



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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INSPECTOR GENERAL

January 6, 2023

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

FROM: Max Huntsman
Inspector General


Chief Deputy, Inspector General on behalf of Inspector General Max Huntsman

SUBJECT: **REPORT BACK ON MEETING THE SHERIFF'S DEPARTMENT'S
OBLIGATIONS UNDER SENATE BILL 1421 (ITEM NO. 13, AGENDA
OF FEBRUARY 15, 2022)**

INTRODUCTION

On February 15, 2022, the Los Angeles County Board of Supervisors (Board) passed a motion aimed at strengthening the Los Angeles County Sheriff's Department's (Sheriff's Department) compliance with Senate Bill 1421 (SB 1421) by, among other things, staffing and funding a unit within the Office of County Counsel (County Counsel) tasked with processing SB 1421-related Public Records Act (PRA)¹ requests. The motion instructed the Inspector General, in consultation with County Counsel, to report back in writing to the Board every 180 days with an assessment of the implementation of an ordinance covering Los Angeles County peace officer records² and the establishment of the unit within County Counsel with the responsibility for responding to Public Records Act requests for records covered by SB 1421. The motion directs the Office of Inspector General to include in its report an assessment of the public's ability to access records

¹ As of January 1, 2023, the California Public Records Act is re-codified in section 7920.000 et seq. of the California Government Code. It was formerly codified in California Government Code section 6250 et seq.

² [Section 2.170.020 Records of County Agencies Employing Peace Officers was adopted by a vote of the Board of Supervisors on March 15, 2022.](#)

covered by the ordinance. This is the Office of Inspector General's first semi-annual report.

BACKGROUND

In 2018, California enacted Senate Bill 1421, the Right to Know Act, which amended California Penal Code sections 832.7 and 832.8. The law, which went into effect on January 1, 2019, provides for public access to certain law enforcement records through a Public Records Act request. In 2021, California further expanded public access to records with Governor Gavin Newsom's signing of Senate Bill 16, "which provides public access to records on officers who have engaged in biased or discriminatory behavior, conducted unlawful arrests or searches, or used force that is excessive or unreasonable."

Specifically, Penal Code section 832.7 provides that the following records are subject to disclosure:

1. Records relating to the report, investigation, or finding for a peace officer shooting;
2. Records relating to a peace officer use of force that resulted in death or great bodily injury;
3. Records relating to a sustained finding of excessive or unreasonable force;
4. Records relating to a sustained finding that an officer failed to intervene against another officer using force that is excessive or unreasonable,
5. Records relating to a sustained finding that a peace officer sexually assaulted a member of the public;
6. Records relating to a sustained finding that a peace officer was dishonest, including filing false reports, making false statements, concealing, falsifying, or destroying evidence or the commission of perjury;
7. Records relating to a sustained finding that a peace officer engaged in discriminatory conduct against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;
8. Records relating to a sustained finding that a peace officer made an unlawful arrest or conducted an unlawful search.

ESTABLISHMENT OF A UNIT WITHIN COUNTY COUNSEL TO RESPOND TO SB 1421 REQUESTS

On June 27, 2022, the Board approved County Counsel's funding request for 18 staff positions required to establish the County Counsel unit to be tasked with responding to SB 1421 Public Records Act requests. As of writing this report, County Counsel has not yet assumed the responsibility for responding to these requests as the necessary positions have not yet been filled.

Additionally, the first step of the process necessary for County Counsel to begin responding to SB 1421 requests is for the Sheriff's Department to provide both County Counsel and the Office of Inspector General access to Sheriff's Department records to ensure County Counsel is able to review and produce the necessary records. Under the previous Sheriff, the Sheriff's Department refused to provide County Counsel and the Office of Inspector General with the access necessary to review the records in order for County Counsel to respond to requests, and in order for the Office of Inspector General to assess the implementation of Los Angeles County Code section 2.170.020 or to assess the public's ability to access the records covered by this ordinance.

On December 6, 2022, Sheriff Luna sent a letter to the Board stating that he was immediately restoring the Office of Inspector General's access to the Sheriff's Department.³ By December 15, 2022, Sheriff Luna had restored the Office of Inspector General's access to the Performance Monitoring and Review System (PRMS), the database for peace officer records maintained by the Sheriff's Department.⁴ Due to the failure of the previous Sheriff's administration to grant the necessary access, there has not been any implementation of the ordinance nor has sufficient public access to SB 1421 records as required by the ordinance been achieved.

With the Office of Inspector General's access to the necessary records restored, the Office of Inspector General will work with County Counsel to implement Los Angeles County Code section 2.170.020 and increase the public's access to records once the County Counsel unit handling SB 1421 requests is staffed and County Counsel obtains

³ [Letter dated December 6, 2022, from Sheriff Robert G. Luna to the Board of Supervisors and the Sheriff Civilian Oversight Commission.](#)

⁴ The Sheriff's Department Manual of Policy and Procedures states that the "PRMS databases, including the PRMS Profile Report and the Supplementary Profile Report, provide managers and executives with readily accessible documentation in summary form about certain categories of incidents, including but not limited to all uses of force, shootings, citizen's complaints, administrative investigations, criminal investigations or prosecutions, civil claims, civil lawsuits, Pitchess Motions, and disciplinary history."

the required access to Sheriff's Department records. The Office of Inspector General will report back in 180 days.

c: Robert G. Luna, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Dawyn Harrison, Interim County Counsel
Brian K. Williams, Executive Director, Sheriff Civilian Oversight Commission