



**Report on the Los Angeles County
Sheriff's Department
Revised Use-of-Force Policy**

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REVISIONS TO THE SHERIFF'S DEPARTMENT'S USE-OF-FORCE POLICIES

In July 2024, the Los Angeles County Sheriff's Department (Sheriff's Department) released a set of revised policies governing use of force and the investigation and review of force incidents (collectively Use of Force Policy). The revisions reflect an effort by the Sheriff's Department to update its policies to comply with changes in state law enacted between 2019 and 2023. The Use of Force Policy is documented in the Sheriff's Department's Manual of Policy and Procedures (MPP) [Volume 3, Chapter 10](#).

Negotiation and Implementation of the Use of Force Policy

The Sheriff's Department provided a proposed draft of the Use of Force policy to the Office of Inspector General for review and comment in June 2023, before beginning the meet and confer process with law enforcement employee unions. Although public employers are not required to participate in "decisional bargaining" to make policy decisions, the Meyers-Milias-Brown Act requires public employers to meet and confer in good faith concerning the effects such policy changes have on represented employees. The Office of Inspector General has repeatedly requested to observe the meet and confer process between the Sheriff's Department and employee unions to monitor negotiations, but continues to be excluded from meet and confer sessions on Sheriff's Department policies.¹ In the Office of Inspector General's report on [reform and oversight efforts for the third quarter of 2024](#), we discussed in detail our request to the Sheriff's Department to observe the meet and confer process for the Department's policy related to deputy gangs, our request to see each draft of the proposed policy as it was being developed, and the Sheriff's response.²

Although the Sheriff's Department announced the new policy in July 2024, it stated that the policy would not go into effect until deputies have been trained on the new policy. On December 17, 2024, about five months after the release of the revised policy, Department members received a link to access an updated Use of Force Policy curricula via the County's Learning Management System. The training contains two parts, approximately fifteen minutes each, with a three-question multiple-choice quiz for each part. The training consists of PowerPoint slides with two video examples. The

¹ The Office of Inspector General participates in negotiations arising out of an Employee Relations Commission (ERCOM) action by the employee unions and two lawsuits filed against the County regarding subpoenas issued by our office and our inquiry into the existence of law enforcement gangs in the Sheriff's Department.

² [Reform and Oversight Efforts: Los Angeles County Sheriff's Departments: Los Angeles County Sheriff's Department – July through September 2024](#) (December 4, 2024).

training introduces the various legislative updates that prompted the changes to the use of force policy. Although the training emphasizes the change in the legal standard for the use of *deadly force* as a distinct new standard from *nondeadly* force at the start of the first part, later in the training and in the second part, the training discusses nondeadly force and “types of force other than deadly force” without emphasizing the distinction or defining nondeadly force. In fact, nondeadly force is difficult to define because the context in which the force is used, rather than simply the force itself, must be considered. In California Jury Instructions for civil and criminal cases on excessive force, the term nondeadly is used but with no definition.³ As discussed later in this report, the policy, as well as any associated trainings, should emphasize that whether force is deadly depends on all of the surrounding circumstances and created a “substantial risk of causing death of serious bodily injury,” which is the definition of deadly force in [Penal Code section 835a](#), the applicable code section for authorizing and limiting uses of force by peace officers. Because the training on this policy uses the term nondeadly force, and for ease of reference, the term nondeadly is used in this report. It should be understood that the term nondeadly force is used to include the totality of the circumstances and that the force used does **not** create a substantial risk of causing death or serious bodily injury under those circumstances.

The Department initially reported that the policy would go into effect once deputies were trained, and by February 12, 2025, it reported that 99.36% of deputies had viewed the training videos. However, one of the labor unions representing deputies expressed concerns that the video training provided insufficient guidance to implement the policy, and that hands-on training should be required (beyond the hands-on force training the Department already provides pursuant to California Peace Officer Standards and Training (POST) requirements). According to information provided by the Sheriff’s Department, the employee union was given an opportunity to review the training video and submit a request for information. On March 10, 2025, the Sheriff’s Department followed up with the labor group and advised the group that the Use of Force Policy would become effective on March 14, 2025. The policy was then published on that date and is now in effect, with the only exception being the written reporting procedures relating to the Pointing of Firearms at Persons (PFP) portion, which was still being discussed with the employee labor unions.

PFP reporting is mandated by a 2020 POST requirement that officers report any intentional pointing of a firearm. In July of 2025, the Sheriff’s Department communicated that it intended to have the portal for capturing the data for Pointing Firearms at Persons

³ See California Civil Jury Instructions (CACI) [No. 440](#), [No. 441](#), [No. 1305A](#), [No. 3020](#), and California Criminal Jury Instructions (CALCRIM) [No. 507](#).

operational on September 1, 2025. However, due to negotiations with the Department employee unions, the policy was not implemented until February 1, 2026. The policy is now in effect, the portal is operational, and deputies are now responsible for tracking the information.⁴

The Use of Force Policy training does make clear that courts will interpret the meaning of new laws, and that the Department will track cases and make updates to trainings based on developing case law as needed.

Background: Legislative Changes to California Use-of-Force Law

In 2019, the California Legislature passed, and Governor Newsom signed, two significant pieces of legislation addressing use of force by peace officers. [Assembly Bill 392](#) (AB 392) established a higher standard for when peace officers may use deadly force, replacing the language of prior state law allowing deadly force whenever “reasonable,” and authorizing deadly force only “when necessary in defense of human life.” Specifically, AB 392 created a new subsection of Penal Code section 835a authorizing peace officers to use deadly force only when an officer “reasonably believes, based on the totality of the circumstances, that such force is necessary” either to “defend against an imminent threat of death or serious bodily injury to the officer or to another person” or to “apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.”⁵ The new law also effectively requires de-escalation tactics where appropriate by providing that “[i]n determining whether deadly force is necessary,”

⁴ This information was updated after a draft of the report was provided to the Sheriff’s Department and the undersheriff responded to the draft by letter dated January 27, 2026. The full response by the undersheriff is included at the conclusion of this report. The Sheriff’s Department’s response to this particular section stated: “The Department and two of its bargaining units discussed the PFP portion of the Use of Force Policy throughout much of 2025, agreeing to the implementation of the provisions toward the end of 2025. In 2025, the Department also built the portal for capturing the data on Pointing Firearms at Persons, and the training necessary to use the portal is currently underway. The database and the policy will be implemented on February 1, 2026. At that time, deputies will be responsible for documenting the information.”

⁵ [Penal Code § 835a\(c\)\(1\); Assem. Bill No. 392 \(2019-2020 Legislative Session\)](#). The law provides a detailed definition of imminent threat: “A threat of death or serious bodily injury is ‘imminent’ when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” [Id. § 835a\(e\)\(2\)](#).

peace officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer,” and specifying that the “totality of the circumstances” considered in evaluating necessity includes “the conduct of the officer ... leading up to the use of deadly force.”⁶

Also in 2019, the Legislature passed [Senate Bill 230](#) (SB 230), which imposes specific requirements for law enforcement agencies’ use-of-force policies, codified in [Government Code section 7286](#). This law mandates that agency use-of-force policies “[require] that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible,” meaning officers are required to attempt to de-escalate situations if they can do so without increasing risk to officers or others.⁷ Use-of-force policies must also require officers to use “force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance,” to intercede when feasible if they witness excessive force, and to report excessive force they witness to their supervisors (with retaliation for such reports prohibited).⁸ The law also requires agencies to provide “[c]lear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.”⁹

In 2021, the Legislature passed [Assembly Bill 490](#) (AB 490), amending Government Code section 7286.5 to prohibit law enforcement agencies from “authoriz[ing] the use of a carotid restraint or choke hold” by its officers and from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia.

The Sheriff’s Department undertook an initial revision of its use of force policies to comply with AB 392 and SB 230, which took effect on June 1, 2021, and adopted a policy on preventing compressional and positional asphyxia, which went into effect on April 13, 2023.

Changes Conforming to AB 392 and SB 230

The amended Use of Force Policy includes a number of changes aimed at better conforming to the new state law standards established in [Penal Code section 835](#) and [Government Code section 7286](#).

⁶ [Penal Code § 835a\(a\)\(2\), \(e\)\(3\)](#).

⁷ [Govt. Code § 7286\(b\)\(1\)](#).

⁸ [Govt. Code § 7286\(b\) \(2\), \(3\), \(4\), and \(19\)](#).

⁹ [Govt. Code § 7286\(b\)\(5\)](#).

Regarding the requirement that deadly force only be used when necessary to defend human life, the Sheriff's Department's prior use-of-force policy included much of the language of the revised Penal Code section 835a, so that the new policy made only minor revisions to the section on deadly force.

Taken as a whole, the Policy conveys the distinct, heightened standard for deadly force imposed by the recent changes to California law. The Policy contains a specific section on deadly force, [MPP section 3-10/045.00 – Use of Deadly Force and Firearms](#), which sets forth the new “necessary” standard for use of deadly force in language substantially identical to statute. The revision adds the requirement, set forth in Penal Code section 835a(a)(2), that “Department members shall evaluate each situation considering the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable peace officer.” The training video on the new Policy, which all Department members are required to review, reinforces this standard by noting that the “primary reason” for changes to the policy was that that California law on use of force “changed significantly” in 2020, and clearly identifying one of those changes as a “heightened and distinct new standard that distinguishes deadly from nondeadly force.” Additionally, after releasing the revised Policy, the Department rescinded FOSS Newsletter 19-19 (issued in 2019), which suggested incorrectly that AB 392 had not materially changed the standard for using deadly force from existing law.

While the policy addresses the heightened standard for use of deadly force under California law, in some places it addresses use of force generally, without specifying application to deadly or nondeadly force, in a way that seems to conflate standards. For example, the statement of its use of force policy, that “Department members are authorized to use only that amount of force that is consistent with Department policy, and which is proportional, objectively reasonable, and reasonably appears necessary at the time to perform their duties,” suggests that deadly force may be guided in part by the reasonableness standard that applies only to nondeadly force under Penal Code section 835a(c). The Office of Inspector General recommends that the Department in future revisions more explicitly recognize the distinct standards for deadly and nondeadly force throughout the policy to avoid any chance for confusion if individual sections are taken out of context.

The Sheriff's Department policy also addresses the use of less-lethal weapons and less-lethal force. [MPP section 5-06/040.00](#) notes the “intended purpose of less-lethal weapons is to temporarily interrupt a suspect's behavior.” [MPP 5-06/040.05](#) identifies some devices that are less-lethal, including baton launching systems, Tasers, 12-gauge stunbags, pepperball launchers, noise/flash devices, and chemical agents. But only in

[MPP section 5-06/045.01](#), part of its Conducted Energy Weapon (referred to as a CEW or Taser) policy is less-lethal force defined:

Less-Lethal: A force option that, when used as designed and intended, is less likely to cause death or serious physical injury than a conventional lethal weapon such as a firearm.

In other words, such weapons are sometimes lethal.

Any future revisions of Department policy on force should include defining less-lethal force throughout the force policies, not only in relation to CEWs, and should emphasize in the policies and through training that less-lethal force ***risks causing death or serious physical injury***. The policy and training should provide guidance to deputies on when the use of potentially fatal force may be justified.

While [MPP section 3-10/009.00 – De-Escalation](#) requires de-escalation, this policy section fails to mention that the use of de-escalation and crisis stabilization techniques are required “whenever reasonably safe and feasible.” To ensure that deputies understand that de-escalation is required when reasonably safe and feasible even when deadly force may become necessary, the Office of Inspector General recommends that a reference to de-escalation, citing to [MPP section 3-10/009.00](#), be added to this section on Deadly Use of Force and Firearms.

Totality of Circumstances and Proportionality

The Policy defines “Totality of the Circumstances” consistent with Penal Code section 835a(e)(3), as “[a]ll facts known to the Department Member at the time, including the conduct of the member and the subject leading up to the use of force.” The Policy also directs Department members to include their conduct leading up to a use of force in their use-of-force reports, and states that “[t]he evaluation of a Department member’s performance includes the strategies or tactics used leading up to, during, and following a use of force.”¹⁰ In the list of “factors that may be considered in determining if the force that was used was objectively reasonable, proportional, and reasonably appeared to be necessary,” however, the Policy does not mention the conduct of the Department Member leading up to the use of force generally, or any

¹⁰ [MPP 3-10/118.00 – Performance to Standards - Use of Force](#) and see also [MPP 3-10/100.00 Use of Force Reporting – Department Member Responsibilities](#).

specific conduct that might have escalated an encounter or contributed to the risk to the Department Member or others.¹¹

Although Policy's definition of "totality of the circumstances" closely tracks the statutory definition in Penal Code section 835a(e)(3), including additional nuance from policies of other agencies may be useful. For example, the Department of Homeland Security Federal Law Enforcement Training Centers legal division discusses the definition of "totality of circumstances" as "the cumulative, combined effect of all relevant, objectively perceivable conditions present during a suspect's law enforcement encounter."¹² This definition accounts for "perceivable" conditions, which are or should have been known to the law enforcement officer, thereby charging the law enforcement officer to exercise due diligence in a law enforcement contact.

As required by [Government Code section 7286\(b\)\(2\)](#), the Policy requires that Department members "may only use the amount of force that is objectively reasonable, *proportional*, and which reasonably appears necessary at the time..." (emphasis added). The Policy defines "Proportional" as a level of force that:

Must reflect the totality of circumstances surrounding the situation at hand. Given the totality of the circumstances, there is a balance between the threat posed, the seriousness of the suspected offense, and the amount of force used. Proportional force does not require Department members to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and reasonably appear necessary to counter it.¹³

This definition of proportionality brings the Department in line with California Government Code section 7286(b)(2), which includes a "requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance."

As with other Department policies, continuing training on the use of proportionality is necessary to ensure compliance with the law and to protect the County from incurring

¹¹ [MPP 3-10/020.00 – Use of Force Policy.](#)

¹² [United States Department of Homeland Security Federal Law Enforcement Training Centers \(FLETC\) Office of Chief Counsel Glynco, Georgia Legal Training Handbook 2025, at page 395.](#)

¹³ [MPP 3-10/004.00 – Use of Force Terms Defined.](#)

liability for what a court determines is a non-proportional use of force. Actions that subject Sheriff's deputies to liability are continually changing. While courts may find that a law enforcement officer's actions are protected by the doctrine of qualified immunity because no previous case determined that the actions were not protected, subsequent case law often establishes that such actions are not protected by qualified immunity going forward because agencies are on notice that the actions are no longer protected by the doctrine. As part of its Critical Issues in Policing Series the Police Executive Research Forum (PERF) published [Guiding Principles on Use of Force](#) (*Guiding Principles*) (March 2016). This publication provides a roadmap for training key concepts for the use of force, including proportionality, and has been cited by at least one court as a resource for better policing practices. Of note, in the context of proportionality and training, is a discussion in *Guiding Principles* citing the case of [Armstrong v. the Village of Pinehurst](#) (2016) 810 F.3d 892, which found that the officers' Taser use was not proportional but granted the officers qualified immunity because at the time of the incident the officers would not have known that their actions were unconstitutional. The *Armstrong* court cited to a 2011 report by the Police Executive Research Forum (PERF) and the U.S. Department of Justice Office of Community Oriented Policing Services (COPS), noting that the officers' actions were contrary to best practices. As discussed by the *Armstrong* court:

These observations about the severe pain inflicted by tasers apply when police officers utilize best practices. The taser use at issue in this case, however, contravenes current industry and manufacturer recommendations. Since at least 2011, the Police Executive Research Forum ("PERF") and the Department of Justice's Office of Community Oriented Policing Services ("COPS") have cautioned that using drive stun mode "to achieve pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation."
Armstrong, supra, at pages 20-21.

More importantly, the *Armstrong* case noted that what is protected by qualified immunity one day will not be protected by qualified immunity in the future once a court finds that the behavior violates the United States Constitution.

Where, during the course of seizing an out-numbered mentally ill individual who is a danger only to himself, police officers choose to deploy a taser in the face of stationary and non-violent resistance to being handcuffed, those officers used unreasonably excessive force. While qualified immunity shields the officers in this case from liability, law enforcement officers should now be on notice that such taser use violates the Fourth Amendment. *Armstrong, supra*, at page 40.

Guiding Principles notes that following the *Armstrong* decision “several agencies in jurisdictions covered by the Fourth Circuit ruling amended their use of force policies and [Taser] policies to reflect the ruling and the [PERF/COPS Office Guidelines](#).”¹⁴ The *Armstrong* case and the *Guiding Principles* emphasize the importance of continuing training to notify deputies when conduct for which qualified immunity was previously granted will not protect deputies when engaging in such conduct once a court has ruled that force was not proportional. The Sheriff’s Department should, at a minimum, provide training when a court rules that a use of force in a particular situation is no longer protected by the doctrine of qualified immunity and should consider policy changes based on court decisions as necessary.¹⁵

De-Escalation

In its revised Use of Force policy, the Department incorporated the concept of de-escalation throughout various points in the policy. The policy includes a dedicated section, [MPP section 3-10/009.00 – De-Escalation](#), which provides:

De-escalation is a core principle of sound tactical operations, and Department members shall consider de-escalation and crisis stabilization techniques to be part of tactical planning. The overall goal is to decrease the intensity of the situation by persuading the subject, to voluntarily comply,

¹⁴ [2011 Electronic Control Weapons Guidelines \(2011\) Police Executive Research Forum and Community Oriented Policing Services, U.S. Department of Justice](#).

¹⁵ This report makes a number of recommendations regarding training. [MPP §3-10/132.00 – Use for Force Training – Demonstrated Knowledge](#) states: *Department members, including investigators and supervisors, shall attend training at regular intervals on all use of force policies and shall be provided the opportunity to demonstrate their knowledge and understanding of these policies during POST Continuing Professional Training (CPT) courses.*

Department members shall attend training on de-escalation techniques at regular intervals, including alternatives to the use of force.

Training on use of force policies and the use of force in general shall include guidelines regarding vulnerable populations, including, but not limited to children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Training in the use of force shall be consistent with POST guidelines.

This MPP section does not specify what is meant by *regular intervals* nor how often Department members must demonstrate knowledge.

allow the Department member to use additional options other than force, or to mitigate the need to use a greater amount of force to safely resolve the situation. De-escalation and crisis stabilization techniques, however, may not be appropriate in every situation, and Department members are not required to place themselves in danger or use de-escalation or crisis stabilization techniques in every instance.

Whenever reasonably safe and feasible to do so, Department members shall use de-escalation and crisis stabilization techniques, which can prevent the need to use force or reduce the amount of force that is required. De-escalation may include calling for additional resources, such as a Mental Evaluation Team, to the scene. Department members shall also avoid tactics and approaches that unnecessarily escalate situations which may increase the likelihood of a need to use force or a greater degree of force. Department members shall only use that level of force that is proportional, objectively reasonable, and reasonably appears necessary. Department members should use force as a last resort when reasonably safe and feasible.

Importantly, the revisions strengthen the de-escalation policy in several respects, including:

- The revised Policy replaces the prior policy’s admonition that members “should endeavor to de-escalate” with mandatory language that that “Department members **shall use** de-escalation and crisis stabilization techniques” “[w]henever reasonably safe and feasible to do so.” This change more clearly makes de-escalation a requirement rather than a suggestion.
- The Policy also includes examples of factors to consider including: “the feasibility of using de-escalation escalation tactics, crisis stabilization or other alternatives to de-escalate the situation using force” and “[w]hether it is reasonably safe and feasible to deploy other available resources and technique” as factors to consider “in determining whether force is objectively reasonable, proportional, and reasonably appeared to be necessary.”¹⁶
- The Policy requires members to include de-escalation efforts in their reports and includes de-escalation efforts and crisis stabilization techniques as tactical considerations to be considered in evaluating performance in a use-of-force incident.

¹⁶ [MPP 3-10/020.00 – Use of Force Policy](#).

- The policy on “unreasonable force,” [MPP section 3-10/030.00](#), states that “The basis in determining whether force is ‘unreasonable’ shall be consistent with the Supreme Court decision of *Graham v. Connor*, 490 U.S. 386 (1989), *Hayes v. San Diego*, 57 Cal.4th 622 (2013), and California Penal Code section 835a.” The *Hayes* case most notably stands for the proposition that conduct of an officer leading up to a use of deadly force is considered in evaluating that use of force. Because de-escalation is a crucial part of an officer’s conduct prior to a use of force, the reference to *Hayes*, along with the reference to Penal Code section 835a, clearly indicates that an officers’ use or failure to use de-escalation techniques will be part of the basis in determining whether force is unreasonable.

To ensure that deputies use de-escalation tactics, the Sheriff’s Department must emphasize in its training that de-escalation is now a requirement, not a suggestion, and that it does not apply just to a single moment but continues throughout an interaction as the situation evolves. The Department must also enforce the requirement by finding uses of force out of policy where members fail to make adequate efforts to de-escalate. The revised Policy provides a basis for the Department to implement and enforce the de-escalation requirement robustly, should it choose to do so.

Certainly, in addition to the mandatory language that deputies “shall use de-escalation and crisis stabilization techniques,” the policy could also describe de-escalation as “*required*.”

For instance, the Chicago Police Department (CPD) use-of-force policy provides that officers “are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time.”¹⁷ CPD’s policy notes that its force policy “[r]equires the use of de-escalation tactics to reduce use of force incidents and ensures accountability when officers use force that is not objectively reasonable, necessary, and proportional.” Further, the CPD policy details how to tactically approach de-escalation in a law enforcement encounter in that it “[r]equire[s] officers to issue verbal warnings prior to any use of physical force, and as appropriate, use trauma-informed communication techniques, including acknowledging confusion or mistrust.”¹⁸ The CPD policy thus

¹⁷ [Chicago Police Department General Order G03-02 De-escalation, Response to Resistance, and Use of Force](#). The same language is included in its [General Order G03-02-01 Response to Resistance and Force Options](#).

¹⁸ [Chicago Police Department General Order G03-02-01 Response to Resistance and Force Options](#).

emphasizes a humane and empathetic approach to subject encounters in law enforcement that is lacking in the Department's revised Policy.

Continuing training on effective de-escalation that provides deputies with examples of successful communication and strategies to de-escalate are also necessary to ensure legal and policy compliance.¹⁹

Vulnerable Populations

Government Code section 7286(b)(17) requires that use-of-force policies include “[t]raining and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.” The Policy Preamble states that use of force against “vulnerable people can undermine public trust and should be used as a last resort,” and that, “like any other use of force, the Department will consider the totality of the circumstances when evaluating a Department member’s use of force against a vulnerable person.”

[Section 3-10/132.00](#) of the policy, “Use of Force Training – Demonstrated Knowledge,” provides, “Training on use of force policies and the use of force in general shall include guidelines regarding vulnerable populations, including, but not limited to children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.”

MPP section [3-10/020.00](#), “Use of Force Policy,” notes “examples of factors that may be considered in determining if the force that was used was objectively reasonable, proportional, and reasonably appeared to be necessary” including factors relating to the subject, “[f]actors such as age, size, relative strength, skill level, etc.,” “[t]he mental capacity or mental health of the subject;” “[w]hether the subject has any apparent physical or developmental disabilities;” “[w]hether it should have been apparent to the Department member that the subject had a mental illness, developmental disability, or cognitive disability;” or “[w]hether the subject appears to be pregnant.”

The Use of Force Policy appears to satisfy the Government Code section 7286(b)(17) requirement for adopting policy guidelines regarding vulnerable populations. To comply with Government Code section 7286(b)(17), the Department must also train on the guidelines for using force on vulnerable persons in order to ensure that deputies assess potential vulnerabilities in persons before using force.

¹⁹ See [Guiding Principles](#) at pages 52 to 54.

Drawing of Firearm as Reportable Use of Force

In [MPP section 3-10/038.00 – Reportable Use of Force and Force Categories](#), the Policy provides that “a Department member intentionally pointing a firearm (pistol, rifle, or shotgun) at a person” is a reportable use of force, called a “Pointed Firearm at Person” incident. The Policy specifies, however, that “drawing from the holster, a slung rifle or shotgun, or displaying a firearm while pointing it in a low ready or other safe position if not pointed at a person’s body does not constitute a reportable... incident.” It also specifies that less-lethal force options such as Stunbag, Taser, Arwen, or chemical irritant delivery systems are not firearms and pointing of them at people need not be reported under the policy.

This change brings the Department into compliance with California Government Code section 7286(b)(5), which requires a law enforcement agency’s use of force policy to include “[c]lear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.” Additionally, this change aligns with the California Racial and Identity Profiling Act of 2015 (RIPA), which requires the Sheriff’s Department to report to the state when a deputy points a firearm as a person, and the California Commission on Peace Officer Standards and Training (POST) Use of Force Standards and Guidelines, number 26, that states “[a]ny intentional pointing of a firearm at an individual by an officer should be reported.”²⁰

Although the Sheriff’s Department expanded the Policy to include the pointing of a firearm as a reportable use of force in comparison to its prior policy, which did not address this as a use of force at all, the Department has overly restricted the scope of the requirement by excluding situations where Department members unholster or maintain their firearms at a “low-ready” position. Notably, the policy itself does not define or reference any training material to depict a “low ready” position, leaving this definition subject to interpretation. There is no bright line as to whether “low ready” includes the unholstering of the weapon with a hand placed on the firearm, whether that is the holding of a firearm with one or two hands beneath the waist and pointed downwards, whether that is the holding of a firearm with one or two hands above the waist, but below the collarbone level, or other specific movements not detailed. Although there is a brief video example of the “low ready” position in the Department’s December 2024 training discussed below, should the Department continue to require only the reporting of a firearm when being pointed at a person, as outlined in the Policy,

²⁰ For the RIPA requirement, see [California Code of Regulations 999.226\(a\)\(12\)\(A\)\(8\)](#). The Sheriff’s Department previously reported that it would start tracking this data in January 2024, meaning that the Department should have implemented the reporting of a firearm being pointed at a person prior to the adoption of the revised use-of-force policy. See [Report Card on Sheriff’s Department’s Reforms – 2019 to 2023](#).

the Office of Inspector General recommends that the Department expeditiously create and disseminate advanced training materials that specifically define a “low ready” position, with both written and visual imagery to mitigate the risk that the ambiguity of the policy will result in continued under-reporting of the pointing of firearms at a person during a law enforcement encounter.

The Office of Inspector General previously recommended in a [September 2021 report](#) that the Department require deputies to report not only pointing firearms at people but also unholstering firearms and continues to make this recommendation.²¹

Further, the Office of Inspector General recommends that the Policy be expanded to include the drawing or pointing of a firearm as a reportable use of force when Department members draw or point their firearms at an occupied vehicle, at an occupied residence, or at a pet or other property.

Carotid Hold

In the revised Use of Force Policy, the Department addresses the use of carotid holds in [MPP section 3-10/025.00 – Carotid Restraint and Choke Holds](#) as follows:

“Department members are not authorized to use either carotid restraint holds, or choke holds. Any use of a carotid restraint or choke hold will be investigated like Category 3 force with a mandatory Internal Affairs Bureau (IAB) rollout.”

This provision is generally in line with California Government Code 7286.5(a), which states:

- (1) a law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.
- (2) a law enforcement agency shall not authorize techniques or transport methods that involve a substantial risk of positional asphyxia.

Although the Department is aligned with California state law on the issue of carotid holds, in recognizing the substantial risk to life or of grave bodily injury of this tactic, the Department should go further in its policy to specifically **prohibit** carotid restraints and

²¹ Los Angeles County Office of Inspector General, [Review of August 7, 2020, Santa Clarita Incident](#), at page 24 (“The Sheriff’s Department should revise its policy to make the unholstering and pointing of a firearm a reportable use of force, with requirement for routine monitoring and auditing consistent with the monitoring and auditing of other uses of force.”).

choke holds. Further, the Department should not tacitly approve the use of carotid or choke holds, as it does by stating that the matter would be addressed as any other Category 3 Use of Force.

As a comparison, the San Francisco Police Department (SFPD) outright prohibits carotid holds:

PROHIBITED USE OF CAROTID RESTRAINT, CHOKE HOLDS OR POSITIONAL ASPHYXIA – Officers are prohibited from using the following control holds:

- a. Carotid restraint – A vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.
- b. Choke hold – Any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe.
- c. Positional asphyxia – Situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person’s respiratory airway to be compressed or impairs the person’s breathing or respiratory, including any action in which pressure or body weight is unreasonably applied against a restrained person’s neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia (See SFPD General Order 5.01.)²²

The SFPD policy and its definitions make it clear that the use of carotid restraints, choke holds, and positional asphyxia are barred.

The Sheriff’s Department’s policy, which simply “does not authorize” the use of carotid restraints or choke holds, does not go far enough to protect the community. The Department’s Policy should include an outright ban on the use of carotid restraints or choke holds. As it stands, the Department seemingly acknowledges such carotid restraints or choke holds will nevertheless be employed by its members and only mentions that such uses are not authorized but will be reviewed as a routine Category 3 use of force. The Office of Inspector General recommends that there be increased

²² [San Francisco Police Department General Order 5.01 Use of Force Policy and Proper Control of a Person.](#)

accountability and review, to include the possibility of discipline, up to termination of employment, for Department members who wrongfully employ carotid or choke holds.

Reporting and Review of Uses of Force

The amended Policy made improvements to the reporting requirements for use-of-force incidents. Descriptions of force incidents must include the tactics utilized leading up to the force, including attempts at de-escalation, the actions of the subject that necessitated the force, and the specific force used in response to the subject's actions.

[MPP section 3-10/110.00](#) requires that for any Non-Categorized Force Incident, any Category 1 Force incident, or any Category 2 Force incident during which a deputy did not activate their body-worn camera (BWC) as required, field sergeants or responding supervisors are to direct deputies to document the reasons for the failure to activate the camera in their reports on the incident.

While the policy only refers to uses of non-categorized force or force categorized as a 1 or 2, [MPP section 3-06/200.15 – Documentation Required for Failing to Activate Body Worn Camera or Recording the Duration of the Contact](#) requires personnel to document the reason(s) for failing to record as required in all circumstances requiring recording, one of which is a use of force.²³ Given that the Use of Force policy requires field sergeants or responding supervisors to direct deputies to document the reasons for the failure to activate their BWC in their reports on incidents involving categories of force below a Category 3, the Department should add this duty for Category 3 uses of force as well.

Consistent with the [Rosas Settlement Agreement](#) on uses of force in custodial facilities and the Custody Division Manual (CDM), the revised policy addresses the potential collaboration in report writing by directing deputies involved in a use-of-force incident to remain separated until they complete their reports to the extent practical.²⁴ However, [CDM section 25-001 – Collaboration Following Use of Force Incidents](#) specifically states that force reports be based on an independent account, which should be incorporated into MPP section 3-10/100.00. If a supervisor is involved in the use-of-force incident, that supervisor may not conduct the inquiry.²⁵ And if a supervisor who was not involved

²³ See [MPP § 3-06/200.08](#).

²⁴ [MPP § 3-10/100.00 Use of Force Reporting – Department Member Responsibilities](#).

²⁵ [MPP § 3-10/100.00 Use of Force Reporting – Department Member Responsibilities](#).

is unavailable, the initial investigation shall be conducted by the watch commander or supervising lieutenant.²⁶

The revised policy also made changes to the process for the review of use of force incidents. Executive Force Review Committee (EFRC) members are now required to put their analysis in writing regarding whether a use of force was within policy.²⁷ The EFRC chairperson at the conclusion of the review will now author a memorandum describing the factual basis for the findings and, if a unit commander on the panel disagrees with the findings, they are to author a separate memorandum detailing the factual basis for the dispute, in consultation with the Office of Constitutional Policing. The previous version of the use-of-force policy allowed the EFRC panel to reclassify Category 3 incidents involving strikes to a subject's head or neck by kick, knee, or impact weapon to a Category 2 upon a finding that the act was unintentional (and no other Category 3 elements were present). The amended Policy requires that a review to reclassify the strike be done only if all EFRC members and the Office of Constitutional Policing agree after consultation with the Office of Inspector General and Office of the County Counsel.²⁸

Requiring more robust documentation for the review process helps ensure that the EFRC panel's evaluation and decisions for cases are evidence based and that the record may be reviewed to ensure the application of the appropriate standards to the relevant facts. The Office of Inspector General has previously reported on issues with the quality of the EFRC process, including a lack of time for thorough review by decision makers, reliance on incomplete summaries, and problems due to delay in conducting investigations.²⁹ Consistent with our recommendations, the amended Policy includes language that failure to timely submit force packages does not comply with performance

²⁶ [MPP § 3-10/100.00 Use of Force Reporting – Department Member Responsibilities](#).

²⁷ EFRC is responsible for evaluating shooting and force incidents that the Sheriff's Department Internal Affairs Bureau (IAB) Force/Shooting Response Team responds to (pursuant to [MPP § 3-10/130.00](#)) and makes recommendations for discipline to involved Department employees for policy violations. The Committee is comprised of three area commanders, one serving as a chairperson designated by the Professional Standards Division Chief. The requirement that the findings be reported via a memorandum is in the MPP on the Executive Force Review Committee. (See [MPP § 3-10/140.00](#).)

²⁸ [MPP 3-10/038 Reportable Use of Force and Force Categories](#). Our recommendation to the Sheriff's Department that the panel considering reclassification include representatives from the Office of Inspector General and Office of the County Counsel was not adopted and only requires that each be consulted.

²⁹ The full report, [Los Angeles County Sheriff's Department: Review and Analysis of Misconduct Investigations and Disciplinary Process](#) (Feb 2021).

standards, although officers can obtain written consent by the division commander for the delay. (See [MPP 3-10/112.00](#).)

Transparency and Public Engagement

It would be beneficial for the public and deputies to have additional opportunities to provide comments on the Department's proposed policy changes. When the Los Angeles Police Department (LAPD) updated their use-of-force policy in 2019 and 2020 to reflect the new standard for deadly use of force, the Los Angeles Board of Police Commissioners allowed for public comment prior to adopting the policy.³⁰ Similarly, the San Francisco Police Department (SFPD) has a section on their website where they list Department General Orders in the development process that are open to public comment, and link to the San Francisco Police Commission's website so that members of the public can track changes made as part of the review.³¹

Recommendations

A stronger and more detailed Use of Force Policy that includes all recommendations from the Office of Inspector General's Office will support efforts to reduce use of force incidents and improve the review process. The Office of Inspector General's Office recommends:

1. Allowing the Inspector General to monitor negotiations between the Sheriff's Department and its employee unions on departmental policy revisions.
2. Revising the Use of Force Policy to clarify the distinction between deadly and nondeadly use of force at the start and throughout the policy to avoid confusion between the legal standards in any given section.
3. Revising the Use of Force Policy to include the definition less-lethal force throughout, not only in relation to CEWs, emphasizing in the policies and through training that less-lethal force *has a higher propensity to be lethal or cause serious physical injury*, and providing guidance to deputies on the policy and training should provide guidance to deputies on when the use of potentially fatal force may be justified.

³⁰ See LAPD Newsroom, [Los Angeles Police Commission Invites Public Input on Use of Force Policy](#) (January 13, 2020).

³¹ [Department Policy Public Input San Francisco Police Department](#).

4. Revising [MPP section 3-10/045.00 – Use of Deadly Force and Firearms](#) to include that de-escalation and crisis stabilization techniques are required “whenever reasonably safe and include a cite to [MPP section 3-10/009.00](#), which is the policy on de-escalation.
5. Revising the Use of Force Policy to include that the conduct of the Department member leading up to the use of force and any specific conduct that might have escalated an encounter or contributed to the risk to the Department member or others in the list of factors under [MPP section 3-10/020.00](#) that may be considered in determining if the force that used was objectively reasonable, proportional, and reasonably appeared to be necessary.
6. Revising the Use of Force Policy’s definition of “Totality of the Circumstances” to encompass “all facts known” by the Department Member at the time of the incident to include “facts that should have been known” such that Department members consider perceivable conditions when contacting a subject.
7. Providing continuing training on proportionality, as case law evolves on what constitutes excessive force.
8. Revising the Use of Force policy to explicitly state that de-escalation is “required,” mirroring stronger policies like that of the Chicago Police Department.
9. Incorporating training that includes that de-escalation is a requirement, not a suggestion, and that it does not apply just to a single moment but continues throughout an interaction as the situation evolves and ensuring that continuing training provides deputies with examples of successful communication and strategies to de-escalate.
10. Incorporating into training the Department’s policy guidelines on using force on vulnerable persons to ensure that deputies assess potential vulnerabilities in persons before using force.
11. Revising the Use of Force Policy to include unholstering a firearm as a reportable use of force and, until that is changed, expeditiously create and disseminate advanced training materials that specifically define a “low ready” position, with both written and visual imagery.
12. Revising the Use of Force Policy to include the drawing or pointing of a firearm is a reportable use of force when Department members draw or point

their firearms at an occupied vehicle, at an occupied residence, or at a pet or other property.

13. Revising the Use of Force Policy to prohibit carotid holds and choke holds rather than evaluate them as a Category 3 Use of Force unauthorized tactic. There should be increased accountability and review, to include the possibility of discipline up to termination of employment, for Department members who wrongfully employ carotid or choke holds.
14. Revising the Use of Force Policy to include a requirement for field sergeants or responding supervisors to direct deputies to document the reasons for the failure to activate their body-worn cameras in their reports on any incident involving a Category 3 use of force.
15. Revising the Use of Force Policy to include the requirement contained in the CDM that “Department members shall document all force reports based on their independent account, without referencing other involved personnel's reports and without assisting others in writing their accounts of the incident.”
16. Revising the Use of Force Policy to include a requirement that members of the Inspector General’s Office and the Office of the County Counsel are included as panelists when a use-of-force incident is considered for reclassification as to a lesser category of force.
17. Allowing the Office of Inspector General and the public sufficient time to review and make comments on proposed policy changes to all Sheriff’s Department’s policies as they are developed.

Sheriff’s Department’s Response

The Sheriff’s Department was provided with a draft of this report and sent the following response.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



January 27, 2026

Mr. Eric Bates
Interim Inspector General
Los Angeles County Office of Inspector General
312 South Hill Street, 3rd Floor
Los Angeles, California 90013

Sent via Electronic Transmission

Dear Interim Inspector General Bates:

**RESPONSE TO THE OFFICE OF INSPECTOR GENERAL'S
DRAFT REPORT ON SHERIFF'S DEPARTMENT
REVISED USE OF FORCE POLICY**

On or about December 17, 2025, the Office of Inspector General (OIG) provided the Los Angeles County Sheriff's Department (Department) with a draft report entitled "Report on the Los Angeles County Sheriff's Department Revised Use-of-Force Policy" (Draft Report) and requested comments and feedback. The OIG extended the deadline for input to January 27, 2026, for which the Department is appreciative. This letter is the Department's comprehensive response to the Draft Report.

The contents of the Draft Report, while providing recommendations for improvement, also recognize the considerable and significant changes made to the Department's Use of Force (UOF) policy. For example, the report acknowledges that the new policy conforms to state law and that it "conveys the distinct, heightened standard for deadly force imposed by the recent changes to California law." We appreciate those acknowledgements contained in the Draft Report.

Below, we respond to the specific recommendations. Before addressing each recommendation, the Department first provides background on the development of the UOF policy and its related training. We believe that the

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OIG may not have all this information, but also that the background informs our responses to the recommendations provided in the Draft Report.

While this response is lengthy, the Department provides it because of the importance of the UOF policy, the considerable deliberation that went into every section of the policy, and the amount of training necessary to ensure the policy's success as drafted. We are also mindful that the UOF policy is of great interest to both the public and sworn members of the Department. An effective UOF policy instills trust in the community that its law enforcement agency will only use the appropriate amount of force needed in each incident. Simultaneously, it also instills trust among Department Members who seek effective guidance and training to appropriately handle dangerous situations and ensure their own safety. These issues are among the most complex the Department must address, and this detailed response is offered to explain the rationale behind the decisions made in developing this policy and our ongoing efforts to ensure this policy is fully understood and implemented.

The Years-Long Process of Developing the UOF Policy

As the Draft Report states, the Department provided the OIG with a copy of the draft UOF policies in or about June 2023. The request for OIG input occurred before the meet-and-confer process and during the period when the Department was still working with the United States Department of Justice (U.S. DOJ) to finalize the draft policy in preparation for the meet-and-confer process.

It is critical to note that when Sheriff Luna was sworn in as Sheriff in December 2022, the U.S. DOJ was prepared to proceed to Court due to the Department's failure to update its UOF policy. The Monitors wrote to the District Court in their semi-annual report that:

We note for the community, the Court, and Sheriff Luna [newly elected at that time] that no substantive progress was made on the use-of-force (UOF) policy, training, or analysis, nor did the Department meet their own goals for complaint-related policies or training.

(Antelope Valley Monitoring Team, 15th Semi-Annual Report, December 2023, at page 2).¹ The Monitors further described the failure to proceed on the UOF policy in the following manner: "The overall pace of progress is woefully insufficient." (Antelope Valley Monitoring Team, 15th Semi-Annual Report,

¹ All reports from the Antelope Valley Monitoring Team can be found on the Department's transparency page at: <https://lasd.org/antelopevalleycomplianceunit/#monitor-semi-annual-reports>.

December 2023, at page 3). They detailed their efforts with the following description:

Following multiple exchanges of drafts and related discussions over the past three years, the Parties and MT [monitoring team] continued to discuss the Department's UOF policy during this reporting period. LASD has failed to update the UOF policy in alignment with the SA to date. As we have previously reported, in April 2019, DOJ, the Monitors, and LASD representatives reached a tentative agreement on an updated UOF policy. However, the Department's executive management team was unresponsive to that version, and it was never approved by the Department. Subsequent versions of the policy submitted by the Department did not contain all the previously tentatively agreed-upon text, and some of those same areas remain unresolved today.

(Antelope Valley Monitoring Team, 15th Semi-Annual Report, December 2023, at page 47). Foreshadowing that they intended to go to Court to seek enforcement of the terms of the Agreement, the monitors further stated that: "To date, the Parties have not reached agreement on seeking the involvement of the Court, although the Monitors continue to think it would be helpful." (Antelope Valley Monitoring Team, 15th Semi-Annual Report, December 2023, at page 2).

Shortly thereafter, attorneys for the U.S. DOJ wrote to the County:

Nearly eight years after the Court entered the Agreement as a court order, LASD has not fulfilled fundamental requirements of the Agreement, such as adopting compliant force policies, providing appropriate training on those policies, properly investigating uses of force, and analyzing force trends.

...

Our concerns with LASD's compliance with the Agreement's use of force provisions are not limited to the delay. LASD does not have an adequate policy on de-escalation. LASD does not adequately guide deputies on when they need to intervene in response to excessive force. Additionally, LASD broadly permits improvised force techniques, meaning deputies can use force that is not trained or approved by LASD, without sufficient guidance on when such techniques can be used. And important force terms, such as totality of the circumstances, are not clearly defined. In sum, LASD's force policy does not provide adequate guidance to ensure that deputies use force in a manner that comports with the

Constitution or best practices and does not provide adequate mechanisms to ensure unconstitutional uses of force are identified and corrected.

...

In the face of LASD's persistent failures to come into compliance with the Agreement, the United States invokes its right to seek enforcement of Section VIII of the Agreement pursuant to Paragraphs 162, 204, and 206. Pursuant to Paragraph 204 of the Agreement and Local Rule 7-3, we request a meeting by April 14, 2023 to discuss our concerns.

(March 24, 2023, Department of Justice Letter). In other words, the United States Department of Justice was preparing to take the Department to Court to enforce the terms of the settlement agreement.

The Approval by the U.S. Department of Justice

The new Luna Administration, having been handed a significant legacy problem, began work immediately with the U.S. DOJ and the Monitoring Team on the backlog of policies, including the UOF policy, to avoid a court action that could have resulted in receivership.

As a result of those efforts, a few short months later, a draft policy was developed, a copy of which was sent to the OIG and others for review and input.

The U.S. DOJ and Antelope Valley Monitoring Team updated the Court in their next semi-annual report, the first report reflecting the efforts of the Luna Administration, stating:

Use of Force policy and Taser policy. The MT [Monitoring Team] is happy to report LASD's use-of-force (UOF) and Taser policies have been revised in alignment with the SA. Recent discussions on the draft policies were productive, with both LASD and County Counsel representatives responsive to MT and DOJ feedback. The policies were approved by the MT and DOJ and are now pending review by county stakeholders and labor unions. The MT notes that the MT and DOJ had approved a UOF policy in 2019, but LASD chose not to implement it. The new policy has been further revised to better reflect the SA as well as new state law requirements.

(Antelope Valley Monitoring Team, 16th Semi-Annual Report, June 2023, at page 2). To be clear, this revised policy was developed after countless hours of reviewing prior monitoring team comments, new California state law in this area, and updated feedback from the monitoring team. The Department's oversight entities were then offered the opportunity to provide input and, in fact, provided feedback that was reviewed and considered.

The meet-and-confer process began, which was lengthy due to the multiple affected unions and the complexity of the issues involved. A year later, in 2024, a new UOF policy was announced. Due to various changes in the policy and the need to train to the standards of the new policy, the policy went into effect in early 2025, enabling the training to take place and developing an understanding of the policy. That new policy was the result of these many efforts.

Significantly, the U.S. DOJ and the Antelope Valley Monitoring Team determined that the Department-wide policy was fully compliant with the Constitution and all applicable laws (the same finding was made regarding the training associated with the UOF policy, which is discussed more fully below). While there can always be room for improvement in any policy, the current policy has been reviewed by numerous UOF experts, including attorneys and law enforcement professionals from around the country. They have found this policy and the relevant training to be compliant and contemporary. Similarly, they all assisted in developing the new taser policy and found it to be compliant as well (this was the subject of a separate OIG report, to which the Department also responded).

These policies and the related training took years to develop and implement, under tremendous scrutiny by multiple entities.

Furthermore, the Department would like to highlight that while in 2023 the U.S. DOJ had threatened to take the Department to federal court for its compliance failures, the latest semi-annual report filed by the Antelope Valley monitors finds the Department in near full compliance with the terms of the Antelope Valley Settlement Agreement.

Training to the UOF Policy

The OIG Draft Report also comments on the Department's training to the UOF policy. This section seeks to provide background about the Department's training efforts in order to lay the foundation to specific responses below.

First, the OIG Draft Report is correct in observing that an online Learning Management System (LMS) video was created to expand Department training. It was deployed Department-wide and sworn Department members were

required to view the video. This UOF video represented one of the first times the Department used the LMS for specific Department-related training. The video was developed in consultation with UOF experts and attorneys, and sought to identify the key changes in the policy and in California law that prompted the policy change. It was never intended, and is not, the sole source of training for the new policy. It was, however, the first phase of training and was designed to build comfort throughout the Department with the changes to the policy, and to assure Department Members that the new policy was consistent with the law.

At about the same time the Department was developing the long-overdue UOF policy, it was also working on improving Department-wide training, especially when it came to force-related issues. In approximately May 2023, the Department, through the Office of Constitutional Policing, requested assistance from the Collaborative Reform Initiative Technical Assistance Center (CRI-TAC) of the U.S. DOJ in evaluating its training programs. The goal was to ensure the Department's training complied with industry standards and appropriately integrated de-escalation, the duty to intervene, implicit bias, and procedural justice concepts. The Department's application for assistance was granted, and CRI-TAC conducted a comprehensive review of the Department's training programs from November 2023 to October 2024.

The CRI-TAC report, received in March of 2025, recommended that the Department integrate the "ROAR" (Respond, Observe, Assess, React) training model throughout the Department's entire training continuum, including basic academy, advanced officer, and Perishable Skills Program (PSP) courses. The report explained that this would best maximize deputies' exposure to de-escalation, the duty to intervene, implicit bias issues, and procedural justice concepts and would increase their ability to apply these concepts in practice. While the Department had expected that outside training programs would be recommended, the report highlighted the capability of this internally developed Department program that the evaluators believed would be the most effective model to adopt throughout the Department.

For background purposes, ROAR is the Department's proprietary de-escalation and crisis stabilization response model, used to manage crisis situations through a structured approach. The program is divided into four phases to help deputies recognize the signs and symptoms of a crisis, techniques to establish rapport and influence with individuals in crisis, identify risks and other factors contributing to the crisis, and develop and implement a crisis response plan. The model prioritizes communication, sound tactics, and de-escalation to reduce the intensity of situations involving Department personnel. Within this framework, deputies are provided a structured process that helps them react swiftly and appropriately when offered a "window of opportunity" during a crisis response.

Specifically, ROAR focuses on stabilizing situations and reducing escalating behaviors.

CRI-TAC provided the following explanation for their recommendation to integrate this model throughout the Department:

First, the model includes de-escalation, duty to intervene, implicit bias, and procedural justice concepts and teaches them within the context of crisis stabilization. Specifically, ROAR focuses on stabilizing situations and reducing escalating behaviors. This approach, which aligns well with de-escalation best practices, employs kindness as a strategic tool and emphasizes bias recognition to help officers understand an encounter and act accordingly. ROAR also employs procedural justice concepts to help officers quickly and accurately diagnose the factors that contribute to conflict. By combining de-escalation, bias, and procedural justice concepts into a comprehensive crisis response framework, ROAR contextualizes these concepts, helps officers understand how they influence their interactions with others, and equips them with the tools to manage difficult and dangerous conflict situations.

Next, LASD is currently using the ROAR model to address de-escalation, procedural justice, duty to intervene, and implicit bias concepts in multiple PSP courses. For example, LASD's PSP Use of Force course presents POST-required de-escalation training content by using ROAR. Instructors use ROAR as a framework to identify actions that can escalate or de-escalate situations, and to use ROAR's crisis stabilization language to highlight stabilizing and de-stabilizing factors that influence a deputy's ability to use de-escalation techniques. Similarly, instructors of LASD's PSP Strategic Communications course present POST-required "Escalation vs. De-escalation" content by emphasizing the ROAR concepts of stabilizing and de-stabilizing factors. When addressing the duty to intercede content during the PSP UOF lecture, instructors emphasize self-assessment and self-management, two concepts addressed frequently in ROAR's "behaviors, emotions, thoughts, and environment" approach to crisis situations.

Finally, multiple PSP courses, particularly Use of Force and Strategic Communications, address biases and non-professional behaviors by using ROAR's concepts of mindset and intent. With PSP instructors already using these and other ROAR concepts to address de-escalation, procedural justice, duty to intervene, and bias topics, a larger-scale integration of ROAR throughout the

LASD training continuum would provide additional context to these efforts and make existing integration efforts even more effective.

After receiving this report, the Sheriff directed the Department's Training Bureau to implement this recommendation. As a result, the Training Bureau's Specialized Training and Crisis Stabilization (STACS) team has been integrating this training model across all aspects of the Department's training program and teaching deputies the ROAR decision-making process.

Consistent with the CRI-TAC recommendation, STACS teaches concepts of de-escalation, duty to intervene, bias in decision-making, and procedural justice through the context of crisis stabilization. The STACS team describes their approach as follows:

This approach employs strategic tools and emphasizes bias recognition to help deputies evaluate a situation and, during that evaluation, ensure that they are not using biases that could distort their perception and impact their response. STACS also employs procedural justice concepts to help deputies utilize sound decision-making to quickly and accurately diagnose the factors that contribute to conflict. By combining de-escalation, bias, procedural justice, and duty to intervene concepts in a comprehensive crisis response framework, STACS contextualizes these subjects, helps officers understand how these areas influence their interactions with others, and gives deputies the tools to manage difficult and dangerous encounters. With the integration of these critical concepts, Department personnel will be better equipped to manage critical incidents while mitigating injury, uses of force, and potential legal risks.

The ROAR model has been integrated into nearly every aspect of the Department's training, including: Supervisors Use of Force Investigation Course, Mental Health Training, Strategic Communication Course, and the Community Principled Policing Course.

In addition to adopting the ROAR model, the Department updated its supervisor training and other department-wide training courses to ensure contemporary standards are built into each model. The updates to the training have been overseen by the Antelope Valley monitors, who have personally reviewed the training being used to implement the policy and have found that these changes are fully compliant and implement best practices and adult learning concepts.

The Antelope Valley Stations have initiated the Supervisors' Use of Force Investigation Training. This course equips supervisors with the essential

knowledge, skills, and legal understanding required to effectively oversee deputy conduct in use-of-force situations. It emphasizes minimizing force, intervening to prevent or stop unreasonable actions, and conducting thorough, objective investigations. Supervisors receive instruction on the legal, ethical, and physical standards governing the use of force, along with departmental accountability and disciplinary protocols for addressing potential misconduct. The curriculum also underscores the critical role of supervisors in supporting deputies who report wrongdoing or face retaliation for adhering to lawful and ethical practices. Core topics include arrest and control techniques, force prevention strategies, de-escalation, intervention, proportionality, threat assessment, tactical communication, and ethical decision-making, and are reinforced through scenario-based exercises for real-world application.

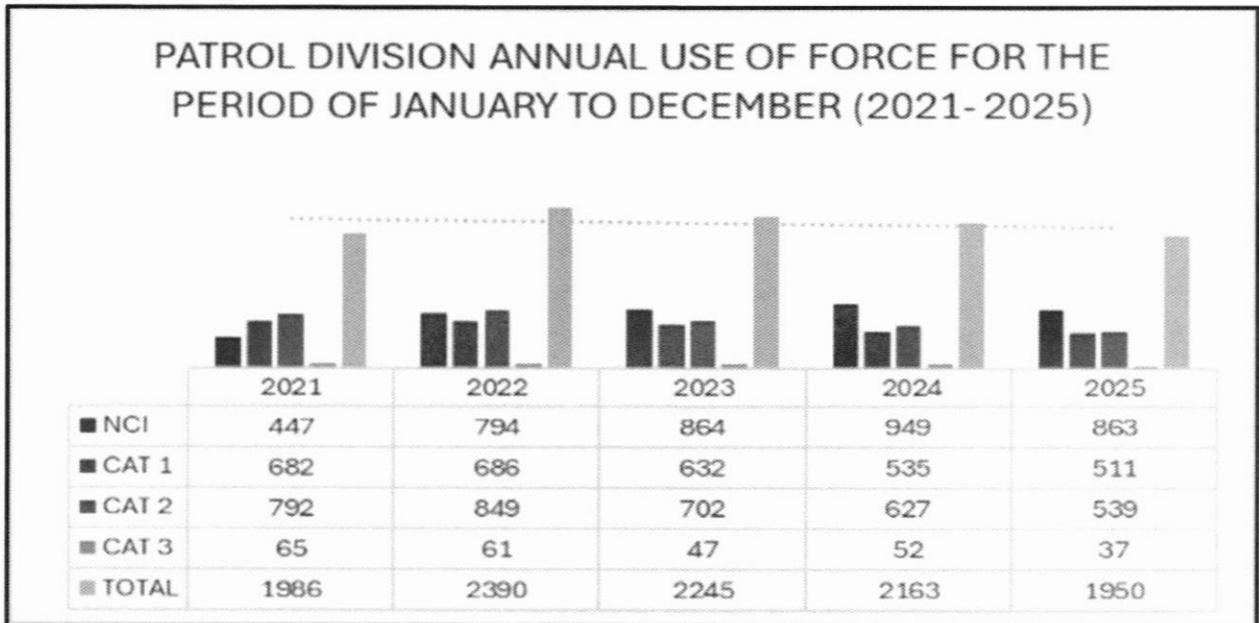
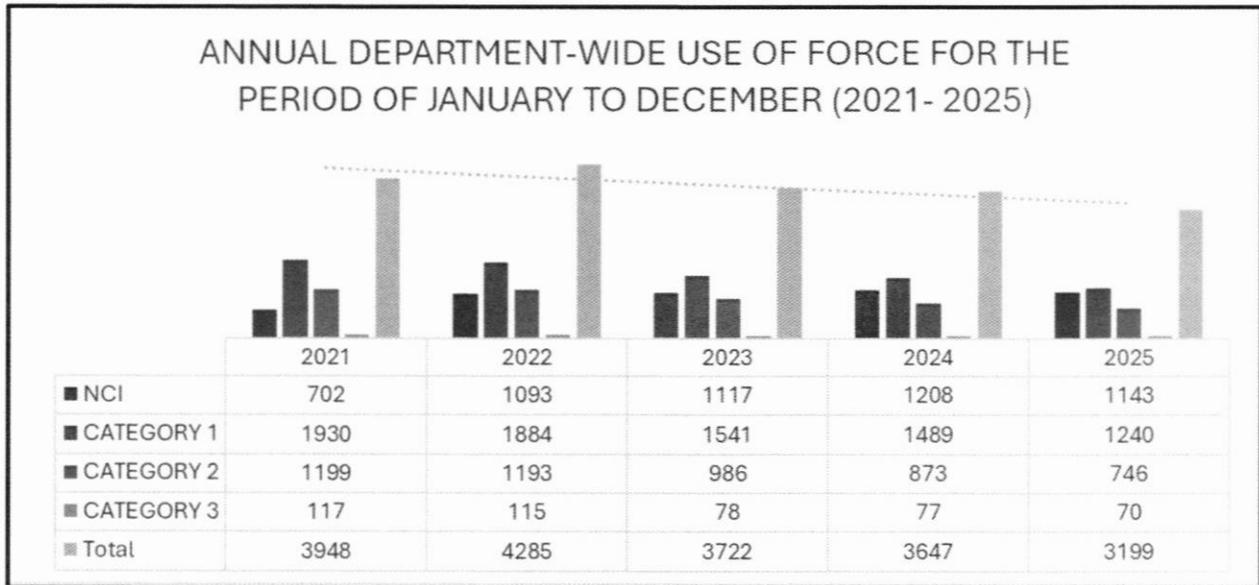
Additionally, the course integrates current legal updates to ensure supervisors remain informed and operationally effective while maintaining integrity and accountability in law enforcement operations. Participants are expected to demonstrate proficiency in legal standards, tactical application, adherence to policy, and intervention strategies, while maintaining a working knowledge of relevant laws and departmental policies. This training fully complies with the Antelope Valley Settlement Agreement, as verified by the monitoring team in coordination with the U.S. DOJ.

In numerous places in the Draft Report, the OIG suggests that training is deficient. While the Department agrees that training can constantly be improved and must continually address contemporary legal standards, we respectfully request that the Draft Report more fully reflect the Department's current training efforts. The Department also welcomes member of the OIG to observe all of these changes to its training program.

2025 Statistics on UOF

The UOF policies were in effect for most of 2025, and the updated training was implemented throughout the year. Preliminary 2025 use of force statistics² demonstrate that these changes have been successful in lowering the frequency of use of force throughout the Department. While many factors can contribute to decreases in the use of force, the new policy and its training have certainly contributed to this result.

² As you are aware, statistics can change over the next few months as use of force reviews are completed which may result in the recategorization of certain force or the addition of new reports.



In summary, the recorded data as of January 15, 2026, reflects that from January to December 2025, the Department recorded a total of 3,199 Use of Force incidents. This number reflects an overall decline in significant uses of force when compared to the same period in prior years, as the charts below reflect.

We respectfully request that the OIG consider all the above in its Draft Report, to more fully reflect the considerable changes that have taken place and continue to take place.

Specific Comments on the Draft Report

The above information was provided to provide context and the foundation for the responses provided below. The responses below draw upon the above background and attempt to address each individual recommendation.

A. The PFP Program

As observed in the OIG Draft Report, the Pointing of a Firearm (PFP) provision in the UOF policy was published but not implemented in 2025. Nevertheless, it should be noted that the PFP data was still recorded through the Department's RIPA database, with numbers reported publicly. Furthermore, the Department continued its communications with labor on the implementation of the PFP as force reporting throughout much of 2025. The Department and labor reached an agreement on implementing the force reporting system and its related database.

To support this rollout, the Department has established a centralized PFP training and information site (e-PFP SharePoint Site). The site includes access to the electronic form, user manuals, Frequently Asked Questions (FAQs), user and reviewer training videos, sample scenarios on when and/or if a PFP submission is required, relevant policy documentation, and a question/feedback form.

To further assist with the transition, on January 20, 2026, the Department launched a webinar series as an interactive approach to educate and familiarize personnel with the PFP portal and associated laws and policies. Recordings and summary videos will be posted to the e-PFP SharePoint Site for those who were unable to attend.

The PFP policy provisions will be implemented fully on February 1, 2026.

In the Draft Report, the OIG currently states the following:

The last documented communication by the Sheriff's Department to the unions regarding the PFP portion of the Use of Force Policy was on July 24, 2025. The portal for capturing the data for Pointing Firearms at Persons is expected to be operational on September 1, 2025, at which time deputies will be responsible for tracking the information.

(Draft Report at 2-3). This is not an up-to-date summary of the PFP provisions.

We suggest this section be amended to state:

The Department and two of its bargaining units discussed the PFP portion of the Use of Force policy throughout much of 2025, agreeing to the implementation of the provisions toward the end of 2025. In 2025, the Department also built the portal for capturing data on Pointing Firearms at Persons, and the training necessary to use the portal is currently underway. The database and the policy will be implemented on February 1, 2026. At that time, deputies will be responsible for documenting the information.

Should you have any questions regarding the database and how it functions, or the associated training for the database, you may contact Lieutenant Andres Bilbao for a demonstration. The OIG is also welcome to join any of this ongoing training.

B. The OIG Recommendations

- 1. Allowing the Inspector General to monitor negotiations between the Sheriff's Department and its employee unions on departmental policy revisions.**

Labor negotiations between a public agency's duly designated representatives and its employee unions are private and confidential and, absent a contrary agreement, outside observers are not allowed to participate in such negotiations. *Petaluma City Elementary School Dist./Joint Union High School Dist.* (2016) PERB Dec. No. 2485; County of Orange (2018) PERB Dec. No. 2594-M.

The Meyers-Milias-Brown Act (MMBA), which governs labor relations between public employers and public unions, allows the Board of Supervisors (Board) to either negotiate with the County unions itself or to designate administrative officers or "other representatives" to engage in such negotiations on behalf of the County. Cal. Gov. Code, § 3505; 61 Ops.Cal.Atty.Gen.1 (1978).

The Board designated the CEO as its negotiator with the County's unions. Thus, the CEO has the authority to "conduct and engage in all negotiations, meet-and-confer sessions, and consultations with" the unions, under directions and instructions issued by the Board. County Code Section 2.08.115.C.

As an independently elected official, the Los Angeles County Sheriff is not subordinate to the Board in policy decisions and has independent authority to set LASD policies. See California Constitution Art. XI, Section 1(b); Los

Angeles County Charter, Art. IV, Section 12; Gov. Code Section 26600 – 266749; see also County Code Section 2.34 for examples of the Sheriff's responsibilities. No statutory provisions establishing the Los Angeles County Sheriff's ability to set policies for LASD employees mention, in any capacity, the involvement of the OIG in labor relations.

The County's Employee Relations Ordinance (ERO) defines "negotiation" as "performance by duly authorized management representatives and duly authorized representatives of a certified employee organization of their mutual obligation to meet [...] and to confer[.]" County Code Section 5.04.030.0. ERO does not contemplate entities such as OIG as "management representatives."

Although Los Angeles County Ordinance 6.44.190 grants the OIG access to Department "meetings, reviews, and other proceedings," a review of that authority shows that oversight of the meet and confer process is not contemplated. Rather, OIG has the right to oversee the "conduct" of LASD employees.

Thus, the County's ERO and MMBA support the position that only the authorized representatives of the County (e.g., CEO and LASD managerial personnel) may participate in labor negotiations. Although OIG has an interest in the outcome of various LASD negotiations, the OIG is not recognized as an authorized bargaining representative of the County and is considered an "outside observer" for purposes of attending meet and confer sessions.

The OIG participates in the negotiations arising from the ERCOM action and its subpoenas because it is a stakeholder in those negotiations, as it relates specifically to OIG subpoenas.

Finally, even if the Sheriff were to choose to include OIG in labor negotiations over policy amendments, which he does not, the respective labor unions would need to agree. Therefore, this is not a unilateral decision to be made by the Sheriff or his Department but will involve the collaboration of numerous parties. Should the OIG seek to pursue this recommendation, the Department suggests working through the CEO's office.

- 2. Revising the Use of Force Policy to clarify the distinction between deadly and non-deadly use of force at the start and throughout the policy to avoid confusion between the legal standards in any given section.**

The OIG Draft Report recommends future revisions to the UOF policy clarify the distinction between deadly and non-deadly force because: "in some

places it addresses use of force generally, without specifying application to deadly or non-deadly force, in a way that seems to conflate standards.” (Draft Report at 5).

The Department’s policy defines “Deadly Force” consistent with California law as “force that creates a substantial risk of causing death or serious bodily injury. Deadly Force includes but is not limited to the discharge of a firearm.” Manual of Policy and Procedures (MPP) 3-10/004.00 [Deadly Force].

The policy further requires deputies to “only use a level of force that they reasonably believe, based on the totality of the circumstances, is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.” (MPP 3-10/020.00). This requirement applies to all force, not just deadly force.

The policy further defines “totality of the circumstances” as “All facts known to the Department Member at the time, including the conduct of the member and the subject leading up to the use of force. Elements to be considered are listed in ‘Factors in Determining the Reasonableness of Force,’ MPP 3-10/020.00.” (MPP 3-10/004.00).

There is no need to emphasize further that a Department member’s use of deadly force will be judged based on the totality of the circumstances (or “all of the surrounding circumstances”) as, consistent with the law, all force is judged based on the totality of the circumstances.

The training provided by the LASD Force Training Unit tracks the workbook training materials published by the California Commission on Peace Officer Standards and Training (POST). For example, POST clearly differentiates between the different levels of force as follows:

- i. Non-Deadly Force – Force which creates a minimal risk of injury
- ii. Intermediate Force – Force which has a significant risk of injury
- iii. Deadly Force – Force which has a substantial risk of serious bodily injury or death

(Commission on Peace Officer Standards and Training, Learning Domain 20: Use of Force/De-Escalation Workbook (Version 6.0, July 2025), pages 3-9). These same principles are covered in the basic academy and covered during biennial POST mandates PSP training.

Consistent with POST guidelines, the Department also emphasizes during training that its members may need to transition from non-deadly force to deadly force and back to non-deadly force or intermediate force depending on the circumstances:

Peace officers should recognize that making transitions between force options can be difficult during stressful and rapidly changing conditions. It is useful for peace officers to practice making such transitions during training. Peace officers must be prepared to transition to another force option if the one being used appears to be ineffective in controlling the subject or situation.

Commission on Peace Officer Standards and Training, Learning Domain 20: Use of Force/De-Escalation Workbook (Version 6.0, July 2025), pages 3-9. Department training at all levels includes this type of transition practice.

Given the existing policy definitions and robust, POST-compliant training structure, the distinction between deadly and non-deadly force is already clearly articulated. Ongoing training remains the most effective method to reinforce lawful application in real-world conditions (particularly since case law interpreting these concepts can change over time).

3. **Revising the Use of Force Policy to include the definition less-lethal force throughout, not only in relation to CEWs, emphasizing in the policies and through training that less-lethal force *has a higher propensity to be lethal or cause serious physical injury*, and providing guidance to deputies on the policy and training should provide guidance to deputies on when the use of potentially fatal force may be justified.**

The Department's Manual of Policy and Procedures provides a clear, accurate, and industry-consistent definition of less-lethal force:

A force option, that, when used as designed and intended, is less likely to cause death or serious physical injury than a conventional lethal weapon such as a firearm.

(MPP 5-06/045.01).

This definition appropriately conveys relative risk rather than the absence of risk. It correctly reflects the reality recognized in POST standards, case law, and national best practices: less-lethal force options are intended to *reduce* the likelihood of death or serious bodily injury when compared to firearms, but they are not risk-free. Use of less-lethal force options must always be evaluated within the totality of the circumstances.

From a training standpoint, overstating the lethality of less-lethal options without appropriate context can be counterproductive. Doing so risks discouraging their lawful and appropriate use, which may unintentionally prompt Department members to use more significant force earlier in an encounter. Conversely, minimizing the risks associated with less-lethal force would also be inappropriate. The current MPP language strikes a reasonable and balanced middle ground by accurately describing comparative risk while preserving the ability of Department members to make sound, proportional decisions under stress.

Additionally, as referenced above, POST-approved training reinforces that any force option—less-lethal included—must be continually assessed for effectiveness, and that peace officers must be prepared to transition to another force option if the one being used is ineffective or circumstances change. This approach supports both public safety and officer safety by promoting adaptability, judgment, and lawful decision-making rather than rigid categorizations.

4. Revising MPP section 3-10/045.00 – Use of Deadly Force and Firearms to include that de-escalation and crisis stabilization techniques are required “whenever reasonably safe and include a cite to MPP section 3-10/009.00, which is the policy on de-escalation.”

The Department’s policy on de-escalation expressly covers all types of force, whether it be deadly force or any lesser form of force. (MPP 3-10/009.00). Neither state law nor Department policy delineates de-escalation as to a specific type of force. Instead, the de-escalation policy applies equally to all forms of force. As a result, there is no need to repeat it in the deadly force portion of the policy.

Furthermore, Penal Code section 835a(a)(2) expresses the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.”

The Department policy requires its members to use de-escalation and crisis stabilization techniques “[w]henver reasonably safe and feasible to do so.” (MPP 3-10/009.00 (De-escalation)). Therefore, the policy already tracks the language of the statute.

As the Legislature did not include a definition of the word “feasible” in Penal Code section 835a, the Department added a definition of this word so that Department members know what is expected of them:

Considering the Department member’s individual capabilities, training, and experience, reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the Department member or another person.

(MPP 3-10/004.00 (Feasible)).

As a result of the above, adding the suggested reference to the de-escalation policy in the deadly force policy would be mere surplusage. It could also cause confusion, potentially leading Department members to believe that the de-escalation policy applies only to situations where deadly force may be necessary.

5. **Revising the Use of Force Policy to include that the conduct of the Department member leading up to the use of force and any specific conduct that might have escalated an encounter or contributed to the risk to the Department member or others in the list of factors under MPP section 3-10/020.00 that may be considered in determining if the force that used was objectively reasonable, proportional, and reasonably appeared to be necessary.**

Current policy, along with Department training, is consistent with Supreme Court and California law on this topic. The determining factors are already included in Departmental policy and reflect State, Federal, and case law. “The basis in determining whether force is ‘unreasonable’ shall be consistent with the Supreme Court decision of Graham v. Connor, 490 U.S. 386 (1989), Hayes v. San Diego, 57 Cal.4th 622 (2013), and California Penal Code section 835a.” (MPP 3-10/030.00).

This Draft Report recommendation appears to create a standard consistent with the “officer created jeopardy” theory, for which there is no legal precedent. Such “provocation” standard was previously determined by the United States Supreme Court to be an incorrect expansion of the Fourth Amendment. *County of Los Angeles v. Mendez*, 137 S.Ct. 1539, 1546-47 (2017). Similarly, Penal Code section 835a codifies a broad, holistic assessment of police use of force and requires courts to consider an officer’s actions leading up to the use of force, but it does not create a separate provocation-based liability doctrine which would make an otherwise

objectively reasonable use of force unreasonable simply because of pre-force tactics.

While a Department member's actions leading up to force will be considered in determining whether they violated policies on tactics, it is not appropriate under controlling legal authority to label a use of force "objectively unreasonable" because of the Department member's pre-force tactics.

6. **Revising the Use of Force Policy's definition of "Totality of the Circumstances" to encompass "all facts known" by the Department Member at the time of the incident to include "facts that should have been known" such that Department members consider perceivable conditions when contacting a subject.**

As noted by the OIG in its Draft Report, the Department's definition of "Totality of the Circumstances" closely tracks the statutory definition found in Penal Code section 835a(e)(3). (Draft Report at 6). We appreciate the recognition that the new policy is consistent with state law. Nevertheless, the Draft Report recommends adding a "knew or should have known" standard by citing to a definition used by legal advisors for the Federal Law Enforcement Training Center. (Draft Report 6-8).

First, the "totality of the circumstances" standard was established in Graham v. Connor, 490 U.S. 386 (1989), and is still the Federal standard for assessing the reasonableness of a use of force. In Penal Code 835a, the "totality of the circumstances" standard was codified into California state law (2020). As noted in the draft report, this language was included in the Department's MPP as follows:

Totality of the Circumstances: All facts known to the Department Member at the time, including the conduct of the member and the subject leading up to the use of force. Elements to be considered are listed in 'Factors in Determining the Reasonableness of Force,' MPP 3-10/020.00.

(MPP 3-10/004.00).

Though the Ninth Circuit has published some cases with a "should have known" standard for some unique circumstances an officer might face, which are addressed elsewhere in the policy (See MPP 3-10/020.00), the general standard and controlling legal authority in this jurisdiction calls for an evaluation of what the officer actually knew at the time they used force. See *Deorle v. Rutherford*, 272 F.3d 1272, 1281 (9th Cir. 2001)

("[A]n officer's use of force must be objectively reasonable based on his contemporaneous knowledge of the facts."); *S.R. Nehad v. Browder*, 929 F.3d 1125, 1132 (9th Cir. 2019) ("Only information known to the officers at the time the conduct occurred is relevant").

The danger of adopting the hard-and-fast rule of "should have known" in every case is touched upon in *Knox v. City of Fresno*, 708 F. App'x 321 (9th Cir. 2017), a Ninth Circuit case which discusses the Supreme Court overruling the circuit's provocation rule in *County of Los Angeles v. Mendez*, 137 S.Ct. 1539, 1546-47 (2017). That doctrine had focused on whether an officer "created a situation which led to" the use of force and, as the Supreme Court found, was an incorrect expansion of the Fourth Amendment. In *Knox*, the Ninth Circuit addressed the ruling by rejecting the plaintiff's argument that his trial jury should have been instructed to "consider all of the circumstances that [the officers] knew or should have known on the scene." 708 F. App'x at 322.

Contrary to Plaintiffs' argument, the Supreme Court recently reiterated that '[e]xcessive force claims. . . are evaluated for objective reasonableness based upon the information the officers had when the conduct occurred.' The reasonableness of the officer's prior actions and decisions are not to be taken into account.

Id. at 322-323 (citations omitted). Thus, the danger in expanding the totality-of-circumstances factors to include, in all situations, all the facts the officer should have known, is the unwitting reintroduction of the provocation rule.

Penal Code section 835a(a)(4), likewise, does not require a "should have known" standard, but instead requires the opposite:

That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances *known to or perceived by the officer at the time*, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

Penal Code section 835a(a)(4) (emphasis added).

The Department is aware of PERF's "Guiding Principles on Use of Force" and used this publication along with other similar publications during its extensive negotiations with the U.S. DOJ and affected labor unions that

resulted in approval of the policy by all parties to those negotiations. As mentioned above, the U.S. DOJ and the Antelope Valley Monitoring Team have both determined that this policy and the Department's associated training are fully compliant with the Constitution and all applicable laws.

The Department will continue to follow California law in this area and respectfully disagrees with this recommendation.

7. Providing continuing training on proportionality, as case law evolves on what constitutes excessive force.

The Department training on proportionality is continuing and is an integral part of perishable skills training. As a result, proportionality is clearly defined, legally grounded, and continuously reinforced principle within the MPP, LASD Force Training, and California POST standards.

First, the MPP expressly states that to be proportional, the level of force must reflect the totality of circumstances surrounding the situation at hand. Given the totality of the circumstances, there is a balance between the threat posed, the seriousness of the suspected offense, and the amount of force used. This is consistent with Penal Code section 835a, which requires that any force used by a peace officer be objectively reasonable under the totality of the circumstances.

Department training on this concept is based on California POST guidelines, which operationalize this requirement through Learning Domain 20 (Use of Force / De-escalation). POST training integrates proportionality as a foundational safeguard against excessive force by requiring officers to assess multiple factors when selecting and applying force, including:

- i. The severity and immediacy of the perceived threat
- ii. The subject's actions, behavior, and level of resistance
- iii. Subject characteristics that may affect risk or response
- iv. Environmental and situational factors
- v. The availability and feasibility of de-escalation techniques when reasonably safe

Importantly, proportionality is not treated as a static or theoretical concept. It is foundational training that is reinforced throughout a deputy's career, beginning at the recruit level (LD 20) and continuing through in-service training, patrol school, and Continued Professional Training (CPT). Proportionality is embedded in every aspect of use-of-force training, including scenario-based exercises that require deputies to reassess, adapt, and transition force options as conditions evolve. Proportionality is also continuously trained through case study reviews of Use of Force incidents.

The Department regularly works with County Counsel and the numerous monitors conducting oversight of the Department to ensure that its training is consistent with case law as it is issued.

8. **Revising the Use of Force policy to explicitly state that de-escalation is "required," mirroring stronger policies like that of the Chicago Police Department.**

Recommendations 8 and 9 of the OIG's Draft Report deal with the important issue of de-escalation, first in terms of policy and then in terms of training. First, the Department appreciates the OIG's acknowledgement that the revisions made to the UOF policy "strengthen the de-escalation policy in several respects..." (Draft Report at 10-11). We greatly appreciate that recognition.

The Department agrees that de-escalation is critical to every incident. Department policy reflects this focus by stating:

De-escalation is a core principle of sound tactical operations, and Department members shall consider de-escalation and crisis stabilization techniques to be part of tactical planning. The overall goal is to decrease the intensity of the situation by persuading the subject to voluntarily comply, allow the Department member to use additional options other than force, or to mitigate the need to use a greater amount of force to safely resolve the situation. De-escalation and crisis stabilization techniques, however, may not be appropriate in every situation, and Department members are not required to place themselves in danger or use de-escalation or crisis stabilization techniques in every instance.

Whenever reasonably safe and feasible to do so, Department members shall use de-escalation and crisis stabilization techniques, which can prevent the need to use force or reduce the amount of force that is required. De-escalation may include calling for additional resources, such as a Mental Evaluation Team, to the scene. Department members shall also avoid tactics and approaches that unnecessarily escalate situations, which may increase the likelihood of a need to use force or a greater degree of force. Department members shall only use that level of force that is proportional, objectively reasonable, and reasonably appears necessary. Department members should use force as a last resort when reasonably safe and feasible.

MPP 3-10/009.00 (De-escalation). Department policy also defines what is feasible, namely:

Considering the Department member's individual capabilities, training, and experience, reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the Department member or another person.

MPP 3-10/004.00 (Feasible).

The OIG Draft Report recommends revising the policy to require de-escalation. (Draft Report at 11).

However, the current Department policy does require de-escalation. The policy, as noted in the OIG report, states:

“Department members *shall use* de-escalation and crisis stabilization techniques ...”

MPP 3-10/009.00 (De-escalation) (emphasis added). This language indicates it is required by policy. While the policy also includes language that it should be safe and feasible to do so, that language does not minimize the use of de-escalation techniques. To the contrary, the language merely recognizes that deputies can face tense, uncertain, and rapidly evolving incidents in the field, and they should be mindful of their own personal safety as well.

We note that the Chicago Police Department policy, which the Draft Report cites to as a model policy, takes a similar approach to the Department's policy. The Chicago policy states:

De-escalation. Department members are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time.

While the policies use slightly different language, both policies require the use of de-escalation (one policy says department members shall use de-escalation, and the other states that it is required), and both policies reflect an exception based on safety concerns.

We hope this provides sufficient context for the language chosen for the Department policy, and which was approved by our federal monitors, the U.S. Department of Justice, and the relevant labor unions (as a result of the meet and confer process).

9. **Incorporating training that includes that de-escalation is a requirement, not a suggestion, and that it does not apply just to a single moment but continues throughout an interaction as the situation evolves and ensuring that continuing training provides deputies with examples of successful communication and strategies to de-escalate.**

While recommendation 8 dealt with the wording of the de-escalation policy, recommendation 9 addresses the training to that policy. The Department agrees that de-escalation is critical to every incident and that it does not just apply to just one moment in time, but should be incorporated throughout the incident.

In the Draft Report, the OIG states that: “Continuing training on effective de-escalation that provides deputies with examples of successful communication and strategies to de-escalation are also necessary to ensure legal policy compliance.” (OIG Draft Report at 11). The Department agrees with this sentiment.

It should be noted that nothing in Department training, nor in its policy, suggests that de-escalation is a “suggestion.” The policy, as stated above, uses the word “shall” which is not a suggestion but a requirement, except when safety issues exist.

As stated above, de-escalation techniques are integrated throughout training. First, de-escalation principles are already taught during every POST-required PSP training class. Additionally, the STACS team also incorporates the principles into the Department’s 4-hour course De-Escalation and Pre-Force Tactics, as well as in a forthcoming LMS video.

Furthermore, the ROAR training model, described in detail above, which has been integrated into training throughout the Department, is based on a de-escalation foundation. It focuses on gathering appropriate information, observing the situation, and assessing it to develop an appropriate response before reacting.

Reporting writing requires an explanation about the de-escalation techniques that were employed: “Department members shall include in the report attempts at de-escalation prior to the use of force.” MPP 3-10/100.00 (Use of Force Reporting – Department Member Responsibilities).

In summary, the policy and the related training provide are clear in that de-escalation shall be used as long as it is safe and feasible. This is a reasonable approach to a very complex issue. We further note that the ROAR training model, described more fully above, provides a thoughtful framework for enhancing de-escalation and equips deputies with the skills needed to ensure its successful use.

10. Incorporating into training the Department's policy guidelines on using force on vulnerable persons to ensure that deputies assess potential vulnerabilities in persons before using force.

The Department agrees that training should reflect its policy on the use of force against vulnerable populations. We greatly appreciate that pages 11 through 12 of the OIG's Draft Report highlight California Government Code section 7286(b)(17), and the requirement for law enforcement agencies to have policies regarding vulnerable populations. We especially appreciate that the OIG Draft Report concludes that the Department's UOF policy "appears to satisfy the Government Code section 7286(b)(17) requirement for adopting policy guidelines regarding vulnerable populations." (Draft Report at 12). This section of the report concludes, consistent with the above recommendation, that: "the Department must also train on the guidelines for using force on vulnerable persons in order to ensure that deputies assess potential vulnerabilities in persons before using force." Id.

For the reasons set forth below, the Department believes it has satisfied this recommendation.

First, the Department's current training on this topic is established in California POST standards. These POST standards are integrated into use-of-force training from the earliest stages of a deputy's career and reinforced throughout.

Specifically, California POST Use of Force Standard No. 22, consistent with California law, requires agencies to develop training and guidelines addressing interactions with vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and people with physical, mental, or developmental disabilities. POST further recognizes that officers are most effective when trained to engage with diverse populations, situations, and circumstances, and to adapt their approach accordingly. This adaptive decision-making is particularly critical when responding to vulnerable populations, where risk mitigation, communication, and proportionality are paramount.

Integration of these POST requirements into Department training begins at the recruit training level, and continues with instruction provided through POST Learning Domain 37 – Persons with Disabilities, which focuses on recognizing disabilities, understanding associated behaviors, applying appropriate communication strategies, and adjusting tactics to reduce the likelihood of force while maintaining safety. This training emphasizes patience, time, distance, cover, and de-escalation when reasonably safe and feasible.

The Department training for vulnerable populations is not confined to a single learning domain. These principles are re-emphasized throughout a deputy's career, including in-service training, use-of-force CPT instruction, scenario-based exercises, and supervisory training. Use-of-force training consistently reinforces the need to consider subject characteristics and vulnerabilities as part of the totality-of-the-circumstances analysis when selecting and applying force.

Furthermore, the ROAR training model, described in detail above, which has been integrated into training throughout the Department, focuses on gathering appropriate information (including relevant vulnerabilities), observing the situation, assessing the situation to develop the appropriate response to that specific situation before reacting. This approach is particularly useful in addressing situations involving vulnerable communities.

We recognize that not all members of the OIG have had the opportunity to hear and learn about all of this existing training. We welcome members of your staff to attend and observe any or all of the above training. We further welcome comments on how these trainings, many of which are recently revised and incorporated into UOF and other training, can be further improved.

- 11. Revising the Use of Force Policy to include unholstering a firearm as a reportable use of force and, until that is changed, expeditiously create and disseminate advanced training materials that specifically define a "low ready" position, with both written and visual imagery.**

The OIG Draft Report recognizes that the Department's updated its UOF policy and that these revisions "brings the Department into compliance with California Government Code section 7286(B)(5), which requires a law enforcement agency's use of force policy to include "[c]lear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person." (Draft Report at 12).

The Draft Report, however, also advocates for an expansion of force reporting “to include the drawing or pointing of a firearm as a reportable use of force when Department members draw or point their firearms at an occupied vehicle, at an occupied residence, or at a pet or to other property.” (Draft Report at 12-14).

The law, POST guidelines, and modern police practices focus exclusively on intentionally pointing a firearm directly at a person. There are no published legal cases that define the mere unholstering of a firearm as a use of force. The Department’s policy follows established principles founded in the law.

POST published guidelines in 2021 to help law enforcement agencies craft policies consistent with the requirements of Government Code section 7286. These guidelines do not define the mere unholstering of a firearm as a use of force. The guidelines identify the “pointing of a firearm at an individual” as a “non-deadly use of force.” The very next sentence in these guidelines refers to the effect “drawing (unholstering) and/or pointing of a firearm” can have on a person. Specifically, the POST guidelines state:

“While the drawing and/or pointing of a firearm can discourage resistance and ensure officer and public safety in potentially dangerous circumstances, it can also escalate a situation.”

The guidelines continue:

“Unnecessarily or prematurely drawing a firearm could limit an officer’s alternatives in controlling a situation, may create unnecessary anxiety on the part of members of the public, and could result in an unwarranted or unintentional discharge of the firearm.”

The guidelines encourage agencies to have “clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at person.” See California Commission on Peace Officer Standards and Training, *POST Use of Force Standards and Guidelines* (November 22, 2021). POST had every opportunity to declare the mere unholstering of a firearm to be a use of force but did not do so.

Consistent with these POST guidelines, Department policy clearly identifies when Department members may “display,” draw, or unholster firearms and when they may point firearms at people:

Department members may display a firearm to a threatening person to help establish or maintain control in a potentially dangerous situation if the totality of the circumstances creates an objectively reasonable belief that it may be necessary to use the firearm.

When a Department member displays their firearm to a threatening person, in the absence of an imminent threat but where they reasonably believe that a potential threat exists, based on the totality of the circumstances, Department members should generally point their firearm in a safe direction without pointing it at a person.

In situations where a Department member reasonably believes an imminent threat exists based on the totality of the circumstances, that Department member may point their firearm at the threatening person or animal until they no longer reasonably perceive the threat. See MPP 3-10/045.00 (“Displaying Firearms”).

In *Chinaryan v. City of Los Angeles*, 113 F.4th 888 (9th Cir. 2024), the Ninth Circuit was highly critical of using high-risk vehicle stop tactics when there is no apparent threat. The Court now requires specific, articulable reasons to believe occupants of a vehicle are armed or dangerous before pointing a firearm “at or near” those occupants, and the Department trains to this standard. California law enforcement agencies have interpreted this standard to allow for holding firearms in a “low ready” or in a safe direction to prevent pointing firearms directly at any portion of a person’s body unless warranted by the circumstances.

Other Ninth Circuit cases also focused on officers pointing firearms directly at people. In *Washington v. Lambert*, 98 F.3d 1181 (9th Cir. 1996), the Court held that the Fourth Amendment protects individuals “from the terrifying and humiliating experience of being pulled from their cars at gunpoint, handcuffed, or made to lie face down on the pavement when insufficient reason for such intrusive police conduct exists.”

Nearly two decades later, in *Green v. City & County of San Francisco*, 751 F.3d 1039 (9th Cir. 2014), the Ninth Circuit criticized the use of high-risk stop tactics based solely on a suspicion that a vehicle was stolen. In *Green*, officers relied on an Automatic License Plate Reader (ALPR) alert mistakenly indicating a vehicle was stolen, when the system had misread one digit on the plate. The vehicle’s registered owner, Denise Green, a 47-year-old Black woman with no criminal history, was pulled over by multiple officers after a brief delay to assemble backup, and without visually confirming the license plate. Officers drew and pointed their weapons directly at her, ordered Ms. Green out of her car, directed her to her knees, handcuffed her, and detained her for up to 20 minutes. “Green

was wholly compliant and nonresistant for the entirety of the stop and . . . there was no indication that she was armed.” The Court held that while some suspects driving stolen cars may indeed pose a danger, that possibility does not automatically justify such intrusive tactics. Instead, whether the officers’ actions were reasonable was a question of fact for a jury to decide.

None of these cases --- *Chinaryan*, *Washington*, or *Green* --- support a theory that merely unholstering a firearm is a use of force, reportable or otherwise.

The Department recognizes that additional training in this area is needed and is working on a Training Bulletin and other materials to provide further guidance consistent with the Ninth Circuit’s *Chinaryan* decision (where firearms were pointed “at or near” someone) and the corresponding “Enforcement Stops.” Training Bureau anticipates that it will cover the displaying of firearms (sometimes referred to as Carry Positions) and firearm Ready Positions, including clearer definitions of the “Carry and Ready” position and visual imagery in the form of the training bulletin (as well as an eventual video).

12. **Revising the Use of Force Policy to include the drawing or pointing of a firearm is a reportable use of force when Department members draw or point their firearms at an occupied vehicle, at an occupied residence, or at a pet or other property.**

For the reasons set forth above in response to recommendation 11, the Department does not agree with this recommendation. Further, there is no legal authority and no industry standards that label the pointing of a firearm at an animal or occupied residence (or other property) as a use of force. The recommendation suggests that force principles can be applied to an inanimate object, which they cannot.

In short, it is the Department’s position, which it believes to be consistent with state and federal law, that only “intentional pointing of a firearm at a person” is legally considered force. This will be covered in the previously mentioned Training Bulletin and training videos.

13. **Revising the Use of Force Policy to prohibit carotid holds and choke holds rather than evaluate them as a Category 3 Use of Force unauthorized tactic. There should be increased accountability and review, to include the possibility of discipline up to termination of employment, for Department members who wrongfully employ carotid or choke holds.**

In the OIG's Draft Report, the OIG recognizes that the Department's UOF policy with respect to carotid holds, "is aligned with California state law." (Draft Report at 14). However, the report and this recommendation go further to state that this type of force should be affirmatively prohibited. (Draft Report at 14-15).

The Department believes that the current policy along with the associated Department training addresses this OIG concern, and makes it clear to deputies that this type of force is not to be used.

Critically important to this evaluation is that the Department does not authorize the use of carotid holds or choke holds. Both Department policy and training demonstrate this, and this is consistent with state law as noted by the OIG. Further, deputies are clearly instructed in Department training that carotid restraints and choke holds are not authorized techniques. This is consistently reinforced through policy, recruit training, and ongoing use-of-force instruction.

However, it would be unrealistic to ignore the fact that there could be a rare circumstance in which a carotid restraint or choking type of activity may occur, despite it not being authorized. In other words, the fact that any use of force is not authorized by policy and training does not mean it will never occur. In the rare situation where it does occur, there must be a mechanism and protocol in place to review that use of force. This issue was discussed at length with County Counsel, with the U.S. Department of Justice, and with the Antelope Valley Monitoring team. They all concurred with the approach taken in the policy.

We should also note that the San Francisco Police Department (SFPD) policy,³ described in the Draft Report, provides an exigent circumstance exception recognizing that it may be used in rare circumstances. Both the Department and the SFPD policies are similar in that they do not authorize the use of this type of force, but they address the rare circumstance in which it might occur, recognizing that unusual and dangerous situations can arise when responding to calls for service. The difference is that the Department policy outlines how the unauthorized use of force will be reviewed should it take place, while the SFPD policy specifically provides it as an exception. For that reason, the Department's policy appears stronger than the SFPD policy.

³ See San Francisco Police Department, General Order 5.01 (effective 10/19/24), pages 11-12. https://www.sanfranciscopolice.org/sites/default/files/2024-10/SFPD_GeneralOrder_5_01_20241007.pdf.

In terms of the review process, we wish to emphasize further that a Category 3 UOF is subject to a stringent, multi-level review process, reflecting the significant risk associated with such incidents. The classification of a tactic within Category 3 does not minimize its seriousness; rather, it ensures heightened scrutiny, accountability, and review. Discipline up to and including dismissal can take place at this level of review, depending on the unique circumstances of the case.

The OIG is welcome to attend training on this issue to ensure the Department is undertaking all efforts consistent with the law. Further, the Department will continue to monitor this issue, to ensure the policy achieves its desired impact.

14. Revising the Use of Force Policy to include a requirement for field sergeants or responding supervisors to direct deputies to document the reasons for the failure to activate their body-worn cameras in their reports on any incident involving a Category 3 use of force.

Department BWC policy states:

Personnel shall activate their BWC prior to initiating, or upon arrival at, any enforcement or investigative contact involving a member of the public...

MPP 3-06/200.08.⁴ The Department's current policy also requires deputies to document any time a Body-Worn Camera (BWC) is not activated when it otherwise should have been. (MPP 3-06/200.15).⁵ Department personnel who are required to use a BWC during the performance of their duties must provide a written statement whenever they fail to activate their camera during a Use of Force incident, including incidents classified as Category 3.⁶ This documentation requirement ensures that any missed activation is formally acknowledged and explained. The required explanation is recorded through official channels such as incident reports, supplemental

⁴<https://pars.lasd.org/Viewer/Manuals/10008/Content/15669?Source=TextSearch&searchQuery=%22personnel%20shall%20activate%20their%20BWC%20prior%20to%20initiating,%20or%20upon%20arrival%20at,%20any%20enforcement%20or%20investigative%20contact%20involving%20a%20member%20of%20the%20public%22>

⁵ Accountability, training, expectations of using the BWC are all codified in the Department's following MPP sections: 3-06/200.08, 3-06/200.10, 3-06/200.13, 3-06/200.08, 3-06/200.15, 3-06/200.40, 3-06/200.55, 3-06/200.63, 3-06/200.65, 3-06/200.68.

⁶ Category 3 uses of force already trigger a robust, comprehensive investigative and review process. These investigations routinely examine all available evidence, including body-worn camera activation, functionality, and any reasons for non-activation or delayed activation. As part of this process, deputies are required to provide statements and documentation that address the totality of the circumstances surrounding the incident, which inherently includes issues related to body-worn camera use.

statements, or memorandums, and becomes part of the investigative record for the event.

This requirement is a core accountability measure and reflects widely accepted best practices in modern policing. National standards emphasize that BWCs promote transparency only when officers are required not only to activate them, but also to explain in writing when activation does not occur. By mandating written documentation, the policy prevents selective recording, ensures that missed activations are taken seriously, and creates a clear record that can be reviewed by supervisors, investigators, and the public. This approach aligns with guidance from leading law-enforcement oversight bodies, including the U.S. DOJ, which consistently stresses the importance of documenting all significant law-enforcement actions.

MPP § 3-06/200.15 is especially important during use-of-force incidents. BWCs are one of the most reliable tools for understanding what happened during a force encounter, particularly in fast-moving or high-risk situations. When a deputy fails to activate a camera during a Category 3 use of force, the policy requires the deputy to provide a written explanation that becomes part of the official investigative file. This ensures that investigators can determine whether the failure was unavoidable due to equipment issues or a policy violation. Treating non-activation as a required point of review strengthens the accuracy and fairness of force investigations and ensures that missing video evidence is never ignored or dismissed.

By embedding this requirement directly into the Manual of Policy and Procedures, LASD ensures that every missed activation is formally reviewed and accounted for. In MPP § 3-06/200.63, supervisors are required to evaluate the deputy's explanation, identify whether additional training or corrective action is needed, and determine whether the failure affected the integrity of the investigation. Over time, these documented explanations allow the Department to identify patterns, equipment problems, or training needs. This strengthens public trust by ensuring that the Department is transparent about when BWCs are not activated and why.

LASD has implemented a BWC Dashboard designed to strengthen oversight and accountability. This system provides supervisors with real-time alerts when a deputy fails to activate their BWC during a required encounter or when the deputy does not submit the necessary written documentation explaining the missed activation. By automatically identifying these issues, the dashboard ensures that supervisors can promptly review, address, and correct non-compliance.

The U.S. Department of Justice, which oversees the Antelope Valley Settlement Agreement and helped with the crafting of the BWC policy, has publicly emphasized that consistent BWC activation and the documentation of activation failures are essential to constitutional policing. The Settlement Agreement itself (United States v. County of Los Angeles, CV 15-03174) requires LASD to maintain policies that ensure complete and accurate documentation of all deputy actions. The documentation requirement in MPP § 3-06/200.15 is not only a best practice but a federal expectation tied directly to constitutional policing standards.

It should be noted that revisions to the BWC policy are currently in the meet-and-confer process. The Department can evaluate any further need for changes once that process is completed.

15. **Revising the Use of Force Policy to include the requirement contained in the CDM that "Department members shall document all force reports based on their independent account, without referencing other involved personnel's reports and without assisting others in writing their accounts of the incident."**

The Department agrees that reports of force should be based on every deputy's individual account and appreciates the intent of this recommendation. The Department's current policy states:

Each assisting Department member who used force, including partners, shall submit a separate supplementary report detailing their actions and observations prior to the Department member going off duty. To the extent practical, Department members should be separated until they have completed their use of force reports and/or witness reports on use of force incidents.

MPP 3-10/100.00 Use of Force Reporting. While the language is not identical to the Custody Division Manual ("CDM") language, differences in the custody and patrol environments account for much of the variation in the precise language used. In the field, particularly in areas of the County where patrol stations are responsible for patrolling expansive geographical areas, it can take some time for a supervisor to arrive on scene to separate involved deputies. The MPP merely reflects that reality, but is nevertheless strong in emphasizing that each member should submit separate reports detailing their own actions and responsibilities.

While the Department agrees that all policies can be improved upon to ensure clarity, the Department believes the current policy is effective in ensuring independent reports. However, given the OIG recommendation,

the Department will continue to monitor this issue to ensure the policy achieves its intended impact.

- 16. Revising the Use of Force Policy to include a requirement that a member the Inspector General's Office and Office of the County Counsel are included as panelists when a use-of-force incident is being considered for reclassification as to a lesser category of force.**

The Department disagrees with this recommendation. Consultations with the OIG, County Counsel, and other entities are frequent. County Counsel is the Department's formal legal advisor. They offer legal advice through privileged communications. They do not directly participate in the Department's operational, administrative, or disciplinary decisions. It would be inappropriate to do so. Similarly, the Office of Inspector General serves in an oversight capacity, not in an operational or decision-making role over the Department.

The Department will always accept the advice of counsel and the input from the OIG. However, we believe the OIG's oversight role should remain clear from operational or administrative decisions made by Department leadership. OIG can certainly review the Department's decisions in this area and comment on these practices as it sees fit.

- 17. Allowing the Office of Inspector General and the public sufficient time to review and make comments on proposed policy changes to all Sheriff's Department's policies as they are developed.**

In its Draft Report, the OIG states that it "would be beneficial for the public and deputies to have more opportunity to provide comment on the Department's proposed policy changes." (Draft Report at 17). This recommendation expands upon that to include the OIG review of all policies.

The OIG is welcome to comment on any Department policy and frequently does so. In this case, as noted in the Draft Report, the OIG had the opportunity to comment on the UOF policy to the Department prior to the meet-and-confer process and is now commenting to the Department following the meet-and-confer process in a report. The OIG often issues public commentary on numerous Department policies in reports, such as this one, that are published.

As you know, recently the OIG was provided the opportunity to comment on the Department's draft policies in the following areas: Conducted Energy Weapons ("CEW") (colloquially called "tasers"), Unmanned Aircraft Systems (UAS) (colloquially referred to as "drones"), School Resource

Deputy policies (and scope of work), the Hate Crimes policy, the Cell Site Simulator policy, the Memorial Vigils policy, and the Automated License Plate Recognition policy. While we do not believe this is a comprehensive list of the policies on which the OIG has commented or provided input, these are many of the most significant policies.

In addition to the OIG, the COC reviews many Department policies. In some past cases, the COC has held public hearings on specific policies. In addition to these oversight bodies, Department policies are often reviewed by one or more monitoring teams overseeing the five settlement agreements in which the Department is involved. We believed that the OIG, like many other oversight entities, only sought input on the most significant policies. If there are others on which the OIG wants to review, the Department will cooperate. As you know, there are thousands of Department policies that frequently get updated, and it is doubtful that every single policy is of interest to your office. We are confident that this issue can be resolved satisfactorily to your office.

Furthermore, there is typically an extensive meet-and-confer process for most policies. Thus, deputies have an opportunity to be heard in a collective manner through their representative labor unions.

Furthermore, the Department has a public portal for members of the public (and deputies, if they choose) to provide comments on Department policy. It is the Department's intent also to use this portal to obtain comments on future draft policies as they develop. The portal can be accessed at: <https://lasd.org/transparency/policy-public-comments/>. We believe this portal is more robust than the systems referenced in the draft report.

The Department used a similar public portal for public comment in developing and later implementing its military equipment policy. While that was required by state law, the Department recognizes that this is an effective way to receive public comments on such issues.

In short, while the OIG, the public, deputies, and others are all welcome to review and comment on any Department policy, there is no lack of oversight into the development of Department policy.

We understand that, from time to time, the OIG may not be satisfied with specific policies, seek stronger language in some areas, or have additional recommendations, as noted in the Draft Report. The Department appreciates the many views that exist about policy and its development. We also deeply appreciate the Draft Report provided to us, and understand that considerable time was dedicated to its development.

However, the Department must make judgments as to the direction to proceed on policy, taking into account the multiple layers of oversight and settlement agreements to which it is responsible. It must also engage in good-faith bargaining with its respective bargaining units. The result of all of this is compromise, and that no single entity, including the Department, gets everything it seeks. It is a success when policies are developed that are consistent with the law, achieve their intended purpose, provide guidance to deputies in the field, gain public trust, and improve the Department. We believe the current UOF policy has done so.

We hope this response to the draft report provides the necessary context for why the Department takes that view, and we hope to provide further context to the OIG in the future that supports the positions described above. We welcome representatives of the OIG to attend any of the above training programs to enhance further the OIG's understanding of the comments made throughout this letter. Such collaboration can further build awareness of the OIG's positions and suggestions.

We look forward to such ongoing collaboration. Thank you again for the opportunity to comment.

Sincerely,

ROBERT G. LUNA, SHERIFF


APRIL L. TARDY
UNDERSHERIFF