

**MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND HILDA L. SOLIS**

February 15, 2022

Meeting the Sheriff's Department's Obligations Under SB 1421

Increasing the public's access to the Los Angeles County (County) Sheriff's Department's (LASD) records on use of force and alleged misconduct is increasingly vital to strengthening and preserving public trust.

In response to this compelling public interest, the State of California has taken steps to increase access to records maintained by law enforcement agencies. In 2018, the California Legislature (Legislature) enacted Senate Bill (SB) 1421 (Skinner), which amended Penal Code Section 832.7 and made certain law enforcement records accessible to the public through the California Public Records Act (PRA) (Gov. Code Sec. 6250 et seq). SB 1421 requires that the public have access to specified records to create transparency in how deputies interact with the communities they police and how law enforcement agencies respond to the most serious allegations of misconduct. On September 30, 2021, Governor Newsom signed SB 16 (Skinner 2021) into law, which provides public access to records on officers who have engaged in biased or discriminatory behavior, conducted unlawful arrests or searches, or used force that is excessive or unreasonable. The County continues to face increased responsibility for making law enforcement records available to the public.

Despite its obligations under SB 1421, there are substantial issues with LASD's compliance. According to a report by the Office of Inspector General (OIG), as of January

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MITCHELL _____

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2020, over 70 percent of the PRA requests under SB 1421 were pending for more than 180 days after they were received; over 2,700 requests were overdue as of July 2020. LASD's failure to produce records in a timely manner has resulted in multiple ongoing lawsuits and has undermined the County's efforts to promote oversight and transparency.

To strengthen LASD's compliance with SB 1421, the Board of Supervisors (Board) approved a [motion](#) on May 18, 2021 which directed County Counsel to report back with a draft ordinance implementing SB 1421 with provisions that require County agencies that employ peace officers to publish nonconfidential records on a website pertaining to incidents involving peace officers and custodial officers, and to require such records be searchable and indexed on a public website to display key information about the incident. In addition, this motion requested an analysis of County Counsel or the OIG's ability to fulfill requests for SB 1421 records, to satisfy the obligations in the proposed ordinance, and to identify potential funding sources needed for this purpose.

The current process needs major improvements. LASD has yet to create a workable process for documenting, tracking, and responding to PRA requests. With adequate staffing and resources, County Counsel would be better suited to satisfy LASD's obligations imposed by the PRA and SB 1421.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Instruct County Counsel to submit the final ordinance to govern the processing of Senate Bill (SB) 1421 requests (as directed in the motion approved by the Board on May 18, 2021, entitled, "Increasing Transparency Through Access to Peace Officer Records") to the Board for its consideration during the regularly scheduled meeting on March 1, 2022.
2. Instruct the Chief Executive Officer (CEO), in consultation with County Counsel and other relevant stakeholders, to report back to the Board in writing with the Final Changes Budget for Fiscal Year 2022-23 with the appropriate staffing positions and a funding plan to begin implementation of a unit within County Counsel tasked with processing SB 1421-related Public Records Act (PRA) requests. This report should:

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- a. Provide recommendations for how staffing should be increased over time until the unit is able to handle timely all requests for SB 1421 records;
 - b. Define a manageable set of responsibilities that specifies which records the unit will process commensurate with the level of staffing CEO recommends at each phase;
 - c. Include a phased approach to ensure that the unit is not tasked with handling more requests than its limited staffing level will allow and to ensure that all other SB 1421 record requests will be handled by the Los Angeles County Sheriff's Department (LASD) until the unit is fully staffed;
 - d. Identify funding for initial staffing as well as any necessary office space, ancillary equipment, technology software, licenses, and platforms, and staff training, along with funding for complete implementation of the phased approach; and
 - e. Include a plan to implement the searchable database of SB 1421 records described in the new ordinance referenced in Directive 1, as well as the purchase and implementation of software used to process PRA requests, including applying redactions, posting records on public facing websites, reviewing and editing audio and video records, proactively tagging records within LASD's records systems, and other systems as they are created.
3. Direct County Counsel, in collaboration with the CEO, to prioritize staffing positions after the Board's approval of the Budget recommendations for Fiscal Year 2022-23 referenced in Directive 2.
 4. Instruct County Counsel, in consultation with the Inspector General, Sheriff, and other relevant stakeholders, to report back in writing in 90 days with a plan to ensure that the offices of County Counsel and the Inspector General have access to LASD's records, upon creation (as defined in the ordinance referenced in Directive 1 upon adoption by the Board), to ensure County Counsel's ability to maximize its responsiveness to PRA requests.

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5. Instruct 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 the ordinance referenced in Directive 1 upon adoption by the Board of the budget recommendations for Fiscal Year 2022-23 referenced in Directives 2 and 4; and to make recommendations to the Board on improving implementation when necessary. This report should include an assessment of the public's ability to access records covered by this ordinance.

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(CAS/CG/JM)