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November 17, 2020

TO: The Honorable Lael Rubin, Commissioner
Los Angeles County Sheriff Civilian Oversight Commission

Brian K. Williams, Executive Director
Los Angeles County Sheriff Civilian Oversight Commission

FROM: Max Huntsman *MH*
Inspector General *JNB*

SUBJECT: **REPORT BACK ON INQUIRY AND ASSESSMENT AS TO THE
HARASSMENT OF FAMILIES BY LASD PATROL OPERATIONS
STAFF FOLLOWING A FATAL USE OF FORCE BY LASD**

On November 19, 2019, the Civilian Oversight Commission (COC) requested that the Office of Inspector General *"initiate a formal inquiry and assessment as to whether the harassment of families by LASD patrol operations staff is occurring and the nature of said harassment following fatal uses of force."* On March 11, 2020, Sheriff Alex Villanueva provided the results of the LASD investigation in a letter addressed to the COC. After receiving Sheriff Villanueva's letter, the Office of Inspector General requested additional documentation in order to review all complaints of harassment by family members and to conduct a complete and independent assessment. In response to our request, LASD provided the documentation for each complaint related to harassment following a fatal use of force. For the purposes of this report back, such possible harassment will be referred to as "family harassment."

To complete this inquiry, the Office of Inspector General undertook the following:

- Reviewed public complaints filed with LASD regarding harassment to determine the number of complaints, the nature of those complaints, and whether any of the complaints related to family harassment.
- Asked the Sheriff's Department to identify any public complaints known to them regarding harassment of family members of persons killed as the result of a

deputy involved shooting and conducted a review and analysis of the investigations completed by the Department.

- Collected the documentation related to the eight complaints identified by LASD as being related to the COC inquiry and reviewed approximately 400 pages of documents pertaining to these eight complaints.
- Reviewed a crime report of an arrest made at a memorial site where two subjects were arrested, one for an infraction for smoking marijuana in a public place and the other for a misdemeanor for concealing evidence during an investigation.
- Contacted LASD and other police agencies to ascertain whether LASD or other agencies have implemented policies specific to the handling of persons congregating at memorial sites and vigils¹ for those who lost their lives as the result of a fatal use of force by law enforcement.

The following is a summary and an analysis of the results of this inquiry.

Review of Public Complaints

The Office of Inspector General examined a total of 690 public complaints or Watch Commander Service Comment Reports (SCR's) from 16 stations and special units² that have been associated with a deputy involved shooting for the period of February 1, 2018 through November 30, 2019.³ The public complaints consisted of all available⁴ personnel and service complaints received by the Discovery Unit for the above period, that had been entered into the relevant LASD database as of December 3, 2019. The purpose of this review was to assess whether there were any complaints to LASD

¹ A memorial site is an established location to remind people of a deceased person. A vigil is an assembly of people to remember the dead or to hold a protest. Multiple vigils at a location essentially mark the location as a memorial site. We refer to these sites as memorials or memorial sites when discussing specific locations addressed by this report. When discussing LASD policy or the policy of other departments both memorial sites and vigils are referenced.

² Consisting of the following stations: Century, Compton, Carson, East Los Angeles, Industry, Lancaster, Lakewood, Malibu-Lost Hills, Palmdale, Pico Rivera, Santa Clarita Valley, South Los Angeles, Temple, West Hollywood as well as the Special Enforcement Bureau (SEB) and Operation Safe Streets (OSS). These complaints include six of the complaints reviewed in the preparation of this report. After being provided with the documentation for all investigations relating to the harassment of families, two additional complaint investigations were reviewed.

³ This time period was selected based upon the public comments at the November 2019 COC meeting during which the earliest complaint of harassment referenced was related to a shooting in February of 2018.

⁴ Total complaints received during the same period totaled 1,351, however only 690 were available for review at the time of our query. Available complaints are those complaints that have been investigated, with the investigation having been completed and processed by the Discovery Unit. The remaining cases (661) are either still being investigated by the Unit where the complained of conduct originated or being processed by the Discovery Unit.

involving the allegation of harassment of families whose relatives have been killed in a deputy involved shooting and to ascertain if this practice was systemic throughout the Department or at any particular station.

Methodology

For each case reviewed, we first determined if the underlying facts of the complaint indicated any type of harassment and then we recorded how these cases were closed with a final disposition. Then only for those cases *involving harassment*, we answered the following questions:

- What was the basis of the harassment according to the complaint?
- Where did the harassment occur?
- Did the complainant claim to have video or photos of the incident?
- Did the incident result in an arrest?
- What box was checked in the SCR as the “type” of complaint as classified by LASD?

Analysis

Out of the 690 public complaints reviewed, 112 (16%) of the cases involved an allegation by the reporting party of some type of harassment⁵ while 578 (84%) of the complaints did not. In reviewing the cases, we found that there was a very small number of cases that were closed with a referral to an administrative investigation⁶ (9 cases, approximately 1%) or an internal criminal investigation (1 case, approximately 0.1%). While there are some findings that the behavior of LASD employees fell short of expectations, the majority of public complaints, 446 (65%) were closed with a disposition of “Employee Conduct Appears Reasonable” as indicated by the following table:

⁵ As deemed by the Office of Inspector General based on two independent reviews of each case.

⁶ The total of nine include four department level and five unit level administrative investigations.

Disposition/Referral for IA or Criminal Investigation	# of Complaints	% of Total
Appears Employee Conduct Could Have Been Better	49	7.10%
Department Level IA	4	0.58%
Employee Conduct Appears Reasonable	446	64.64%
Employee conduct should have been different	35	5.07%
Exoneration	22	3.19%
Internal or Outside Agency Criminal Investigation	1	0.14%
Resolved/Conflict Resolution Meeting	22	3.19%
Review Comp - Service Only - No Further Action	42	6.09%
Service Review Terminated	36	5.22%
Unable to Make a Determination	28	4.06%
Unit Level IA	5	0.72%
Grand Total	690	100.00%

Overall, the possibility that the public complaints will lead to any discipline for misconduct is very low, at 1% of the total cases⁷ (total of Internal Affairs Bureau administrative investigations, unit level administrative investigations and Internal Criminal Investigation Bureau referrals).

Family Harassment Cases

Out of the 112 cases that were classified by LASD as harassment, the Office of Inspector General categorized four cases⁸ as potential family harassment. These four cases were included in the six cases that LASD identified in response to the Office of Inspector General's request for complaints alleging family harassment. LASD subsequently identified two additional cases⁹ for a total of eight cases. While our initial review only included four of the available cases, the Office of Inspector General subsequently was provided and reviewed the remaining four cases relating to family

⁷ Where conduct falls below the level of LASD expectations, the conduct is sometimes addressed by verbal counseling or documented in a Performance Log Entry (PLE). The issuance of a PLE is noted on an SCR but no specifics are included. LASD does not consider PLEs to be discipline. None of these four cases note that a PLE was given.

⁸ SCR #250289, 251295, 249141, and 249266

⁹ Two of the complaints identified by LASD in response to a request for complaints alleging family harassment were not identified in the LASD database as harassment complaints. Two additional complaints were generated as a result of the COC meeting on November 19, 2019, based upon allegations of harassment made by the COC board, by members of the public during the meeting, and in a letter from the Centro Community Service Organization, Black Lives Matter LA, and the ACLU SoCal. These four complaints in addition to the four identified in the Office of Inspector General search make up the total of the eight complaints that allege family harassment.

harassment.¹⁰ The documentation reviewed for all eight of these complaints totaled approximately 400 pages.

The eight cases of family harassment reviewed contained the following characteristics:

SCR #	Incident occurring at	Videos or photos of incident?	Resulted in an arrest?	LASD classification of the complaint	LASD Disposition
251295	Vigil	Yes	No	Discourtesy	Employee Conduct Appears Reasonable
250289	Townhall	Unknown	No	Harassment	Unable to Make a Determination
249266	Parking Lot	No	No	Discrimination	Employee Conduct Appears Reasonable
249141	Street or Highway	No	No	Other	Department Level IA ¹¹
252713	Vigil / Other	No	Yes	Harassment	Unable to Make a Determination
252714	Townhall / Vigil	Yes	Yes	Harassment/Improper Detention/Discourtesy	Employee Conduct Appears Reasonable
252719	Courthouse	Yes	No	Discourtesy	Employee Conduct Appears Reasonable
252965	Vigil	No	No	Harassment	Unable to Make a Determination

Some of the reported conduct is similar in its nature: deputies driving by memorial sites or the residences of family members to a degree noticeable by the complainants and deputy facial expressions that are perceived as insensitive to outright hostile. Much of

¹⁰ In addition to not being able to identify all the complaints due to two not being classified as harassment, there is a lag time from the time the complaints are received and investigated to the entry of all related documentation into the LASD database that tracks complaints. For this reason, the Office of Inspector General did not have access to all these complaints until LASD identified all family harassment complaints and provided the complete documentation. The documentation for all eight complaints was provided to the Office of Inspector General.

¹¹ This case had a disposition of "Department Level IA" which refers to the case being investigated by the Homicide and Internal Affairs bureaus as part of the normal investigative process of a deputy involved shooting. This disposition was conveyed to the complainant in a letter sent to them. This complaint involves the shooting itself, not any allegations of harassment of the family. It is included in this report because LASD identified it in response to the Office of Inspector General's request for family harassment complaints.

the reported conduct is subtle and difficult to confirm without video evidence such as body-worn cameras or cell phone recordings.

Although these are cases involving allegations of harassment, the Department did not identify all of them as such on the related paperwork or in the LASD database where the records are kept. Only four of the eight cases that LASD identified in response to our request were classified as harassment; the other four were classified as discourtesy, discrimination and other.¹² No case resulted in a Los Angeles Sheriff's Department finding that the deputy or deputies engaged in harassing behavior towards the complainant. No other investigations of family harassment were identified by the Office of Inspector General.

Review of the SCRs Relating to Family Harassment

The Office of Inspector General was able to access documentation through the LASD Performance Recording and Monitoring System (PRMS)¹³ for the six SCRs¹⁴ that LASD initially identified as family harassment complaints. One of the SCRs resulted in an Internal Affairs Bureau (IAB) investigation because of allegations that there was a coverup in the shooting of Anthony Weber. This SCR was located but the documentation regarding such investigations is not entered into PRMS until completion. As mentioned previously in this report, LASD identified two additional cases after the Office of Inspector General's search of PRMS and provided the documentation relating to the investigation of the remaining two complaints. Apart from the SCR for which an IAB investigation was initiated, the Office of Inspector General reviewed all the

¹² Three of these four cases that were identified as harassment were brought to LASD's attention because of the Civilian Oversight Commission (COC) meeting when the motion requesting this report back was passed. In addition to the COC, complaints were received from the Centro Community Service Organization, Black Lives Matter LA, and the ACLU SoCal. LASD chose to identify the reporting party as either the COC or these agencies in conjunction with the COC; in essence these three complaints were jointly made by the COC and these advocacy organizations.

¹³ In its PRMS User Guide, LASD describes PRMS as follows: *The Performance Recording and Monitoring System (PRMS) application provides systematic recording of data relevant to incidents involving uses of force, shootings, and commendations/complaints regarding Sheriff's Department personnel. In addition, PRMS tracks the progress of administrative investigations, civil claims and lawsuits, discovery motions, employee commendations, and preventable traffic collisions, custody complaints and special conditions that are handled by the Department. The application also generates pre-defined custom reports and provides ad hoc query functionality to find and extract information across all modules.*

¹⁴ As stated previously, complaints are not immediately entered into the PRMS system. When the search of PRMS was initially conducted by Office of Inspector general investigators, six complaints were located but the complete documentation was available for only four. Subsequently the documentation for all eight harassment related complaints were provided to the Office of Inspector General by LASD.

documentation for these SCRs. For the one IAB case, the limited available documentation was reviewed.

LASD's investigation of the eight complaints resulted in the following findings:

- Four cases had a finding of "Employee Conduct Appears Reasonable;"
- Two had a finding of "Unable to Make a Determination;"¹⁵
- One had two findings consisting of "Employee Conduct Appears Reasonable" as to some of the reported behavior and "Unable to Make a Determination" as to other reported behavior;
- One case is still under investigation by the Los Angeles District Attorney, as the complaint alleges there was an LASD coverup regarding the shooting of Anthony Weber.¹⁶

The bulk of the LASD investigations of the information initially provided were thorough. However, in several of the SCRs, initial reports did not contain identifying information on important witnesses and LASD did not succeed in obtaining that information. Reports indicated that some complainants did not provide follow up information requested by LASD. Because some complainants appeared at Civilian Oversight Committee meetings and complained of the manner in which LASD conducted such follow up investigations, the Office of Inspector General offered to assist LASD in this regard. LASD did not respond to this offer.

In at least two investigations, there were indications that additional investigation might have resulted in the discovery of video evidence to determine the veracity of the allegations. In one instance, video was requested but there was no follow up despite the known existence of surveillance cameras. In the other, no effort was made to determine the existence of video surveillance at a 7-11 store when it was alleged the incident occurred in the store's parking lot.

In one complaint that a deputy videotaped the fourteen-year-old relative of the deceased, LASD failed to identify the deputy. No photographic line-up was ever shown to any of the witnesses who were in a position to identify the deputy despite a section of

¹⁵ In a letter from Sheriff Alex Villanueva to Executive Director Brian Williams of the COC dated March 11, 2020, LASD characterized the finding from one of these as "Employee Conduct Appears Reasonable." A review of the SCR 252965 shows a finding of "Unable to Make A Determination."

¹⁶ The March 11th letter attributes this complaint to the Office of Inspector General. The Office of Inspector General does not initiate complaints but rather forwards complaints received pursuant to Penal Code section 832.5. Misattributing some of these complaints has been an ongoing issue with LASD.

the Service Comment Report Handbook that advises Watch Commanders to consider preparing such a photographic line-up.

In one investigation, the documentation provided by LASD does not strongly support the finding of “Employee Conduct Appears Reasonable.”

The complaint alleged that a deputy referred to one or more family members of the deceased who were at the scene of a deputy involved shooting as “animals.” The alleged conduct occurred when the deceased’s mother, other family members, and friends of the deceased were standing outside of the yellow crime scene tape awaiting confirmation on the deceased’s identity. According to interviews of two witnesses who were part of this group, one of the deputies pushed a family member who was close to the yellow crime scene tape. Both witnesses told investigators that the deputy then told at least one group member that they were acting like “animals;” these witnesses have different recollections of the precise statement made by the deputy but were consistent that he used the word “animals” in reference to their behavior. Neither of the witnesses mentioned that anyone in their group used the word “animals” prior to the deputy referring to their behavior in that way. Both witnesses deny that anyone in the group was being disruptive or interfering with the crime scene. Five deputies were interviewed, and all of the deputies reported that a group of spectators were shouting profanities at the deputies. All of the deputies deny that force was used against any of the spectators. The deputies said that spectators were asked to move back when the containment area was enlarged, and the spectators complied. One of the deputies admitted to using the word “animals” in reference to a spectator’s behavior, telling him not to act like an “animal,” but stated that the comment was in response to the spectator’s complaint that he was being treated “like an animal.” The other deputies claim not to have heard anyone use the word animal. By stating that a member of the public was acting like an animal, the deputy did not comport himself professionally and the finding should have been “Employee Conduct Could Have Been Better” or “Employee Conduct Should Have Been Different.”

There are noteworthy similarities in the complaints made following a fatal use of force. Two of the complaints out of East Los Angeles Station allege insensitivity of responding deputies, specifically inappropriate facial expressions described as “smiling,” “smirking,” or looking “mean.” Another similarity in the complaints out of East Los Angeles is the increased presence of LASD vehicles in the area of the shooting and/or the areas near the residences of family members. On more than one occasion the number of units responding to the area of the memorial site in East Los Angeles appeared excessive in

relation to the call for service, contributing to the perception that there was an increased law enforcement presence surrounding areas associated with the deceased's family. With regard to all three of the shootings that are the subject of these complaints, there are instances where the deputies are accused of harassing family members for relatively insignificant reasons, at least two of which were initiated over the use of marijuana, an infraction. An investigation into another complaint uncovered the arrest of two gang members at a memorial site; the deputies did respond to a "shots fired" call in the area but neither of the men were arrested in relation to a crime involving a gun. Both men were arrested and later charged with violating a gang loitering statute. Under the circumstances, a warning to the men not to congregate might have allowed them to grieve for a friend while discouraging gang activity. Policies on responses to memorials and vigils or calls for service involving family members of those killed in a LASD use of force incident may have avoided some of the conduct which resulted in complaints.

In some of the letters sent to the complainants, LASD personnel indicated that the "appropriate administrative action was taken upon the conclusion of the investigation." This implies that there was some action taken against the subject employees when this was not the case based upon the finding in these same investigations that the conduct was reasonable, or it could not be determined whether or not the conduct was reasonable. This language, intentionally or not, is misleading in this context.

The investigations by LASD do reveal efforts by the lieutenants responsible for the investigations to be responsive to the public. In two of the complaints investigated, it was noted that patrol deputies were specifically instructed that if they were in the vicinity of a funeral for an individual who died as a result of a deputy involved shooting to be sensitive to their behavior being perceived as harassment. In four cases the lieutenants asked the patrol deputies to participate in a Conflict Resolution Meeting with the complainants and the involved patrol deputies agreed to participate in the meeting. In each of these cases the complainants chose not to participate in the proposed process, but the willingness of LASD to offer such meetings and for the patrol deputies to agree to attend is commendable and encouraged. Continuing such offers may assist in building public trust along with the adoption of new policies and practices for interacting with family members impacted by fatal uses of force. One potential improvement would be to utilize independent mediators, to work through community representatives, or through the Office of Inspector General. Also, while the Office of Inspector General found failures to collect video in some investigations, in others LASD actively sought out surveillance video to identify employees in an effort to determine the veracity of allegations.

Communications with the American Civil Liberties Union (ACLU)

The Office of Inspector General has also engaged in communications with the ACLU to identify family members and others who have alleged harassment as a result of a deputy involved shooting. Through these communications, the ACLU advised the Office of Inspector General that due to great mistrust of the LASD those who are complaining of harassment do not wish to go directly to the Department. They are desirous that the Office of Inspector General conduct an independent investigation. It has been communicated to the ACLU that the Office of Inspector General will conduct an inquiry and monitor and publicly comment upon any investigation undertaken by the Department concerning the allegations of family harassment following a fatal use of force. The Office of Inspector General was not tasked with investigating and does not believe an effective independent investigation can be conducted under the current approach to oversight taken by the LASD. We hope that LASD will in the future make greater use of community advocates and the Office of Inspector General in establishing a better relationship with complainants in order to obtain more evidence upon which to base its decisions.

Review of Arrest at a Memorial Site for Paul Rea

The Office of Inspector General also reviewed a report of two individuals arrested on October 30, 2019 at the memorial for Paul Rea.¹⁷ The deputies making the arrest wrote in their report that a male was smoking a marijuana cigarette, an infraction in violation of Health & Safety Code section 11362.3(a)(1), and that a female concealed the evidence of that crime, a misdemeanor violation of Penal Code section 135, by briefly walking away from deputies after the male handed her the marijuana cigarette. Smoking marijuana in a public place is enforced in this manner much less often than it once was, and no case was filed against either of these individuals. The report states that the deputies were responding to a disturbance call *at a memorial site* regarding “children running around causing a traffic hazard.” No mention is made of any complaint about marijuana being smoked in public. The female arrested was kept in custody for hours because a jailer was not available to conduct a Live Scan¹⁸ to identify her prior to her release. This arrest, transport, and lengthy detention regarding a marijuana cigarette at a memorial cite could not help but be perceived as harassment and further supports the need for a written LASD policy and active supervision to avoid similar outcomes.

¹⁷ An SCR was generated for this arrest and is included in the review and analysis of the SCRs.

¹⁸ A Live Scan is an electronic fingerprinting service; it checks the Live Scan subject’s fingerprints against a database to retrieve the subject’s identifying information and criminal record if one exists.

Law Enforcement Policies Specific to Memorials Following Fatal Uses of Force

The Office of Inspector General enquired of LASD and other agencies as to the adoption of specific policies regarding law enforcement responses to memorial sites and vigils following fatal uses of force. None of the departments contacted have a specific policy relating to the handling of gatherings at memorials or vigils for persons killed after a fatal use of force.¹⁹

LASD does not have any specific policy but provided two generalized policies: The Manual of Policy and Procedures (MPP) 3-01/000.10, entitled Professional Conduct, and the LASD Code of Ethics. The MPP Code of Professional Conduct requires that LASD members not engage in conduct that causes the Department “*undue embarrassment or damage.*” The most relevant part of the Code of Ethics states that a deputy will “*enforce the law courteously and appropriately, without fear or favor, malice or ill will[.]*” Upon inquiry by the Office of Inspector General, the Captain of the East Los Angeles Sheriff’s Station stated that memorial sites and vigils are addressed during station briefings. However, no documentation was generated by the station regarding expectations of LASD employees at memorial sites or vigils.

Given that a number of complaints of harassment have centered around the treatment of the public at memorial sites in Los Angeles County, it is the recommendation of the Office of Inspector General that LASD adopt a policy in order to ensure sensitivity toward those grieving at a memorial site and to build community trust following a fatal use of force. Regular training and briefings following deputy involved shootings should also be implemented. Adopting such a policy, training LASD personnel, and providing regular briefings when a memorial site is erected can only improve community relations during the emotionally charged time period after a death in the community.

Other Harassment Cases

What follows are the same data points collected for the remaining 108 complaints of harassment that include ***the basis of harassment, the place where it occurred, whether the complainant allegedly had video or photos of the incident, whether the incident resulted in an arrest and the LASD classification of the complaint on the SCR form:***

¹⁹ The police agencies listed here were contacted and none have a specific policy relating to the handling of gatherings at memorials or vigils for persons killed after a fatal use of force: Los Angeles, Pasadena, Sacramento, San Diego, Seattle, Chicago, Austin, and Boston.

Basis of Harassment

Type	Complaints	% of Total
Other ²⁰	73	67.59%
Race	31	28.70%
Gender	3	2.78%
Religion	1	.93%
Total	108	100.00%

Place of Occurrence

Location	Complaints	% of Total
Street or Highway	70	64.82%
Other	38	35.18%
Total	108	100.00%

Did Complainant claim to have video or photos of the incident?

Video or Photos	Complaints	% of Total
No	82	75.93%
Yes	19	17.59%
Unknown	7	6.48%
Total	108	100.00%

Did the incident result in an arrest?

Arrest	Complaints	% of Total
No	92	85.19%
Yes	16	14.81%
Total	108	100.00%

²⁰ Cases grouped in this category are cases that do not involve allegations of harassment on the basis of race, gender or religion. For example, reporting parties complained that: Deputies trespassed on their property several times (SCR#24932); that they were cited improperly (SCR#247951); that they were improperly detained and searched (SCR#251185); or that they were cited several times for the same infraction (SCR#250963). No allegations that this conduct appeared based upon race, gender, or religion was documented.

LASD classification of the complaint

Type	Complaints	% of Total
Harassment	64	59.26%
Discrimination	20	18.519%
Discourtesy	13	12.04%
Improper Detention, Search or Arrest	3	2.77%
Other	3	2.77%
Traffic Citation	2	1.85%
Improper Tactics	1	.93%
Neglect of Duty	1	.93%
Off Duty Conduct	1	.93%
Total	108	100.00%

Disposition

Disposition	Complaints	% of Total
Employee Conduct Appears Reasonable	83	76.85%
Exoneration	6	5.55%
Unable to Make a Determination	6	5.55%
Employee Conduct Should Have been Different	5	4.63%
Appears Employee Conduct Could Have Been Better	2	1.85%
Service Review Terminated	2	1.85%
Employee conduct should have been different	1	.93%
Resolved/Conflict Resolution Meeting	1	.93%
Review Comp - Service Only - No Further Action	1	.93%
Unit Level IA	1	.93%
Total	108	100.00%

Conclusion and Recommendations

Some of the behavior by LASD sworn personnel at memorial sites exhibited toward the families of those who have died as a result of LASD use of force has been perceived as harassment. Limited evidence makes the intent of deputies difficult to determine in individual cases. The absence of a specific LASD policy and proactive supervision to prevent harassment contributes to the perception that the harassment is occurring, and the conduct is intentional. In particular, the arrest of two individuals at a memorial site for a minor infraction exacerbates tensions with the public. The similarity in complaints

involving inappropriate facial expressions by deputies when dealing with family members of the deceased, the perception of an increased LASD presence in the areas of the shooting and where family members live, and complaints about LASD stopping or investigating family members, support the need for policy reform and body-worn cameras.

Recommendation 1: Adopt a Policy Regarding Memorial Sites and Vigils

It is the recommendation of the Office of Inspector General that LASD adopt a policy in order to ensure sensitivity toward those grieving at a memorial site and to build community trust following a fatal use of force.

Recommendation 2: Ensure Thorough Investigations of Complaints

The very low possibility that public complaints will lead to any discipline for misconduct also contributes to a lack of public trust when it comes to LASD investigating its own personnel. One way to increase public trust is to ensure that each investigation is thorough, which would include seeking out any available video evidence of the conduct described in the complaint.

Recommendation 3: Ensure Complaints Are Properly Classified

Misclassification of complaints can lead to masking systemic issues. The adoption of policies and training to ensure that all complaints are classified properly should be undertaken.

MH:DB:dw:ec



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



November 20, 2020

Mr. Max Huntsman
Inspector General
County of Los Angeles Office of Inspector General
312 South Hill Street, Third Floor
Los Angeles, California 90013

Dear Mr. Huntsman:

**REPORT BACK ON INQUIRY AND ASSESSMENT AS TO THE HARASSMENT OF
FAMILIES BY LASD PATROL OPERATIONS STAFF FOLLOWING A FATAL USE OF
FORCE BY LASD**

On November 17, 2020, the Department received a copy of the Office of Inspector General's (OIG) above titled report. The subject of the report is a matter the Department takes very seriously. Indeed, if it was determined any member of the Department endeavored to violate our Code of Ethics, Mission, Core Values, or any other applicable policies, by committing any acts related to the subject, corrective action would be swift and certain.

Although the report acknowledges the Department's cooperation with the inquiry to include providing the OIG a lengthy investigative report and access to the Performance Recording and Monitoring System (PRMS), the report fails to produce evidence that any member(s) of the Department committed any acts alleged to the harassment of families/friends of individuals involved in a fatal use of force.

Despite the content of OIG's report lacking evidence to the contrary, the spirit of the report also fails to corroborate the findings of the Department's inquiry. It is interesting to note, the original request for this investigation was made by the Civilian Oversight Commission (COC) one year ago, on November 19, 2019, to which the Department responded timely with approximately 400 pages of investigative material pertaining to eight Watch Commander Service Comment Reports. This was accomplished in less than four months, while it took the OIG one year to provide no additional relevant findings.

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The OIG report failed to acknowledge many significant facts such as; Los Angeles County Supervisor Hilda Solis's office requesting action from the Sheriff's Department to address citizen complaints regarding the memorial site. The report also failed to acknowledge the complaints from residents of Gerhart Avenue pertaining to their harassment from those visiting the makeshift memorial of Paul Rea. Moreover, it was never mentioned, that LASD contacted those who filed written complaints on behalf of families such as; the American Civil Liberties Union of Southern California, Centro Community Service Organization, Black Lives Matter-Los Angeles. None of these organizations provided any additional information that had not already been provided by family members involved in this matter.

The OIG report incorrectly states, "The Office of Inspector General offered to assist LASD in this regard. LASD did not respond to this offer." In fact, On February 11, 2020, an LASD investigator contacted an Assistant Inspector General to inquire if the OIG was in possession of additional information which could assist LASD in proving or disproving the allegations of family harassment. The investigator was told there was no additional information other than what the LASD had already provided.

The Department continues to strive for excellence in the service it provides to its communities and will always seek to improve its relationship with them. To that end, the Department appreciates the time and effort taken to conduct such an inquiry.

The OIG's method of interpreting its findings and recommendations are perplexing given the fact some aspects of the report are outside the scope of the COC's request. Nonetheless, the Department acknowledges the OIG's report and will consider the recommendations.

Should you have any questions, please contact Captain Rodney K. Moore, Audit and Accountability Bureau, at (323) 307-8302.

Sincerely,

ALEX VILLANUEVA, SHERIFF



TIMOTHY K. MURAKAMI
UNDERSHERIFF