



COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

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April 15, 2021

THE CIVILIAN OVERSIGHT COMMISSION RECOMMENDS THAT THE OFFICE OF INSPECTOR GENERAL FOR THE LASD INVESTIGATE ALL DEPUTY RELATED FATAL USES OF FORCE AS WELL AS THOSE RESULTING IN GREAT BODILY INJURY

BACKGROUND: During the March 18, 2021 Meeting of the Sheriff Civilian Oversight Commission, Chair Lael Rubin requested the Use of Force Ad Hoc Committee consider the options for independent investigations of the use of deadly use of force by the personnel of the Los Angeles County Sheriff's Department and make recommendations to the full COC on this issue. Following the COC meeting, the Use of Force Ad Hoc Committee met and discussed the various options for achieving independent investigations.

RECOMMENDATION: At the meeting of the Use of Force Ad Hoc Committee on March 29, 2021, the Committee, after considering the various options for conducting independent investigations of incidents in which a LASD deputy has used force resulting in death, unanimously voted to recommend that the best option and the option that can most quickly be implemented is to have the Office of the Inspector General for the LASD carry out this function and, further, that the OIG be provided the funding and staffing to perform this function as expeditiously as possible.

By way of background, on July 30, 2020, the COC adopted 24 recommendations for reform, including Recommendation No. 10 which states:

Henceforth, it is essential that all lethal uses of force by deputies should be investigated by an agency other than the LASD. In this regard there are several potential options. One is to designate the Office of Inspector General to be the primary investigative agency for all lethal uses of force by deputies. Another is to staff and task the California Department of Justice with the responsibility for investigation of all fatal uses of force by peace officers employed by a California law enforcement organization. A third option is to have a task force of detectives from regional law enforcement organizations conduct such investigation with the proviso that no investigator could be employed by the law enforcement organization whose officer or deputy was involved in the shooting or other use of force that led to the death of a civilian. Lastly, in some jurisdictions, Orange County and San Francisco, DA investigators lead investigations.¹

¹ To assure accountability and avoid actual and perceived conflicts of interest, it is highly desirable and unquestionably the best practice to have an independent, outside agency investigate lethal uses of force. See, generally, *At Arm's Length: Improving Criminal Investigations of Police Shootings*. *Stanford Criminal Justice*

Brian K. Williams
Executive Director

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Based on the review and analysis of the Commission's Use of Force Ad Hoc Committee, and after discussion to expand independent investigations to both fatal uses of force and uses of force resulting in great bodily harm, the Commission amended its reform recommendation No. 10 to state:

Henceforth, it is essential that all lethal uses of force by deputies should be investigated by an agency other than the LASD. The Board of Supervisors should designate the Office of Inspector General as the primary investigative agency for all lethal uses of force by deputy Sheriffs of the Los Angeles County Sheriff's Department as well as those uses of force that result in great bodily injury. The Board should provide adequate additional funding to the OIG for it to hire for and assume this function within 90 days. (Emphasis is on the new wording of Reform Recommendation No. 10.)

Center, <https://law.stanford.edu/publications/at-arms-length-improving-criminal-investigations-of-police-shootings/><https://law.stanford.edu/publications/at-arms-length-improving-criminal-investigations-of-police-shootings/> All members of the Ad Hoc Committee favor having an outside, independent agency be the lead or primary investigative agency where fatal force is used. The Ad Hoc Committee considered recommending that such outside investigations be undertaken by the California Department of Justice (DOJ) or the San Joaquin model where other local law enforcement agencies not involved in the fatal use of force conduct the investigation. At least one member of the Ad Hoc Committee would favor having the California DOJ rather than the OIG be the lead on such investigations. Another member favors the OIG being designated the lead agency until such time as the California Department of Justice is given the responsibility for investigating all fatal uses of force by California law enforcement agencies. Since the COC adopted this recommendation, the Committee believed it appropriate to amplify on the various options for independent, outside investigations.