August 13, 2020

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

REPORT BACK ON A PLAN TO COMPLY WITH PENAL CODE
SECTION 832.7 (PC 832.7) – TRANSPARENCY REQUIREMENTS
IN POLICE SHOOTING INVESTIGATIONS

The Sheriff’s Department continues to strive to be in full compliance with transparency laws. In doing so, the Department has developed and implemented the following processes to address the following transparency matters:

1. Request that the Sheriff report back, in consultation with County Counsel, with a plan to comply with Penal Code section 832.7 transparency requirements in police shooting investigations, including:

   a) “Posting of all available video online at the earliest possible time.”

   Response:

   We must remain mindful that if the video is released prematurely, it may compromise the investigation by providing information to suspects and witnesses, who can use that information to their advantage when providing a statement or fabricating a defense.

   Upon receipt of a Public Records Act request, the Department sends the requestor a letter acknowledging the request by the statutory deadline. If necessary, the requestor also receives a letter advising them of a need for an
extension. Every 30 days, all requestors for PC 832.7 information receive updates advising them on the status of their request.

The LASD policy for the use of Body Worn Cameras details that the Department will release relevant video of deputy-involved shootings as part of the new program in Critical Incident Video Briefings. However, since the BWC program has not been implemented, the Department has begun posting Critical Incident Video Briefings online to provide the public with information regarding these events.

b) “Posting of the specific need to delay the release of video in cases where the LA Sheriff’s Department elects to do so, updated regularly as required by PC 832.7.”

Response:

The LASD Homicide Bureau provides the justification in response to these Public Records Act requests. Many investigations take longer than the prescribed compliance to release the video, in which a delay in release notification is necessary.

The Department has requested funds for a web-based system capable of aiding in the notification of release of information. The funds were not secured, and in order to address this matter, the Department elected to develop a web-based system capable of handling the task of these notifications.

Though not a finished product, the system allows the Department to send the requestor a letter acknowledging the request. If necessary, the requestor also receives a letter advising them of a need for an extension. Every 30 days, all requestors receive updates advising them on the status of their request.

Although most requestors receive the 30-day updates, the Department has discovered a few instances where this did not occur. The Department is working diligently to rectify this issue.

c) “Ensuring that no ‘holds’ are placed on autopsy results without specific written justification as required by PC832.7.”

Response:

The LASD Homicide Bureau’s policy for placing a hold on Department of Medical Examiner Post Mortem Examination Protocol Reports are intended to preserve the integrity of an investigation. These holds are evaluated on a case-by-case
basis and the written requests are approved by the Homicide Bureau's unit commander. Each approved hold is evaluated every 60 days.

Written requests for holds are provided to the DME.

Furthermore, we currently have only one DIS/OIS case on hold, so SB 1421 does not apply to the majority of holds currently in place. The majority of holds in place (approximately 30) are for murders/high-profile cases (not subject to SB 1421), in which the families concur with maintaining the hold.

d) "Timely posting of all other investigative information in order to comply with PC 832.7 or the specific written explanation for why such information being made public would actually interfere with an investigation."

Response:

The goal of the Department is to provide an incident summary and critical incident video briefing for each event to provide the community with information while the criminal and administrative investigations are performed. The intent is to release that information which does not compromise the investigation, via press releases and incident summaries/critical incident video briefings.

As previously stated in responses for 1a and 1b, when a Public Records Act request is received, the Department sends a requestor a letter acknowledging the request. If necessary, the requestor also receives a letter advising them of a need for an extension. Every 30 days, all requestors for PC 832.7 information receive updates advising them on the status of their request.

e) "Repurposing the Sheriff's Information Bureau to comply with legal transparency requirements."

Response:

The Sheriff's Information Bureau (SIB) is tasked at the core with far too many crucial and essential Department functions to be repurposed with the colossal responsibilities and duties associated with PC 832.7 compliance.

The SIB 24-Hour Operations Center (OC) is a 24/7 operation which monitors critical incidents and manages resources on a regional level throughout the County. The OC manages resources and information for field personnel, provides assistance for large scale events/emergencies, and makes notifications for special resource response. OC personnel provide real time information to assist in threat assessment and management. They handle emergency public
messaging, Amber and Silver alert management, assist with the coordination of
emergency fire responses, assist with Covid-19 Department management and
serve the entire Los Angeles County region via crime assessments, notifications,
mutable aid, and Interpol requests.

The OC conducts after-hours County-wide Warrant System confirmation to law
enforcement agencies throughout the state, country and world. The OC is
responsible for being in compliance with the California Department of Justice by
confirming the validity of the warrant and if the LASD will extradite the detainee.

Since the consolidation of duties following the SIB restructure, the OC also
serves as the 24-Hour Media Desk. They receive and respond to media inquiries
and requests to the best of their abilities during this staff reduction, as well as
serve as the organizational Public Information Officers (PIO).

Additional SIB Duties

- Issuing of Press Passes
- Copyright Protection And Enforcement Of LASD Property
- Executive Press Conferences
- Monitor/Manage Department Social Media & Messaging Accounts
- LASD.Org Website Content And Management
- Community Outreach, Press Conferences (Reward announcements, Crime
alerts, etc.), Public Relations
- Event Planning (Graduations, Peace Officers Memorial, Medal of Valor, etc.)
- Department Scrolls, Awards, Recognition Ceremonies
- Operational Duties
- Timekeeping
- Filming Contract Coordination
- Video Production, Audio/Visual Coordination
- Crime Analysis
- Department Historical Records and Museum Catalog
- Graphic Designs
- Department Photography
- International Liaison
  - Ensuring LASD compliance with Vienna Convention on Consular
    Relations (in part through processing arrest, death notifications of foreign
    nationals & training Department member
  - Acting as LASD POC for law enforcement exchanges with international
    police/government representatives
  - Handling bilingual interpretation requests from Department members
o Responding to the requests of consular officers posted in LA County (largest consular corps outside NYC)

The recent 62% SIB staffing reduction has forced them to do much more with far less, further compounding the issue. Any repurposing of SIB would eliminate current essential job functions and have a direct negative correlation to the strides forward in transparency currently experienced. SIB serves as a conduit of public safety information to the communities throughout the County and to eliminate this resource would be a disservice to the public.

2. Request that the Sheriff give full immediate access to the Inspector General in all shooting investigations, including providing all reports immediately, allowing immediate review of all video, and allowing active monitoring of the investigation in order to provide third party oversight to enhance public confidence in the final outcome of the investigation.

Response:

Criminal investigations of deputy-involved shootings are time-consuming events and require several investigators’ full-time efforts to perform interviews, search for evidence, author search warrants, review information and continue the investigation in a short period of time. The process for sharing information is accomplished immediately by allowing the Office of Inspector General (OIG) to respond to all deputy-involved shootings and provide the OIG with initial information of the event and include the OIG in the scene “walk through” process along with the Internal Affairs Bureau, the District Attorney’s Office and other LASD units involved in these events.

The next step where investigators can provide accurate accounting of the event, often before investigative reports are complete and while the investigation is continuing, is the Critical Incident Review Panel following each event where detailed briefing is provided and relevant video and information is shared with the involved Department commands and the OIG.

The OIG will be provided the access they are legally entitled to, which is what they are currently receiving. They will not be permitted access which may interfere or compromise any criminal or administrative investigation.
Should you have any questions, please contact Captain Rodney Moore, Audit and Accountability Bureau at (323) 327-8300.

Sincerely,

ALEX VILLANUEVA, SHERIFF

[Signature]

TIMOTHY K. MURAKAMI
UNDERSHERIFF
AV:RM:ek
(Audit and Accountability Bureau)

c: Board of Supervisors, Justice Deputies
   Celia Zavala, Executive Officer, Board of Supervisors
   Sachi A. Hamai, Chief Executive Officer
   Sheila Williams, Senior Manager, Chief Executive Office (CEO)
   Rene Phillips, Manager, CEO
   Jocelyn Ventilacion, Principal Analyst, CEO
   Anna Petrosyan, Analyst, CEO
   Mary C. Wickham, County Counsel
   Elizabeth D. Miller, Chief Legal Advisor, Legal Advisory Unit
   Michele Jackson, Principal Deputy County Counsel, Legal Advisory Unit
   Roderick E. Sasis, Deputy County Counsel, Legal Advisory Unit
   Timothy K. Murakami, Undersheriff
   Jorge A. Valdez, Chief of Staff
   Conrad Meredith, Division Director, Administrative Services Division (ASD)
   Glen C. Joe, Assistant Division Director, ASD
   Rodney K. Moore, Captain, Audit and Accountability Bureau
   Eric M. Kuehl, Lieutenant, Audit and Accountability Bureau
   Vanessa C. Chow, Sergeant, ASD
   Erica M. Saavedra, Deputy ASD
(Report Back/Information Letters - Plan to Comply with Penal Code Section 832.7 (PC 832.7) - Transparency Requirements in Police Shooting Investigations 06-06-20)