble restraint device was applied to his ankles. The subject was subsequently diagnosed as having bipolar disorder, experiencing a manic episode, and under the influence of a central nervous system stimulant (CNS).
- P-1. The male subject, who was under the influence of methamphetamine, was taken to a hospital by his parents for an injured hand. A deputy responded to the hospital because the subject had assaulted his father. The deputy conducted an elder abuse investigation and requested a deputy respond with a waist chain so the subject could be secured while receiving medical treatment. A deputy and two sergeants responded. One of the subject's hands was secured to the waist chain, but the other was left free so an EMT could apply a splint. When the EMT tried to do so, the subject assaulted him. Deputies used firm grip and secured the subject with handcuffs.
- P-6. Two deputies tried multiple times to convince a man suspected of making terrorist threats to submit to arrest. The subject initially complied, but when one of the handcuffs was placed on him, he resisted, was taken to the ground, and handcuffed.
- P-18. A murder suspect was booked into the Palmdale Station Jail, and the homicide detectives ordered that he remain handcuffed until criminalists could collect blood samples from his hands. When the criminalists arrived, the investigating sergeant formulated a tactical plan in case the suspect was uncooperative. The suspect violently resisted the criminalists, so the sergeant directed that the deputies and custody assistant take the subject down and secure him, which they did in a methodical and controlled manner.

- P-20. A deputy was assigned to transport a male inmate complaining of heroin withdrawal from the Palmdale Jail to the Inmate Reception Center (IRC). He placed the handcuffed inmate, who at the time was completely cooperative, in the back seat of the patrol car and seat belted him in. While traveling southbound on the 14 freeway at about 70 mph, the inmate suddenly smashed out the door window with his head. The deputy immediately activated his emergency lights, slowed his vehicle, told the inmate to stop, put out a backup call, and steered his vehicle toward the shoulder of the freeway. While he was doing so, the inmate jumped out of the window onto the freeway, where he was nearly struck by several cars. The deputy pulled to the shoulder as the (now) escapee got up and fled on foot. The deputy went in brief foot pursuit of the escapee, who fell down an approximately 25-foot embankment. When the deputy approached, the escapee was moaning, but he got up and charged toward the deputy, who sprayed him with OC. Additional units arrived, and he was taken into custody.

None of the subjects in these uses of force sustained an injury from the force that was used. The unique circumstances of each of these incidents were assessed by auditors who concurred with the Department's adjudication that the force used was objectively reasonable in each case.

Objective 1.3: Retaliatory Force

There were no indicia or audit evidence that deputies used retaliatory force in any of the cases in the audit population.

Objective 1.4: UOF for Lawful Activity

There were no incidents in the audit population in which force was used to stop or inhibit someone from engaging in otherwise lawful activities, including recording or photographing police activity.

Objective 1.5: Head Strike with Impact Weapon

There were no cases in the audit population where a baton or any impact weapon was used that resulted in an intentional or unintentional blow to a subject's head. In fact, there were no cases in the audit population where a baton was used during a use-of-force incident.

Objective 1.6: Use of Personal Weapons

While not specifically identified in the SA, the DOJ Findings Letter took particular issue with the AV deputies' use of punches and strikes, which come under the heading of "personal weapons" in the Department's UOF nomenclature. Specifically, the DOJ Findings Letter stated,

Although we found that force was used unreasonably in a number of ways, we focus below on two practices that were particularly prevalent: the use of unreasonable and/or retaliatory force against handcuffed individuals and the unnecessary use of fist strikes to the head and face of handcuffed individuals.²⁸

DOJ found that "unreasonable and/or retaliatory force" occurred against detainees who did not pose a threat to the deputies or to the public and that this force was frequently tied to arrests where obstruction was the only charge or where a person was being detained for a discretionary offense such as jaywalking or public consumption of alcohol.

Auditors examined the 47 use-of-force reports (49 uses of force) for the use of personal weapons. In eight of 49 uses of force (16%), deputies used personal weapons, including punches. Lancaster and Palmdale each had four such incidents. The eight uses of force were as follows.

²⁸ Section V, Page 29, third paragraph.

- L-2. Two deputies and a detective responded to a call at the Lancaster Community Shelter that a woman (27 years old, 4'11", 125 pounds) was in front of the building setting fires and setting off vehicle alarms. They met with the shelter manager and were told the subject had threatened to kill her and other employees at shelter. The subject refused to follow the detective's directions so that she could be handcuffed, and she turned and faced away from him. The two deputies (female, 5'5", 120 pounds; male, 6' 0", 225 pounds) also approached the subject. She ignored the deputies' directions, so the detective grabbed her arms and tried to remove her hands from her jacket pockets. She resisted, and the male deputy became fearful she might have been trying to arm herself with a weapon concealed in her jacket pocket. He grabbed the subject's wrist, and she turned toward him and kicked him in the knee. The deputy wrote that he "punched" the subject on the left side of her face, which stunned her. She stopped resisting and was handcuffed. The punch by the deputy did not result in any injury. Given her lack of any injury, auditors found it highly unlikely the large deputy actually punched the woman with a closed fist, and certainly not with any velocity or penetration.
- L-10. Two radio cars with four deputies responded to a call about a fight in a park. While en route, they were told one of the combatants had a gun. As the deputies arrived, the combatants ran, and the deputies followed in their patrol vehicles. When one suspect slowed down, one deputy exited his car and tried to detain the suspect at gunpoint. The suspect fled, and a brief one-deputy foot pursuit occurred. The deputy tried to detain the suspect at gunpoint on the front lawn of a residence as four additional deputies arrived. When the suspect did not follow directions, the deputy holstered his weapon, and a UOF occurred that involved five deputies utilizing grabs, a takedown, a "grazing punch" to his face, a knee strike that inadvertently struck his face, and handcuffing. The deputies believed the subject had a gun in his front pocket, which he clutched throughout the incident. After the subject was taken into custody, the deputies recovered a loaded .357 magnum revolver from the pocket the subject had been holding.

- L-12. Two deputies responded to a family dispute call. The caller stated there was a firearm at the location and that the suspect had left. While driving through the apartment complex toward the call the deputies saw two men and a woman walking with a pit bull dog that was not on a leash. The deputies did not realize one of the men was the suspect of the radio call. The deputies asked if they had heard any screaming or arguing, and they said they did not. The deputies continued through the apartment complex and contacted the victim. They determined a possible DV incident had occurred and that one of the men they had just contacted was the suspect. They returned to where the suspect was and saw him standing with his hand in his pocket. They asked him to take his hand out of his pocket and walk toward them. He did not take his hand out of his pocket but did walk toward them. When he was within a few feet of the deputies, one of the deputies told the subject he was going to conduct a pat-down search for weapons. As the deputy did so the subject broke free from his grip and either attempted to or did punch the deputy in the face. (One deputy's report says it was an attempt, but the other says it grazed his face). In any event, a violent fight ensued, during which the subject battered/punched both deputies and choked one deputy's throat with a C-clamp hold. Both deputies used personal weapons (punches to the subject's face and knee strikes), firm grips, and control holds during the fight. When five additional deputies arrived, they used control holds, firm grips, and body weight to control the suspect so they could handcuff him and apply a hobble restraint to his ankles.
- L-18. Two deputies working together responded to a call about a possible burglary suspect. The victim reported that a man she did not know was in her backyard and trying to steal her property, which was an ongoing problem. A few minutes later the deputies saw the suspect driving an Audi automobile erratically. They subsequently learned the car was stolen. The deputies attempted to stop the vehicle, and a four-minute pursuit followed. At the end of the pursuit, the suspect jumped out of his moving vehicle and ran, with the deputies following in their patrol car. As the suspect approached a chain-link fence, the deputies exited their car, and after a brief foot pursuit they were able to grab the suspect's clothing. The subject resisted and grabbed a deputy's firearm. Both deputies punched the subject multiple times, including "on his head," and were finally able to handcuff him. The subject was treated for abrasions and a small cut. The deputy who punched the subject on his head injured his hands.

- P-4. Four deputies and a sergeant responded to a call that the suspect was attempting to break into an ATM with a crowbar. A witness and the LASD Air Unit directed the deputies to the suspect's location. The deputies formulated a plan to take the suspect into custody. However, the sergeant, who was also video recording the events, took over the incident and directed it while he continued to record it. The suspect failed to follow directions, and the sergeant directed the deputies to take him down. When they did, the subject grabbed one of the deputies on the face and throat, so the deputy punched the subject on the face.
- P-12. Two deputies responded to a call of elder abuse at a mobile home park. When they arrived, they were met by the suspect's 85-year-old mother and her caregiver. The victim told the deputies her son, who did not live there, was "wild and out of control" and had assaulted her several times. The victim told deputies that she had been staying with her caregiver, in another mobile home, but she was old and wanted to return home. The victim asked deputies if they could search her mobile home to see if her son was there. The caregiver unlocked the door, and the deputies entered after asking anyone inside to exit several times. The deputies walked through the trailer and did not find the son. On the way out, a deputy pulled a blanket from the couch and saw the son sitting on the couch. The deputies tried to de-escalate the situation using calm tones, but the subject became enraged and attacked them. He threw an ice pack, which struck one of the deputies in the face, and tried to throw a glass cup at them. The deputies wrestled with the subject and requested assistance. Three more deputies arrived and assisted with the arrest. The subject punched, kicked, and bit the deputies, and tried to gouge one deputy's eye and scratched his face. The deputies "punched the subject on the face and body, elbowed, wrestled, kned," and tasered the subject three times in drive stun mode. The five deputies were finally able to handcuff the subject and place him in the police car. It was later learned the subject had a history of criminal insanity, including a commitment to Patton State Psychiatric Hospital.

- P-16. Four deputies responded to a DV call that stated the victim was being choked by her husband. The victim's mother let the deputies enter the residence and reported that her daughter and husband were in the back room. Her daughter had yelled that she was being choked and asked her to call 911, which she did. The deputies knocked on the bedroom door. The suspect answered but refused to let the deputies in. Fearing for the victim's life, they kicked the door open and entered the room. The suspect had his arms crossed across his lap and would not cooperate with the deputies. The deputies feared that he might be armed. The suspect started breathing hard and said he was not going to cooperate. The two deputies tried to handcuff the subject, but he tightened up and violently resisted. One of the deputies sprayed the subject with OC, but he continued to fight. The OC affected the deputies who were trying to handcuff the subject. The subject rolled over and refused to give the deputies his hands. Two additional deputies arrived, but the subject continued his resistance. As the struggle continued, the deputies used personal weapons in the form of "punches to his ribs," jabbed him on his forearm with a flashlight, and used an ASP telescoping baton as leverage to finally handcuff him.
- P-17. Two one-deputy patrol vehicles were stopped at an intersection. The suspect made an unsafe turn in front of them and then parked in front of a patrol vehicle. The suspect approached the deputies and volunteered that he was driving on a suspended license. A deputy handcuffed him, but rather than book him they decided to drive him to his residence and issue him a citation. When they arrived at the residence, the deputies un-handcuffed the subject, but he refused to sign the citation. The deputies tried for 10 minutes to get him to sign the citation. The subject became irrational and irate, and attacked the deputies, who put out an assistance call. A two-deputy patrol vehicle responded, and one of those deputies assisted while the other spoke to the subject in Spanish, trying to calm him down. During the fight, the subject violently pushed off the patrol vehicle with his feet and knocked two deputies to the ground. (Both deputies were injured and placed off work for two weeks.) The deputies used OC spray, control holds and "punched the subject on his shoulder" before they were finally able to control him.

The force used in each of these cases was determined to be objectively reasonable by the Department. Considering the totality of circumstances and the information known to the deputies at the time of the incidents, auditors concur with each assessment of objective reasonableness of the force used. In six cases (L-2, L-12, P-4, P-12, P-16, and P-17) deputies were engaged in a violent altercation with a felony subject who appeared to be struggling with mental health issues and who repeatedly refused to follow their verbal commands. In another

(L-10), the subject was armed with a loaded handgun and resisted arrest; and in one case (L-18), the subject was trying to take the deputy's firearm. There was ample justification for the use of force, including personal weapons in each of these cases.

In seven of the eight cases deputies were responding to a call for service. None of the eight incidents involved an obstruction charge as the initial reason for the arrest. In fact, none of the uses of force in the entire audit population involved obstruction and/or interfering with a deputy as the charge preceding the use of force.

Monitors' Finding Objective 1: The Use of Force

The Department is in preliminary compliance with the SA provisions regulating the use of force. Specifically, 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).

OBJECTIVE 2: AVOIDING FORCE AND DE-ESCALATION

The following SA paragraphs establish the requirements for this objective:

- *LASD agrees to . . . use force as a last resort and de-escalate the use of force at the earliest possible moment* (Page 24, Preface to the UOF section of SA); and,

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

Monitor Activity

The SA clearly recognizes that a deputy's tone, demeanor, command presence, and use of time and verbal persuasion can often reduce or even eliminate the need to use force. However, verbalization and other de-escalation efforts are not options in every case, as the immediacy of the threat, drug or alcohol influence, and/or people struggling with mental illness can reduce or eliminate the opportunity to de-escalate a volatile situation without having to use force.

There is no way to know how many incidents occurred during the audit period where AV deputies successfully avoided having to use force by using time, verbalization, and other resources. Absent a commendation or recordation by a supervisor, these incidents are rarely documented, and statistics memorializing the percentage of volatile contacts that are successfully de-escalated without force do not exist, and to require they be collected isn't practical. So, this audit is relegated to reviewing the 47 use-of-force incidents (49 uses of force) that were reported during the audit time period to determine if deputies tried to defuse evolving situations without using force, and if that was not practical to de-escalate the force being used at the earliest possible moment.

Objective 2.1: De-escalation of Evolving Incidents

Of the 49 uses of force in the audit sample, deputies used advisements, warnings, or verbal persuasions 41 times (84%) before resorting to the UOF. In eight cases (16%) deputies did not use advisements, warnings, or verbal persuasions. Our review of the facts in each of the eight cases led us to conclude it was not practical for the deputies to have done so under the circumstances that they were confronted with. Two charts are attached to this report, one for Lancaster (Addendum 3) and one for Palmdale (Addendum 4), summarizing each use-of-force incident.

In two cases the deputies should have been more patient and/or considered additional alternatives before engaging the subjects, which resulted in the use of force.

- L-4. A 69-year-old woman and her 47-year-old son, who has the mental capacity of a child, were previous tenants of the victim's and had returned to her rental property location. When the woman threatened to shoot the victim, deputies were called to the scene. The sergeant used his PA and asked the woman to step outside the residence, which she had broken into. When she did not respond, he phoned her and asked her to step outside. The woman was uncooperative, but at one point she exited the residence to speak with the sergeant. She said she had documents inside the residence that showed she had a right to be there. She was allowed to re-enter the residence, but she did not locate the documents. The sergeant told a deputy to arrest her for criminal threats. The deputy told her to place her hands behind her back, and she complied. But her son approached and grabbed her arm, preventing her from being handcuffed. The woman pulled away and grabbed onto her son. The deputy grabbed her and was able to handcuff her while she continued to resist. As the deputy escorted the woman to his police vehicle, she resisted and tried to pull away. It took the deputy several minutes to convince her to get into the back seat of his patrol vehicle.²⁹

At this point, another deputy arrived on scene, and the sergeant asked the son to provide that deputy with a phone number so they could call someone to pick him up. The son would not comply with that request, and the sergeant believed that because the son had nowhere to go, he would return to the location once they left and cause another disturbance. So, the sergeant decided that the son should be arrested for 419 PC, because he had previously been evicted and had returned to the location.³⁰ The sergeant directed the two deputies to arrest the son while the sergeant videotaped the incident. That decision clearly was not the best course of action, but once the sergeant made it, the deputies attempted to establish a rapport with the subject and told him to relax and place his hands behind his back. Ultimately, a deputy grabbed the subject's hands from behind, and the subject actively resisted. The sergeant directed the UOF and told the deputies to take the subject to the ground. As they did, the subject spat in a deputy's face. The sergeant, while videotaping the incident, unholstered his Taser and told the subject he would be tased if he continued to resist. The deputies were able to handcuff the son. He stopped resisting, and no additional force was used.

²⁹ The woman made several allegations of misconduct, which are addressed under Objective 6.

³⁰ Section 419 PC: "Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any Court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor."

The Lancaster Station unit commander and North Patrol Division commander agreed with the operations lieutenant's comments on the many tactical issues associated with this (L-4) incident, including that the sergeant did not provide assistance for the deputies and chose to continue recording a more-than-eight-minute struggle with son. The management insight in the review process included that the sergeant was counseled but did not address the sergeant's failure to request the assistance of MET personnel, which should have been done. There were clearly other options that should have been explored prior to the sergeant giving the directive to take the suspect into custody, which led to the use of force.³¹

- P-4. Four deputies and a sergeant responded to a call that a suspect was attempting to break into an ATM with a crowbar. A witness and the LASD Air Unit directed the deputies and the sergeant to the subject's location. The sergeant was aware that the suspect had a history of mental illness, but he failed to tell the deputies. The deputies formulated a plan to take him into custody. However, the sergeant, who was also video recording the incident, began directing it while recording. The suspect failed to follow directions, and the sergeant directed the deputies to take the suspect down. When they did, the subject grabbed one of the deputies on the face and throat, and the deputy punched the subject on the face. The sergeant yelled for the deputy to not punch the subject and that he was going to tase him. The sergeant tased the subject, and the deputies took him into custody.

The watch commander conducted a very thorough review of the incident. He noted that the sergeant should have told the deputies he had previous contacts with the subject and that the subject had a history of mental health issues. He should have requested additional deputies, contained the area, and slowed things down to de-escalate the situation. The watch commander did not find the deputies' UOF to be objectively unreasonable or inconsistent with Department policy. The deputies followed the sergeant's directions to take a felony subject to the ground. The sergeant was directed to attend several refresher courses on tactics and crisis intervention. Auditors agree with the department's assessment of the sergeant's decision-making process and that additional steps could have been taken to de-escalate the situation.³²

There was a third case in which Department management concluded the deputies should have waited before engaging the suspect.

³¹ Auditors watched the digital media recordings of the use of force and of the interviews of the subjects.

³² Auditors watched the digital media recordings of the use of force, the subject's injuries, and interview.

- L-24. Two uniformed deputies responded to an assault with a deadly weapon (ADW) call. They were met outside the residence by the victim, who stated that her roommate, who has schizophrenic disorder, had struck her on the head several times with an ashtray the week before. The victim made a crime report at that time and had not been home since the assault. She wanted her residence checked to make sure the suspect had not returned. The victim provided the deputies with a key to her residence. Without announcing themselves, the deputies opened the door, but before they entered they heard the suspect ask who they were. The deputies responded they were deputy sheriffs and entered the residence. They saw the suspect sitting on a bed watching a movie on her laptop computer. She did not respond to their questions. After several attempts to communicate with the suspect, a deputy told her to stand up and put her hands behind her back. The suspect told the deputies not to touch her. The deputies requested backup and a supervisor Code-3 (respond with lights and siren). The deputies gave the suspect several more commands, which she ignored. The suspect then used her cell phone and called someone, later identified as her son, and asked him to come over because there were unknown people in her home. One deputy used a firm grip and handcuffed the subject's left wrist. She pulled away and stood up, then sat down on the floor. The other deputy grabbed the subject's right arm and pulled it behind her back. The deputies used firm grips and control techniques to overcome the subject's resistance and handcuffed her. Due to a shortage of units, the subject was transported by an involved deputy to AV Hospital, followed by a Lancaster patrol sergeant. There she was medically treated and diagnosed as having a schizophrenic episode.

The investigation and management review of this case were very thorough. The investigating sergeant discussed the need for notification of occupants before entering a residence with the deputies and provided guidance on handling persons who are mentally ill. The operations lieutenant's review noted that he reviewed the incident with both deputies, pointing out they should have waited for a field sergeant before using force. The unit commander felt they could have been a little more patient and directed that one deputy be scheduled for tactical communications training. Auditors agreed with the unit commander's assessment and corrective actions.³³

In this case, auditors noted the AV lieutenants' and unit commanders' preference that deputies wait for a supervisor to arrive before engaging a potentially resistive suspect. That preference notwithstanding, there is nothing inherently wrong with deputies proceeding without

³³ Auditors watched the digital media body camera recording of the use of force and of the interviews of the subjects.

a supervisor, depending on the exigency of the circumstances, nor is it a violation of the SA. Therefore, the deputies' decision to proceed prior to the arrival of a supervisor was considered a tactical consideration and not a violation of Department policy or of the SA.

There were four cases where the efforts of the deputies, and especially their supervisors, were exemplary.

- L-11. Deputies responded to a burglary in progress. The victim had a restraining order against the suspect. As the deputies arrived, the suspect ran and barricaded himself inside a motor home. A supervisor and the WC responded, and an incident command post was established and formulated a tactical plan. A can of Clear Out was deployed inside the motor home, but the valve did not lock into the open position, so it was not effective. The subject yelled that he had a gun and would use it, and a deputy heard what sounded like a round being chambered in a semi-automatic firearm. Eventually, the subject exited the residence and acted as if he were going to surrender. But then he fled through the desert, and deputies pursued on foot. Deputies deployed OC spray, two stun bags, multiple pepper balls, and a Taser, which struck the subject but did not incapacitate him. Eventually, multiple deputies were able to overtake the subject, take him down, and use a Taser to control and handcuff him. It was discovered the subject had fabricated makeshift body armor using a metal stove top from the motor home and had wired it to his upper torso. The investigation was very comprehensive and addressed all the relevant issues, including the tactics, the foot pursuit, and the UOF.
- P-3. Two deputies responded to a call at a Recovery Center that the suspect was off his medication and threatening to harm staff. The suspect threatened to kill another patient, was a danger to himself and others, and had a history of fighting with deputies. The sergeant formulated a tactical plan and the subject was ultimately restrained in a disciplined and methodical manner using minimal force.
- P-15. Two deputies tried to make a traffic stop, but the suspect fled, and the deputies pursued. The suspect pulled into a gas station, and two sergeants arrived on scene. The deputies ordered the suspect out of the vehicle, but he would not follow their commands. After approximately 30 minutes of negotiations, the suspect got out of his car, but he refused to submit to arrest. One sergeant formulated an arrest team and used minimal force to handcuff the subject and put him in the back seat of a patrol car. The deputies used good tactics and good de-escalation skills, and they went to great lengths to avoid using force. The sergeants showed command presence, tactical acuity, and command leadership.

- P-18. A murder suspect was booked into the Palmdale Jail, and the homicide detectives ordered that he remained handcuffed until criminalists could collect blood samples. When the criminalists arrived, the investigating sergeant formulated a tactical plan in case the suspect was uncooperative. The subject violently resisted the criminalists, so the sergeant directed that the deputies and CA take the suspect down and secure him, which they did in a methodical and controlled manner.

The audit evidence shows that AV deputies made commendable efforts to de-escalate the need to use force in the vast majority of these cases. In two cases (L-4 and P-4), additional measures should have been attempted. Apart from these cases, we found the deputies' efforts to de-escalate and resolve evolving incidents without using force to be consistent with Department policy and SA mandates.

Objective 2.2: De-escalation of the Force Used at the Earliest Possible Moment

In every one of the cases in the audit population (100%), the deputies either decreased the force being used or, most commonly, ceased using force altogether once the suspect ceased resisting and/or began complying with their instructions. There was one case where the management review expressed concern the deputies may not have de-escalated their use of force, but further investigation showed that not to be true.

- P-2. Two deputies stopped a vehicle occupied by three male adults for a traffic violation. The driver did not have a driver's license or identification and was detained and placed in the back seat of the patrol vehicle. The front seat passenger told deputies that he was on active probation, and he was also detained and placed in the back seat of the patrol vehicle, pending a probation compliance check. While speaking with the subject, who was seated in the right rear seat, the deputy could smell marijuana. The subject was ordered out of the vehicle, and while the subject was being escorted to the patrol vehicle, the deputy saw and recovered a baggie of marijuana from the subject's front sweatshirt pocket. The subject was searched, and a plastic bag containing what appeared to be methamphetamine was recovered. When asked about the drugs, the subject broke free from the deputy and attempted to flee. The deputy tripped the subject, who fell to the ground on his hands and knees. When he started to get up, the deputy swept his right leg out to keep him from running. The subject was able to stand up and ran approximately eight feet onto the roadway. Both deputies attempted to detain the subject, but he turned toward them raised his closed fist. One deputy struck the subject in the body twice with his flashlight. The subject fell to the ground, and when he tried to get up again, the deputy kicked the subject's leg and he fell forward face-down on the pavement. One deputy put his knee on the subject's back and placed him in a right wrist lock for handcuffing. The other deputy handcuffed him and applied a hobble restraint to his ankles without force.

The operations lieutenant was initially concerned about the deputies' de-escalation of the force used, but the deputies explained that each use of force only occurred after the suspect prepared to attack them or continued his attempts to flee. In this unique case (multiple recoveries and efforts to flee following each UOF), the operations lieutenant concluded the force and de-escalation efforts were appropriate.

Monitors' Finding Objective 2: Avoiding Force and De-Escalation

Of the Department's 49 uses of force that occurred during the audit period, 47 (96%) were in preliminary compliance with the SA provisions requiring the use of force as a last resort and the use of de-escalation techniques, including verbalization, to avoid using force whenever possible.

There were no cases in the audit population with indicia that the involved deputies did not decrease the use of force as the subjects of force resistance decreased. Specifically, auditors found the Department in preliminary compliance with the SA provisions that require:

- The use of force as a last resort (Preface to the UOF section of SA);
- The use of advisements, warnings and verbal persuasion whenever possible before resorting to force (Paragraph 103); and
- De-escalation as resistance decreases (Paragraph 103).

OBJECTIVE 3: REPORTING USES OF FORCE

The following SA Paragraphs establish the requirements for this objective:

- *LASD agrees to continue to require deputies to report all uses of force above un-resisted handcuffing.* (Paragraph 108)
- *LASD agrees to continue to require deputies who use or observe force to notify their supervisors immediately following any reportable use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any deputy. Deputies who use or observe force and fail to report it shall be subject to disciplinary action, up to and including termination.* (Paragraph 110)

Monitor Activity

As described in Section V above, auditors engaged in an extensive validation process to determine if all uses of force were being investigated by the Department. That validation process included a thorough review of reports completed for incidents that have an increased likelihood of force being used by deputies. The documents reviewed included: Watch Commander Logs; civil claims and lawsuits; vehicle and foot pursuits; and obstruction arrests. Our review revealed that none of those documents contained any indicia of an unreported use of force during the audit period.

Auditors then evaluated every UOF package in the audit population, which included supervisors' supplemental reports, arrest reports, and the UOF investigations. Auditors also requested and listened to the radio calls-for-service that included supervisory response to UOF incidents. Auditors watched digital media recordings that included supervisory activities at UOF locations.

In every one of the uses of force in the audit population (100%), deputies ensured that a supervisor was promptly notified.

Monitors' Finding Objective 3: Reporting Uses of Force

The Department is in preliminary compliance with the SA provisions requiring timely notification to a supervisor whenever an employee is involved in or witness to a reportable use of force. Specifically, auditors found the Department in preliminary compliance with the SA provisions that require:

- Deputies to report all uses of force above un-resisted handcuffing (Paragraph 108); and
- Deputies who use or observe force to notify their supervisors immediately following any reportable use of force incident or upon receipt of an allegation of unreasonable or unreported use of force by any deputy (Paragraph 110).

NOTE: There were no cases in the audit population where a deputy failed to report that he or she used force, or the observation of force by another deputy, so the aspect of Paragraph 110 that requires the imposition of discipline for such cases could not be evaluated at this time.

OBJECTIVE 4: COMPLETION OF REPORTS BY STAFF

The following SA Paragraphs establish the requirements for this objective:

- *LASD shall continue to require AV deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (Paragraph 108)*
- *The use of force reporting policy shall explicitly prohibit the use of conclusory statements without supporting detail, including "boilerplate" language in all statements and reports documenting use of force. (Paragraph 109)*

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

The Department's UOF Policy also requires that UOF reports be prepared in a manner that specifically details the UOF incidents. Specifically, MPP 3-10/100 Use of Force Reporting Procedures requires:

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

Monitor Activity

The next issue of importance in evaluating uses of force is to determine if the involved employees prepare complete and accurate reports and if they are being held accountable in the event they do not.

Objective 4.1: Preparation of Reports

Auditors evaluated every UOF package in the audit population, which included arrest reports, deputies' and supervisors' supplemental reports, medical treatment reports, and the UOF investigations and management reviews, to determine if they were complete and accurate, and if they contained any canned or boilerplate language. In every case in the audit population (100%) staff who used force or witnessed the use of force by others completed an arrest report and/or a supplemental report describing their actions and observations. In every case in the audit sample (100%), deputies described the actions of the suspects, the force the suspects and deputies used, injuries to the suspects and/or deputies, if any, and any medical treatment provided.

Auditors found that the reports prepared by AV deputies/staff contained adequate details and were generally consistent with the video recordings for each event. There were no cases where auditors considered the language used to be canned and/or boilerplate.

Objective 4.2: Managers Holding Staff Accountable

Auditors evaluated every UOF package in the audit sample to identify any substantial reporting errors and determine if managers were holding staff accountable for material omissions or inaccuracies in their UOF statements and reports. Auditors found several cases where investigations were returned to the watch commander and/or the investigating supervisor for additional information and/or clarity. The following are two of the better examples.

- L-13. The operations lieutenant returned the investigation to the WC and investigating supervisor to correct a material omission. The report did not document or acknowledge that the entire incident was video recorded by a sergeant, nor did it mention the presence of surveillance cameras.
- L-20. The WC counseled the involved deputies for not clearly articulating the resistance they encountered from the subject.

We found no cases, other than those which a manager returned for correction, that contained material omissions or inaccuracies.

Monitors' Finding Objective 4: Completion of Reports by Involved Staff

The Department is in preliminary compliance with SA provisions requiring that AV deputies complete thorough and accurate reports and avoid conclusory or boilerplate language.

The Department is in preliminary compliance with the SA provision requiring that managers hold deputies accountable for material omissions or inaccuracies in their reports. Specifically, auditors found the Department in preliminary compliance with the SA provisions that:

- Require AV deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect that necessitated the use of force, the specific force used, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment (Paragraph 108);
- Prohibit the use of "boilerplate" language in all statements and reports documenting use of force (Paragraph 109); and
- Require deputies to be held accountable for material omissions or inaccuracies in their use of force statements (Paragraph 109).

OBJECTIVE 5: SUPERVISORY INVESTIGATION

NOTE: This objective was limited to UOF investigations that did *not* include an allegation of misconduct. Investigations that include alleged misconduct have different requirements and are addressed in Objective 6.

The following SA Paragraphs establish the requirements for this objective.

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

- respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention from an appropriate medical provider;*
- identify and collect all relevant evidence;*
- canvass for, and interview, civilian witnesses;*
- collect statements from witness deputies; and*
- review all deputy use of force statements for adequacy, accuracy, and completeness. (Paragraph 111)*

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

- the supervisor's narrative description of the incident, including a complete and comprehensive description of the evidence that either justifies or fails to justify the deputy's conduct based on the supervisor's independent review of the facts and circumstances of the incident [emphasis added];*
- documentation of all evidence;*

- c. *identities of all deputies witnessing the force;*
- d. *the investigating supervisor's evaluation of force, including a determination of whether the deputy's actions appear to be within LASD policy and consistent with state and federal law, and an assessment of the incident for tactical and training implications; and*
- e. *documentation of any training or tactical concerns, and/or corrective action taken or recommended. (Paragraph 112)*

The "independent review" language in SA Paragraph 112 notwithstanding, there is no SA prohibition against a supervisor who was involved in a UOF from conducting the investigation of that UOF.³⁴ This is a different standard than the SA language for complaints that prohibits a supervisor who was involved in the incident from conducting the complaint investigation. Absent a specific SA standard, auditors considered the Department policy to assess investigative independence for uses of force that did not contain an allegation of misconduct. That policy states:

After interviewing a suspect in incidents involving Directed Force, the Watch Commander/Supervising Lieutenant shall determine who should complete the initial investigation. When a Unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available, the Watch Commander/Supervising Lieutenant should consider the totality of the initial factors, including the severity of the force and the suspect's interview in determining whether the supervisor who directed the force should complete the initial investigation or, if necessary, the initial investigation should be completed by the Watch Commander/Supervising Lieutenant. In instances in which a non-involved supervisor is assigned to complete the initial investigation, the supervisor who directed the force shall prepare a supplemental report, or memo, detailing their actions for inclusion with the force package.³⁵

³⁴ For this assessment, "involved" does not include incidents where a supervisor actually used force, but instead refers to incidents in which a supervisor investigating a use-of-force incident directed the force that was used.

³⁵ MPP 3-10/110.00 Use of Force Reporting Procedures.

Monitor Activity

This objective determined if the supervisor investigating each UOF responded to the scene, conducted a thorough and independent investigation, and prepared a comprehensive report.

Objective 5.1: Supervisory Response

Auditors evaluated every UOF package in the audit population, which included supervisors' supplemental reports, arrest reports, and the UOF investigations. Auditors also requested and listened to the radio calls for services that included supervisory response notifications and advisements, and they watched digital media recordings that included supervisory activities at UOF locations.

Antelope Valley supervisors routinely responded to developing situations with an increased likelihood for the UOF by deputies.

- In the Lancaster stratum, a supervisor was present when the UOF occurred in 16 of the 27 (59%) UOF incidents (L-4, L-5, L-6, L-9, L-11, L-13, L-14, L-15, L-16, L-17, L-18, L-19, L-21, L-23, L-26, and L-27).
- In the Palmdale stratum, a supervisor was present when the UOF occurred in eight of the 20 (40%) UOF incidents (P-1, P-3, P-4, P-6, P-7, P-13, P-15, and P-18).

A supervisor was on scene in 24 of the 47 UOF incidents (51%) in the audit population. In the remaining 23 cases (49%), a supervisor arrived on scene within minutes of the use of force occurring. In other words, there was no case in which a supervisor did not respond to the scene of a use of force in a very timely manner.

Objective 5.2: Injury to Subject

Auditors assessed every UOF package to determine if the supervisor interviewed the subject of the UOF to determine if the person was injured, and if so that they received prompt

medical attention. In all 47 of the UOF incidents in the audit sample (100%), the investigation detailed:

- Any injury sustained by the subject of force, including complained of injury;³⁶
- The investigating supervisor's examinations of those injuries; and
- The supervisor's and watch commander's videotaped interviews of the subjects of force to determine if they were injured.

The investigations also documented the response of the LA County Fire Department, the transportation of the subjects for medical treatment, and the medical treatment forms from the medical providers. However, as mentioned in Objective 1, a copy of the LA County Fire documentation is not included in the UOF investigation.

There were several cases in which the WCs included commendable documentation associated with the medical treatment of the subjects.

- L-1. The WCs documented that while being transported for a medical clearance for booking, the subject told the transporting deputy that if given a chance he was going to try to escape. To prevent the subject from escaping and therefore another UOF from occurring, the transporting deputy asked the physician to evaluate the subject in the back seat of the patrol vehicle, which was parked in the hospital ambulance bay, which the physician did. The WC subsequently called the physician and verified his evaluation.
- L-14. The investigating supervisor and the WC thoroughly documented the subject's refusal of medical treatment. The WC also video recorded the subject's refusal of medical treatment for a minor complaint of injury and OC contamination. The digital media/video recording of the subject's refusal was reviewed during the audit process, and the subject clearly and repeatedly refused medical treatment.

³⁶ "Complained of injury" is an injury for which there is no visible trauma and/or an injury that cannot be substantiated by medical diagnosis.

Objective 5.3: Independent Investigation

Sergeants were on scene at 24 of the 47 UOF incidents (51%) when the use of force occurred (Lancaster 16; Palmdale eight). Department policy does not preclude a sergeant at a scene from conducting the use-of-force investigation, and generally, the on-scene sergeant does conduct the investigation. However, when an on-scene sergeant also *directed* the use of force, the WC is required to evaluate the situation and decide if that sergeant should also conduct the UOF investigation. When the sergeant is allowed to conduct the investigation, the WC is required to document his rationale in the UOF package.

In his review of an investigation (P-5), the NPD commander commented that “the practice of having the sgt that directed the force conduct his/her own investigation of that force is not ideal at all costs is not recommended regardless of the situation.” Auditors support the NPD commander’s efforts to discourage supervisors from investigating uses of force that were done at their direction. However, not only is it not ideal, it challenges the independence and objectivity of the investigation. Our findings revealed that challenge to the investigative independence of AV use-of-force investigations happens far too often. In 12 of the 47 uses of force (26%), the sergeant who directed the UOF also conducted the use-of-force investigation (eight Lancaster; four Palmdale). In five of the 12 cases (42%; L-11, L-17, P-3, P-5, and P-18) the management review provided substantial rationale for that decision. In seven of the 12 cases (58%) the rationale was either inadequate (L-13, L-16, L-26, and P-7) or no rationale was provided (L-14, L-15, and L-23).

In 11 of the 12 cases (92%) where a sergeant who directed the UOF also conducted the investigation, the force used was minor and the suspect sustained little if any injury. Most of those incidents were video recorded, which provided an opportunity to verify what occurred. Nevertheless, a supervisor simply cannot be expected to independently investigate and evaluate the force used by deputies when the supervisor directed the UOF that he/she is investigating and evaluating. Such a conflict of interest is not fair to the supervisor or to the deputies who used force.

There was one incident in particular (P-7) that clearly should have been investigated by an independent supervisor, even if that meant bringing a supervisor in from another station.

That incident involved a significant on-scene conflict between a sheriff's sergeant and an LA County Fire captain. That conflict resulted in the use of force by deputies and fire fighters, and the near escape of the suspect, who fled to a neighbor's roof, which resulted in a standoff of more than three hours that required significant Fire and Sheriff Department resources to resolve. The actual use of force aside, conflict between two public safety agency supervisors alone demands that an independent investigation be conducted. However, the decision was made to have the sergeant who was part of the protracted conflict conduct the UOF investigation.

Recommendation 5: Department policy governing supervisors who directed the use of force also conducting the investigation needs to be reconsidered in recognition that such conflicts challenge the investigative independence and objectivity of those investigations. The policy should also consider there are several other risk-management factors that need to be considered, not just the use of force itself.

The following tables and assessments summarize our findings for this objective.

Table 3							
Lancaster Supervisor Directing and Investigating UOF							
Audit No.	Supervisor					Management Review	
	At Scene	Witness UOF	Used Force	Direct Force	Investigated	Addressed	Adequate
L-11	Two	Yes	No	No	Yes	Yes	Yes
L-13	One	Yes	No	Yes	Yes	Yes	No
L-14	One	Yes	No	Yes	Yes	No	NA
L-15	One	Yes	No	Yes	Yes	No	NA
L-16	One	Yes	No	Yes	Yes	Yes	No
L-17	Two	Yes	No	Yes	Yes	Yes	Yes
L-23	Two	Yes	No	Yes	Yes	No	NA
L-26	Two	Yes (Both)	Yes (1)	Yes (1)	Yes (1)	Yes	No

- L-11. A suspect believed to be armed with a firearm had barricaded himself in an abandoned motor home. A sergeant and the WC responded and established an incident command center. A can of Clear Out was deployed, but it malfunctioned. Eventually, the subject exited the motor home and ran into the desert. A foot pursuit and subsequent UOF occurred, which required multiple deputies to gain control of the subject. The sergeant who initially responded and took charge of the situation was directed to conduct the UOF investigation. The report included a detailed rationale for that decision. In his review, the captain also pointed out that the only other sergeant working was tied up many miles away on a missing child investigation.
- L-13. A sergeant responded to the scene of a trespass suspect refusing to leave a restaurant. When the man continued to ignore the deputies' directions, the sergeant directed the deputies to remove him from the restaurant using firm grips. That sergeant also conducted the UOF investigation. In his review, the operations lieutenant noted, "I reminded Lieutenant [Name] that supervisors involved in, or directing force, should not conduct subsequent interviews or inquiries except in the most compelling of circumstances and when necessary to articulate the reason for doing so in the UOF report." While that is a correct statement of policy, there still was no rationale offered for having an involved supervisor conduct the UOF investigation.
- L-14. Several deputies and a sergeant responded to a call of a citizen holding an assault suspect. The deputies took the intoxicated suspect into custody, handcuffed him, and placed him in the patrol car. The suspect slipped his handcuffs in front of him, and the sergeant told the deputies to re-handcuff the suspect's hands behind his back. Once the suspect was unhandcuffed, he refused to allow the deputies to handcuff his hands behind his back. The sergeant warned him twice to not try to get out of the patrol car. The suspect failed to follow directions and attempted to get out of the car, and the sergeant again warned him that he would be sprayed with OC. He again tried to get out of the car and the sergeant directed a deputy to spray him with OC. The sergeant was very active in every aspect of the call. The WC reviewed the video the sergeant had taken of the entire incident and allowed the sergeant to conduct the investigation. The WC's rationale was, "Although Sergeant [Name] directed a portion of the use of force, I allowed him to author the force report. The application of force was captured on video, which allowed me an objective review of the application of force and tactics utilized." That rationale did not comment on the availability of other supervisors or why it was necessary to have the supervisor who directed the UOF conduct the investigation.

- L-15. The deputy requested backup and a sergeant to the scene of the apprehension of a carjacking suspect. The sergeant developed a tactical plan, and then they approached the subject. The sergeant and deputies gave the suspect multiple commands to stop. She refused to follow their commands, ran to the sergeant's patrol car, opened the driver's door, and got in the car. A deputy grabbed the subject, who was yelling and screaming, and pulled her out of the car and handcuffed her. As they were escorting her to the deputy's car, she began kicking at the deputies. At the sergeant's direction, the subject was taken down to the ground and a hobble restraint applied, and she was carried to the patrol vehicle. The sergeant who was actively involved in the incident and directed the UOF also conducted the UOF investigation. That fact was not addressed during the management review process.
- L-16. Several deputies and a sergeant responded to the scene of a violent man with mental illness. The man had not committed a crime and in MET officers' judgment did not appear to meet the criteria for commitment. After conferring with the WC, the sergeant directed the deputies to disengage and leave the location.

About two and a half hours later, another call involving the suspect was broadcast. The same sergeant responded, requested a MET unit, and was advised a MET unit was not available. The sergeant formulated a tactical plan, and as they approached the location, they noticed the suspect had broken out all the windows in the home and of a vehicle in the driveway. At one point, he came onto the porch with a kitchen knife in his hand and pointed it at the deputies while screaming obscenities. Ultimately, the suspect came out on the front porch, knelt down, and put his hands together as if he was praying. As deputies approached, he suddenly jumped to his feet, and a deputy tased him. The sergeant at the scene also conducted the UOF investigation. The WC noted, "I reminded Sergeant [Name] that when he directs force, he should have another sergeant write the force." The conflict was not addressed at any other level.

- L-17. Three deputies and two sergeants responded to a call about a battery and trespass suspect. The suspect continually refused to follow directions and was clearly irrational. Finally, one of the sergeants directed two deputies to handcuff the suspect. When they tried to do so, the subject resisted, and the other sergeant directed them to use force to overcome her resistance. That same sergeant also conducted the investigation. In his review, the NPD commander recognized the conflict, stating, "The supervisor directing force and completing the report should be avoided, but it was justified based on the circumstances of this incident."

- L-23. Non-AV deputies were in vehicular pursuit of a parolee-at-large who was also wanted for carjacking and a warrant for ADW in which he used a firearm. When the pursuit entered Lancaster, two Lancaster sergeants working in the same car joined the pursuit. The vehicle finally stopped after spike strips were deployed, and a CHP unit used the Pursuit Intervention Technique (PIT) maneuver, which caused the suspect's vehicle to become inoperable. A short foot pursuit ensued, during which a deputy discharged his Taser. Only one dart struck the subject, and he continued running a few feet before falling face down in the dirt. The subject actively resisted, so one of the sergeants warned the subject to stop fighting or he would be tased. When the subject continued to resist, both sergeants simultaneously directed different deputies to tase the subject, which they did. The subject was ultimately subdued and handcuffed. The management review and insight addressed the tactical considerations but did not address the necessity for the supervisor who directed one of the Taser deployments to also investigate the UOF.
- L-26. Two sergeants and four deputies responded to an ADW call involving a man with a mental illness and a history of drug addiction and violence toward deputies. They determined the suspect had committed felony vandalism and domestic violence. One sergeant who knew the suspect from prior encounters spent 30 minutes negotiating with him. Repeated requests were made for a MET team, but there was no response to the requests. The sergeant developed a tactical plan and entered the apartment along with several deputies. The subject became aggressive and raised his clenched fists. The sergeant directed one of the deputies and the other sergeant to tase the subject, which they both did, and the subject was taken into custody without further incident. He was transported to Antelope Valley Hospital Medical Center (AVHMC) in an ambulance, accompanied by the deputy who tased him. In his review, the WC noted that there were only two sergeants working, but he did not explain why he let the most involved sergeant conduct the investigation.

Table 4							
Palmdale Supervisor Directing and Investigating UOF							
Audit No.	Supervisor					Management Review	
	At Scene	Witness UOF	Used Force	Direct Force	Investigated	Addressed	Adequate
P-3	Two	Yes	No	Yes	Yes	Yes	Yes
P-5*	One	Yes	No	Yes	Yes	Yes	Yes
P-7	One	Yes	No	Yes	Yes	Yes	No
P-18	Yes	Yes	No	Yes	Yes	Yes	Yes

*There were two uses of force during this incident. The supervisor was not on scene during the first one, but he was on scene and directed the second one, which he also investigated.

- P-3. Four deputies and a sergeant responded to a recovery center where a patient threatened staff and to kill a fellow patient. The officers requested a MET team, used good dialogue, and attempted to resolve the situation without force; when the subject resisted, they undertook a well-planned and executed team takedown and handcuffed and hobbled the subject with minimal force. The investigating sergeant directed the entire incident, and at the WC's direction conducted the UOF investigation. In his review, the WC recognized the conflict and explained that the only other sergeant working was handling another UOF investigation.
- P-5. Deputies responded to a call of a citizen detaining a drunk driver. The suspect was handcuffed and placed in the patrol car. A while later, deputies removed the suspect from the car and unhandcuffed her to conduct a field sobriety test (FST). The suspect tried to run and had to be physically detained. A supervisor was requested and responded to the scene. The sergeant had an uninvolved deputy transport the subject to the hospital for medical treatment. At the hospital, the subject, who had one hand cuffed to a gurney, refused treatment, kicked at the nurses, and threw herself on the floor. The sergeant directed two deputies to handcuff her. She resisted and was forcibly handcuffed. The sergeant who directed the UOF conducted the investigation. The station captain explained there was only one other sergeant working, and he was also conducting a UOF investigation. (Three of the UOF incidents in the Palmdale sample occurred on the same day.) In his assessment, the NPD commander wrote, "Concur, the force used was minimal & within policy. However, the practice of having the sgt that directed the force conduct his/her own investigation of that force is not ideal at all costs is not recommended regardless of the situation."
- P-7. Two deputies and a sergeant responded to a fire department request for assistance with a man (6'6", 245 pounds) who was having a psychiatric episode and had locked himself in his bathroom. This was the third call that day on the same man. The sergeant talked to the subject through the locked bathroom door and formed the opinion that he was not a danger to himself or others, so he did not qualify for a mental health commitment. He also determined no crime had been committed. The deputy's arrest report and the sergeant's investigation differ at this point, and those differences were not addressed in the management review. The sergeant's investigation says he told the fire captain and the suspect's mother that no crime had been committed, and they were going to leave. The fire captain told the sergeant he was going to force entry into the bathroom and do a "psych rescue" because he had been on scene numerous times and was concerned with the suspect's well-being. The fire captain then ordered the firefighters to break down the door. The arrest report says that as the sergeant was advising the suspect's mother they intended to leave, the firefighters broke down the door. As the subject struggled with two firefighters, the sergeant directed a deputy to OC the subject. The deputy sprayed the subject three times. Eventually the subject jumped through an open window and onto a neighbor's roof.

The area was contained, a command post was established, and a Crisis Negotiation Team and a Mental Health Team were called. After about three and a half hours, the subject climbed down from the roof and was taken into custody. He was transported to a hospital where he was treated for minor scrapes and bruises not related to the UOF. The WC directed the involved sergeant to conduct the investigation. The station captain agreed, stating, "I also concur with Lt. [Name's] decision to instruct Sergeant [Name] to conduct the investigation because the force was minimal and videotaped." The UOF was reasonable, but the supervision of the incident and interagency coordination needed to be independently investigated and addressed.

- P-18. Detectives ordered a homicide suspect to remain handcuffed in a cell until criminalists could collect blood samples from him. When the criminalists arrived, a sergeant formulated a tactical plan, using two deputies and a custody assistant, in the event the subject refused to allow the blood samples to be collected. The subject violently resisted the collection of his blood, so the sergeant directed the deputies and custody assistant to take the subject down and secure him, which they did. Deputies used control holds and body weight to control the subject and allow the criminalists to collect the blood sample. The only other sergeant working that night was also assisting at the homicide scene and handling all other supervisory requests. The captain addressed the conflict issues and articulated the rationale for having the involved sergeant conduct the investigation.

We noted that page 1 of the Supervisor's Report on Use of Force form includes a check box to indicate if the investigating supervisor was present and/or witnessed the UOF that is being investigated. However, there is no check box to indicate if the investigating supervisor also directed the UOF.

Recommendation 6: The Supervisor's Report on Use of Force should include a check box to indicate if the investigating supervisor directed the UOF.

Objective 5.4: Quality of Investigations

Auditors reviewed each of the UOF investigations in the audit population for completeness and to determine if the investigation contained adequate information and detail for management to reach a reliable conclusion. Specifically, auditors' assessments of investigative completeness included but was not limited to the investigating supervisor's:

- Identification and collection of evidence, including any recordings;
- Canvas for and interviewing of civilian witnesses;
- Collection of statements from deputies who witnessed but did not use force;
- Assessment of the involved deputies' statements; and
- Preparation of a comprehensive UOF investigation.

The audit found that in every case (100%), the investigation provided sufficient investigative documentation for management to reach a reliable conclusion regarding the force that was used. Every investigation included a training and tactical review section, which was completed by the WC, often with the investigating supervisor's input and concurrence from the reviewing chain of command. There were several cases with unaddressed allegations of misconduct, and those are addressed under Objective 6, UOF Investigations With Allegations of Misconduct. There are also several cases with significant and unaddressed risk management issues, beyond the use of force, that are discussed in Objective 7, Management Oversight.

The following investigations were exemplary and commendable.

- L-7. This incident involved a very minor UOF in the jail. The investigating sergeant went above and beyond what would be reasonably expected in this situation. He completed video recorded interviews of two CHP officers and an independent witness who was being booked into the jail. He obtained camera recordings from two different angles and prepared a very thorough report.
- L-8. The investigating sergeant conducted a very thorough investigation, including a thorough search for witnesses and for camera recordings. He also addressed and documented that the suspect sustained his injuries when he was punched by a witness who intervened when the suspect assaulted a female victim. The report was very thorough and well written.
- P-3. Again, although the investigating sergeant also directed the use of force, the investigation was extremely thorough. The sergeant located and interviewed four independent witnesses, looked for cameras, tried to interview the subject (who refused), and prepared a comprehensive report.
- P-9: The investigating sergeant did a thorough investigation in which he located and interviewed the one civilian witness to the UOF. The sergeant also determined there was a video recording of the event, and, when he could not obtain a copy of the video, he took a video of the recording with his camera. He prepared a thorough report.

- P-15: The investigating sergeant conducted a comprehensive investigation, looked for witnesses, located and recovered two camera recordings, and wrote a thorough investigation report. He documented that the sergeant who directed the arrest team exercised discipline, control, and command presence and that the deputies used good tactics and good de-escalation skills, they went to great lengths to avoid using force, and when they eventually had to use force, it was methodical and controlled.

Objective 5.5 Timely Submission of Investigations

Auditors reviewed each of the UOF investigations in the sample to determine if the supervisor submitted the UOF investigation in a timely manner. In all, supervisors submitted 42 of the 46 Category 1 and 2 UOF investigations (91%) within about three weeks of the incident.

In 25 of the 27 Lancaster UOF investigations (93%), the supervisor submitted the investigation within two to three weeks. The two cases submitted beyond that time period were both Category 2 uses of force (L-2 eight weeks and L-10 10 weeks). In 17 of the 19 Palmdale UOF investigations (89%) the supervisor submitted the investigation within three to four weeks. (One Palmdale UOF was a Category 3 investigated by IAB.) One of the cases submitted beyond that time period was a Category 2 (P-2), and the other was a Category 1 (P-18).

Monitors' Finding Objective 5: Supervisory Investigation

The Department is in preliminary compliance with the SA provisions requiring that supervisors investigating the use of force conduct complete investigations. Specifically, auditors found the Department in preliminary compliance with the SA provisions that require supervisors to:

- respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention from an appropriate medical provider;*
- identify and collect all relevant evidence;*
- canvass for, and interview, civilian witnesses;*
- collect statements from witness deputies; and*

- e. *review all deputy use of force statements for adequacy, accuracy, and completeness. (Paragraph 111)*

The Department is likewise in preliminary compliance with the SA provisions that require supervisors to include in their reports:

- b. *documentation of all evidence;*
- c. *identities of all deputies witnessing the force;*
- d. *. . . a determination of whether the deputy's actions appear to be within LASD policy and consistent with state and federal law, and an assessment of the incident for tactical and training implications; and,*
- e. *documentation of any training or tactical concerns, and/or corrective action taken or recommended. (Paragraph 112)*

The Department is also in preliminary compliance with that portion of SA Paragraph 113 that requires:

- *Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command.*

The Department is *not* in compliance with the SA requirement for an *objective and independent* review of the facts and circumstances surrounding each use of force. Specifically, the Department is *not* in compliance with SA Paragraph 112 a, which requires:

the supervisor's narrative description of the incident, including a complete and comprehensive description of the evidence that either justifies or fails to justify the deputy's conduct based on the supervisor's independent review of the facts and circumstances of the incident. (emphasis added)

Without even considering the propriety of assigning a sergeant to investigate a UOF they witnessed, in 12 of 47 cases (26%), sergeants investigated uses of force that occurred at their

direction, which is an untenable conflict of interest.³⁷ The North Patrol Division chief repeatedly expressed his concerns associated with this practice, stating that it should be avoided. While there may be very rare occurrences where this clear conflict of interest could be argued as unavoidable, it took place in 1 in 4 cases in the audit population, which would not meet any reasonable quantitative and/or qualitative standard for acceptable compliance in this critical area.

Recommendation 7: The Department should hold its command staff, lieutenants, and supervisors accountable for ensuring the investigative independence of use-of-force investigations.

OBJECTIVE 6: USES OF FORCE WITH ALLEGED MISCONDUCT

The following SA paragraphs establish the Department's mandates for compliance with this objective.

- *LASD will implement mechanisms to ensure that all personnel allegations are accurately classified at all investigative stages, from intake through resolution, so that each allegation receives the appropriate level of review required under policy. (Paragraph 127)*
- *LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130)*
- *All investigations of Antelope Valley personnel complaints, including reviews, shall be as thorough as necessary to reach reliable and complete findings. (Paragraph 131)*
- *LASD will not permit any involved supervisor, or any supervisor who authorized the conduct that led to the complaint, to conduct a complaint investigation. (Paragraph 133)*

³⁷ As indicated in Objective 5.3, eight of the 12 cases (67%) were Lancaster Station occurrences and four (33%) were Palmdale Station occurrences.

- *LASD-AV will ensure that PPI data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered. (Paragraph 142)*

Monitor Activity

In our Audit of Community Complaints, we reported that the AV Unit commanders estimated that about five UOF investigations each quarter contain a community complaint. According to LASD Policy, those complaints are supposed to be investigated and adjudicated along with the UOF investigation.³⁸ In this audit, we were able to determine which UOF investigations contained allegations of misconduct. We were also able to identify the nature of the allegations, the depth to which they were investigated, and the quality of the management review at the unit and divisional levels.

Objective 6.1: UOF Investigations With a Community Complaint

Auditors examined all the force packages in the audit population to identify those that contained an allegation of misconduct.

The SA contains specific requirements for the investigation and adjudication of public complaints. For example, complainants must be interviewed in person, deputies must be interviewed separately, and a deputy's version of events cannot be given automatic preference. The findings of these inquiries must be included in a Service Comment Report (SCR) and recorded in PRMS. The procedure in place during the audit period for handling public complaints arising from a UOF bypassed many and in most cases all these SA provisions.

Four Lancaster cases (L-1, L-2, L-4, and L-18) and two Palmdale cases (P-19 and P-20) contained allegations of misconduct. In other words, six of the 47 UOF investigations in the audit population (13%) contained community allegations of misconduct. None of those complaints resulted in the completion of a SCR.

³⁸ MPP Section 3-10/100.00 Use of Force Reporting Procedures

Objective 6.2: Investigation by Uninvolved Supervisor

Auditors assessed the UOF investigations with community allegations of misconduct to determine if the supervisors who witnessed and/or directed the incident also conducted the investigation. Unlike the SA's standards for UOF investigations, the SA specifically prohibits any supervisor who was involved in or authorized the conduct leading to the complaint from conducting the investigation.

This audit determined that every one of the six UOF investigations that contained a community complaint was investigated by an uninvolved supervisor (100%).

Objective 6.3: Thorough Investigation of Complaint

Auditors assessed the UOF investigations with a community complaint to determine if the allegation(s) and any other misconduct that may have been discovered, whether or not the complainant alleged it, were thoroughly investigated.

The SA specifically requires that the investigation into a public complaint be as thorough as necessary to support a reliable adjudication. Of the six UOF investigations that included allegations of misconduct, only one (17%) sufficiently investigated the alleged misconduct (P-20). The six cases, starting with the sufficiently investigated case, were as follows.

- P-20. A deputy was transporting a prisoner when the prisoner smashed the window of the patrol vehicle and jumped through it onto the freeway. The deputy pulled to the side of the freeway and chased after the escapee. After falling down an embankment, the escapee got up and charged at the deputy. The deputy sprayed him with OC and took him into custody. The arrest was witnessed by a community member who had pulled to the side of the freeway. Due to the subject's injuries, the WC was unable to interview the subject when the UOF occurred. But a week later, he was interviewed and alleged that the deputy had kicked him several times in the back. The WC's interview of the witness who stopped to assist refuted that allegation.

- L-1. The subject alleged misconduct to both the investigating supervisor and to the watch commander. He said one of the deputies hit the hood of his car twice with his baton and that the deputy said he or his boys were “gonna fuck him up.” The investigation was submitted without addressing the allegation and was kicked back by the captain for inadequacies, including the failure to interview a key witness and photograph the car. By that time the key witness, the complainant’s former girlfriend, had been deployed to Afghanistan. The sergeant tried to photograph the car, but the complainant would not cooperate. Failure to properly investigate the allegation at the beginning resulted in an incomplete investigation.
- L-2. The subject, who suffered from significant mental illness, alleged that deputies banged her face into the wall. This was not supported by the witnesses, but nonetheless should have been addressed, and it was not. Additionally, the WC started his interview of the complainant by stating, “Earlier in the day deputies had to use force on you. Can you tell me what happened?” Starting an interview that way implies the WC already made up his mind that the force was necessary.
- L-4. The subject of the UOF alleged she was unnecessarily dragged to the patrol vehicle and that the deputy placed his hand on her breast when he put her in the patrol car. Those two allegations were not addressed in the investigation or review processes.
- L-18. An altercation occurred after a vehicle and foot pursuit. When the complainant was interviewed by the WC, he alleged he did not try to grab the deputy’s gun, that he was hit in the head and face seven or eight times unnecessarily, and that he believed the use of force was racially motivated because he was Black. The WC addressed the allegation that the UOF was racially motivated, but he did not address the subject’s allegation that he did not try to disarm the deputy, which was the rationale for the level of force used and the strikes to his head. This was not addressed during the review process.
- P-19. During his interview with the investigating sergeant the subject alleged that a deputy used excessive force after arresting and handcuffing him, and that the deputy threatened to slam his head into the cement. Neither allegation was addressed in the investigation or subsequent management review.

None of these complaints resulted in the completion of a SCR, and therefore, none of them were captured in PRMS or on the involved deputies’ personnel history. We understand that Department-wide corrective action is being taken and that each AV station commander has

issued a Unit Order directing that an SCR be completed whenever a public complaint is made, including those arising during a UOF investigation. In our next audit we will assess the Department's compliance with the updated policies and Unit Orders.

Monitors' Finding Objective 6: Uses of Force with Alleged Misconduct

The Department is *not* in compliance with SA requirements that all community complaints be investigated thoroughly, adjudicated using a preponderance of evidence, and recorded accurately in PRMS. Specifically, the Department is *not* in compliance with the SA provisions that require the following.

- *LASD will implement mechanisms to ensure that all personnel allegations are accurately classified at all investigative stages, from intake through resolution, so that each allegation receives the appropriate level of review required under policy. (Paragraph 127)*
- *LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130)*
- *All investigations of Antelope Valley personnel complaints . . . shall be as thorough as necessary to reach reliable and complete findings. (Paragraph 131)*
- *LASD will ensure that PPI data is accurate and hold responsible Antelope Valley personnel accountable for inaccuracies in any data entered. (Paragraph 142).*

The Department is in preliminary compliance with SA Paragraph 133:

- *LASD will not permit any involved supervisor, or any supervisor who authorized the conduct that led to the complaint, to conduct a complaint investigation.*

OBJECTIVE 7: MANAGEMENT OVERSIGHT

The following SA Paragraphs establish the requirements for this objective.

- *Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command, which will review the report to ensure that it is thorough and complete. (Paragraph 113)³⁹*
- *LASD agrees to continue to require that the Executive Force Review Committee review use of force incidents requiring response by the IAB Force/Shooting Response Team under current policy, and to review the incidents for any policy, training, or tactical concerns and/or violations. (Paragraph 114)*
- *LASD will hold deputies accountable for uses of force that violate policy or law, and continue to require station commanders to refer uses of force that may violate law or the Department's Prohibited Force policy, to the Internal Affairs Bureau or the Internal Criminal Investigations Bureau for further investigation or review. (Paragraph 115)*
- *LASD will hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to LASD policy. (Paragraph 116)*

Objective 7.1: Management Review of UOF

Our assessment of management's review process included the reviews conducted by the station staff, such as training sergeant, risk management sergeant, and operations lieutenant; the station commander; North Patrol Division staff; and North Patrol Division commander.

Every one of the 47 UOF cases in the audit sample (100%) contained ample documentary evidence that the management review thoroughly examined the deputies' efforts to control the situation without using force; when that failed, if the force used was objectively reasonable; and, once the threat subsided, if the force was reduced or stopped altogether. (Failure to investigate personnel complaints and risk management issues are discussed under Objective 7.5 below.) It was especially evident that the operations lieutenants at both Lancaster and Palmdale Stations played a pivotal role in the

³⁹ In Objective 1, SA Paragraph 113 was evaluated to determine if the supervisor's investigation and management review adequately addressed the objective reasonableness of the use of force. In Objective 7, auditors evaluated the force packages to determine if *all aspects* of the management reviews were *thorough and complete*.

management review process. They routinely returned investigations to have the investigator correct the errors and investigative deficiencies they identified.

Significant Finding 3: The operations lieutenants at Lancaster and Palmdale Stations are to be commended for their thorough and insightful review of the UOF investigations in this audit sample.

Objective 7.2: Timeliness of Management Review

There was no documentation in the UOF packages showing when the supervisors completed the investigations and submitted them to the WC for review. Also, the Palmdale operations lieutenant did not date his review, which is not required. Thus, auditors could only track the time periods from when the investigations were initiated and approved by the WC, the station captain, and North Patrol Division.

Recommendation 8: The Department should modify its Supervisor's Report on Use of Force to include the date the sergeant was assigned the investigation and the date it was submitted to the WC.

Forty of the 47 UOF investigations (85%) were approved in a timely manner at each step of the review process. Six of the seven delayed investigations were Category 2 uses of force, and the other was a Category 1. Table 5 shows the timeline for the seven investigations that were delayed more than six weeks at any one of the review stages.

Table 5						
UOF Review Timeline						
Audit No.	Cat.	Occurred	Approved By			
			Watch Commander	Operations Lieutenant	Station Captain	North Patrol
L-10	2	01/24/17	04/06/17	04/17/17	04/24/17	07/24/17
L-11	2	01/25/17	02/16/17	02/25/17	03/19/17	07/05/17
L-18	2	02/11/17	03/12/17	03/21/17	04/04/17	07/05/17
P-8	2	01/27/17	02/09/17	Not Dated	04/04/17	05/01/17
P-9	1	01/27/17	02/08/17	Not Dated	04/11/17	05/23/17
P-13	2	02/19/17	03/08/17	Not Dated	05/05/17	06/03/17
P-16	2	03/11/17	03/25/17	Not Dated	05/15/17	10/16/17

With the Lancaster cases, the average time to complete a UOF investigation and get it through the approval process was 90 days; the shortest was 37 days (L-7) and the longest was 181 days (L-10).

With the Palmdale cases the average time to complete a UOF investigation and get it through the approval process was 105 days; the shortest was 36 days (P-3), and the longest was 219 days (P-16). Audit No. P-12 was a Category 3 UOF investigation conducted by IAB and was not included in Palmdale's timeliness assessment because its completion is beyond the control of the Palmdale captain.

As mentioned in Section VIII of this report, the Department is piloting a new Supervisor's Report on Use of Force form and a Non-Categorized Incident project in the AV, which the AV captains believe will streamline many UOF investigations. We noted one area where the Department could further streamline its UOF investigations without sacrificing any quality of the investigation. In almost every UOF investigation we audited, including very minor uses of force (Category 1) with no allegations of misconduct and either no or very minor injuries, the subject of the UOF was interviewed and video recorded by the investigating sergeant at the scene of the incident and then interviewed and video recorded again by the WC. When we inquired about the redundancy, we were told that it has historically been solely the sergeant's responsibility to video record the subject's interview in all Category 1 UOF incidents. A revision to the UOF policy

was published in 2013, assigning that responsibility to the WC, but sergeants have continued to conduct video recorded interviews also. This results in two video interviews for low-level (Category 1) UOF incidents.

Objective 7.3: Preponderance of Evidence

Every one of the 47 UOF cases in the audit sample (100%) contained ample documentary evidence that each use of force was adjudicated as objectively reasonable based upon the preponderance of evidence. Many cases contained video evidence, some from security cameras and others from recordings by the on-scene supervisor, which provided ample evidence that the force used was objectively reasonable. Again, it was evident the operations lieutenants played a pivotal role in the management review process. In the majority of the cases, once a report was approved by the operations lieutenant, the station captain and North Patrol Division commander had little to do other than approve the report.

Objective 7.4: Executive Force Review Committee

There was one Category 3 use of force in the audit sample, which was investigated by IAB and adjudicated by the Executive Force Review Committee.

- P-12: Two deputies tried to arrest an ADW suspect who was on active parole and had an outstanding warrant for his arrest. A major altercation ensued, and three more deputies responded to the location. Eventually, the five deputies were able to take the suspect into custody. LA County Fire responded, and the suspect was taken to Palmdale Regional Medical Center for booking clearance. His medical treatment revealed he sustained a left orbital fracture and fractured ribs on the right side of his rib cage. He was transported to Antelope Valley Hospital for further medical treatment then booked in county jail. IAB was notified and responded to the scene. They assumed responsibility for the UOF investigation, per Department policy. About six hours after the UOF, they tried to interview of the subject at Palmdale Medical Center but were unable to do so.

The IAB report says the subject suffered from mental illness and verbally rambled on the day of the incident, February 15, 2017. It does not appear they were able to interview him at that time. There is no indication in the IAB report of any follow-up attempt to interview him, and there is no statement from the subject in the IAB investigation. There also is no indication the investigators tried to interview the subject's mother or her caregiver. The five involved deputies were interviewed in September 2017, and there was no explanation for the seven-month delay between the incident in February and interviews (one deputy was interviewed on September 13, three deputies were interviewed on September 18, and one deputy was interviewed on September 21). The IAB investigation was signed by the IAB lieutenant on December 13, 2017, the EFRC heard the matter on January 11, 2018, and the EFRC Findings Report was issued on January 16, 2018, which was within the statute of limitations for taking administrative action, had that been necessary.⁴⁰

The one-and-a-half-page EFRC report was overly succinct and consisted mostly of reference information on the employees and incident. The EFRC found the use of force and tactics to be in policy and made three recommendations:

1. The five employees should attend Tactics and Survival I, High Risk Contacts, and Arrest and Control Techniques Training;
2. A tactical debriefing should be held with the involved employees; and
3. A Field Operations Directive should be created for desk personnel to ask for additional information regarding the mental health, intoxication level, weapons possessed or accessible, and prior criminal history prior to deputies' arrival and include that information in the call for service.

First, our inquiries revealed that the Department stopped providing the High Risk Contacts training several years ago. Second, only four of the five involved employees have attended the other two classes as of this writing, which was nine months after the EFRC issued its findings. Third, Palmdale reports the employees were notified about the EFRC

⁴⁰ The NPD chief or his designee attends the EFRC.

disposition, and the tactical debrief occurred back when the UOF took place. Finally, the directive is being developed by Field Operations Support Services (FOSS).

The MT recognizes that our insight into the EFRC process is extremely limited and, in fact, consists of only one case. While limited, our review does raise some concerns.

1. The IAB investigation does not address the issues required by NPD of Category 1 and 2 use-of-force incidents, such as efforts to de-escalate the situation.
2. There is no rationale provided in the EFRC report on its concerns or the training it recommended the deputies to attend.
3. The EFRC's remedial outcomes are characterized as "recommendations," but it is unclear who is approving or disapproving their recommendations.
4. There is no discussion in the EFRC report regarding the seven-month delay in interviewing the involved deputies.

The SA requires that LASD "continue to require that the Executive Force Review Committee review use of force incidents requiring response by the IAB Force/Shooting Response Team under current policy, and to review the incidents for any policy, training, or tactical concerns and/or violations" (Paragraph 114). That expectation is also contained in the LASD Manual of Policy and Procedures, which requires of the EFRC's findings report: "Issues concerning tactics, training, and/or policy revisions shall be cited and a memorandum forwarded to the appropriate Department Unit/Bureau for consideration."⁴¹

It will be necessary to conduct a specific audit of AV Category 3 uses of force and the EFRC process to assess the Department's compliance with SA Paragraph 114. We have already contacted the Compliance Unit and identified the audit population.

⁴¹ MPP 3-10/140.00 Executive Force Review Committee.

Recommendation 9: Monitors should conduct a follow-up audit of AV Category 3 uses of force to derive more reliable information on the EFRC's review of those cases in order to determine compliance with the SA requirement that the EFRC review them for any policy, training, or tactical concerns and/or violations.

Objective 7.5: Risk Management Issues

While the investigations provided sufficient information to adjudicate the use of force, nine of the 47 UOF investigations (19%) contained risk management issues that were not identified and addressed during the management review. This list does *not* include investigative or review deficiencies that were identified and corrected during the review process.

- Five uses of force also contained allegations of misconduct that were not adequately investigated or adjudicated during the review process (L-1, L-2, L-4, L-18, and P-19).
- L-2. Three deputies, two of whom were very large men, tried to take a 4'11" 125-pound woman who appeared to be mentally ill into custody. The woman was not following directions and thrust her hands into her jacket pockets. One of the male deputies saw this and reported that he feared she was trying to arm herself with a weapon she might have concealed in her jacket pocket. As he grabbed the woman's wrist, she turned and kicked him in the knee. The deputy wrote that he "punched" the woman in the face with a closed fist, which stunned her. She stopped resisting and was handcuffed. The doctor who examined the woman stated she did not sustain any injury, so it is apparent the deputy didn't punch her with any significant force or velocity. In his report, the investigating supervisor wrote: "I commended Deputies [Names] for working together and using minimal force to overcome Suspect [Name's] resistance." He went on to say, "I recommended alternatives to punching with a fist, which can result in injuries to the suspect and deputies. Instead an open palm strike is a good option. We also discussed the use of team takedowns and the Taser."

The Department considers assaultive actions as "high risk," and its policy understandably allows for the use of personal weapons in high-risk situations. However, considering there were three deputies present, two of whom were very large, and the subject of the UOF had significant mental health issues and was very small, restraint techniques would seem to be a more viable option than striking her in the head with a closed fist. This should have been thoroughly addressed at every level of the review process and was not.

- L-4. Two tenants who had been evicted, a 69-year-old mother and her 47-year-old son with the mental capacity of a child, returned to the victim's residence and broke into her house. The victim called the sheriff, and a sergeant responded along with two deputies. The mother had threatened to shoot the victim with a shotgun, and a crime report was completed. The mother agreed to submit to handcuffing, but when the deputy handcuffed her, the son tried to intervene and a minor UOF occurred. The mother was escorted to the patrol car. The sergeant believed the son had nowhere to go and would return to the location once they left. Therefore, he directed the deputies to arrest the son for returning to a location from which he had been evicted. The deputies tried to develop a rapport with the son and gain his cooperation. Ultimately, a deputy approached him from behind and attempted to handcuff him. A UOF occurred when the son actively resisted and spit in the deputy's face. The sergeant videotaped the entire UOF, which lasted eight and a half minutes before the son was handcuffed and stopped resisting. In her interview, the mother alleged the deputies had used excessive force and that one of the deputies had touched her breast when he put her in the patrol vehicle.

The management review did not adequately address other alternatives to taking the son into custody for a criminal charge, which was clearly not the only or best option. It also did not address the decision to approach and contact him from behind when considering his state of confusion and diminished mental capacity.⁴² Finally, we disagree with the operations lieutenant's assessment that there was no need or benefit to request the response of a MET. The investigation also did not address the allegations of misconduct.

- L-10. Two radio cars with four deputies responded to a call about a fight in a park. While en route, they were told one of the combatants had a gun. As the deputies arrived, the combatants ran, and the deputies followed in their patrol vehicles. When one suspect slowed down, one deputy exited his car and tried to detain the subject at gunpoint. The subject fled, and a brief one-deputy foot pursuit occurred. The deputy tried to detain the subject at gunpoint on the front lawn of a residence as four additional deputies arrived. When the subject did not follow directions, the deputy holstered his weapon, and a UOF occurred involving the subject and five deputies. The subject clutched onto his front pocket throughout the incident as he actively resisted the deputies. The deputies believed the subject had a gun in his pocket, and, after the subject was taken into custody, they recovered a loaded .357 magnum revolver from the pocket he had been holding.

⁴² At one point during the incident the subject told the deputies he was five years old.

The supervisor's investigation was sufficient enough for management to reach reliable conclusions associated with the UOF on the armed subject. However, there were issues associated with the incident that were not adequately addressed by the investigator or during the review. The UOF was captured on a security camera. That recording shows an uninvolved woman, accompanied by another woman and man, walking in the street and approaching the front of the residence where the use of force was occurring. The woman appeared to be recording the incident on her cell phone. A deputy who was not involved in the UOF turned toward the woman, walked the length of the front lawn, raised his arm, and pointed toward the woman. The woman backed up, placed her purse on the hood of a car, and appeared to continue recording the incident. A firearm cannot be discerned in the video, but the deputy who confronted her stated in his supplemental report:

I held the dogs at gunpoint facing east (the dogs were large and acting viciously behind a thin glass window of the house at the location) fearing they would break through the glass and attack us. As I was focused on the window of the house, several deputies were attempting to handcuff Suspect [Last Name], behind me to the west. I could hear the deputies struggle with Suspect [Name], while I continued to maintain my focus on the dogs. As I continued to maintain my focus on the dogs, I heard female voices yelling "stop," at which time I immediately looked over my right shoulder and saw two female Black adults, and a male Black adult approaching the deputies who were attempting to handcuff Suspect [Name]. As the females approached, one of them yelled, "You can't do that." I turned around in a southwest direction and detained two females and one Black male adult at gunpoint, as I gave them verbal commands to stop and get back from the deputies.

The supervisor's report stated, "Deputy [Name] did in fact point his duty weapon at the advancing women, which he addressed in his supplemental report." However, the sergeant did not document that the approaching woman was in the street and that it appeared she was trying to video record the incident on her cell phone.⁴³ The woman was also not identified or interviewed. While there may have been a reasonable explanation for that, it was not documented in the sergeant's report. The sergeant did not question the deputy to gain insight into why the deputy felt such fear for his or the other deputies' safety that he pointed his firearm at the woman, or if he saw that the woman was video recording the incident. The deputy did say that he "detained" the woman, but the video evidence and his own statement show that was not an accurate statement, and these discrepancies should have been addressed in the investigation. Every level of the review commented on the objective reasonableness of the UOF and appropriateness of the tactics, but the rationale and justification for the deputy pointing his firearm at a woman who appears to be video recording the UOF was not addressed and should have been.

- P-11. A deputy assigned to the Antelope Valley Mall was contacted via the mall radio by a J. C. Penney loss prevention officer. The loss prevention officer told the deputy that a suspect came into the store and shoplifted some merchandise. The suspect had done this on several occasions in several mall stores. The deputy began looking for the suspect and saw him walking through a gas station parking lot carrying two boxes in his hands. The suspect saw the deputy, dropped the boxes, and fled. The deputy recovered the boxes and returned the stolen merchandise to the loss prevention officer, who told the deputy "they were not desirous of prosecution."

The next day, the same deputy was contacted via radio by an AV Mall security officer and was told that the suspect was standing at a freeway off ramp. The deputy drove to that location and wrote in his report that he saw the suspect "panhandling on the side of the road." The deputy approached the suspect and told him he was being detained for a theft and trespassing investigation. The deputy attempted to handcuff the subject so he could conduct a pat-down search for weapons. The subject pulled away from the deputy, and the deputy called for assistance. The subject began yelling, "What did I do?" and continued to resist. A second deputy arrived and assisted handcuffing the subject. The UOF consisted of applying body weight and a control hold.

⁴³ SA 106 includes: "LASD agrees to explicitly prohibit interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the member of the public is lawfully present." The sergeant's investigation did not address whether the deputy was aware that the approaching woman was video recording the incident and clearly should have.

After the UOF and arrest, the first deputy contacted a Sears loss prevention manager, who told him the subject came into their store on four occasions and took merchandise without paying for it, but no police reports were made. The AV Mall loss prevention manager completed a private person's arrest form and placed the subject under arrest for being on AV Mall property. An AV security officer also placed the subject under private person's arrest for trespass. The supervisor's investigation did not address the fact that the deputy's report stated he detained the subject for investigation of theft and trespassing, which are both misdemeanors not committed in the deputy's presence. The UOF investigation does say that the arrest report lacks the written justification "for a pat-down search" then goes onto say, "this would not be necessary if the report had simply indicated he was arresting the subject for panhandling (a misdemeanor). Again, that is a misinterpretation of California law, which only prohibits panhandling when the panhandler accosts someone. The arrest report simply says the subject was panhandling, and the UOF investigation report says he was holding a cardboard sign, neither of which are unlawful.

The operations lieutenant noted that the deputy contacted a known suspect who was wanted for commercial burglary and trespassing. That is an incorrect statement of the deputy's perception. At the time of the subject's contact, the deputy had been told by the J. C. Penney loss prevention officer that they did not want to prosecute. The reports should have been corrected to reflect that. But they were left to show the use of force occurred when the subject was detained and arrested for a misdemeanor not committed in the deputy's presence.

Failure to recognize risk-management issues that arise during an investigation was also identified as a deficiency in the MT's audit of community complaints. It appears that at times the investigators and reviewers become so focused on the issue being investigated, such as a use of force or a personnel complaint that they sometimes fail to see other issues that have arisen. It is also possible that these issues were identified and addressed separately in documents that were not provided to auditors. Either way, these issues need to be identified and addressed in the document that shows the Department's response to these issues if for no other reason than to establish a full and complete record should the incident become an issue in court later on. Civil suits frequently involve multiple events that occurred years earlier, and a clear record of the action(s) taken reduces County liability.

Monitors' Finding Objective 7: Management Oversight

The Monitors are unable to determine if the Department is in preliminary compliance with the SA provisions requiring effective management oversight of use-of-force investigations. Specifically, we are unable to determine compliance with the following SA provisions.

- *[T]he investigating supervisor shall forward the report through their chain of command, which will review the report to ensure that it is thorough and complete. (Paragraph 113)⁴⁴*
- *LASD agrees to continue to require that the Executive Force Review Committee review use of force incidents requiring response by the IAB Force/Shooting Response Team . . . and to review the incidents for any policy, training, or tactical concerns and/or violations. (Paragraph 114)*
- *LASD will hold deputies accountable for uses of force that violate policy or law, and continue to require station commanders to refer uses of force that may violate law or the Department's Prohibited Force policy, to the Internal Affairs Bureau . . . for further investigation or review. (Paragraph 115)*
- *LASD will hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to LASD policy. (Paragraph 116)*

As it relates to SA Paragraph 113, we have discussed throughout this report that the management oversight associated with the objective reasonableness of the force used was sufficient to adjudicate every case in the audit population. However, nine of the 47 UOF investigations (19%) contained significant risk management issues that were not identified and/or adequately addressed during the management review process. Those risk management issues are:

- Five uses of force contained allegations of misconduct that were not investigated or adjudicated during the review process (L-1, L-2, L-4, L-18, and P-19);

⁴⁴ In Objective 1, SA Paragraph 113 was evaluated to determine if auditors agreed that the supervisor's investigation and management review adequately addressed the objective reasonableness of the use of force. In this objective, auditors evaluated the force packages to determine if all aspects of the management reviews were thorough and complete.

- The appropriateness of a deputy's using personal weapons on a partially restrained diminutive woman with mental illness, when the deputy had a significant size advantage (L-2);
- A sergeant's decision to arrest a subject with the mental capacity of a child, which led to the use of force, when other alternatives, including the response of MET personnel, should have been considered (L-4);
- An inadequate investigation associated with a deputy pointing his firearm at a woman who was approaching and video recording a use of force on a man with a gun (L-10); and
- A deputy's decision to detain and arrest the subject for a misdemeanor not committed in his presence, after he had been told that the victim did not wish to prosecute, which led to the use of force (P-11).

As it relates to SA Paragraphs 114–116, there was only one Category 3 use of force in the audit population, which is insufficient for auditors to make an informed assessment of the Department's investigations of Category 3 uses of force that occur in the AV and the EFRC process. Furthermore, there were no uses of force in the audit population with indicia that deputies violated policy or law or any reason that the investigations should have been referred to IAB for further investigation or review. Therefore, we are unable to determine compliance or non-compliance with this objective due to insufficient available data that can be assessed. There are also substantive issues the Parties must resolve and provide auditors guidance regarding the compliance metrics for these SA requirements.

Recommendation 10: The Parties need to concur on the compliance metrics governing compliance with the SA's requirements for management oversight of use-of-force investigations.

OBJECTIVE 8: DIRECTED TRAINING

The following SA paragraphs establish the Department's mandates for compliance with this objective.

- *Following the investigation, each supervisor shall continue to complete a supervisory investigation documented in a "Supervisor's Report on Use of Force." This Report shall include: . . . e. documentation of any training or tactical concerns, and/or corrective action taken or recommended. (Paragraph 112)*
- *LASD and Antelope Valley unit commanders will regularly review and track "training and tactical review" related findings, recommendations, and comments to ensure that informal supervisory feedback does not replace the need for formal discipline. LASD will ensure that the supervisory feedback, including feedback documented in the "training and tactical review" portion of a Supervisor's Report on Use of Force, is documented in the PPI. (Paragraph 118)*
- *In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative outcome assessments to measure whether LASD's implementation of this Agreement has eliminated practices that resulted in DOJ's finding a pattern and practice of constitutional violations. These outcome assessments shall include collection and analysis, both quantitative and qualitative, of the following outcome data: . . . e. Training Measurements, including:*
 1. *deputy and agency reports of adequacy of training in type and frequency;*
 2. *responsiveness to training needs identified by reviews of deputy activity, use of force investigations, and personnel complaint investigations; and,*
 3. *documentation that training is completed as required. (Paragraph 153)*
- *LASD shall completely and accurately record information regarding LASD-AV deputies' training attendance in LASD's Learning Management System (LMS) system or its successor. (Paragraph 167)*

Monitor Activity

Auditors reviewed each UOF package in the audit sample to identify cases in which a manager—WC, unit captain, and/or division commander or chief—directed that employees receive particular training. There was also one case (P-12) where the EFRC directed that employees involved in a use of force receive remedial training. Auditors then reviewed various records to determine if the directed training had been provided within approximately three months, which auditors believed to be a reasonable amount of time, after the management

decision was made that the employee needed remedial training associated with their use of force.

There were eight use-of-force incidents involving 25 employees where a reviewing unit commander or division commander directed that the employees attend specified training. In three cases, the three involved employees attended the training within a reasonable time (L-24, P-4, and P-19). But in the other five cases, the 22 involved employees had not attended the training, which was directed by the unit or division commander, at the time of our request for the employees' training records, one and a half years after the uses of force occurred. Those cases are as follows.

- L-9. The unit commander concurred with the operations lieutenant's recommendation that the one involved employee attend Arrest and Control Training. The employee has not attended the directed training.
- L-10. The unit commander directed that the six involved employees attend Tactics and Survival Training as well as Arrest and Control Training. Only two of the employees have attended both directed trainings.
- L-12. The division commander directed that the eight involved employees attend Arrest and Control Training. Only two of the employees have attended the directed training sessions.
- L-26. The unit commander directed that the two involved employees attend Taser Refresher Training. Neither employee, one of whom is a supervisor, has attended the directed training.
- P-12. The EFRC "recommended" that the five involved employees attend "Tactics and Survival I, High Risk Contacts, and Arrest and Control Techniques training."
 - » Four of the five employees have attended Arrest and Control Techniques training, but one has not. That employee transferred to another command about a month after the incident occurred, and it is unclear if the EFRC direction was sent to his new command.
 - » Four of the five employees have attended Tactics and Survival (sometimes known as TAS, and sometimes known as LASER 1) training, but one has not. That employee transferred to another command about a month after the incident occurred, and it is unclear if the EFRC direction was sent to his new command.

- » The Department discontinued the High-Risk Contacts training course several years ago according to the Department's training bureau.⁴⁵

Table 6			
Directed Training			
Audit No.	Deputies Directed to Training	Deputies Attending Directed Training	Compliance
L-9	1	0	0%
L-10	6	2	33%
L-12	8	2	25%
L-24	1	1	100%
L-26	2	0	0%
P-4	1	1	100%
P-12	5	4	80%
P-19	1	1	100%
Total	25	11	44%

The liability that arises when a manager recognizes a problem, directs that corrective action be taken, and that direction is not followed cannot be overstated. Simply put, that omission can result in future adverse incidents that could have been prevented, and therefore can dramatically increase punitive damages should anyone be hurt in a similar situation. We understand that an audit by North Patrol Division several years ago found the same problem and that systems were put in place at that time to prevent this from occurring. Obviously, those systems have fallen into disarray. We are confident that system will be resurrected in response to this audit. Therefore, our recommendation is not to develop a system, but to hold people accountable for failing to follow directions from the NPD commander when he identifies the training needs of staff involved in the use of force.

⁴⁵ This and other issues with the EFRC were addressed in Objective 7: Management Oversight.

Recommendation 11: The Department should hold its command staff and supervisors accountable to ensure that employees who are directed to training are promptly scheduled to attend *and* satisfactorily complete the training.

One of the employees involved in the incident reviewed by the EFRC had transferred, and his command was apparently unaware of the EFRC's decision on training. The system to implement EFRC decisions must account for employees who have transferred and ensure EFRC decisions are carried out.

Recommendation 12: Decisions made by the EFRC must be communicated to the involved employees' command, not just the command of occurrence. That notification needs to be documented along with the corrective action taken.

Obviously, there is a concern that training is not being provided as directed by a unit or division commander. Lancaster's response showed that the employees in one case (L-26) had attended the training and that one of the employees in another case (L-12) was no longer with the Department and therefore unavailable for the training. On further inquiry we found that the two employees who attended the training did so *after* Lancaster received our inquiry. In the case where the employee was not available to attend the training because he had separated from the Department, further inquiry showed the employee voluntarily left the Department on November 3, 2017, ten months after the incident occurred, which was ample time to have provided the training.

The Department often recommends "Tactics and Survival" training. However, in their training records databases and other Department records it is listed as either "Tactics and Survival," "TAS," or "LASER 1," depending on which database or document is checked. This creates confusion when determining if the employee has attended the correct training.

Recommendation 13: The Department should standardize the naming of training courses in their databases and recommendation documents. The official POST course name should always be used to avoid confusion.⁴⁶

Monitors' Finding Objective 8: Directed Training

The Department is in preliminary compliance with SA Paragraph 112, which requires supervisors to include documentation of training and tactical concerns.

The Department is *not* in compliance with SA Paragraphs 118, 153, and 167, which require LASD and Antelope Valley unit commanders to regularly review and track training and tactical review-related findings and recommendations and ensure that training is completed, documented, and accurately recorded in the Department's databases.

OBJECTIVE 9: RECORDATION OF UOF DATA

The following SA paragraph establishes the Department's mandate for compliance with this objective.

LASD will ensure that [PRMS] data is accurate and hold Antelope Valley personnel accountable for inaccuracies in any data entered. (Paragraph 142)

Monitor Activity

The supervisor completing a use-of-force investigation records a variety of data on the UOF report forms. Those forms are reviewed and approved by the unit and division COs and forwarded to the Discovery Unit for data input.

Auditors separated data capture and data entry into high-risk segments and low-risk or ministerial segments. High-risk factors such as identifying all deputies involved, the type(s) of force used, and any injury require a greater degree of accuracy than lower-risk areas. We found,

⁴⁶ POST refers to the Commission on Peace Officer Standards and Training.

however, that the data captured at the investigative level and data entered at the input level were both nearly perfect regardless of the information's importance.

Objective 9.1: Use-of-Force Data on Report

There were five investigations that contained coding errors on the UOF form. There were two high-risk coding issues and three low-risk coding issues. All three low-risk cases (L-23, P-6, and P-16) failed to capture resisted handcuffing, which was a very minor aspect of a greater use of force. The two high-risk errors were:

- L-9 and L-18. In both cases, a deputy reported that the suspect grabbed a deputy's firearm. In both cases, the deputy was able to retain control of his firearm. It would seem in such cases the "firearm" code should have been marked. In the alternative, the Department may want to consider adding a code for suspects who attempt to take a deputy's firearm.

Given the myriad data a supervisor captures on a use-of-force investigation form, these errors constitute a minute (< 1%) error rate. With that said, the Department should consider the addition of a data entry code to reflect when a suspect attempts to disarm a deputy.

Recommendation 14: The Department should add a data entry code to PRMS to capture when a subject of the use of force attempted to disarm a deputy.

Objective 9.2: Use-of-Force Data in PRMS

The Discovery Unit's data entry into PRMS was extremely accurate. In fact, we found no errors in their entry of the data marked on the reports. That is no small feat given the volume of data they are required to enter. This is especially challenging with UOF investigations, which tend to involve multiple deputies utilizing multiple techniques, and all these details need to be input accurately.

Significant Finding 4: The Discovery Unit is to be commended for the accurate entry of data into PRMS. This is no small accomplishment given the volume of data they enter.

Objective 9.3: Timely Entry into PRMS

After the division commander approves the report, it is forwarded to the Discovery Unit for data input into PRMS. Unlike the SCR form, which has a dedicated box to enter the date each complaint is received, reviewed, and entered by Discovery, there is no place on the UOF form to record that information. Discovery affixes a date and time stamp on the back of the first page for every UOF report it receives. That stamp is not scanned with the rest of the report, so there is no electronic record of when these reports are received at Discovery.

Recommendation 15: The UOF report form should contain a section for Discovery to enter the date it was received, reviewed, and entered into PRMS. Meanwhile, that information needs to be recorded on the form in a manner that will be captured in the scanned electronic record.

Because the received date was not entered, auditors used the date the division commander approved as the approximate date the investigation was forwarded to Discovery. From that, we calculated that UOF reports were at Discovery for about seven months before they were entered into PRMS.

When auditors obtained a PRMS printout of AV uses of force on December 12, 2017, more than eight months after the end of the audit period (March 31, 2017), only 28 of the 47 UOF investigations (60%) had been entered into PRMS. Twelve Lancaster UOF investigations had not been entered (L-7, L-10, L-11, L-18, L-19, L-21, L-22, L-23, L-24, L-25, L-26, and L-27), and six Palmdale UOF investigations had not been entered (P-12, P-16, P-17, P-18, P-19, and P-20).

When auditors obtained an updated PRMS printout of AV uses of force on August 14, 2018, nearly one and a half years after the end of the audit period, one UOF investigation still had not been entered into PRMS (P-12, a Category 3 use of force.)

Recommendation 16: The Department needs to evaluate the process Discovery uses to input UOF data and find a way to input that data in a timelier manner.

Objective 9.4: Records Retention

In reviewing the documentation for the cases selected for this audit—the same documentation a judge or anyone else would receive if they requested the official record for these investigations—we noted that some of the scanned pages were so faint as to be illegible. This occurred in several cases, but the most prominent examples are the following pages, which are too faint to read:

- L-1: Pages 40, 41, and 42;
- L-2: Pages 45, 46, and 47;
- L-4: Pages 87, 88, and 89; and,
- L-5: Pages 37, 38, and 39.

In each of these cases, the illegible pages appeared to be a three-page California Law Enforcement Telecommunications System (CLETS) printout most likely caused by a faulty printer. Regardless of the cause, the Department needs to ensure that every page of a scanned document is legible.

Recommendation 17: The Department needs to evaluate the quality control process Discovery uses to scan documents and ensure that each and every page is captured and legible.

Monitors' Finding Objective 9: Recordation of UOF Data

The Monitor is Unable to Determine preliminary compliance with SA Paragraph 142, which requires the accurate and timely entry of UOF data in PRMS. The data is being captured very accurately at the investigative stage, and the Discovery Unit does a remarkable job entering

the data correctly. But there is a lengthy delay between the incident and recordation in PRMS. Compliance cannot be determined until the compliance metric is agreed on by the Parties.

OBJECTIVE 10: CALIFORNIA STATE UOF REPORTING REQUIREMENTS

Pursuant to Government Code section 12525.2, effective January 1, 2016, all California law enforcement agencies are required to collect certain UOF incident data and provide the California Department of Justice with an annual report of all incidents in which a peace officer employed by the agency:

1. Shoots a civilian;
2. Is shot by a civilian;
3. Uses force against a civilian resulting in serious bodily injury or death; and,
4. Is the subject of force used by a civilian resulting in the officer's serious bodily injury or death.

Government Code section 12525.2(d) defines serious bodily injury as "a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ." This data is published on the attorney general's Open Justice website.

There were no indicia of any of the incidents in the audit population meeting these reporting requirements.

OBJECTIVE 11: UNADDRESSED UOF PARAGRAPHS

There are nine other SA paragraphs that require specific training for deputies and the analysis of UOF data. Those paragraphs were not part of this audit and will be addressed separately. Those unaddressed SA paragraphs are as follows.

Training

- *LASD will continue to require, and emphasize in its training, that a hard strike to the head with any impact weapon, including a baton, is prohibited unless deadly force is justified. Unintentional or mistaken blows to these areas must be reported to ensure that all reasonable care was taken to avoid them. (Paragraph 107)*
- *LASD shall provide all Antelope Valley deputies with annual or biennial use of force training. The topics will include the following:*
 - a. *proper use of force decision making, including when force may be unnecessary in response to minor resistance (biennial);*
 - b. *role-playing scenarios and interactive exercises that illustrate proper use of force decision making, including training deputies on the importance and impact of ethical decision making and peer intervention (annual);*
 - c. *principles of procedural justice, and avoiding the use of force in response to minor resistance (biennial);*
 - d. *de-escalation techniques that encourage deputies to make arrests without using force (annual);*
 - e. *threat assessment, including how race can impact deputies' threat assessments (biennial);*
 - f. *LASD-AV deputies will attend LASD's Tactics and Survival (TAS), also known as the Laser Village tactical firearms training (biennial); and*
 - g. *supervisors shall receive initial and annual refresher training on conducting use of force investigations, how to effectively direct deputies to minimize uses of force and to intervene effectively to prevent or stop unreasonable force, using LASD's accountability and disciplinary systems after encountering a potentially unreasonable use of force, and supporting deputies who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force (annual). (Paragraph 119)*

Review and Analysis of UOF Data

- *LASD will conduct at least semi-annual analysis of, at a minimum, the following AV data: . . . (c) uses of force, including force associated with obstruction arrests and similar violations; (d) arrests for California Penal Codes § 69 (felony obstruction or resisting arrest), § 148(a)(l) (misdemeanor obstruction or resisting arrest), and § 243(b) (battery on a peace officer or other public officer without infliction of injury); (Paragraph 82)*
- *LASD and Antelope Valley unit commanders will be responsible for identifying and reporting force trends and for taking preventive steps to curb problematic trends, including issuing or revising policies, directives, training bulletins, or providing additional mentoring and supervision to individual deputies. (Paragraph 117)*
- *LASD and Antelope Valley unit commanders will regularly review and track "training and tactical review" related findings, recommendations, and comments to ensure that informal supervisory feedback does not replace the need for formal discipline. LASD will ensure that the supervisory feedback, including feedback documented in the "training and tactical review" portion of a Supervisor's Report on Use of Force, is documented in the PPI. (Paragraph 118)⁴⁷*
- *Within one year of the Effective Date and at least annually thereafter, LASD will analyze the Antelope Valley stations' force data, including the force-related outcome data, to identify significant trends, and identify and correct deficiencies revealed by this analysis. (Paragraph 120)*
- *LASD-AV's force analysis will include assessment of the frequency and nature of uses of force that are: referred to IAB for investigation; the subject of misconduct complaints; the subject of civil suits; related to criminal obstruction- or resisting-arrest-type charges that are dismissed or declined by the prosecutor; or involve repeat-deputies or units. (Paragraph 121)*
- *LASD will determine whether policy or training curricula changes must be made as a result of its analysis of UOF incidents. (Paragraph 122)*
- *LASD will document the results of the use of force analysis in a public report. (Paragraph 123)*

⁴⁷ This SA paragraph was partially addressed in this audit.

X. CONCLUSION

In the law enforcement profession, no other area or action garners more public scrutiny than the use of force by law enforcement officers. Antelope Valley deputies, like all law enforcement professionals, are, by the nature of their duties, authorized to use force in the performance of their duties. However, the appropriateness of the circumstances, type, and degree of the force used is often the subject of intense and emotionally charged debate. As society and the law enforcement profession have advanced, so have the expectations toward policing tactics and the use of force. The use of force, especially deadly force, is a tremendous and important responsibility. De-escalation should be considered and employed whenever possible and force used only as a last resort and in a lawful manner.

Historically, the use of force by law enforcement was exclusively evaluated to assess if the force used was "objectively reasonable," which remains the cornerstone legal standard. However, as society has advanced, community and law enforcement agency executives' expectations associated with the use of force have continued to evolve. The de-escalation of evolving situations and reducing the need to ultimately use force have taken center stage in this area. The use of verbalization, available resources, conflict resolution, and warnings associated with the use of force are not new. However, in the past, law enforcement officers did not have as many force options available to them as they do now. Furthermore, society's watchful eye on the use of force by law enforcement officers has improved along with the video and photographic technology that now provides concerned community members equipped with a smartphone the ability to video record law enforcement officers' uses of force and upload those incidents for international scrutiny in real time.

This added scrutiny of the use of force by law enforcement professionals has in many ways helped the law enforcement profession and affirmed that most law enforcement officers and deputies are professional, courageous, and disciplined even as they face life-threatening dangers on a daily basis. It has also exposed those who lack the training, capacity, and/or professionalism to effectively handle the evolving tense and dangerous situations that often require the use of force. The Settlement Agreement's provisions were designed to address these issues and increase public confidence in the Department.

The SA requires that deputies first attempt to de-escalate evolving situations without using force. If that cannot be achieved, deputies are authorized to use force that is objectively reasonable for the circumstances with which they are confronted. Then supervisors must conduct independent, objective, and complete investigations so management can rely on them to form appropriate conclusions about the de-escalation, use, and investigation of the force used. Management must then ensure that policy, training, and risk management issues are addressed. This audit report shows that in many respects, the Department has achieved these goals, but in others it has fallen short. We trust that the issues raised in this audit will be helpful and that the Department will promptly address those areas where it requires improvement.

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A. Summary of Recommendations

- Recommendation 1: The Parties to the SA need to reach consensus on whether the SA's provisions apply to non-AV commands providing police services in the AV, particularly those commands that have their personnel housed in one of the AV Stations.
- Recommendation 2: The Department needs to determine why Audit No. L-7 did not appear on the PRMS printout for Lancaster Station's uses of force.
- Recommendation 3: The supervisor investigating a UOF should obtain a copy of any report(s) completed by LA County Fire Department personnel who provided medical treatment to the subject(s) of a UOF, and that report should be included in the force investigation package.
- Recommendation 4: The Parties need to reach consensus on the definition of "proportional force." That definition should then be included in the SA compliance metrics and the Department's policy, and AV deputies, supervisors, and management should be trained on the updated policy.
- Recommendation 5: Department policy governing supervisors who directed the use of force also conducting the investigation needs to be reconsidered in recognition that such conflicts challenge the investigative independence and objectivity of those investigations. The policy should also consider there are several other risk-management factors that need to be considered, not just the use of force itself.
- Recommendation 6: The Supervisor's Report on Use of Force should include a check box to indicate if the investigating supervisor directed the UOF.
- Recommendation 7: The Department should hold its command staff, lieutenants, and supervisors accountable for ensuring the investigative independence of use-of-force investigations.
- Recommendation 8: The Department should modify its Supervisor's Report on Use of Force to include the date the sergeant was assigned the investigation and the date it was submitted to the WC.
- Recommendation 9: Monitors should conduct a follow-up audit of AV Category 3 uses of force to derive more reliable information on the EFRC's review of those cases in order to determine compliance with the SA requirement that the EFRC review them for any policy, training, or tactical concerns and/or violations.

- Recommendation 10: The Parties need to concur on the compliance metrics governing compliance with the SA's requirements for management oversight of use-of-force investigations.
- Recommendation 11: The Department should hold its command staff and supervisors accountable to ensure that employees who are directed to training are promptly scheduled to attend *and* satisfactorily complete the training.
- Recommendation 12: Decisions made by the EFRC must be communicated to the involved employees' command, not just the command of occurrence. That notification needs to be documented along with the corrective action taken.
- Recommendation 13: The Department should standardize the naming of training courses in their databases and recommendation documents. The official POST course name should always be used to avoid confusion.
- Recommendation 14: The Department should add a data entry code to PRMS to capture when a subject of the use of force attempted to disarm a deputy.
- Recommendation 15: The UOF report form should contain a section for Discovery to enter the date it was received, reviewed, and entered into PRMS. Meanwhile, that information needs to be recorded on the form in a manner that will be captured in the scanned electronic record.
- Recommendation 16: The Department needs to evaluate the process Discovery uses to input UOF data and find a way to input that data in a timelier manner.
- Recommendation 17: The Department needs to evaluate the quality control process Discovery uses to scan documents and ensure that each and every page is captured and legible.

B. Summary of Significant Findings

- Significant Finding 1: After conducting a thorough validation of the audit population, auditors found no indicia of unreported uses of force by deputies.

- Significant Finding 2: Eighty percent of the subjects of a UOF in the AV were under the influence of alcohol or drugs and/or appeared to be suffering from mental health issues. This presents a significant challenge to the Department in its training and tactics and in its enforcement of drug and liquor laws, as well as to the government agencies responsible for providing that segment of the community with health and human services.
- Significant Finding 3: The operations lieutenants at both Lancaster and Palmdale Stations are to be commended for their thorough and insightful review of the UOF investigations in this audit sample.
- Significant Finding 4: The Discovery Unit is to be commended for the accurate entry of data into PRMS. This is no small accomplishment given the volume of data they enter.

Addendum A

Key Components of Lancaster UOF Stratum

Table A

Key Components of Lancaster UOF Stratum

Audit No	Source	Sex/Race	Location	Cat	Primary Charge	Armed/ Attempt	Med Trtmt	Hospital	Alcohol	Drug	Mental Health
L-1	Flag Down	M/Blk	Parking Lot	1	148PC	No	Yes	No	No	No	No
L-2	Radio Call	F/Blk	Street	2	422 PC	No	Yes	No	No	No	Yes*
L-3	Radio Call	M/Hisp	Street	2	148PC	No	Yes	No	No	No	No
L-4	Radio Call	F/Wht M/Wht	Residence	2	422 PC 419 PC	No	Yes	No	No	No	#1 No #2 Yes
L-5	Unrelated Stop	M/Blk	Street	1	69 PC	Branch	Yes	No	Yes	Yes†	Yes‡
L-6	Radio Call	M/Blk	Parking Lot	1	242 PC	No	Yes	No	Yes	No	No
L-7	Booking	F/Wht	Jail	1	23152 CVC	No	Unk§	No	Yes	No	No
L-8	Radio Call	M/Hisp	Parking Lot	1	243D PC	No	Yes	No	Yes	No	No
L-9	Radio Call	M/Blk	Residence	2	69 PC	No	Yes	No	No	No	Yes**
L-10	Radio Call	M/Blk	Park	2	69 PC	Gun	Yes	No	No	No	No
L-11	Radio Call	M/Hisp	Desert	2	422 PC	Pipe	Yes	No	No	No	No
L-12	Radio Call	M/Blk	Parking Lot	2	245 PC	No	Yes	No	Yes	No	No
L-13	Radio Call	M/Blk	Restaurant	1	62 PC	No	No	Yes	Yes	No	No
L-14	Radio Call	M/Wht	Front Yard	1	148 PC	No	Yes	No	Yes	No	No
L-15	Radio Call	F/Wht	Street	1	664/215 PC	No	Yes	No	No	Yes††	No
L-16	Radio Call	M/Wht	Residence	2	5150 HS	Knife	Yes	No	No	Yes‡‡	Yes§§
L-17	Radio Call	F/Blk	Business	1	242 PC	No	No	No	No	Yes***	Yes†††
L-18	Radio Call	M/Blk	Roadway	2	11379 HS	Dep Gun	Yes	No	No	Yes‡‡	Yes‡‡‡
L-19	Radio Call	M/Blk	Driveway	2	28002 CVC	No	Yes	No	Yes	No	No
L-20	Radio Call	F/Hisp	Sally-Port	1	192 PC	No	Yes	No	No	No	Yes§§§§
L-21	Traffic Stop	M/Wht	Parking Lot	2	28002 CVC	No	Yes	No	Yes	No	No

Table A											
Key Components of Lancaster UOF Stratum											
Audit No	Source	Sex/Race	Location	Cat	Primary Charge	Armed/ Attempt	Med Trtmt	Hospital	Alcohol	Drug	Mental Health
L-22	Observed	M/Wht M/Blk	Jail	1	242 PC	No	No****	No	No	No	No
L-23	Pursuit ADW	M/Wht	Dirt Road	2	215 PC+++	No	Yes	No	No	No	No
L-24	Radio Call	F/Blk	Residence	1	245 PC	No	Yes	No	No	No	Yes###
L-25	Radio Call	M/Hisp	Residence	2	245 PC	Pan	Yes	No	No	No	No
L-26	Radio Call	M/Wht	Residence	2	594 PC	No	Yes	No	No	No	Yes\$\$\$\$
L-27	Radio Call	M/Blk	Parking Lot	1	11377 HS	No	Yes	No	No	Yes++	Yes*****

*The subject had bipolar disorder and was suicidal.

†The subject had been drinking, and the deputies opined he was also under an unidentified class of drugs.

‡The subject had a history of 5150 evaluations and detentions.

§CHP arrest of a DUI driver, and there was no medical treatment documentation in the UOF package.

**The medical screening form indicates the subject had documented mental health issues.

††Methamphetamine.

‡‡Marijuana.

§§The subject had a 5150 evaluation.

***Central nervous system stimulant (CNS).

†††The subject exhibited irrational, bizarre behavior; medical screening form states mental health issues.

‡‡‡The subject had bipolar disorder and suffered from schizophrenia and other mental health issues.

§§§The subject was suicidal.

****The subject refused medical treatment.

††††Carjacking.

‡‡‡‡The subject suffered from schizophrenia.

§§§§The subject had bipolar disorder.

*****The subject had a history of bipolar and manic disorders.

Addendum B

Key Components of Palmdale UOF Stratum

Table B

Key Components of Palmdale UOF Stratum

Audit No	Source	Sex/ Race	Location	Cat	Primary Charge	Armed/ Attempt	Med Trtmt	Hospital	Alcohol	Drug	Mental Health
P-1	Radio Call	M/Blk	Hospital	1	245 PC	No	Yes	No	No	Yes*	No
P-2	Traffic Stop	M/Hisp	Roadway	2	11377 H&S	No	Yes	No	No	Yes†	No
P-3	Radio Call	M/Blk	Recovery Center	1	5150 H&S	No	Yes	Yes 5150 H&S	No	No	Yes‡
P-4	Radio Call	M/Hisp	Parking Lot	2	594 PC	No	Yes	No	No	No	No
P-5	Radio Call	F/Hisp	Roadway	1	23152 CVC	No	Yes	No	Yes	No	No
P-6	Radio Call	M/Wht	Park	1	422 PC	No	Yes	No	No	No	No
P-7	Radio Call	M/Blk	Residence	1	243PC	No	Yes	No	No	No	Yes§
P-8	Radio Call	F/Hisp	Roadway	2	11364 H&S	No	Yes	No	No	No	No
P-9	Radio Call	M/Hisp	Restaurant	1	69 PC	No	No	No	No	No	No
P-10	Radio Call	M/Hisp	Driveway	1	647F PC	No	Yes	No	Yes	No	No
P-11	Pedestrian Stop	M/Hisp	Freeway Off Ramp	1	602 Trespass	No	Yes	No	No	No	No
P-12	Radio Call	M/Hisp	Residence	3	245 PC	Glass	Yes	Yes PRMC	No	No	Yes**
P-13	Radio Call	M/Wht	Exterior Residence	2	273.5 PC	No	Yes	No	Yes	No	No
P-14	Radio Call	F/Blk	PLM Jail	1	273A PC	No	Yes	No	No	No	Yes††
P-15	Traffic Stop	M/Blk	Gas Station	1	23152 CVC	No	No	No	Yes	No	No
P-16	Radio Call	M/Hisp	Residence	2	273 PC	No	Yes	No	Yes	No	No
P-17	Traffic Stop	M/Hisp	Roadway	2	69 PC	No	Yes	No	No	No	Yes‡‡
P-18	Blood Collection	M/Hisp	PLM Jail	1	187 PC	No	Refuse	No	No	No	Yes§§
P-19	Pursuit	M/Wht (Minor)	Front Porch	2	28002.2 CVC	No	Yes	No	No	No	No
P-20	Transport Escape	M/Hisp	Freeway	1	4532 PC	No	Yes	Yes LCMC	No	No	Yes***

*Methamphetamine.

†Marijuana.

‡The subject was transported for a 5150 evaluation.

§This incident involved a 5150-detention request by LA County Fire Department personnel.

**The subject had a history of criminal insanity and a prior commitment to Patton State Psychiatric Hospital.

††The subject had a history of mental illness, including hallucinations.

‡‡The subject was experiencing delusions and had a history of mental health issues.

§The medical screening form indicates the subject had a history of mental health issues.

***The subject exhibited suicidal behaviors.

Addendum C

Summary of Lancaster Uses of Force

Table C

Summary of Lancaster Uses of Force

Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
L-1	1	Yes	The male subject of a domestic incident ignored the deputies' warnings and became combative. Deputies used firm grip and control holds and handcuffed the subject and applied a hobble restraint. The subject was not injured.
L-2	2	Yes	The diminutive female subject with bipolar disorder, who suspected of arson and terrorist threats, did not comply with numerous directives to submit to arrest and had her hands in her pockets. She was restrained by two deputies using firm grip. The subject kicked a deputy in his knee. The deputy, who indicated he feared she would arm herself, "punched" her in the face. The subject was not injured.
L-3	2	Yes	The male subject, who had been throwing rocks at moving vehicles, refused to follow deputies' warnings and directives. Deputies used a takedown and control holds to handcuff the subject, who sustained three small abrasions.
L-4	2	Yes	An elderly woman and her adult son, who had diminished mental capacity, broke into their former landlord's rental property. The woman threatened to shoot her former landlord. Deputies responded. A minor use of force using firm grip with the female subject occurred. An eight-and-a-half-minute use of force, involving control holds, a takedown, and handcuffing, occurred with the male subject. The female subject was medically treated for a strained shoulder and the male subject for an abrasion.
L-5	1	Yes	The male subject, with a history of mental illness, was under the influence of drugs and armed with a palm tree branch when he approached the deputies and ignored their directives. Control holds, a takedown, and a hobble restraint were used to control the subject, who was not injured.
L-6	1	Yes	Deputies were able to de-escalate the situation and take a male robbery suspect into custody without using force. After the subject was handcuffed, however, he attempted to pull away, and the deputy pushed him over the hood of his patrol vehicle. The subject was not injured.
L-7	1	Yes	An intoxicated female arrestee tensed up during booking while the CA was trying to remove her handcuffs. The CA told the subject to relax, but she tried to pull away, so the CA pushed her against the cell door to safely remove her handcuffs. The subject was not injured.
L-8	1	No	Deputies detained an intoxicated male battery subject who resisted, so the deputies used control holds and resisted handcuffing control techniques. The subject was not injured during the use of force but did sustain injuries prior to the deputies arriving.

Table C

Summary of Lancaster Uses of Force

Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
L-9	2	Yes	During a felony arrest warrant service, the male subject, who had a history of mental illness, repeatedly refused to follow deputies' warnings and directives. A UOF occurred involving two Taser deployments, but the subject was able to escape and lunged head first through a plate glass window. There was a brief foot pursuit, and the subject assaulted a deputy and tried to grab his firearm. The deputy kicked the subject. The subject again fled and was subsequently located hiding in the bathroom of an abandoned house and talked into custody. The subject was medically treated for the injuries he sustained when he jumped through the plate glass window.
L-10	2	Yes	Deputies at a call of a man with a gun used repeated warnings prior to using force on the subject. After arrest, deputies recovered a loaded .357-magnum revolver from the pocket the subject had been clutching. There were five deputies involved, and they used personal weapons, including several punches. The subject was treated for bruises and contusions.
L-11	2	Yes	Deputies and a sergeant at a call reporting a burglary in progress made numerous attempts to get the male subject to comply, but he refused and barricaded himself in a motor home. The subject made and donned makeshift body armor out of steel plates and fled through the desert. Deputies believed the subject was possibly armed and deployed less lethal weapons (pepper balls and stun-bag rounds), a Taser, and a team takedown. The subject was medically treated for complained of right wrist pain.
L-12	2	Yes	Deputies at a domestic violence call made numerous attempts to get the male subject, who had been drinking, to comply. When they attempted to take him into custody, he assaulted the deputies with punches, and a help call was put out. The subsequent use of force involved eight deputies who used punches, a takedown, and knees to take the subject into custody. The subject was medically treated for a bruised cheek.
L-13	1	Yes	Deputies and a sergeant made numerous attempts to get an intoxicated homeless man at a coffee shop to comply, but he refused. They used control holds and a resisted hobble restraint application. The subject was not injured.
L-14	1	Yes	A very intoxicated male battery suspect refused to follow deputies' directives and warnings. At a sergeant's directions they sprayed him with OC. The subject was not injured.
L-15	1	Yes	A female subject, who was under the influence of drugs, refused to follow deputies' directives, and she had to be physically removed from a sergeant's patrol vehicle using control holds. The subject was not injured.

Table C

Summary of Lancaster Uses of Force

Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
L-16	2	Yes	Deputies and a sergeant at the scene of a barricaded and armed male suspect with mental illness tried numerous times to get the subject, who was also under the influence of marijuana, to cooperate. At one point, the subject armed himself with a knife, but then was convinced to drop it in a mailbox. The subject went back into his house, subsequently reappeared, started to submit to arrest, then attempted to flee, and was tased. The subject was treated for Taser dart wounds.
L-17	1	Yes	Deputies, at a sergeant's direction, warned a female subject, who was under the influence of drugs and had a history of mental health issues, that she needed to submit to a citizen's arrest for trespass. The subject refused to cooperate, and they used control holds to take her into custody. The subject was not injured.
L-18	2	No	Deputies overtook a male burglary subject, who had bipolar disorder and was under the influence of marijuana, during a foot pursuit. The subject attempted to scale a fence and was pulled off of it by one of the deputies. The subject resisted and then tried to grab the firearm of one of the deputies. Both deputies punched the subject. The subject was treated for a contusion on his face. (The subject alleged that he did not try to grab the deputy's firearm).
L-19	2	Yes	At the end of a vehicle pursuit, the male subject, who had been drinking, refused to follow directives to submit to arrest and attempted to re-enter his vehicle. Fearing the subject might arm himself, the sergeant directed that he be tased. The subject was medically treated for Taser dart wounds.
L-20	1	No	A female subject, who had bipolar disorder, was transported for booking. When the subject exited the patrol vehicle in a sally port, she spat in a deputy's face. The deputy pushed her head forward to prevent her from spitting on him again.* The subject was not injured.
L-21	2	Yes	At the termination of a pursuit, the male subject, who had been drinking, refused to follow many commands and refused to move away from the door to his car. Deputies feared the subject might arm himself and formed an arrest team. The subject resisted, assaulted deputies, and was tased. He was transported for medical treatment for Taser dart puncture wounds.
L-22	1	Yes	A deputy intervened during a fight in the jail and ordered the male two subjects to stop fighting. When they refused to do so, they were sprayed with OC. Neither subject was injured.
L-23	2	Yes	At the termination of a 60-mile multiple-agency televised pursuit, a male felony warrant subject refused to follow commands and submit to arrest, fled on foot, and was tased. The subject was transported for medical treatment for a complaint of injury to his wrist and Taser dart removal.

Table C			
Summary of Lancaster Uses of Force			
Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
L-24	1	Yes	Deputies attempted to arrest a female subject with a schizophrenic disorder who refused to follow their directions. They called a sergeant, but before he arrived, a minor UOF consisting of firm grip occurred while the deputies took the subject into custody. The subject was not injured.
L-25	2	Yes	Deputies attempted to take a male ADW subject into custody at a family dispute. The subject refused to follow the deputies' warnings and directions, became combative, and was tased. The subject was transported by ambulance for medical treatment and was treated for Taser shock and a wound infection from a previous injury.
L-26	2	Yes	Deputies and a sergeant negotiated with a male felony DV/vandalism subject, who had bipolar disorder, for 30 minutes prior to using a Taser to take him into custody. The subject was transported for medical treatment and treated for Taser shock and a knee injury.
L-27	1	Yes	Deputies attempted to place a handcuffed male narcotics subject, who had bipolar disorder and was under the influence of methamphetamine, in a patrol car. The subject refused to follow the deputies' directions, actively resisted, and nearly overpowered them. The deputies put out a backup call, and four additional deputies and a sergeant responded. The subject continued to refuse to follow directions and used his feet to push away from the patrol vehicle. After several unsuccessful requests and warnings, the sergeant directed that the subject be sprayed with OC and a hobble restraint applied. The subject was not injured.

* California Penal Code Section 243.9(a): "Every person confined in any local detention facility who commits a battery by gassing . . . any peace officer . . . is guilty of aggravated battery and shall be punished by imprisonment in a county jail or by imprisonment in the state prison for two, three, or four years."

Addendum D

Summary of Palmdale Uses of Force

Table D

Summary of Palmdale Uses of Force

Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
P-1	1	No	Deputies were investigating a male subject who was being medically treated at a hospital. Without provocation, the subject, who was under the influence of methamphetamine, assaulted the EMT who was treating him. The deputies intervened and used firm grips and control holds to restrain the subject, who was not injured and did not complain of injury.
P-2	2	Yes	A male subject, who was under the influence of marijuana, was under arrest for a narcotics charge and broke free from the deputy. The deputy ordered him to stop; the subject did not, and the deputy tripped him. The subject fell, got up, took a combative stance, and balled his fists. The deputy struck him twice on the body with a flashlight, and the subject fell to the ground. The deputy believed the subject was going to get up, so he kicked the subject on his leg. Two deputies handcuffed the subject and applied a hobble restraint. The subject sustained several abrasions.
P-3	1	Yes	Multiple deputies, a sergeant, and a MET responded to a recovery center where the male subject, who had a history of mental illness, threatened to kill someone. After a lengthy de-escalation process, the subject placed his hands behind his back to be handcuffed. When deputies attempted to handcuff the subject, he actively resisted, and deputies used a team takedown, control holds, and firm grip to overcome his resistance. The subject was not injured and did not complain of injury.
P-4	2	Yes	Four deputies and a sergeant detained a male subject who had not been taking his psychiatric medication and had tried to break into an ATM. The subject failed to follow multiple directions to submit to arrest. The sergeant, while video recording the incident, directed the deputies to take the subject down. As they did so, the subject was placing his hands behind his back, possibly in handcuff position. Instead, the subject punched and grabbed the throat area of one of the deputies. The deputy punched the subject twice, and the sergeant tased him. The subject sustained Taser wounds and a cut lip.
P-5	1	No	A deputy unhandcuffed a female subject, who was in custody for DUI, to administer a FST. The subject attempted to flee, so the deputy grabbed her jacket, pulled her to the ground, and used firm grip to handcuff her. The subject was not injured.
P-6	1	Yes	Two deputies tried multiple times to convince a male terrorist threats subject to submit to arrest. The subject initially complied, but after one handcuff was applied, he resisted. The subject was then taken to the ground and handcuffed using control holds and firm grips. The subject was not injured.
P-7	1	No	A male subject with mental health issues resisted and assaulted LA County firefighters during a "psych rescue." Deputies came to the firefighters' assistance and a directed UOF involving OC and control holds. The subject escaped but was contained, and after approximately three and a half hours, he was taken into custody without further incident. The subject was not injured.

Table D			
Summary of Palmdale Uses of Force			
Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
P-8	2	Yes	A deputy attempted to de-escalate a situation with an uncooperative female subject who was being detained for marijuana. She reached into her car, so the deputy used a firm grip to restrain her. The subject resisted, so the deputy used "resisted handcuffing" to handcuff her. The subject was medically treated for a complaint of injury to her right shoulder.
P-9	1	Yes	Three deputies tried to place a male felony vandalism subject under arrest at a restaurant. The subject did not cooperate, so the deputies grabbed him and escorted him out. The subject continued to resist, so the deputies took him down and used control holds to handcuff him. The subject was not injured.
P-10	1	Yes	A deputy attempted to arrest an intoxicated male domestic violence suspect. The man fled on foot and was immediately located. He refused to cooperate or follow directions, and because then he reached toward his pocket, the deputies took him down and used control holds to handcuff him. The subject was not injured, although he was medically treated for a pre-existing wound.
P-11	1	No	A deputy attempted to detain a male theft and trespass subject for a misdemeanor crime that did not occur in the deputy's presence. The subject did not cooperate and resisted arrest, and a UOF occurred involving the deputy and a MET deputy who responded to the deputy's assistance call. A takedown and control holds were used to handcuff the subject, who was not injured.
P-12	3	Yes	Multiple deputies were conducting an ADW/elder abuse investigation and located the male subject in his mother's mobile home. Deputies made multiple attempts to de-escalate the situation and get the subject to cooperate. The subject had a history of mental illness, including being declared criminally insane and had undergone a commitment to Patton State Psychiatric Hospital. The subject violently attacked the deputies, and a Category-3 UOF occurred. Deputies used personal weapons, punches, knees, and a Taser in drive stun mode to restrain the subject. The subject sustained a left orbital fracture and fractured ribs and was booked at County Jail.
P-13	2	Yes	Two sergeants and multiple deputies tried to arrest a male felony DV subject who had been drinking. The subject refused to cooperate and follow directions and attempted to flee by jumping through an open window and was tased at a sergeant's direction. Deputies used control holds, handcuffed the subject, and applied a hobble restraint. The subject was medically treated for cuts to his hands. The Taser darts evidently did not penetrate his clothing and contact his skin.
P-14	1	Yes	A female subject with a history of mental illness was arrested for child endangerment and refused to enter the jail. A sergeant and the WC responded and tried to get the subject to cooperate, but she would not. Three deputies carried the subject into the jail. The subject pushed against a jail door with her foot, and a deputy lifted her leg up so the door could be opened. She was not injured, and we do not feel this was a use of force.

Table D

Summary of Palmdale Uses of Force

Audit No.	Cat 1, 2, 3	Advise & Warn	Summary
P-15	1	Yes	At the termination of a pursuit the male driver, who was under the influence, refused to exit his car. Two sergeants responded, and a 30-minute negotiation followed. The subject finally exited the car, and deputies used minimal force, control holds and firm grips, to handcuff him. The subject was not injured.
P-16	2	Yes	Multiple deputies responded to a domestic violence call and were told the male subject had choked his wife. The subject, who had been drinking, refused to cooperate, and when deputies attempted to handcuff him, he violently resisted and appeared to be arming himself. Deputies used OC, personal weapons (punches by three deputies), one strike/jab with a flashlight, and an ASP in a leverage application to control the subject. When deputies tried to put the subject in the patrol car, he spat on the deputies, and additional control holds were used. The subject was medically treated for complaints of pain in his ribs and back.
P-17	2	Yes	Deputies tried for an extended time to get the male subject (later found to be experiencing delusions and with methamphetamine in his system) to sign a citation. Deputies tried to persuade the subject to submit to handcuffing, but he refused and fought with the deputies (both were injured and placed off duty). who used OC, a punch (on his shoulder), and a hobble restraint to take him into custody. The subject was treated for abrasions.
P-18	1	Yes	Deputies and a sergeant unsuccessfully tried to get a male homicide subject with a history of mental illness to allow criminalists to take a blood sample from him. Control techniques were used to secure the subject, so the criminalist could obtain the sample. The subject was not injured.
P-19	2	Yes	At the termination of a vehicle pursuit, the male subject (a minor) refused to follow a deputy's commands and was taken to the ground and handcuffed. The subject was medically treated for a complaint of back pain associated with a pre-existing injury.
P-20	1	No	A handcuffed male subject was being transported in the rear seat of a patrol vehicle, traveling about 70-miles per hour on the freeway. The subject smashed out the car window with his head and then jumped through the opening onto the freeway, tumbled, got up, and ran before falling down an approximately 25-foot embankment. The deputy pulled to the side of the freeway and approached the subject, who charged the deputy, and the deputy sprayed him with OC. The subject's injuries were associated with his jumping out of a high-speed vehicle on the freeway.