



# Office of Inspector General County of Los Angeles

## **Reform and Oversight Efforts: Los Angeles County Sheriff's Department**

October to December  
2019

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## INTRODUCTION

This report describes Office of Inspector General monitoring, auditing, and review activities related to the Los Angeles County Sheriff's Department (LASD) that occurred from October 1, 2019, until December 31, 2019.<sup>1</sup>

The Office of Inspector General continues to work to increase the amount of data provided in each *Quarterly Report*. By providing quarterly updates, the Office of Inspector General's goal is to keep the public, the Board of Supervisors, and the Civilian Oversight Commission aware of recent trends and changes in LASD policies, procedures and practices.

## ACCESS

During this quarter, LASD continues to restrict access to data, including refusing to provide unrestricted and unredacted access to records requested by the Office of Inspector General. Subsequent to the reporting period, the Board of Supervisors amended the Office of Inspector General ordinance to enable investigation of, among other matters, secret societies, restrictions on internal investigations, and loosening of background investigation. The Board has also empowered the Civilian Oversight Commission to issue subpoenas to enforce the Office of Inspector General ordinance and facilitate the commission's work. The Sheriff has responded by publicly announcing that all information he can provide to the public will now be placed on his website.

However, despite a formal request by the Civilian Oversight Commission, LASD has not responded to the Office of Inspector General's specific documentation of denied access. On November 19, 2019, LASD represented to the Civilian Oversight Commission and public that it would respond to the Office of Inspector General's August report on lack of access. On November 25, 2019, the Civilian Oversight Commission formally requested this response in writing by December 17, 2019. To date, and despite the Office of Inspector General providing specific documentation at the request of the Civilian Oversight Commission, no detailed response has been provided to the Civilian Oversight Commission.

The Office of Inspector General will work with the Civilian Oversight Commission and LASD for a smooth transition to more complete oversight consistent with the

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<sup>1</sup> The report will note if the data reflects something other than what was gathered between October 1, 2019, and December 31, 2019.

amended ordinance, Government Code section 25303 and recent court opinions, including ALADS v. Superior Court and County of Los Angeles v. Villanueva.

## MONITORING LASD OPERATIONS

### Service Comment Reports

LASD policy provides that it shall accept and review all comments from members of the public about departmental service or employee performance.<sup>2</sup> LASD categorizes these comments into three categories:

- External Commendation: an external communication of appreciation for and/or approval of service provided by LASD members;
- Service Complaint: an external communication of dissatisfaction with LASD service, procedure or practice, not involving employee misconduct; and
- Personnel Complaint: an external allegation of misconduct, either a violation of law or LASD policy, against any member of LASD.<sup>3</sup>

The following chart lists the number and types of comments about each station or unit. It is important to note that some of these service comments may have originated prior to this quarter. If the comments are based on conduct that occurred in previous quarters, they may still show up as active in the LASD’s database as the Department continues to work towards resolving/investigating the issues in the complaints. Also, there may be comments that do not yet appear on the chart below as they have still not been entered into the system as of the date this information was obtained from LASD’s computer system.<sup>4</sup>

Station/Unit Supervisory District (SD)	Commendations	Personnel Complaints	Service Complaints
ACCESS TO CARE BUREAU	0	2	0
ADM: COURT SERVICES DIV HQ	0	1	0
ADM: CUSTODY DIV HQ	0	0	1
ADM: CW SRVS ADM HQ	1	0	0
ADM: DETECTIVE DIV HQ	0	1	0
ADM: NORTH PATROL ADM HQ	0	1	1
AER: AERO BUREAU	2	0	0
ALTADENA SD-5	7	2	1

<sup>2</sup> See Los Angeles County Sheriff’s Department, *Manual of Policies and Procedures*, 3-04/10.00, “Department Service Reviews.”

<sup>3</sup> It is possible for the Department to get a Service Complaint and Personnel Complaint based on the same incident.

<sup>4</sup> This data was obtained from LASD’s Performance Recording and Monitoring System on January 2, 2020, and reflects the data provided as of that date.

<b>Station/Unit Supervisory District (SD)</b>	<b>Commendations</b>	<b>Personnel Complaints</b>	<b>Service Complaints</b>
AVALON SD-4	1	1	1
COMMUNITY COLLEGE BUREAU	6	3	0
CENTURY SD-2	7	16	5
CERRITOS SD-4	10	5	1
CIVIL MANAGEMENT BUREAU	5	3	2
COURT SERVICES CENTRAL	1	4	1
COMPTON SD-2	3	8	4
COMMUNITY PARTNERSHIP BUREAU	9	0	0
CENTURY REGIONAL DETENTION FACILITY	0	0	1
CRESCENTA VALLEY SD-5	9	2	0
COUNTY SERVICES BUREAU	3	3	1
CSH: SPCL PROG ADM HQ	1	0	0
CARSON SD-2	5	7	4
DSB: DATA SYSTEMS BUREAU	1	0	0
EAST LOS ANGELES SD-1	4	9	0
EMERGENCY OPERATIONS BUREAU	1	0	0
COURT SERVICES EAST	0	6	1
FRAUD & CYBER CRIMES BUREAU	2	0	0
FS: FISCAL ADMIN	2	0	0
HDQ: OH SECURITY HQ	1	0	0
HOMICIDE BUREAU	0	1	3
HUMAN TRAFFICKING BUREAU	3	1	0
INTERNAL AFFAIRS BUREAU	1	2	0
INDUSTRY SD-1, 4	1	9	2
INMATE RECEPTION CENTER	0	1	0
LANCASTER SD-5	19	11	9
LAKEWOOD SD-4	6	20	5
LOMITA SD-4	11	6	0
MARINA DEL REY SD-4	6	9	3
MAJOR CRIMES BUREAU	1	0	0
MEN'S CENTRAL JAIL	2	1	1
MALIBU/LOST HILLS SD-3	6	3	3
NARCOTICS BUREAU	1	1	0
NORTH COUNTY CORRECTIONAL FACILITY	0	1	0
NO: PITCHESS NORTH FACILITY	1	0	0
NORWALK REGIONAL	7	4	4
OPERATION SAFE STREETS BUREAU	0	1	0
PARKS BUREAU	2	3	0
PALMDALE SD-5	19	16	4
PICO RIVERA SD-1, 4	0	3	0
TRAINING BUREAU	1	0	0
SANTA CLARITA VALLEY SD-5	17	11	5
SAN DIMAS SD-5	5	4	1
SHERIFF INFORMATION BUREAU	2	0	0
SOUTH LOS ANGELES SD-2	5	9	0
SCIENTIFIC SERVICES BUREAU	2	0	0
SPECIAL VICTIMS BUREAU	0	3	3

<b>Station/Unit Supervisory District (SD)</b>	<b>Commendations</b>	<b>Personnel Complaints</b>	<b>Service Complaints</b>
TEMPLE CITY SD-2	6	3	1
TRANSIT SERVICES BUREAU	4	4	1
TWIN TOWERS	2	2	0
UNK: UNKNOWN	0	1	0
USR: OFFICE OF THE UNDERSHERIFF	1	0	0
WALNUT/SAN DIMAS SD-5	9	3	0
WEST HOLLYWOOD SD-3	9	2	1
COURT SERVICES WEST	5	6	0

## Comments and Complaints Received by the Office of Inspector General

### Conditions of Confinement

The Office of Inspector General received 78 new complaints in the fourth quarter of 2019 from members of the public, prisoners, prisoners' family members and friends, community organizations and county agencies.<sup>5</sup> Each complaint was reviewed by Office of Inspector General staff. Twenty-eight of these complaints were related to conditions of confinement within the jail facilities, as shown below:

<b>Complaint/ Incident Classification</b>	<b>Totals</b>
Personnel Issue	
Use of Force	2
No Discernable Subject	2
Medical/Dental Issue	2
Mental Health Services	2
Housing Issue	5
Other Service Issue	15
<b>Total</b>	<b>28</b>

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<sup>5</sup> When complaints raise multiple issues, the Office of Inspector General tracks and monitors the Department's response to each issue. As such, a single complaint may receive more than one classification as reflected in the tables.

## Field Encounters with the Los Angeles County Sheriff's Department

Fifty-three complaints were related to civilian contacts with Department personnel by persons who were not in custody:

Complaint/ Incident Classification	Totals
Personnel Issue	
Discrimination	4
Failed to Take Action	4
Rude/Abusive Behavior	6
Use of Force	1
Unlawful Arrest	5
Unlawful Search	6
Unlawful Detention	9
Off Duty Conduct	2
Commendation	1
Other Service Issue	15
<b>Total</b>	<b>53</b>

Six complaints were not about the Department or department personnel and were referred to the appropriate agency or the complainant was directed to seek legal advice.

## Taser Use in Custody

The Office of Inspector General has compiled the number of times LASD has deployed a Taser in custodial settings from January 2018 through December 2019. The numbers below were gathered from LASD's *Monthly Force Synopsis*, which LASD produces and provides to the Office of Inspector General each month.<sup>6</sup>

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<sup>6</sup> The OIG is not opining on whether the use of the Taser in each of these incidents was permissible under LASD's policies and/or if the Taser was deployed lawfully.

<b><u>Month</u></b>	<b><u>Number of Taser Deployments</u></b>
January 2018	5
February 2018	2
March 2018	7
April 2018	7
May 2018	0
June 2018	4
July 2018	6
August 2018	7
September 2018	3
October 2018	5
November 2018	3
December 2018	1
January 2019	9
February 2019	9
March 2019	5
April 2019	4
May 2019	1
June 2019	2
July 2019	6
August 2019	9
September 2019	6
October 2019	3
November 2019	6
December 2019	5

### **Use-of-Force Incidents in Custody Division**

The Office of Inspector General monitors LASD’s Custody Support Services Division data on use-of-force incidents, prisoner-on-prisoner violence, and assaults by prisoners on LASD personnel. LASD is still verifying the accuracy of the information for incidents which occurred after June 2019.

#### **Prisoner-on-staff Assaults:**

1 <sup>st</sup> Quarter of 2018	144
2 <sup>nd</sup> Quarter of 2018	173
3 <sup>rd</sup> Quarter of 2018	131
4 <sup>th</sup> Quarter of 2018	115
1 <sup>st</sup> Quarter of 2019	122
2 <sup>nd</sup> Quarter of 2019	132



Prisoner-on-prisoner Assaults:

1 <sup>st</sup> Quarter of 2018	871
2 <sup>nd</sup> Quarter of 2018	905
3 <sup>rd</sup> Quarter of 2018	988
4 <sup>th</sup> Quarter of 2018	881
1 <sup>st</sup> Quarter of 2019	769
2 <sup>nd</sup> Quarter of 2019	794

Use-of-force Incidents:

1 <sup>st</sup> Quarter of 2018	546
2 <sup>nd</sup> Quarter of 2018	592
3 <sup>rd</sup> Quarter of 2018	530
4 <sup>th</sup> Quarter of 2018	452
1 <sup>st</sup> Quarter of 2019	501
2 <sup>nd</sup> Quarter of 2019	478

**LASD Use of Unmanned Aircraft Systems**

LASD reports that it did not deploy the Unmanned Aircraft System between the dates of October 1, 2019, and December 31, 2019.

**DATA REVIEW**

**Deputy-Involved Shootings**

LASD categorizes deputy-involved shootings by the tactical circumstances of the shooting, not the outcome. The definitions of each of these categories can be found in the *Manual of Policies and Procedures (MPP)*, section 3-10/300.00. LASD defines “hit shooting” as one in which a deputy fired his/her weapon intentionally and hit one or more people. A “non-hit shooting” is defined as an event where a deputy fired a deputy’s weapon intentionally but did not hit anyone. If a person was unintentionally struck by gunfire, the shooting is categorized by LASD as an accidental shooting (for example, if a shot was intentionally fired at an animal and struck a bystander, the shooting would be categorized by LASD as accidental).

The Office of Inspector General reports all deputy-involved shootings in which a deputy intentionally fired a firearm at a human being or intentionally or unintentionally fired a firearm and a human being was injured or killed as a result. From October 1, 2019, to December 4, 2019, there were nine incidents in which

people were shot or shot at by LASD personnel. Office of Inspector General staff responded to each of these nine deputy-involved shootings. Six people were struck by deputies' gunfire, four of them fatally.

The Office of Inspector General has consistently recommended that the Department post brief summaries of each shooting incident on the Department's web site. Although this was not completed as of the end of the last fiscal quarter, the Department has been implementing improvements in the shooting data posted online. Currently, the public may access a map which shows the locations of all hit and non-hit shootings. The Sheriff announced at the January 28, 2020, meeting of the Board of Supervisors that the Department would soon be posting narrative descriptions of each shooting. Penal Code section 832.7 requires public release of information on shootings immediately, absent a written statement from LASD that release would interfere with an investigation or prosecution. The Sheriff's effort to post information online is an important step to bringing LASD into compliance with this law.

Because as of this writing LASD has not publicly released these summaries, the Office of Inspector General provides the following:

**Pico Rivera:** LASD reported that on October 6, 2019, at approximately 10:40 p.m., deputies responded to a call of a suicidal person. Two hours earlier the Mental Evaluation Team and LASD deputies had responded to the same location regarding a call involving the same hispanic male, who was yelling and breaking windows while holding a machete. The family of the man had informed the deputies that he was a diagnosed paranoid schizophrenic who believed that he had the machete to protect his family. After concluding that no crime had been committed, and that the male was not a danger to himself or others, the Mental Evaluation Team and deputies left the location. Deputies returned to the location, without the Mental Evaluation Team, in response to a subsequent 911 call from the family stating that the suspect was suicidal. The deputies saw the subject of the call holding a knife and screaming at family members. The male was standing in the driveway of his home and was using the knife in an attempt to slash a female who was standing close by. The deputies ordered the male to drop the knife multiple times, but he ignored their commands and moved quickly toward them. Fearing they would be assaulted, three deputies fired their handguns at the male, striking him multiple times. Although the deputies applied CPR, he was pronounced dead at the scene. One of the rounds hit the suspect's brother, who suffered a graze wound to his foot. He was transported to the hospital, treated, and released. A total of four rounds were fired by one deputy, three by another, and five by a third deputy. For one of the deputies involved, this was his third shooting. The knife and a machete were recovered at the scene.

**East Los Angeles:** LASD reported that on October 20, 2019, at approximately 11:16 a.m., while patrolling the city of Cudahy a deputy's automated license plate reader alerted him to a vehicle with a lost/stolen license plate. The deputy spotted the car and saw that it was occupied by a hispanic male driver. Due to roadway traffic and his direction of travel, the deputy was unable to conduct a traffic stop and lost sight of the car. The deputy located the car on a nearby street and noticed that the car was being driven erratically. The driver of the car failed to yield when the deputy conducted a traffic stop. The deputy initiated a pursuit of the vehicle, but the driver continued to evade the deputy for approximately one-half a mile. When the driver finally stopped the car, the driver got out and fled on foot. As the driver fled, the deputy saw that he was holding a black semi-automatic handgun. The deputy ordered the male to drop the gun but instead of complying, the suspect turned toward the deputy from approximately 35 yards away and extended the gun in the deputy's direction. Fearing for his safety, the deputy fired two to three rounds. The suspect continued to flee and as he did so he turned and pointed the gun in the deputy's direction. The deputy fired another two to three rounds. The investigation determined that the deputy fired five total rounds. Following the shooting, the suspect fled. Despite the area being contained, neither the suspect nor any firearm was located.

**Palmdale:** LASD reported that on October 23, 2019, at 9:17 a.m., a non-hit shooting occurred during a parole apprehension operation that was conducted by LASD Operation Safe Streets-Parole Compliance Team. The parolee was wanted by state parole for a violation warrant. As the team knocked on the front door and announced their presence, they heard commotion coming from within the home, including yelling and the sound of heavy footsteps as if someone was running. Upon entering the house, the team observed several people inside. One of the individuals was the parolee. A deputy saw that the parolee was armed with a gun. Fearing for his safety, the deputy fired one round at the parolee, missing him and hitting a wall.

The parolee fled out of the rear of the house and jumped a fence. Another deputy went from yard to yard in search of him. As the second deputy gained sight of the parolee, the parolee reached for his waistband. The second deputy fired one round in the parolee's direction, but missed, hitting a nearby fence. As the parolee continued to flee, another deputy fired his taser at him twice, missing him both times.

The parolee attempted to carjack a vehicle by entering the passenger side and trying to get the driver to drive away. Deputies pulled on the passenger door, with the parolee holding it to prevent his apprehension. The driver was able to escape, and the deputy who had earlier fired the second round, successfully deployed his

taser. The parolee continued to resist, suffering multiple abrasions as a result. He was taken to a medical facility and cleared for booking. A firearm was recovered from the rear yard where the warrant was executed. It was the fifth shooting for the deputy who fired the first shot inside the home.

**West Hollywood:** LASD reported that on October 24, 2019, at approximately 7:30 a.m., West Hollywood detectives responded to a home to serve a warrant related to an assault, burglary, and kidnapping investigation. The subject of the warrant was successfully detained at the doorway to the residence. In order to secure the property, the detectives searched the home and located a closed door on a lower floor. One of the detectives knocked on the door and announced their presence. After a moment, one of the detectives heard what he believed to be a gun being "racked." The door was opened by a black male, who pointed a gun in the detective's direction, at which time two detectives fired. One detective fired eleven rounds and the other fired eighteen. The bullets did not strike the male but hit a wall in the home. The suspect did sustain minor scratches to his left forearm as a result of debris and wood splinters caused by the gunfire striking the wall. A handgun was recovered from the residence.

**Lancaster:** LASD reported that on October 30, 2019, at approximately 7:04 a.m., Lancaster station deputies responded to a location regarding a family disturbance call. It was later reported that the caller had initially requested a mental health evaluation for the man causing the disturbance, but she was told to call 911. When the deputies arrived and entered the home, a hispanic male wielding a large axe entered the kitchen area and advanced toward the deputies. One of the deputies first drew his taser and then his gun but did not fire any rounds. The other deputy fired five shots at the male. The male sustained several gunshot wounds and died at the scene from his injuries. The axe was recovered at the scene.

**East Los Angeles:** LASD reported that on November 13, 2019, at approximately 8:35 a.m., East Los Angeles station deputies responded to a family disturbance call. The call indicated the subject was at the location and acting strangely. Deputies arrived at the home and saw a hispanic male standing outside, swinging a three-foot-long metal sword with a leather lanyard attached to it. Deputies gave him several orders to drop the sword, but he refused and fled. The male scaled a fence into a high school. Immediately upon entering the campus, the deputies saw the male get off a table and walk towards one of the deputies. As he was walking, the male was swinging his sword in the air. The deputy shot the suspect five times. The male sustained three gunshot wounds and was pronounced dead at the scene. The sword was recovered at the scene.

**East Los Angeles:** LASD reported that on November 25, 2019, at approximately 3:52 p.m., two East Los Angeles deputies drove into the rear parking lot of a business where they observed a car occupied by a hispanic male in the driver's seat, and a hispanic male outside the passenger side of the car. (Another male was in the vehicle, but it is unclear as to when this observation was made.) Upon contacting the driver, he pulled out a handgun, at which time, the deputies shot at the driver. One deputy fired three rounds and the other fired five rounds. The driver fled in his car. The male standing outside the car was taken into custody by the two deputies, who did not pursue the fleeing male driver.

Responding deputies located the abandoned car a few miles away and located a handgun with a loaded magazine near the vehicle. The suspect driver was located on a Metro bus and arrested. The driver had several scratches to his arm and made inconsistent statements regarding what caused them. At one point he claimed that the scratches were the result of being grazed by the deputies' gunfire.<sup>7</sup> He was taken to the hospital to be treated and was later released into custody. The other occupant of the vehicle was never located.

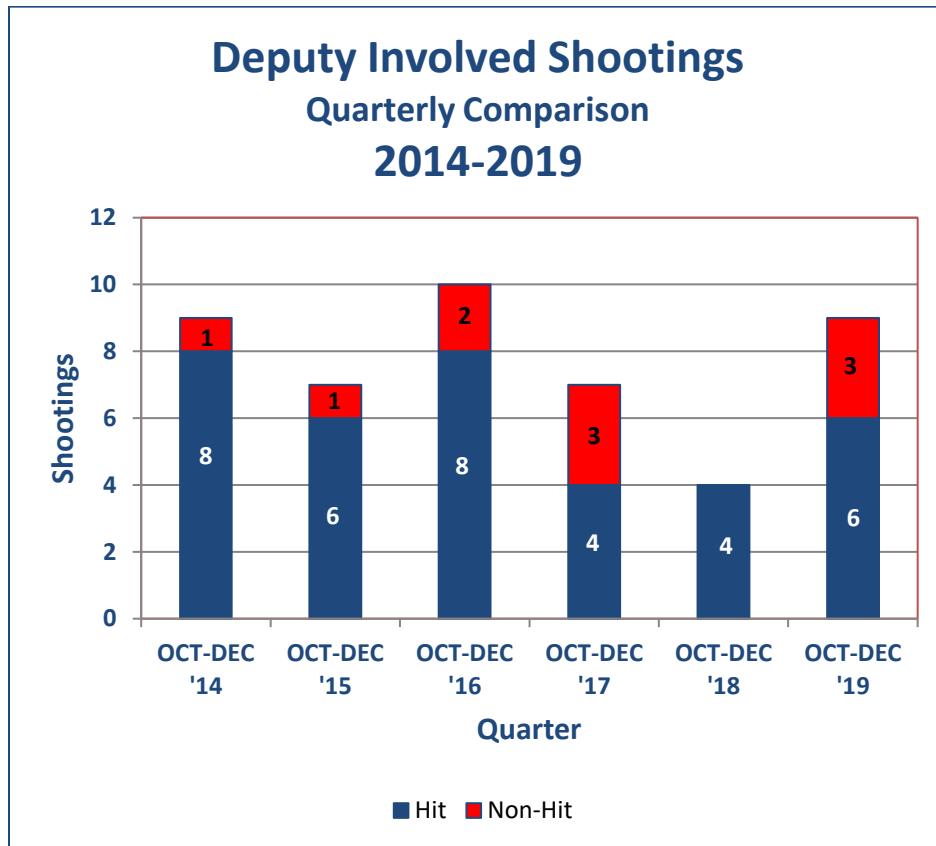
**East Los Angeles:** LASD reported that on December 16, 2019, at approximately 5:38 p.m., two East Los Angeles deputies stopped a known male who had a warrant for his arrest. The male was walking when the deputies approached him in their patrol car. As the deputies got out of their car, the male pulled out a gun. The deputies fired at the male. It is unclear whether the male was struck during this first volley of gunfire. The male ran away from the deputies. The deputies chased after the male. The male turned to face the deputies and pointed his firearm at them. In response, the deputies shot at the male again striking him six times resulting in gunshot wounds to the upper torso and arms. He was pronounced dead at the scene and his gun was recovered.

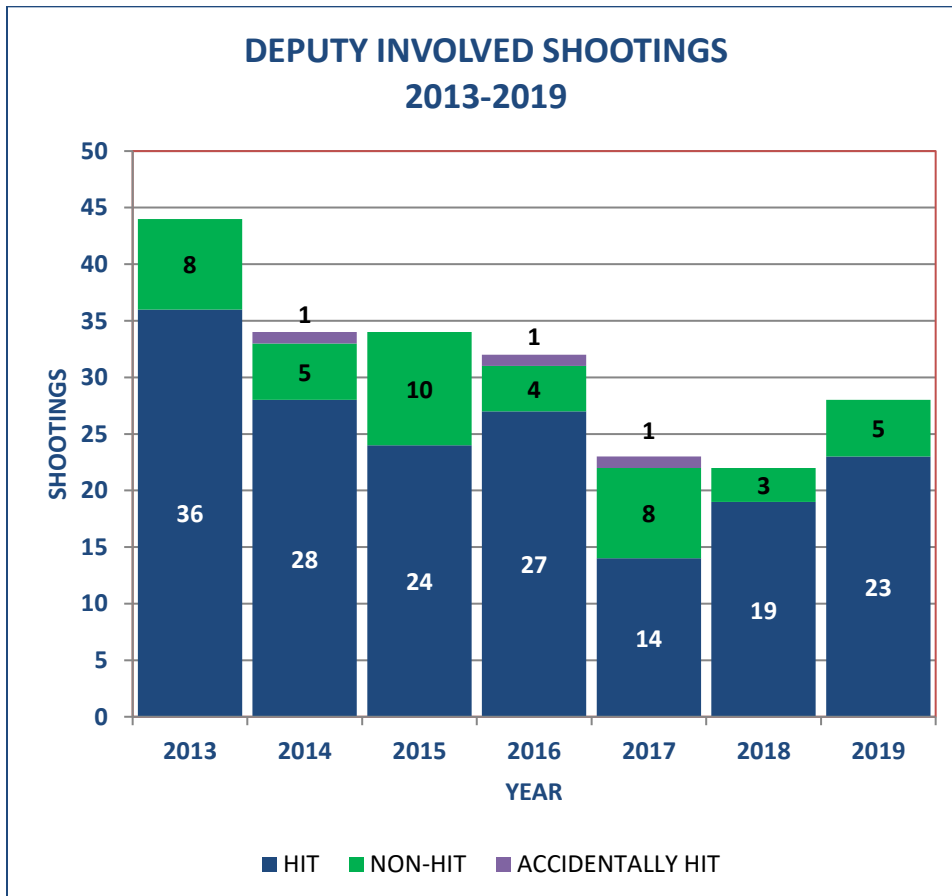
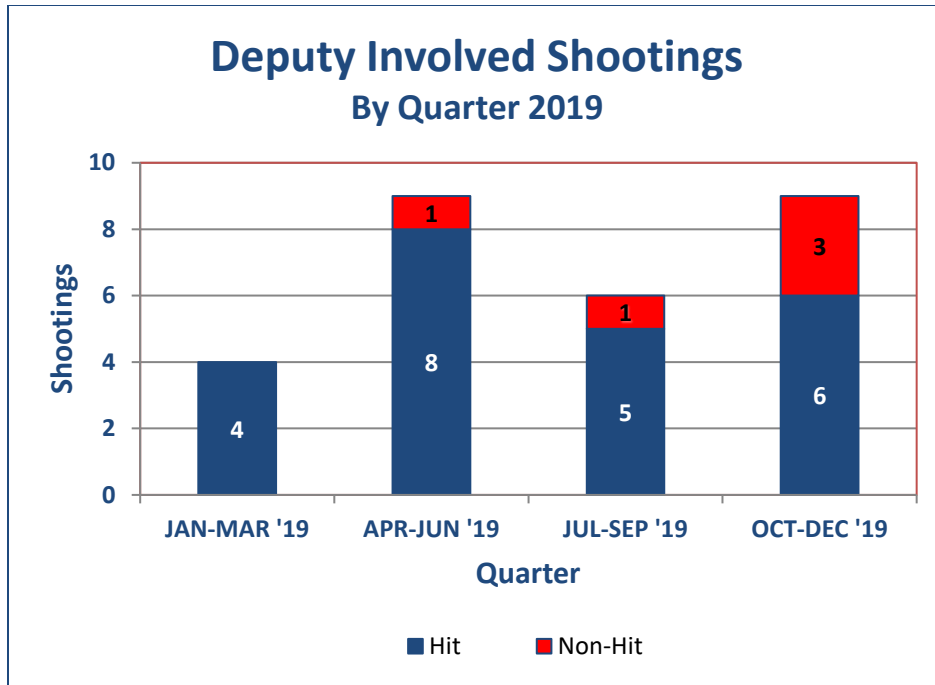
**West Los Angeles:** LASD reported that on December 31, 2019, at approximately 5:07 a.m., an off-duty deputy was involved in a shooting. The off-duty deputy was at home, when his wife told him she believed someone had tampered with her car, which was parked in front of their home. The deputy went to check on the car and saw a black male seated in the driver's seat. When the deputy contacted the male, the male lunged towards the deputy. In response, the deputy shot once at the male. The male was struck on his left shoulder and was taken to the hospital, treated for his injuries, and booked into custody.

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<sup>7</sup> Even though the male provided three different statements as to how he sustained his scratches, LASD and the OIG are categorizing this as a "Hit" shooting.

## Comparison to Prior Years





## **District Attorney Review of Deputy-Involved Shootings**

LASD's Homicide Bureau investigates all deputy-involved shootings in which a person is injured, regardless of shooting category. The Homicide Bureau submits the completed investigation of each deputy-involved shooting in which a person has been injured and which occurred in the county of Los Angeles to the Los Angeles County District Attorney's Office for review and possible filing of criminal charges.

In a letter dated December 11, 2019, the District Attorney's Office declined to file charges in the [September 19, 2018](#), fatal shooting death of Rene Herrera and Fernando Cruz. The District Attorney's findings may be found at the District Attorney's web site at: <http://da.lacounty.gov/reports/ois>.

## **Homicide Bureau's Investigation of Deputy-Involved Shootings**

The Homicide Bureau is responsible for conducting the investigation of all deputy-involved shootings, regardless of category, in which a person is injured or killed. After completing its investigation, the Homicide Bureau submits its investigation to the District Attorney for consideration of filing criminal charges. Until a decision is communicated to LASD, the Internal Affairs Bureau (IAB) investigation is suspended and the Police Officer's Bill of Rights of any involved employees are tolled.

If the District Attorney declines to file the case, LASD's Internal Affairs Bureau completes its force review and presents its factual findings to the Executive Force Review Committee (EFRC). Based on a factual and tactical review, the EFRC committee members determine whether department personnel violated any LASD policies during the incident.

For the present quarter, the Homicide Bureau reports 15 shooting cases involving LASD personnel are currently open and under investigation. The oldest case is a March 31, 2019, shooting in the Compton area of South Los Angeles. This shooting is described briefly in the Office of Inspector General's [March 2019 Reform and Oversight Efforts: Los Angeles County Sheriff's Department](#) report.

This quarter, LASD reports it has sent six cases involving a deputy-involved shooting to the District Attorney for filing consideration.



## **Internal Criminal Investigations Bureau**

LASD's Internal Criminal Investigations Bureau (ICIB) is responsible for investigating criminal misconduct by members of the Department within the Department's jurisdiction.

Last quarter, LASD reports ICIB had 66 active cases. LASD reports sending ten cases this quarter to the District Attorney for filing considerations. The oldest open case ICIB has on its books is from 2016.

## **Internal Affairs Bureau**

The Internal Affairs Bureau (IAB) is responsible for conducting administrative investigations of policy violations by LASD members. It is also responsible for responding to and investigating deputy-involved shootings and significant use-of-force cases. Administrative investigations are also conducted at the unit level. The subject's unit command and the IAB command determine whether an investigation is investigated by IAB or remains a unit-level investigation.

As of January 2, 2020, LASD reports opening 87 new administrative investigations. Of these 87 cases, 23 were assigned to IAB, 43 were designated as Unit-Level Investigations, and 21 were entered as criminal monitors. In the same period, IAB reports that 77 cases were closed by IAB or at the unit level. There are 313 pending administrative investigations. Of those 313 investigations, 198 are assigned to IAB and the remaining 115 are pending unit-level investigations.

## **Civil Service Commission Dispositions**

From September 18, 2019,<sup>8</sup> to December 31, 2019, the Civil Service Commission issued a final decision in six LASD cases. In one of the cases, the Civil Service Commission reduced the Department's discipline, in all others the Commission sustained the Department's findings and discipline.

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<sup>8</sup> The minutes for the Civil Service Commission meetings held after September 17, 2019, were not released until this quarter; hence, the reason why September 2019 information is included in this fourth quarter report.

## CUSTODY DIVISION

### Handling of Prisoner Grievances

LASD is still in the process of installing iPads in all jail facilities to capture information related to prisoner requests and, eventually, prisoner grievances. There are now a total of 191 installed iPads, an increase of four iPads since the last quarter. There are 57 iPads at Century Regional Detention Facility (CRDF), 48 iPads at Men's Central Jail (MCJ), and 86 iPads at Twin Towers Correctional Facility (TTCF). As previously reported, LASD completed the Wi-Fi upgrades to operate the iPads at TTCF and CRDF. LASD reports that Wi-Fi connection issues at MCJ required LASD to take the iPads off-line until the Wi-Fi upgrades are completed. The implementation plan for iPads at Pitchess Detention Center North (PDC North) is still in development.

LASD has reported that iPads have automatically responded to 4,552,252 requests for information from January 1, 2019, through December 31, 2019. As previously reported, LASD continues to expand the types of information that can be accessed from the iPads and will continue to add information as feasible.

As reported in the Office of Inspector General's January 2018 *Reform and Oversight Efforts: Los Angeles County Sheriff's Department* report, LASD implemented a policy restricting the filing of duplicate and excessive prisoner grievances.<sup>9</sup> LASD reports that between July 1, 2019, and September 30, 2019, 65 prisoners were restricted from filing 139 grievances under this policy.<sup>10</sup> Between October 1, 2019, and December 31, 2019, 18 prisoners were restricted from filing 39 grievances under this policy.

The Department is in the process of revising its grievance limitations policy to expand restrictions on grievances. The Office of Inspector General was provided with the revisions in advance and opposed the changes. The Office of Inspector General is reviewing the impact of these policy changes and is preparing a separate report on this issue.

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<sup>9</sup> See Los Angeles County Sheriff's Department, *Custody Division Manual*, 8-04/050.00, Duplicate or Excessive Filings of Grievances and Appeals, and Restrictions of Filing Privileges.

<sup>10</sup> As reported in the *Reform and Oversight Efforts: Los Angeles County Sheriff's Department July to September 2019*, LASD reported that the Custody Automated Reporting and Tracking System was not functioning for a portion of the third quarter, and as such, the number of prisoners restricted from filing grievances and the number of grievances restricted under this policy was unavailable and being provided in this report.

## In-Custody Deaths

Between October 1, 2019, and December 31, 2019, eleven individuals died while under the care and custody of LASD. Of these eleven decedents, two died at TTCF, one died at the IRC, one died at MCJ, and seven died in the hospitals to which they had been transported.

Office of Inspector General staff responded to the scene of the two deaths that occurred at TTCF, the death that occurred at MCJ, and the death that occurred at IRC. Office of Inspector General staff also attended the Custody Services Division Administrative Death Reviews for each of the eleven in-custody deaths.

The following summaries, arranged in chronological order, provide brief descriptions of each in-custody death:

On October 21, 2019, an individual at TTCF was reportedly discovered in medical distress during a Title-15 safety check. Medical personnel evaluated the individual and provided medical care in the clinic, where the individual became unresponsive. Emergency aid was rendered, paramedics were called, and the individual was pronounced dead at the scene.

On October 27, 2019, an individual died at Los Angeles County/USC Medical Center (LCMC) after being transported from MCJ on October 20, 2019, for a higher level of care.

On October 18, 2019, an individual at TTCF was reportedly discovered unresponsive during a Title-15 safety check. Deputies and medical personnel rendered emergency aid until paramedics arrived and transported the individual to LCMC. The individual died on November 1, 2019.

On November 3, 2019, an individual reportedly became unresponsive in a cell while speaking with a deputy at the Lancaster Patrol Station lockup. A custody assistant rendered emergency aid until paramedics arrived and transported the individual to Antelope Valley Hospital. The individual died approximately two hours after being transported.

On November 20, 2019, an individual at MCJ was reportedly discovered in medical distress during a Title-15 safety check. Deputies and medical personnel rendered emergency aid in the clinic until paramedics arrived and transported the individual to LCMC. The individual died approximately one hour after being transported.

On November 24, 2019, an individual died at LCMC after being transported from TTCF's Correctional Treatment Center on November 13, 2019, for a higher level of care.

On November 30, 2019, an individual at TTCF was reportedly discovered unresponsive in a cell during a Title-15 safety check. Emergency aid was rendered, paramedics were called, and the individual was pronounced dead at the scene.

On December 2, 2019, an individual died at Henry Mayo Newhall Hospital after being transported from NCCF on November 27, 2019, for a higher level of care.

On December 18, 2019, an individual died at LCMC after being transported from MCJ on November 27, 2019, for a higher level of care.

On December 21, 2019, an individual in the IRC Clinic became unresponsive. Emergency aid was rendered, paramedics were called, and the individual was pronounced dead at the scene.

On December 28, 2019, an individual at MCJ was reportedly discovered unresponsive during a Title-15 safety check. Emergency aid was rendered, paramedics were called, and the individual was pronounced dead at the scene.

## **Other Deaths**

Between October 1, 2019, and December 31, 2019, one individual died under circumstances which do not fit within the current categorical definition of in-custody death but was under the care and custody of LASD when the condition which resulted in the death first became apparent.

The following summary provides a brief description of the circumstances surrounding this death:

On November 9, 2018, an individual was reportedly discovered by deputies in a cell at TTCF during what was described as a suicide attempt. Deputies and medical personnel rendered emergency aid until paramedics arrived and transported the individual to LCMC. The individual was compassionately released from LASD custody on November 20, 2018. The individual died the following year on November 19, 2019.

## Office of Inspector General Site Visits

Office of Inspector General staff regularly conduct site visits and inspections at LASD's custodial facilities to identify matters requiring attention. All site visits result in follow up. In the fourth quarter of 2019, Office of Inspector General personnel completed 59 site visits and logged 94 monitoring hours inside seven of LASD's jail and lockup facilities. During those visits, Office of Inspector General personnel spoke with prisoners and met with LASD personnel of all ranks, including custody assistants, civilian staff, clergy, and volunteers. As part of the Office of Inspector General's jail monitoring, Office of Inspector General staff attended 61 Custody Services Division executive and administrative meetings and met with division executives for 66 monitoring hours.

Office of Inspector General personnel also continued to meet with prisoners housed in general population modules, administrative segregation units, disciplinary units, and medical and mental health units. The Office of Inspector General monitors met with and received input from individuals at cell front, during recreation and treatment group time, and in private interview rooms when necessary to ensure confidentiality. The following chart represents LASD facilities visited from October 1, 2019, through December 31, 2019:

Facility	Site Visits
Century Regional Detention Facility (CRDF)	3
Inmate Reception Center (IRC)	8
Los Angeles County/USC Medical Center (LCMC)	1
Men's Central Jail (MCJ)	25
North County Correctional Facility (NCCF)	4
Pitchess Detention Center South (PDC South)	1
Twin Towers Correctional Facility (TTCF)	17
<b>Total</b>	<b>59</b>

## Custody Operations and Immigration and Customs Enforcement

On January 10, 2017, the Board asked the Office of Inspector General to review, analyze and make recommendations as to LASD's conformance with its policies as they relate to immigration issues and the necessity of implementing additional policies to ensure compliance and transparency.<sup>11</sup> Since 2017, the Office of Inspector General has submitted multiple reports to the Board regarding LASD's

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<sup>11</sup> Los Angeles County Board of Supervisors motion by Supervisors Hilda L. Solis and Sheila Kuehl <http://file.lacounty.gov/SDSInter/bos/supdocs/110755.pdf>

adherence to its policies and procedures and its compliance with all relevant federal, state and local laws as they relate to immigration issues.

After a review of the Sheriff's new policies and procedures as they relate to Immigration and Customs Enforcement (ICE) transfers, multiple visits to IRC, review of transfer data provided to the Office of Inspector General and our attendance at several immigration working group meetings, the Office of Inspector General determined that LASD had transferred an apparently small number of prisoners to ICE in violation of Government Code section 7282.5(a)(6) as amended by Senate Bill 54. In response LASD has modified its selection criteria.

### **Changes Made to LASD ICE Transfer Procedures**

All prisoners booked have their fingerprints scanned by the arresting agency at the time of booking. Using the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) and Department of Homeland Security's (DHS) automated biometric identification system (IDENT), fingerprints are automatically sent to the FBI as well as ICE immigration databases. If ICE believes a prisoner may be deportable, an immigration detainer is issued for the prisoner. A copy of the detainer is then emailed to LASD custody assistants. As required by the TRUTH Act, a copy of the detainer and a LASD-created TRUTH Act form is provided to the prisoner, notifying them of the issuance of the detainer. To determine whether a transfer may be made pursuant to Senate Bill 54 (SB 54), LASD custody assistants "qualify" the prisoner using a series of qualifying criminal conviction lists generated by LASD. Once a prisoner is "qualified" and all notification requirements are satisfied pursuant to the TRUTH Act, the transfer process begins.

### **Former ICE Transfer Procedure at IRC**

Prior to its removal on December 17, 2019, inside the IRC release area, a large monitor displayed the names and booking numbers of prisoners pending release. The same information would then be uploaded on to an LASD public website. Once the release date was confirmed, ICE would initiate the transfer process, pick up the prisoner's transfer paperwork generated by LASD custody assistants and arrange for transportation of the prisoner using ICE contractors. Upon arrival, ICE contractors would pick up the prisoner's property and money from an area past the IRC Release Area where the prisoner was being held, and then walk back to the IRC Release Area to take custody of the prisoner from inside his cell and transport him to ICE.

## New ICE Transfer Procedures at IRC

As of February 1, 2019, *sworn* ICE agents no longer have physical access to IRC. To process transfers, ICE confirms a prisoner's pending release remotely using the LASD public website. LASD custody assistants then email the prisoner's transfer paperwork to ICE, notifying them that the prisoner is "qualified" for transfer along with a message to "arrange for transportation." LASD custody assistants then walk the prisoner's paperwork down to the IRC Custody line area located approximately 80 feet from the IRC release area to await the arrival of ICE contractors to transport the prisoner to ICE. Once ICE contractors arrive, they pick up the prisoner's property and money located past the IRC release area where the prisoner is being held (as they did in the past), then pass through the release area again to head back to the IRC custody line area to await transfer. LASD custody line deputies then remove the prisoner from his cell at the IRC Release Area, escort him down to the IRC custody line area and transfer him to the ICE contractors who transport him to ICE.

## LASD'S "Qualifying Transfer List"

Senate Bill 54 (SB 54) allows local law enforcement to generate their own "qualifying" transfer list based on the enumerated crimes listed in SB 54 (which remained the same crimes listed under the California TRUST Act).

In 2016, LASD maintained a lengthy list of "qualifying" felony convictions that was created in 2014 after the enactment of the TRUST Act, but opted to include only two out of the hundreds of "qualifying" misdemeanor convictions available. As a result, a total of 1,007 transfers were made to ICE in 2016, each for a felony conviction. No prisoner was transferred to ICE in 2016 for a misdemeanor conviction.

In 2017, LASD maintained the same felony transfer list, but added one additional "qualifying" misdemeanor conviction to the list for a total of three "qualifying" misdemeanors. In 2017, a total of 1,223 prisoners were transferred to ICE. Of these, 1,142 transfers were for a felony conviction and 81 were for a misdemeanor conviction. According to LASD, all 81 misdemeanor transfers were for domestic violence convictions, which was the crime added to the qualifying misdemeanor crimes list that year.

When SB 54 went into effect in 2018, LASD continued using the same felony list, but expanded its misdemeanor list to include a total of 151 "qualifying" misdemeanor convictions. Consequently, the number of prisoners transferred for misdemeanor convictions increased from 81 the previous year to 220 in 2018.

However, the number of prisoners transferred for felony convictions was reduced by 36%, to a total of 725.

The current LASD administration has stated an intention to reconsider LASD's "qualifying" transfer list and "pare that list down substantially" to "reduce it to reflect *only the most serious charges*,"<sup>12</sup> with the goal of "not letting [] *violent criminals* back into the community where they pose a threat."<sup>13</sup> (Emphasis added). Subsequently, LASD reduced the "qualifying" misdemeanor list from 151 to 101 crimes and reduced the wash-out<sup>14</sup> period from five years to three years. The felony transfer list remained the same. A review of the data provided to the Office of Inspector General by LASD shows that the 50 misdemeanor convictions the current administration eliminated from the misdemeanor list accounted for only 1.9% of the total transfers made in 2018 under the former administration.

The terms "serious" and "violent" have specific meanings under the law – they are a subset of felonies which receive enhanced sentences, including under the three strikes law. SB 54 covers crimes that are **not** delineated as serious or violent in the Penal Code and gives local law enforcement the option of including them in their transfer lists. The Office of Inspector General reported on the prior administration's use of these terms in a manner that gave the impression that only serious and violent felons were transferred to ICE.<sup>15</sup> Crimes that are not legally designated as serious or violent remain on LASD's transfer list. Of felony transfers, sixteen percent were legally designated serious and violent during the period of February to April in 2018. In 2019, initial data suggests an increase to twenty-three percent.

### **Senate Bill 54 (California Values Act)**

On January 1, 2018, Senate Bill 54, commonly known as the "Sanctuary Bill," replaced the California TRUST Act, placing additional restrictions on local law enforcement agencies' cooperation with ICE. SB 54 gives local law enforcement the

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<sup>12</sup> Antelope Valley Press, New L.A. Sheriff Pledges to Limit Cooperation with ICE, December 19, 2018 at: [https://www.avpress.com/news/around\\_the\\_state/new-la-sheriff-pledges-to-limit-cooperation-with-ice/article\\_f6a6ab86-0360-11e9-a18e-db1236e8afb2.html](https://www.avpress.com/news/around_the_state/new-la-sheriff-pledges-to-limit-cooperation-with-ice/article_f6a6ab86-0360-11e9-a18e-db1236e8afb2.html)

<sup>13</sup> Los Angeles Times, *ICE is still playing role in L.A. jails despite Sheriff Villanueva kicking agents out*, June 25, 2019 at: <https://www.latimes.com/local/lanow/la-me-sheriff-ice-jail-20190625-story.html>

<sup>14</sup> "Wash-out" period refers to the amount of time within which the current arrest occurred after the conviction for the crime which qualifies the prisoner for release to ICE, in this case meaning unless the prior conviction occurred within three years the conviction does not qualify the prisoner for release to ICE.

<sup>15</sup> See Office of Inspector General, County of Los Angeles, *Immigration: Public Safety and Public Trust*, October 2017, p.13 at: [https://oig.lacounty.gov/Portals/OIG/Reports/Immigration\\_Public%20Safety%20and%20Public%20Trust\\_Rev.pdf?ver=2018-06-21-143525-690](https://oig.lacounty.gov/Portals/OIG/Reports/Immigration_Public%20Safety%20and%20Public%20Trust_Rev.pdf?ver=2018-06-21-143525-690)



discretion to cooperate with ICE and, as with the TRUST Act, provides a “qualifying” list of convictions local law enforcement may use to transfer individuals to ICE custody. The only change made to the list was the addition of a 15-year wash-out period for some enumerated felonies, whereas no such limit was in effect under the TRUST Act.

Under SB 54, local law enforcement agencies who **elect** to cooperate with ICE can transfer an individual to ICE custody if the person meets any of the following criteria:

- (1) has a conviction of a serious and violent felony listed under Penal Code section 1192.7(c) or 667(c);
- (2) has been convicted of a felony punishable by imprisonment in the state prison;
- (3) has been convicted of a misdemeanor within the last five years that is punishable as either a misdemeanor or felony, or has been convicted of a felony enumerated in SB 54 within the last 15 years;
- (4) is registered on the California Sex and Arson Registry; or
- (5) has been convicted of certain felonies.<sup>16</sup>

#### **Proposition 47: Safe Neighborhood and Schools Act**

Proposition 47, known as the “Safe Neighborhood and Schools Act” was approved by California voters on November 4, 2014. As a result, certain property and drug offenses previously charged as felonies were reduced to straight misdemeanors. Individuals convicted of these crimes as felonies prior to the enactment of Proposition 47 could now petition the court to seek reduction of their conviction to straight misdemeanors. Such a reduction would render them ineligible for transfer to ICE under SB 54.

Recognizing the significance of Proposition 47 as it relates to deportation, SB 54 amended California Government Code section 7282.5(a)(6) as follows, to prevent local law enforcement from “qualifying” a prisoner for transfer if Proposition 47 renders the prisoner ineligible.

***In no case*** shall cooperation occur pursuant to this section for individuals ***arrested, detained, or convicted*** of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or

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<sup>16</sup> See California Government Code section 7282.5(a)(1)-(5).

felonies, prior to the passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code (emphasis added).<sup>17</sup>

An ambiguity exists in Government Code section 7282.5(a)(6) as to whether all crimes covered by Proposition 47 preclude transfer, or whether transfer is precluded only when an individual obtains a reduction under Proposition 47.

On March 28, 2018, the California Department of Justice (DOJ) issued an information bulletin to provide guidance to law enforcement agencies regarding SB 54. The guidelines explain that misdemeanor convictions for crimes affected by Proposition 47, “including felony convictions that were reduced to misdemeanors or re-designated as misdemeanors by a court as a result of Proposition 47, cannot serve as the basis for transfers or providing release date information to immigration authorities.”<sup>18</sup> The bulletin requires local law enforcement to “**carefully review** an individual’s record of arrests and prosecutions to determine whether a listed felony conviction was reduced to a misdemeanor or re-designated as a misdemeanor by a court under Proposition 47. If so, cooperation with immigration authorities is **prohibited.**” (emphasis added)<sup>19</sup>

In February 2018, the Immigrant Legal Resource Center (ILRC) issued a practice advisory for criminal defenders, discussing the provisions of SB 54. The guide explains that “[i]n no case are Proposition 47 offenses subject to notice or transfer requests,” adding that “[t]he ILRC’s interpretation [of Government Code section 7282.5(a)(6)] is that *all* Prop 47 offenses should be protected, including those felonies that are eligible to be reduced or reclassified, but have not yet been.”<sup>20</sup>

Government Code section 7282.5 (a)(1)-(6) gives local law enforcement the discretion to cooperate with immigration authorities under limited circumstances. Subsections (a)(1)-(5) of the code, allows cooperation with immigration authorities *only if* the prisoner has been convicted of a specific offense enumerated by the law. Subsection (a)(6), however, expands this restriction by also prohibiting cooperation in situations where an individual has been “arrested” or “detained” for a crime

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<sup>17</sup> California Government Code section 7282.5(a)(6).

<sup>18</sup> California Department of Justice, Division of Law Enforcement: Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act, No. DLE-2018-01, on March 28, 2018, p.5 at: [https://oag.ca.gov/sites/all/files/agweb/pdfs/law\\_enforcement/dle-18-01.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-18-01.pdf)

<sup>19</sup> *Id.*

<sup>20</sup> Immigrant Legal Resource Center, Practice Advisory, *S 54 and the California Values Act: A Guide for Criminal Defenders*, February 2018, p.11 at: [https://www.ilrc.org/sites/default/files/resources/s\\_54\\_advisory-gr-20180208.pdf](https://www.ilrc.org/sites/default/files/resources/s_54_advisory-gr-20180208.pdf)

covered by Proposition 47, both circumstances that occur *prior* to the disposition of a case.

In 2017, the Office of Inspector General recommended that LASD review its “qualifying” conviction list to ensure compliance with Government Code section 7282.5(a)(6) and Proposition 47.<sup>21</sup>

#### **LASD has Transferred Inmates to ICE in Violation of Senate Bill 54**

To determine whether LASD reviewed its “qualifying” conviction list to ensure compliance with Government Code section 7282.5(a)(6) and Proposition 47 as recommended by the Office of Inspector General, the Office of Inspector General conducted an initial review of approximately 283 prisoner transfers made by LASD to ICE from January 1, 2019, through July 31, 2019. This review revealed that 26 of the 283 prisoners transferred to ICE were “qualified” on a crime covered by Proposition 47.

A preliminary review of each of the 26 prisoner packets confirmed custody assistants “qualify” a prisoner for transfer based solely on a prisoner’s criminal history using the Consolidated Criminal History Reporting System (CCHRS), California Law Enforcement Telecommunications System (CLETS) and those systems accessible through the Department’s Justice Data Interface System (JDIC). Custody assistants do not have direct access to court databases, such as the Los Angeles County Superior Court’s Data and Document Exchange Service (DDES), nor can they access any criminal databases outside of the county of Los Angeles, rendering it impossible for custody assistants to verify the status of a prisoner’s Proposition 47-eligible conviction that occurred outside the county of Los Angeles.

Once the Office of Inspector General notified LASD that 26 prisoners may have been illegally transferred, LASD personnel, outside the presence of the Office of Inspector General, spent approximately 20 hours reviewing court records using the Los Angeles Superior Courts Data and Document Exchange Service (DDES), to obtain additional information on each of the 26 cases. After LASD’s preliminary

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<sup>21</sup> See Office of Inspector General, County of Los Angeles, *Immigration: Public Safety and Public Trust*, October 2017, pp.14 – 16 at: [https://oig.lacounty.gov/Portals/OIG/Reports/Immigration\\_Public%20Safety%20and%20Public%20Trust\\_Rev.pdf?ver=2018-06-21-143525-690](https://oig.lacounty.gov/Portals/OIG/Reports/Immigration_Public%20Safety%20and%20Public%20Trust_Rev.pdf?ver=2018-06-21-143525-690)

review, the Office of Inspector General was present for a second review of the court database for each of the 26 cases.<sup>22</sup>

As a result, the Office of Inspector General determined the following:

- Of the 26 prisoners transferred, two were determined to be “qualified” and transferred to ICE based on convictions that were reduced by a court to a misdemeanor in 2015, in violation of Government Code section 7282.5(a)(6). Both reductions were clearly stated on the prisoner’s JDIC criminal records which were available to custody assistants at the time the prisoners were qualified for transfer;
- Of the 26 prisoners “qualified” and transferred to ICE for a crime covered by Proposition 47, but not yet reduced, 14 did not have any other “qualifying” convictions on their records. Of those 14 prisoners, one had his/her “qualifying” conviction reduced to a misdemeanor after he was transferred to ICE, and another petitioned for a reduction after he was transferred but was denied. One of the prisoners was “qualified” using a conviction based outside the county of Los Angeles, which could not be verified using DDES.
- Of the 26 prisoners “qualified” and transferred to ICE for a crime covered by Proposition 47, nine were discovered to have another “qualifying” charge on their records, which was determined only after the Office of Inspector General requested review of this data. One of the nine prisoners transferred was “qualified” for a crime that was reclassified to a straight misdemeanor in 2017. The reclassification was reflected on the prisoner’s CLETS criminal record which was available to custody assistants at the time the prisoner was qualified for transfer. One of the nine prisoners was “qualified” using a conviction outside the County of Los Angeles, which could not be verified using DDES.
- Of the 26 prisoners “qualified” and transferred to ICE for a crime covered by Proposition 47, one appeared to have another qualifying crime on his record, but given the age of the other case, the information in DDES was limited and therefore could not be verified.

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<sup>22</sup> It is noteworthy that the process of reviewing the criminal history to make the determination as to the existence of an alternative qualifying charge took the Department twenty hours. The time and resources necessary to determine whether a prisoner qualifies for transfer should be a consideration in the drafting of the Department’s updated policies regarding the transfer of prisoners to ICE.

The Office of Inspector General shared these findings with LASD and voiced concern regarding how LASD's transfer procedures were resulting in transfers being made to ICE in violation SB 54. The Office of Inspector General recommended LASD re-evaluate its current transfer policies as they relate to prisoners being "qualified" on crimes impacted by Proposition 47 and make any changes needed to help prevent any further illegal transfers from being made. LASD initially responded to the Office of Inspector General's concerns by sending an email to LASD staff advising them to more thoroughly review prisoners' criminal records when "qualifying" prisoners.<sup>23</sup>

The Office of Inspector General has also identified that in 2018, approximately 92 prisoner transfers were made to ICE based on crimes covered by Proposition 47, codified in Government Code section 7282.5(a)(6). After an extensive and lengthy review of the criminal records of ICE transferees, including LASD paperwork and multiple databases, the Office of Inspector General determined the following for transfers from 2018:

- At least two prisoners were determined "qualified" and transferred to ICE in 2018 for convictions reduced to misdemeanors by a court before they were transferred. In both cases, the reductions were clearly stated on the prisoner's JDIC criminal records which were available to custody assistants at the time the prisoners were qualified for transferred. One of the two prisoners had another "qualifying" charge on his record, however the other did not, rendering his transfer illegal under Government Code section 7282.5(a)(6);
- A review of court documents (unavailable to custody assistants at the time of transfer) showed that two prisoners had Proposition 47 petitions filed that were granted as to some of the counts, and denied as to others. The criminal records available to the custody assistants did not all clearly reflect which counts were granted and which were denied. The court documents reviewed by the Office of Inspector General reflected the most accurate findings.
- Approximately ten of the prisoners were transferred for convictions that occurred outside the County of Los Angeles. One of the ten "qualifying" convictions based out of Ventura County was reduced to a misdemeanor after the prisoner was transferred. Another prisoner's case, based out of

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<sup>23</sup> The Department uses the Consolidated Criminal History Reporting System (CCHRS) as one of the databases to review a prisoner's criminal history. In many instances when reviewing the criminal history for qualifying crimes for ICE transfer, only a summary history was utilized. On October 11, 2019, an email sent to the custody staff responsible for this review, directed the staff not to rely on the summary page. It further instructs the reviewers to confirm that there is no notation that the qualifying charge was "dropped" or dismissed. The word "dropped" is clarified within the email to mean that the crime was reduced to a misdemeanor.

Orange County, showed a Proposition 47 motion had been filed. However, the finding is unclear. Six of the ten prisoners transferred did not have any other “qualifying” convictions on their records.

- One of the prisoner’s court records were restricted, therefore his case could not be reviewed nor verified.
- Over half of the 92 prisoners transferred did not have any other “qualifying” convictions on their records.

During an additional review of transfers made in 2019, the Office of Inspector General also found that on August 16, 2019, a prisoner was released to ICE contractors from the Norwalk Superior Court at 2:29 p.m., for a felony conviction that was reduced to a misdemeanor on a Proposition 47 petition that had been granted at 8:30 a.m., that morning in the Norwalk Superior Court. The prisoner had no other qualifying conviction on his record.

The Office of Inspector General again shared these concerns and findings with LASD. The Office of Inspector General explained that given the amount of time and limited resources available to custody assistants at the time of transfer, if LASD continued to “qualify” prisoners based on crimes reduceable under Proposition 47, the risk of transferring prisoners to ICE in violation of SB 54 would continue.

On January 13, 2020, LASD notified the Office of Inspector General that they had modified their ICE transfer procedures to address the Proposition 47 transfer concerns. Effective January 15, 2020, LASD reports it modified its felony transfer list, moving Proposition 47 charges to a separate list. LASD reports it will now disqualify a prisoner for transfer if the only qualifying conviction is for a crime that occurred prior to January 1, 2015, which may be reduced pursuant to Proposition 47, unless the prisoner was sentenced to state prison on the case.

On February 5, 2020, the Office of Inspector General visited IRC and confirmed that the new Proposition 47 ICE transfer procedures have been implemented.

### **The Impact of Senate Bill 54: Decrease in ICE Transfers**

In a recent study published in March 2019 prepared by the Asian Americans Advancing Justice – Asian Law Caucus, the University of Oxford Centre for Criminology and Border Criminologies, it was found that after the enactment of SB 54 on January 1, 2018, in the first five months of 2018, ICE arrests in local jails

in California had dropped by 1,536, a **41% decrease** when compared to the preceding five months from August 2017 to December 2017.<sup>24</sup>

The data used to conduct this analysis included publicly disclosed documents from 169 local law enforcement agencies throughout California, including the Los Angeles County Sheriff's Department. ICE data was also used for the analysis.

The results of the study are consistent with the decreasing number of transfers made by LASD to ICE since the enactment of SB 54 on January 1, 2018:

- In 2017, LASD transferred a total of 1,223 prisoners to ICE. In 2018, the total number of transfers made to ICE dropped down to 945, a **23% decrease**, compared to the total number of transfers in 2017.
- In 2017, 1,142 of the total number of transfers made to ICE were for felony convictions. In 2018, transfers for felonies dropped to 725, a **36% decrease** compared to 2017.
- In the month of January 2018, a total of 81 prisoners were transferred to ICE. The total number of transfers made in January 2019 dropped down to 47, a **42% decrease**. ***The Department did not make any changes to its policies until February 2019.***

## Other Updates

### *CCJV Recommendation 3.12: The Department should purchase additional body scanners*

LASD continues to operate body scanners at CRDF, PDC North, PDC South, NCCF, and the IRC. The final body scanner assigned to MCJ is fully installed and operational but is not currently in regular use yet.

According to LASD records, from January 1, 2019, to December 31, 2019, about one percent (1.03%) of prisoners refused to go through the body scanners across all applicable facilities. LASD also reports that it no longer records the reasons for such refusals because the data did not contribute significant feedback towards the goal of reducing strip searches since the primary reason for refusals is jail politics.

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<sup>24</sup> Turning the Golden State Into a Sanctuary State: A Report on the Impact and Implementation of the California Values Act (SB 54), March, 2019, p.13, at: [https://www.advancingjustice-alc.org/wp-content/uploads/2019/03/S-54-Report\\_FINAL.pdf](https://www.advancingjustice-alc.org/wp-content/uploads/2019/03/S-54-Report_FINAL.pdf)

*CCJV Recommendation 7.15: The use of lapel cameras as an investigative tool should be broadened*

As previously reported, LASD opted for an alternative implementation of this recommendation and embarked on a five-year program to install fixed cameras in the jail facilities. All identified cameras are now installed at PDC South and the facility reports that it is in the process of having the vocational shop's cameras connected to the LASD network. LASD reports that it is unable to provide an accurate date of completion at this time. Efforts to implement body worn cameras in patrol are ongoing.