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March 18, 2024

TO: The Honorable Sean Kennedy, Chair
Los Angeles County Sheriff Civilian Oversight Commission

Sharmaine Mosely, Executive Director
Los Angeles County Sheriff Civilian Oversight Commission

FROM: Max Huntsman
Inspector General

SUBJECT: **REPORT BACK ON INQUIRY INTO INVESTIGATIONS OF
ALLEGATIONS OF HARASSMENT OF FAMILIES BY THE LOS
ANGELES COUNTY SHERIFF'S DEPARTMENT**

Purpose of Memorandum

On January 16, 2024, the Sheriff Civilian Oversight Commission (COC) requested that the Office of Inspector General "assist in determining whether complaints of harassment of families of individuals killed by members of the Los Angeles County Sheriff Department (Sheriff's Department or LASD) have been made to and/or investigated by the Department." Specifically, the Commission requested that the Office of Inspector General examine Sheriff's Department documents, including the Department's civilian complaint intake process and Internal Affairs Bureau (IAB), and advise the Commission of the following:

1. How many complaints have been made to LASD regarding harassment or like conduct by families of individuals killed by LASD within the last 6 years, including without limitation the families in the enclosed list?
2. What action, if any, was taken regarding such complaints? Did any of the complaints result in an IAB investigation? Was any disciplinary action taken for harassment or related conduct against deputies who engaged in misconduct?
3. Provide your assessment regarding whether any alleged harassment warranted an internal investigation and/or discipline.

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The COC also enclosed a "List of Deceased Persons and/or Family Members":

- Family of Anthony Daniel Vargas. Ms. Lisa Vargas is the mother of Stephanie Luna and Valerie Vargas, aunts of Anthony Vargas
- Family of Paul Rea. Ms. Lea Garcia is the mother of Paul and Julie Diaz – grandmother
- Family of Joseph Andrew Perez. Ms. Vanessa Perez, mother
- Family of Marco Antonio Vazquez Jr. Christina Vasquez, wife, and Leticia Vasquez, mother of Marco Antonio Vazquez Jr.
- Family of David Ordaz Jr. Emily Ordaz, daughter.

On January 22, 2024, the Office of Inspector General requested that the Sheriff's Department deliver by February 9, 2024, all documents and records pertinent to fulfilling the COC's requested report on family harassment.

The information requested included the following:

- Number of complaints made by any family member of an individual who died as the result of a fatal use of force by a deputy.
- Summary of what, if any, action was taken on each such complaint.
- Number of such complaints that resulted in an IAB investigation.
- The investigative number associated with any initiated IAB investigation.
- Watch Commander Service Comment Report (SCR) numbers associated with any complaint filed by family members.
- Summary of any disciplinary action taken for any harassment or conduct by deputies.
- All documents and records related to any complaints made on behalf of any family member.
- Any documents and records specifically associated with the Perez family covering the period from January 1, 2020, to January 1, 2024.

After two requests for extensions, on February 28, 2024, the Sheriff's Department submitted information on twelve complaints, some of which included video and/or audio files. To complete this inquiry, the Office of Inspector General also reviewed our internal database for complaints of harassment by families, searched the Sheriff's Department's Performance Recording and Monitoring System (PRMS), and reached out to the family

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members listed in the COC's request for inquiry. In doing so, the Office of Inspector General located a thirteenth complaint (SCR 260976) through searching the Sheriff's PRMS database.

An Office of Inspector General staff member spoke to Stephanie Luna, the aunt of Anthony Vargas, who did not have any new complaints to disclose. Ms. Luna did express the family's concern that the complaint process required the family to interact with the Sheriff's Department. Due to their past interactions with the Sheriff's Department, the Vargas family is hesitant to engage in further interactions with the Department.

An Office of Inspector General staff member spoke to Vanessa Perez, mother of Joseph Perez, who informed us of one complaint. Like the Vargas family, Ms. Perez expressed reservations about utilizing the Department's complaint process because she would have to interact with Sheriff's Department personnel. Her complaint is discussed in this report.

Lastly, the Office of Inspector General contacted legal representatives for the families of Marco Vazquez, David Ordaz Jr, and Paul Rea to inform them of the COC's request to our office regarding family harassment complaints and whether they wished to participate in our inquiry. To date, our office has not received a response from these families.

To provide context for investigations into complaints of family harassment, we summarize the Sheriff's Departments policies and procedures governing the taking, investigation, and resolution of civilian complaints in an Appendix attached to this report.

Revisions of Service Comment Handbook and Policy Related to Complaints

Currently, the Sheriff's Department is in the process of updating its policy on public complaints and an accompanying Handbook for investigating such complaints. The Department provided drafts of both documents to the Office of Inspector General, which provided comments on the proposed revisions to the handbook and policy for consideration by the Sheriff's Department. In the comments on the policy, the Office of Inspector General asked that the Department consider placing an affirmative obligation on all Department members to take complaints from the public in the field or contacting

a supervisor to take the complaint. The Office of Inspector General also proposed that the Department add new categories to the check boxes for classifying complaints on the SCR form for complaints relating to deputy gangs and complaints relating to First Amendment issues, such as complaints by protestors or reporters. These additional categories will allow the Department to better identify systemic problems and adopt policies to address them.

Finally, the Department uses the “Preponderance of Evidence” standard to reach “Unfounded” or “Exonerated” dispositions of complaint investigations or inquires, contrary to Penal Code section 832.5(d)(2), which requires such findings be “clearly established” by the evidence. Of the thirteen complaints we review below, only one employee exoneration employed an improper burden of proof. The Office of Inspector General recommends that the Department update its policy to comply with the law on the standard for evidentiary findings.

Number of Complaints Filed by Families of People Killed as the Result of a Use of Force by the Sheriff’s Department Within the Last 6 Years

The Office of Inspector General searched the Sheriff’s Departments data and records of complaints and identified thirteen complaints, twelve of which were also identified by the Sheriff’s Department, of harassment or similar conduct within the last six years filed against the Sheriff’s Department by families of people, who died as the result of a use of force by deputies.

In November 2020, in a report to the Civilian Oversight Commission on family harassment complaints the Office of Inspector General identified eight complaints filed by grieving families (see chart below).¹ The report reviewed and analyzed each complaint at length, including the actions taken by the Department in response to each and whether any resulted in administrative investigations.

¹ Los Angeles County Office of Inspector General report to the COC, [Report Back on Inquiry and Assessment as to the Harassment of Families by LASD Patrol Operations Staff Following a Fatal Use of Force by LASD](#) (Nov. 17, 2020) (hereafter referred to as the COC Report).

Previously Identified Complaints of Family Harassment					
SCR #	Incident occurring at:	Videos or photos of incident?	Resulted in an arrest?	Type of Complaint per LASD	LASD Disposition
251295	Vigil	Yes	No	Discourtesy	Employee Conduct Appears Reasonable
250289	Townhall	Unknown	No	Harassment	Employee Conduct Appears Reasonable / Unable to Make a Determination
249266	Other	No	No	Discrimination	Employee Conduct Appears Reasonable
249141	Street or Highway	No	No	Other	Department Level IA
252713	Vigil / Other	No	Yes	Harassment	Unable to Make a Determination
252714	Townhall / Vigil	Yes	Yes	Harassment / Discourtesy / Improper Detention	Employee Conduct Appears Reasonable
252719	Courthouse	Yes	No	Discourtesy	Employee Conduct Appears Reasonable
252965	Vigil	No	No	Harassment	Unable to Make a Determination

This office reviewed these complaints again to determine if any of the complaints should have resulted in administrative investigations.

Based on our analysis of the available evidence in each complaint, we do not believe the allegations in five of the complaints warranted opening administrative investigations.² The sixth complaint (SCR 249141) involved a deputy-involved shooting where the family of the person killed alleged that deputies involved had lied to cover up an unjust shooting. That complaint did not involve harassment but the Sheriff's

² The five SCR Complaint Numbers are 251295, 250289, 249266, 252714 and 252719.

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Department opened an Internal Affairs Bureau investigation into that case, which is now closed.

In the remaining two complaints, the Office of Inspector General identified information that the Department failed to gather during the inquiry and without which we cannot ascertain whether the complaints warranted an administrative investigation.

In one complaint (SCR 251713) a representative of the ACLU of Southern California contacted the Department advising they would set a meeting “in the next week or two” between the Department and the decedent’s family to discuss the harassment allegations. Three days later, the Department closed the SCR inquiry noting that “if [the ACLU of Southern California] representative re-contacts [the Department] with specific harassment allegations, [the Department] will complete a new [SCR] for the specific allegations of harassment.” The Department provided no justification for closing the investigation before allowing the ACLU representative a chance to set the meeting with the decedent’s family.³

In the other complaint, (SCR 252965) on November 19, 2020, several organizations (Centro CSO, BLMLA and ACLU of Southern California) submitted a written letter to the COC regarding harassment and retaliation by Sheriff’s Department employees against families of those who died during a fatal use of force by deputies. The Sheriff’s Department reported that it reached out to all the organizations and sent a letter to the family in question. A representative of the ACLU of Southern California responded to the Sheriff’s Department and requested that the Department not close the investigation for an additional two weeks until they had a chance to contact the decedent’s family or their attorney to obtain more specific information regarding the allegations in the complaint.

The Sheriff’s Department closed the complaint with the finding “Unable to Make a Determination.” Although the Department took numerous steps to obtain specific details regarding the allegation in the complaint, including direct attempts to contact the

³ An Office of Inspector General staff member interviewed a member of the family regarding their harassment allegations. Los Angeles County Office of Inspector General report to the Board of Supervisors, [Report Back on Protecting Surviving Families from Law Enforcement Harassment and Retaliation](#), at 4 (July 7, 2021) (Board Report).

decedent’s family, it provided no reason for rebuffing the ACLU’s request for an additional two weeks.

Review and Analysis of Five Newly Identified Complaints by Surviving Families Regarding Harassment

In reviewing documents and databases and reaching out to families, the Office of Inspector General identified five complaints of family harassment that were not previously reviewed in our two prior reports on family harassment.⁴ We conclude based on the available facts and evidence contained in the investigations that three of the complaints did not warrant administrative investigations. Of the remaining two complaints, one should have had a disposition different from what the Sheriff’s Department concluded while the other did not contain adequate information for us to determine whether an administrative investigation was warranted.

Newly Identified Complaints of Family Harassment					
SCR #	Incident Location	Videos or photos of incident?	Resulted in an arrest?	Type of Complaint per LASD	LASD Disposition
258259	Home	Yes	No	Harassment	Employee Exonerated
257524	Street/Highway	Yes, but not provided to LASD	No	Harassment	Unable to Make a Determination
256165	Home	No	No	Harassment	Employee Conduct Appears Reasonable
260976	Street/Highway	Yes	No	Harassment	Employee Conduct Appears Reasonable
255876	Street or Highway	Yes	No	Discourtesy/Improper Detention	Employee Conduct Appears Reasonable

1. SCR 258259

⁴ See [COC Report](#) and [Board Report](#), *supra*.

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In June of 2020, deputies were involved in a use of force that resulted in an arrest. Approximately three months later, the arrestee's mother filed a complaint alleging that a deputy from the same station came to her home to intimidate and harass her after she confronted then-Sheriff Alex Villanueva at a town hall meeting regarding her son's arrest and the use of excessive force against him.

An Office of Inspector General staff member reviewed the SCR inquiry conducted by the Sheriff's Department. The Department interviewed both the deputy and the complainant regarding her allegations. The deputy reported that he went to the complainant's house while searching for a missing child, who was later located. The deputy had been informed that a minor who lived at the location (the daughter of the complainant) was a friend of the missing child. The deputy wore a body-worn camera during the encounter. The Sheriff's Department reviewed video and concluded that it conflicted with the complainant's account of the incident. The Sheriff's Department closed the investigation with a finding of "Employee Exonerated."

The Department appears to have conducted a thorough investigation, including inquiring into the circumstances behind the deputy's dispatch to the residence to ensure that a call for service regarding a missing child had in fact been made and that deputy had not visited the home for the purpose of harassment. An Office of Inspector General staff member also viewed the body-worn camera video and found it consistent with the deputy's description of the incident.

Based on the available facts and evidence in the SCR inquiry, it does not appear that the complaint warranted an administrative investigation.

2. SCR 257524

On August 25, 2021, the mother of a person shot and killed by deputies earlier that month filed a complaint through the Office of Inspector General against four deputies for harassment. She alleged that the deputies were angry when they were dispatched to a call related to the three-year anniversary of her son's death. In her complaint, she gave the last name of one of the four involved deputies. The complainant reported that the same deputies continually harassed the family and, on this occasion, mocked and humiliated surviving family members. She reported that she had photos and video footage of the incident.

An Office of Inspector General staff member reviewed the SCR inquiry conducted by the Sheriff's Department. The watch commander conducting the inquiry reported that he made numerous attempts to contact the complainant via telephone, U.S. mail, and email without success. He also contacted the Office of Inspector General to request any photos or video of the incident, although this office had not received any from the complainant. The Sheriff's Department identified four deputies working at the relevant station with the last name provided by the complainant and interviewed all four. All deputies denied having any negative contact with family, and the Department could not locate any calls for service to a memorial. The Sheriff's Department closed the inquiry as "Unable to Make a Determination" due to a lack of information.

The Department appears to have taken reasonable steps to contact the complainant but made inadequate efforts to identify the other three involved deputies. Because the memorial in question occurred on the anniversary of the decedent's death, the date of the memorial was obvious and within the knowledge of the Sheriff's Department. However, the Department did not attempt to cross-reference the name the complainant provided with the names of deputies working at the station on the date of the memorial to identify the three other deputies who may have been involved. This could have narrowed down the identities of the four deputies alleged to have harassed the complainant and her family, leading to a more thorough investigation. If the Department had been able to reach the complainant, a photographic line-up might have aided the process of identifying the alleged involved deputies.

Because the Sheriff's Department did not explore all avenues to identify all of the four deputies alleged to have harassed surviving family members, we cannot determine whether an administrative investigation was warranted.

3. SCR 256165

On March 11, 2021, family members of the same individual killed by deputies described in the previous section filed a harassment complaint through the National Lawyers Guild of Los Angeles (NLG) against deputies working at the station in the jurisdiction where the fatal use of force occurred. Specifically, the complaint alleged that a member of the decedent's family went to the front porch of their residence and observed deputies, including one of the deputies involved in the decedent's death, dealing with an unknown individual in the street. During this interaction, one of the deputies reportedly smiled at the family member. The complainant felt harassed and intimidated by the deputies. In

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addition, the complaint included a second incident where a family member was walking home and felt harassed by a group of deputies who said to them, "What are you doing here? We can arrest you."

An Office of Inspector General staff member reviewed the SCR inquiry conducted by the Sheriff's Department. The Department reports that it coordinated with an NLG representative in its efforts to interview the family and a possible independent witness (an attorney from the ACLU who may have witnessed the interaction on the porch and posted it on social media). The watch commander contacted the ACLU attorney on two occasions and left messages asking them to contact the Sheriff's Department. The attorney did not return the phone messages.

Through the NLG representative, the Sheriff's Department confirmed a date and time to interview the family. At the family's request, the Department agreed to allow an NLG representative to be present at the interview. However, a day before the interview, the NLG representative contacted the Department and cancelled the interviews on the advice of the family's legal counsel.

The Sheriff's Department proceeded with the inquiry confirming that the deputies had been out on an unrelated family disturbance call when they encountered the complainant on the porch. The Department interviewed ten deputies who were at the scene. All ten deputies recalled a woman (unrelated to the call they were on) come out of her residence and begin yelling at the deputies. She appeared to direct her comments at the deputy who was involved in the decedent's death, as she called this deputy by name. She reportedly called the deputy a "murderer" and stated, "Remember the name (name of family)." Some deputies stated that a woman came out and stood in the bed of a pick-up truck as she yelled at them. The deputies reported that they did not observe anyone say anything to the woman nor did they observe anyone making any facial expressions or gestures towards her. The Sheriff's Department closed the inquiry as "Employees Conduct Appears Reasonable" and noted that, absent additional information, no further action would be taken.

Although the Sheriff's Department provided this office with video from four body-worn cameras, the inquiry provides no indication that the watch commander viewed this video in conducting the SCR investigation. In fact, it does not appear the watch commander knew the body-worn camera video existed, as it is not referenced in the section of the

SCR form entitled “video tapes.” An Office of Inspector General staff member reviewed the videos from the four body-worn cameras, which showed no interaction with the complainant. However, all four deputies deactivated their cameras before leaving the scene of the unrelated call for service, and thus, the interaction with the complainant may have occurred without being captured on camera. Based on this office’s search in Evidence.com where body-worn camera video is stored, the remaining six deputies never turned on their body-worn camera during the unrelated call for service. The Department did not question any of the ten interviewed for this SCR about their failure to activate their body-worn cameras.

The Sheriff’s Department appears to have taken all reasonable steps to interview the complainants, working through an intermediary at the NLG. The Department interviewed all deputies present at the scene that prompted this complaint. However, the Department did fail to include in its analysis whether it viewed the body-worn camera video during its inquiry.

Based on the available facts and evidence in the SCR inquiry, it does not appear that an administrative investigation was warranted.

4. SCR 260976

The Sheriff’s Department did not include this complaint in the documents it provided the Office of Inspector General on February 28, 2024. However, we identified it by searching the Sheriff’s Department’s PRMS database. On June 27, 2023, a family member of the same decedent discussed in the prior to incidents filed a complaint with the Department alleging harassment, discourtesy, and use of force. The complainant alleged she was with her minor son when she observed two sheriff deputies conducting what she described as an “aggressive traffic stop” of two individuals and stopped to record the deputies’ actions. She reported that as she and her son recorded the incident on their cell phones, one of the deputies pushed her minor son, tapped his gun with his hand, and told him, “Come on dude, you are asking for it,” which she perceived as a threat. The complainant also alleged this deputy “is known to target and harass minors.”⁵

An Office of Inspector General staff member reviewed the SCR inquiry conducted by the Sheriff’s Department. The incident between the deputies and the complainant and

⁵ Based on Sheriff’s Department records the driver involved in the traffic stop was not a minor.

her son was recorded on both the deputies' body-worn cameras and complainants' cell phones.⁶ The complainant provided the two cell phone recordings to the Department for review.

The video-recorded encounter shows that the complainant and her son were approximately two feet from the deputies at the time of their recording. Deputy A told them "You can record but stay on the sidewalk" when they were standing in the street. Deputy B stated "Step over there. Stop trying to instigate me. You are in the middle of the street" and "You can record dude, but don't put the phone in my face." The complainant's son tells Deputy B that the cellphone was not in his face. Deputy B then says, "Step back, dude. Don't get close to me" and extends his right arm to touching the son's chest. Deputy B can be heard repeatedly telling the complainant's son to step back and says, "Come on dude, you are asking for it" and tapping the front of his holstered gun. The interaction ended once the complainant and her son backed away and stood on the sidewalk.

The Department interviewed both deputies involved. In his interview Deputy B states the complainant and her son were videotaping them while on the street where he felt it posed a safety risk for the deputies, the detained individuals, and the complainants themselves. Therefore, both deputies told the complainant and her son that they could record but they had to do so on the sidewalk and out of the street. Deputy B reported that the complaint's son put his cell phone close to his face as he stood inches away from him. In response, he extended his right arm to gain separation. When asked about making any threatening remarks, Deputy B "vaguely" recalled saying "you are asking for it." He denied saying it as a threat of harm but rather as meaning the son may be detained, cited or possibly arrested for obstructing or interfering with their duties. The deputy did not recall tapping his holstered weapon. He stated that he never had any intention of drawing his weapon. (The Sheriff's Department attempted to get a statement from the two people who were the focus of the traffic stop but did not succeed.) A supervisor who had been called to the scene by the deputies, spoke to the complainant and her son.

The Sheriff's Department concluded its inquiry by stating that the deputies conducted themselves in a professional manner considering the rapidly evolving and highly tense

⁶ Video recorded by the complainant's son is 41 seconds and video recorded by the complainant is 34 seconds.

circumstances and that there was no evidence to substantiate that the deputies pushed the complainant's son or intended to threaten him. The Department closed the inquiry with the disposition, "Employee Conduct Appears Reasonable."

We do not concur with the Department's findings that the deputies conduct appeared reasonable. Deputy B clearly tells complainant's son, "you're asking for it". The complainants reasonably viewed those words as a threat towards them. The deputy's explanation that he was referring to the possible legal enforcement actions he could have taken if the conduct continued does not diminish the fact that he made the statement, and that he failed to provide additional context that would have added clarity to his intentions in order to avoid his words being taken as a threat.

Deputy B can be seen on video tapping his holster on two occasions. The complainants also reasonably interpreted this action as threatening. The fact that the deputy did not intend to unholster his gun does not mitigate his actions.

The Sheriff's Department concluded that the deputies conducted themselves in a professional manner considering the "rapidly evolving" circumstances.⁷ While we do not believe Deputy B's actions warranted an administrative investigation, the deputy's choice of words failed to properly communicate his intentions, and the complainants reasonably perceived his actions as threatening and unprofessional.

Based on the facts presented by both sides, a disposition of "Employee Conduct Should Have Been Different" is a more appropriate finding for this complaint.

5. SCR 255876

⁷ In *Graham v. Connor* (1989) 490 U.S. 386, 397, the U.S. Supreme Court held "the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgements – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." While peace officers may indeed face such circumstances, the Sheriff's Department too often uses the phrase "rapidly evolving" in situations where it does not apply, often to justify poor decision-making by deputies. Here, the deputies faced two civilians who attempted to film their traffic stop at close range, a circumstance that presented some challenges but does not seem to have been "rapidly evolving."

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On September 16, 2020, an attorney representing the family of a person killed by deputies in June of 2019, filed a written complaint with the Sheriff's Department regarding an incident that occurred on August 12, 2020. The attorney advised in the complaint that the Sheriff's Department should contact her as the family's representative and should not contact the family directly.

The complaint alleged the following: as the complainant and her minor daughter were leaving an unidentified location, deputies in a patrol car partially blocked complainant's car and yelled "put on your seat belt." The deputies then followed them into a gas station and "jumped out of their patrol car" where they pushed the complainant back into her car, kicked her foot when they placed her in the patrol car, cursed at her daughter, and used other inappropriate language. According to the complaint, one of the deputies told her they had stopped her because of her "gang tattoos." She also reported that \$10 she had in her pocket was missing after her detention. The complainant's daughter video-recorded part of the initial encounter with the deputies at the gas station and airdropped it to one of the deputies at the scene of the stop.

An Office of Inspector General staff member reviewed the SCR inquiry conducted by the Sheriff's Department. The Department interviewed the two involved deputies and four witness deputies who responded to the scene as back-up, reportedly due to "the minor's uncooperative behavior and numerous bystanders gathering near them." The involved deputies reported that they stopped the complainant's vehicle for an expired registration tag (more than six months past the expiration date) and for a seatbelt violation by the minor passenger. One of the deputies stated that the complainant asked if the deputies had stopped her because of her tattoos. The deputy explained that it was for the registration and seatbelt violations. The complainant attempted to get out of the vehicle, but the deputy placed his hand on her shoulder and told her to remain seated. She complied and remained in the car.

The deputies reported that at the time of the traffic stop, the passenger immediately got out of the vehicle and began videotaping the contact on her phone. The video evidence supports this, as it shows the minor passenger approaching the patrol car before the deputies even get out. The deputies instructed the minor to get back inside her car, but she refused. Deputies reported the minor passenger continued to be uncooperative and they ultimately handcuffed her. They conducted an inventory search of the vehicle and

located the complainant's purse that contained \$2,000 in cash. They returned the purse and the \$2,000 cash to the complainant.

During the inquiry, the Sheriff's Department also contacted the business at the location of the traffic stop to determine if CCTV video of the incident existed, but the incident had occurred over a month before and no video was available. In reviewing the video provided by the complainant's minor daughter, the Sheriff's Department noted numerous attempts by deputies to deescalate the situation and identified no derogatory language or evidence of reportable force. The deputies reported that they had planned to impound the vehicle for the expired registration but decided only to give the family a warning. The Sheriff's Department determined that the deputies had legal standing to make the traffic stop and detain the occupants. The Sheriff's Department closed the inquiry as, "Employees Conduct Appeared Reasonable."

The Sheriff's Department took reasonable investigative steps to address the issues raised by the complainant. They interviewed all deputies present at the scene, attempted to gather additional CCTV from the gas station, and reviewed the video provided to them by the complainant's daughter. The Office of Inspector General reviewed the video, which captured only the initial interaction between the minor passenger and the deputies and none of the interaction between the complainant and deputies. The recording does not capture the deputies cursing at the minor or using inappropriate language. The video does not clearly capture the deputy interacting with the minor as his voice is not raised and thus difficult to hear.

Based on the available facts and evidence in the SCR inquiry, it does not appear that an administrative investigation was warranted.

Traffic Stops for Minor Offenses

In March 2023, this office published a report recommending the Sheriff's Department create policies restricting deputies from stopping, detaining, or arresting, drivers, bicyclists, and pedestrians for certain safety equipment and low-level traffic violations such as expired tags, objects on rearview mirrors that do not impair the driver's view, and tinted windows among other low-level offenses.⁸ Nation-wide, law enforcement

⁸ [Addressing Racial Disparities in Traffic Stops \(March 2023\)](#)

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agencies are moving toward limiting such stops, which often serve to degrade the public's trust of law enforcement without contributing to public safety.⁹ Enacting and abiding by these policies would help curb perceived negative contacts between law enforcement and the communities they serve and would reduce encounters where surviving families might perceive harassment. When deputies conduct traffic stops for very low-level violations that do not obviously address any significant criminal or safety issue, people may likely suspect that they have no reason for the stop other than harassment. When deputies conduct such stops of people whose family members were killed by a Sheriff's Department use of force, people may suspect that they are being targeted for that reason. We again encourage the Sheriff's Department to enact the policies we recommended in our March 2023, report.

The Sheriff's Department's Memorial Vigil Field Operation Support Services Newsletter

In the Office of Inspector General's reports to the COC and the Board of Supervisors on family harassment, we discussed the arrest of two people on October 30, 2019, at the memorial site of a person killed by the Sheriff's Department.¹⁰ We recommended that the Sheriff's Department adopt a policy and guidelines regarding memorial sites and vigils to ensure sensitivity toward those grieving at a memorial site and to build community trust following a fatal use of force.

The Department's [Field Operations Support Services Newsletter 20-03 Memorial Vigils](#) sets guidelines for field personnel regarding memorial sites and vigils. The Newsletter includes guidelines for handling calls for service from other concerned community members or businesses during vigils. Under these guidelines, when the Department receives a call for service at a memorial site or vigil, employees must notify a watch commander who shall assign a field supervisor (with the minimum rank of sergeant) to respond. "Absent a call for service, or some other compelling public safety interest, the presence of deputies at or near a memorial vigil may not be necessary." Furthermore, "should a memorial or vigil be established following a deputy-involved shooting or other deputy-involved incident, unit supervisors should ensure the primary involved deputies are not assigned to routine calls for service at/or adjacent to that vigil whenever possible

⁹ Sam Raim, [Police Are Stopping Fewer Drivers — and It's Increasing Safety](#), Vera Institute of Justice (Jan. 11, 2024)

¹⁰ See [COC Report](#) and [Board Report](#), *supra*.

and deputies should similarly refrain from driving by the location, absent a compelling need, to avoid perceptions, to avoid perceptions of harassment.” If deputies are driving past or in the immediate vicinity of a vigil resulting from a deputy involved shooting incident, they “should ensure their body-worn cameras have been activated.”

If deputies do respond to a call for service at a vigil, the guidelines call on deputies to evaluate any actions considering, among other factors, the severity of criminal activity if any, the necessity of an immediate arrest, and hostility toward law enforcement.

The Newsletter created by the Sheriff’s Department incorporated recommendations from the Office of Inspector General and the Civilian Oversight Commission. If the Department follows the guidelines in the Newsletter, families should be able to grieve their loved ones at vigils and memorials without feeling harassed by the Sheriff’s Department.¹¹

Families’ Complaints Regarding Lack of Transparency in the Sheriff’s Department’s Complaints Process

In the past several years, the Office of Inspector General has had numerous conversations with the surviving family members and loved ones who reported being harassed by deputies after a deputy-involved shooting. Their criticisms largely focus on a lack of transparency into the complaint process and concerns over the integrity of the Sheriff’s Department’s investigations into their complaints. Surviving family members note that once they submit a complaint, the Sheriff’s Department provides little or no feedback or information. Moreover, the Department provides no mechanism to verify that it has conducted the investigations in a thorough and unbiased manner. The families have urged the establishment of a system of third-party investigation, or at least third-party verification, and absent that at least qualitative oversight of the Sheriff’s Department’s complaint investigation process. Moreover, they emphasized the need for the creation of a safe space for community members to submit complaints against the Sheriff’s Department without fear of intimidation, harassment, or retaliation. Based on this input from surviving families, the Office of Inspector General’s 2021 report to the Board on protections for surviving families formulated an Intensive Real-

¹¹ The Sheriff’s Department has a proposed revision to the Manual of Policy and Procedure that would incorporate Field Operations Support Services Newsletter 20-03. The Office of Inspector General reviewed the proposed policy and made comments for the Sheriff’s Department to consider to strengthen the policy.

time Monitoring model to address families' concerns, while sidestepping many of the structural hurdles presented by the civilian complaint investigation models.¹² There are four core elements to Intensive Real-time Monitoring:

1. Centralized intake and tracking of all public complaints;
2. Active qualitative monitoring of the Sheriff's Department investigation process to ensure the full and fair investigation of complaints;
3. Real-time monitoring of all IAB/Unit Level administrative cases; and
4. Data aggregation and tracking of non-confidential statistics to provide the Board and community stakeholders with real-time complaint data to empower all community stakeholders to participate in the oversight process.

The Office of Inspector General estimated that Intensive Real-time Monitoring could be implemented by an office staffed by 24 inspectors, 4 attorneys, 4 paralegals, and an appropriate amount of management and support staff.¹³

The Office of Inspector General has filed third-party complaints on behalf of surviving family members who do not wish to do so directly with the Sheriff's Department. Based on our review of the thirteen complaints reviewed in this report, numerous organizations have also helped surviving families file complaints. However, even when a third-party files a complaint, it is Sheriff's Department investigators who conduct the investigation and therefore interview the complainant and any other witnesses.

“Final Outcome” or Closing Letters in Complaints

Families also complained that the closing letters they received from the Sheriff's Department at the conclusion of investigations, which are intended to provide information about the final outcome of their complaints, are misleading. According to the Sheriff's Department's SCR Handbook, upon completion and disposition of an inquiry into a complaint, a “final outcome” letter must be mailed to the complainant.

¹² See Los Angeles County Office of Inspector General report to the Board of Supervisors, [Report Back on Further Protections for Surviving Families from Law Enforcement Harassment and Retaliation](#) (November 12, 2021).

¹³ The Office of the Inspector General is not staffed to conduct such real-time monitoring and its mission is systemic reform, not intensive real-time monitoring of complaints and all IAB and Unit Level investigations.

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This office reviewed the closing letters mailed to complainants in this report. Three of the thirteen complaints we reviewed had closing letters from the station captain with the following language:

Although California law prohibits me from discussing specific details of peace officer personnel matters, appropriate administrative action was taken upon the conclusion of the investigation.

By stating that the Department has taken some form of “administrative action” that goes beyond simply concluding the investigation, this language strongly suggests the Sheriff’s Department took some sort of corrective action, such as imposing discipline or training. Indeed, one of the family members who received such a letter indicated to Office of Inspector General staff that they understood from the letter that the deputy had been disciplined. But in fact, two of the three complaints that noted this language in their closing letter, had dispositions of “Employee Conduct Appears Reasonable,” while the third had a disposition of “Unable to Make a Determination.” In all three, the Department took no administrative action other than closing the investigation. The Sheriff’s Department should cease using this misleading language in closing letters.

In some closing letters, the Sheriff’s Department provides more information. Three other complaint investigations that resulted in dispositions of “Employee Conduct Appears Reasonable” sent closing letters stating the Department had “determined our personnel’s conduct appeared reasonable.”

One closing letter had “Exonerated – Inquiry revealed that all allegations were clearly false” as its disposition but also stated that it was “unable to substantiate the allegations,” which does not necessarily mean it found the allegations to be false. Ensuring that letters are internally consistent is important to ensure clear messaging.

Two complaint inquiries that had been concluded failed to send a closing letter to the complainants.

The Sheriff’s Department appears to take an inconsistent approach to the amount of information it provides in closing letters. The Office of Inspector General reviewed a sampling of closing letters between the years 2010 to 2019, which demonstrated the

Sheriff's Department has previously been more forthcoming and accurate in closing letters. The following are examples of some of these closing letters:

- In a complaint that found the "Employees Conduct Could Have Been Better," the station captain advised the complainant that the investigation had "determined the allegations were founded and that appropriate administrative action had been taken."
- In a complaint that found "Employee Conduct Appears Reasonable," the closing letter stated "[T]he inquiry revealed there was no evidence to support your allegation and the deputy's actions were within policy."
- In a complaint that found "Appears Employee Conduct Could Have Been Better," the closing letter stated "[Y]our complaint has been thoroughly investigated, and it appears that the sergeant's conduct could have been better. We have documented and discussed the matter with the involved sergeant, emphasizing our expectations of professional courtesy and conduct when dealing with the public we serve."
- In a complaint that found "Employee Conduct Should Have Been Better," the closing letter stated "Deputy X was forthright and regretful. He admitted raising his voice and using profanity to gain the crowd's attention. Thus, it was determined that Deputy X's performance should have been better and we have taken appropriate corrective action."

The Sheriff's Department should set clear guidelines for closing letters to provide the most information possible to complainants. In an effort to be as transparent as permitted by law, the Sheriff's Department should include as much about the resolution of a complaint as may be legally disclosed to help to build trust and provide people who complain about deputy conduct that the Sheriff's Department takes their concerns seriously.

Recommendations

Recommendation 1: Implement the Office of Inspector General's previous recommendations its previous reports to the COC and the Board on the harassment of families of persons who died as a result of a Sheriff's Department use of force. Specifically:

- A. Ensure thorough investigations of complaints. The very low probability that public complaints will lead to any discipline for misconduct contributes to a lack of public trust when it comes to the Sheriff's Department investigating its own personnel. One way to increase public trust is to ensure that each investigation is thorough, which would include seeking out any available video evidence of the conduct described in the complaint.
- B. All complaints of harassment should be forwarded to the Office of Inspector General to monitor, to decide whether to independently investigate, and to recommend policy changes to address the systemic issues that allow the misconduct of individual deputies to go unchecked. Family members who request that they be permitted to have an Office of Inspector General staff member or other support person present at interviews by the Sheriff's Department should be permitted to bring such a support person.¹⁴
- C. On July 9, 2019, the Los Angeles County Board of Supervisors established the Family Assistance Program to support families following an in-custody death or fatal use of force incident while in custody of the Sheriff's Department. The goal of this program is to improve compassionate communication and provide trauma-informed support to families who lose a loved one following a fatal use of force or a death associated with a use of force. The County should continue funding Family Assistance and should consider expanding it to provide resources and support to the family members experiencing harassment from members of the Sheriff's Department.

Recommendation 2: The Sheriff's Department should limit pretextual investigative stops by creating policies restricting stopping, detaining or arresting the public for minor offenses to prevent family members and the public feeling harassed or targeted.

¹⁴ The specific recommendation to allow a support person to be present was not articulated in a previous report but comports with the Office of Inspector General being notified of all family harassment complaints in order to better address the complaints of these family members.

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Surviving families have reported harassment in traffic stops for minor offenses. The nation-wide trend toward limiting such stops which often serve to degrade the public's trust of law enforcement. The creation of these policies is a step toward curbing negative contacts between law enforcement and the communities they serve while diminishing encounters where surviving family members perceive harassment.

Recommendation 3: The Sheriff's Department should set clear guidelines for information disclosed in closing letters. Closing letters should clearly and accurately inform complainants of the basic disposition and result of the inquiry into their complaint, consistent with the law.

c: Supervisor Lindsey P. Horvath, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
Supervisor Janice Hahn
Supervisor Kathryn Barger
Robert G. Luna, Sheriff
Fesia Davenport, Chief Executive Officer
Jeff Levinson, Interim Executive Officer
Dawyn R. Harrison, County Counsel

Appendix: Sheriff's Department Civilian Complaint Process

The following examination is based on the current Sheriff's Department "Service Comment Report Handbook – Handling Public Complaints¹⁵" (Handbook), which provides guidelines to Department employees for investigating complaints filed against Sheriff's personnel. The Sheriff's Department reports it is in the process of revising this Handbook. For purposes of this report, we use the current version of the Handbook guidelines which applies to complaints filed within the last six years.

Members of the public may file complaints against Sheriff's Department personnel by mail, in person, directly calling a unit/station, or via the 800 Line [800-698-8255], by email/fax, and by the Sheriff's Department website. The complaints may be filed anonymously or by a third party. There are two categories of complaints. The first is a *personnel complaint*, in which a member of the public alleges misconduct that is either a violation of law or Department policy against any member of the Department. The second is a *service complaint*, in which a member of the public communicates a dissatisfaction with Department service, procedure, or practice, not involving employee misconduct.

Watch Commander Responsibilities on Complaints

Once the Sheriff's Department receives a personnel complaint, it must address that complaint and complete its investigation within 30 calendar days. The reporting party is given a Service Comment Report (SCR) number for future reference. The complaint is documented in a *Watch Commander's Service Comment Report (WSCR)* form. Once the watch commander has completed the WSCR form, the form and any accompanying memos, documents or other evidence is forwarded to the unit commander and operations staff for processing. (If the complaint involves another unit's personnel, the complaint must still be taken by that unit and the SCR form completed and forwarded to the appropriate unit commander/operations staff for processing.) Once the unit commander receives the WSCR form, they will determine the appropriate supervisory response.

If the complaint alleges criminal conduct and there is reasonable suspicion criminal conduct occurred, the unit commander shall notify their division chief who may request a criminal investigation.

If the unit commander determines that the complaint should be addressed through formal discipline, an *administrative investigation* will be initiated. This investigation may be investigated at the *unit level* (a station lieutenant) or by *Internal Affairs Bureau*

¹⁵ Service Comment Report Handbook – Handling Public Complaints Prepared by Internal Affairs Bureau, (4/15/09)

depending on the seriousness of the allegation. In most cases, an inquiry by a watch commander is necessary before the unit commander can make any determination.

If the unit commander determines the complaint can be addressed through non-disciplinary means, a watch commander (rank of lieutenant) is assigned to conduct an inquiry and gather additional information as necessary such as videos, photographs, interviews of reporting party and involved deputies, and other employee or non-employee witnesses.

Upon completion of the inquiry into a complaint, the watch commander must “prepare a memo to the unit commander describing the complaint, the statements and evidence that support or refute the complaint, and the watch commander’s recommendation as to the disposition of the complaint such as “employee conduct appears reasonable” or that an administrative investigation is necessary.

Adjudication of a Complaint

If there is evidence warranting further investigation, the unit commander may request an *administrative investigation* be opened either at the unit or by the Internal Affairs Bureau. In all cases, the unit commander must forward the service review to their division commander for review and approval.

Personnel Complaint Dispositions

There are five possible dispositions in a complaint that has not warranted the opening of an administrative investigation. They are as follows:

1. **Employee Conduct Appears Reasonable** should be recommended when the review of the incident indicates that the employee’s actions appear to be in compliance with procedures, policies, guidelines, or training.
2. **Appears Employee Conduct Could Have Been Better** should be recommended when the employee’s conduct followed procedures, training, policies, and guidelines but the way the employee handled the contact or incident primarily caused the complaint.
3. **Employee Conduct Should Have Been Different** should be recommended when the employee’s conduct was not in compliance with established procedures, policies, guidelines, or training but not at a level warranting formal discipline.

4. **Unable to Make a Determination** should be recommended when there is insufficient information to assess the employee's alleged conduct (e.g., employees cannot recall their conduct) or when unable to identify the employees involved.
5. **Resolved – Conflict Resolution Meeting** should be recommended when conflict resolution techniques are likely to address all concerns brought forward by the reporting party. It is not required or necessarily appropriate for every complaint. It is required that both the reporting party and the employees involved participate in adequate discussion or dialogue about the reporting party's concerns, but it does not require complete agreement, admissions, apologies, or withdrawal of complaints.

A watch commander also has the discretion to **terminate** a service review in the following situations: the reporting Party is under the influence at the time of complaint and when re-contacted when sober, no misconduct is reported; a factually impossible complaint; the reporting party demonstrated diminished capacity; or a third-party complaint without witnesses where the allegedly aggrieved party is uncooperative or unavailable and there is insufficient evidence to continue review or inquiry.

There are three circumstances where **exoneration** may be the appropriate disposition of an SCR: the employee was not personally involved or in any way connected to the incidents or alleged conduct; the inquiry revealed that all allegations were clearly false or reporting party demonstrated diminished capacity; or the allegations, broadly construed and even if true, would not in any circumstances constitute a violation of the law or Department policy, rule, or procedure, and the conduct is not otherwise censurable.