



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR
LOS ANGELES, CALIFORNIA 90013
(213) 974-6100
<http://oig.lacounty.gov>

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January 17, 2023

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

FROM: Max Huntsman
Inspector General

A handwritten signature in black ink, appearing to read "Max Huntsman".

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

INTRODUCTION

On February 15, 2022, the Los Angeles County Board of Supervisors (Board) passed a motion aimed at strengthening the Los Angeles County Sheriff's Department's (Sheriff's Department) compliance with Senate Bill 1421 (SB 1421) by, among other things, staffing and funding a unit within the Office of County Counsel (County Counsel) tasked with processing SB 1421-related Public Records Act (PRA)¹ requests. The motion directed County Counsel to draft an ordinance addressing disclosure of peace officer records and instructed the Inspector General, in consultation with County Counsel, to report back in writing to the Board every 180 days with an assessment of the implementation of that ordinance as well as the establishment of the unit within County Counsel with the responsibility for responding to PRA requests for records covered by SB 1421. The motion directs the Office of Inspector General to include in its report an assessment of the public's ability to access records covered by the ordinance. At present, the public's ability to access these records remains poor, because the Sheriff's Department – nearly two years after the motion – has yet to grant the County Counsel

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

division assigned to the task of responding to SB 1421 PRA requests access to pertinent Sheriff's Department records required to perform its function.

BACKGROUND

In 2018, California enacted SB 1421, the Right to Know Act, which amended California Penal Code sections 832.7 and 832.8. The law, which went into effect on January 1, 2019, provides for public access to certain law enforcement records through a PRA request. In 2021, California further expanded public access to records with Governor Gavin Newsom's signing of Senate Bill 16 (SB 16), which added categories of peace officer records that must be provided in response to a PRA request. References to SB 1421 in this report include the categories added by SB 16.

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

Staffing

As previously reported, on June 27, 2022, the Board approved County Counsel's initial funding request for 18 staff positions to establish the County Counsel unit tasked with responding to SB 1421 PRA requests. County Counsel established the *Peace Officer Records Division* in its office. In the latest budget passed this year, the Board approved funding for additional County Counsel positions to fill the needs of the division. The division is currently recruiting additional staff to fill open positions.

County Counsel Access to Sheriff's Department Records

For the past year, the Sheriff's Department denied County Counsel staff access to Sheriff's Department personnel records. The Peace Officer Records Division cannot respond to SB 1421 PRA requests without access to the Sheriff's Department's records necessary to search for and identify responsive documents. County Counsel and the Sheriff's Department are working through issues of confidentiality and any applicable laws. Discussions between the two departments have finally resulted in a signed Memorandum of Understanding (MOU) between the departments detailing the procedures and safeguards for access and they are finalizing an MOU regarding full transition of production obligations for the release of SB 1421 records from the Sheriff's Department to County Counsel. The Sheriff's Department is in the process of reviewing the draft MOUs. Until all MOUs are executed, County Counsel lacks the access necessary to respond to SB 1421 PRA requests.

County Counsel Access to Probation Department Records

The Peace Officer Records Division will also handle PRA requests pertaining to the Probation Department's SB 1421 records. County Counsel reports the Probation Department agreed to provide records needed to respond to SB 1421 PRA requests. However, the Probation Department does not have a central computer database to house all personnel records. Many of the records are stored as paper files that have not been uploaded to any digital system. While the Probation Department does not get nearly the number of SB 1421 requests as the Sheriff's Department, this antiquated method of recordkeeping needs to be modernized to ensure that records are located in an efficient and timely fashion in order to respond to requests.

PRA Responses by the Peace Officer Records Division

County Counsel has not started handling SB 1421 PRA requests sent to the Sheriff's Department or Probation Department. These requests are still being handled by the individual departments. Indeed, until the Peace Officer Records Division can access and search records in a manner that allows for the timely identification and production of documents responsive to PRA requests, County Counsel is unable to handle SB 1421 PRA requests.

The Office of Inspector General will continue to assess and report on the progress of the Peace Officer Records Division's ability to respond to SB 1421 requests made to the Sheriff's and Probation Departments, to the departments' fulfillment of the obligations mandated by the County ordinance, and the public's ability to access records. Until the Peace Officer Records Division is able to access and search Sheriff's Department records in a manner that allows for the timely production of documents in response to SB 1421 PRA requests, public access to these records remains negatively impacted.

c: Robert G. Luna, Sheriff
Guillermo Viera Rosa, Chief Probation Officer
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Dawyn R. Harrison, County Counsel
Sharmaine Moseley, Executive Director, Sheriff Civilian Oversight Commission
Wendelyn Julien, Executive Director, Probation Oversight Commission