



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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July 15, 2024

TO: Supervisor Lindsey P. Horvath, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
Supervisor Janice Hahn
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FROM: Max Huntsman
Inspector General

SUBJECT: **FOURTH 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)¹ by, among other things, staffing and funding a unit within the Office of the County Counsel (County Counsel) tasked with processing SB 1421-related Public Records Act (PRA) 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

¹ 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.

report an assessment of the public's ability to access records covered by the ordinance. The public's ability to access records to which it should be entitled continues to be severely limited. This is the Office of Inspector General's fourth semi-annual report.

At present, more than two years after the Board passed its motion, County Counsel has not started handling SB 1421 PRA requests sent to the Sheriff's Department. One of the items needed to trigger compliance with the ordinance is full funding. Full funding establishes the Peace Officer Records Division (PORD), with a minimum of 50 paralegals, adds to the Technology and Business Solutions unit, and obtains critical software systems. County Counsel has been working carefully with the Chief Executive Office on adding the necessary staffing, which is a process that is still underway. At this time, County Counsel is not budgeted for full staffing, and therefore has not started handling SB 1421 PRA requests submitted to the Sheriff's Department.

In response to the Board's motion, County Counsel, with the Chief Executive Office's support, created PORD to handle SB 1421 requests. Since its creation, PORD has been staffed with a Division Chief, two attorneys, a Division Secretary, two legal assistants, two supervising paralegals, and four senior paralegals. PORD has also filled eight of its currently budgeted twenty-five paralegal positions and more interviews of candidates are scheduled. County Counsel also hired the necessary Technology and Business Solutions unit staff and acquired two pieces of critical software. Currently County Counsel is developing the software tool, GovQA, so it will be ready to launch in 2024.

Additionally, PORD does not have the necessary access to Sheriff's Department records at this time. However, PORD and the Sheriff's Department are working out the details on this access, including working with the California Attorney General's Office on clearance concerns. In the meantime, PORD continues to interview candidates and fill open positions, train staff, develop and customize its PRA processing website (GovQA), oversee SB 1421 lawsuits, provide the Sheriff's Department with legal advice and assistance with responses to SB 1421 requests, and advise the Probation Department on SB 1421 matters when needed.

The Sheriff's Department created a [portal on its transparency webpage](#) where the public can access SB 1421 records disclosed in response to PRA requests. PORD assists the Sheriff's Department to comply with Penal Code section 832.7, as amended by SB 1421 and SB 16, by reviewing many records for responsiveness and evaluating the propriety of redactions before the Sheriff's Department responds to PRA requests and posts

SB 1421 records on its website. In March 2022, the Board enacted [Los Angeles County Code § 2.170.020](#), which sets minimum standards for the disclosure of records related to peace officers employed by the Sheriff's Department and the Probation Department. County Counsel has not yet begun proactively posting certain "Decisional Records" as defined by the ordinance. Because the ordinance is only operative once PORD is fully staffed, the public still does not have access to information that the Board intended be publicly posted pursuant to the ordinance timelines. Because of delays in fully staffing PORD and obstacles to PORD's access to records, and thus the failure to trigger the operative date for the ordinance, the public's access to these records remains poor.

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

Staffing

County Counsel reports that PORD is staffed with three attorneys, two supervising paralegals, four senior paralegals, and eight paralegals with seventeen paralegal positions remaining unfilled. After extensive research and analysis, and based on the volume of SB 1421 requests and the labor involved in responding to such requests, PORD requested a budget to fund fifty paralegals to be fully staffed, but in the fiscal budget approved in October 2023, PORD was approved for twenty-five of the fifty requested paralegal positions. Once fully staffed, PORD will assume responsibility for handling all SB 1421 requests on behalf of the Sheriff's Department and the Probation Department. PORD continues to evaluate paralegal candidates for the remaining seventeen funded positions in order to schedule and conduct interviews.

Training

PORD attorneys conducted PRA and SB 1421 trainings for PORD paralegals and Sheriff's Department personnel on December 12, 2023 and May 21, 2024, respectively. The Sheriff's Department's PRA Unit also held a training for PORD staff regarding its SB 1421 compliance process and pertinent databases on April 9, 2024 and plans to hold a series of additional trainings for PORD paralegals beginning in July 2024. In addition, the Sheriff's Department's Body Worn Camera Unit held an Evidence.com video redaction tool training for PORD staff on August 3, 2023.

PORD staff have attended numerous trainings by trainers, webinars, and videos regarding its PRA processing website, GovQA, including customizing the program, navigating the processing requests, performing redactions, communicating with

requesters, and developing workflows. PORD staff have also completed various trainings by trainers, webinars, and videos regarding the CaseGuard video and audio redaction tool, including redacting law enforcement video and audio, automatically removing identifying information, exemption logs and reports, and object detection. PORD staff continue to attend GovQA and CaseGuard trainings on a regular basis to develop and enhance their foundation and skillsets using both programs.

PORD Access to Sheriff's Department Records

As mentioned in the third semi-annual report published in January 2024, the Sheriff's Department and County Counsel signed a Memorandum of Understanding (MOU) that allows County Counsel staff the access to Sheriff's Department personnel records required for them to comply with PRA requests. The parties, however, require an additional MOU covering the technical issues related to where and how such data will be digitally stored when PORD staff accesses such information. As of the date of this report, PORD and the Sheriff's Department have not finalized an agreement.

PORD Access to Probation Department Records

As reported previously, PORD will also handle PRA requests pertaining to the Probation Department's SB 1421 records. There are no issues with PORD accessing the requested records as there have been with the Sheriff's Department. The challenge with the Probation Department continues to be its lack of a centralized electronic database system, which PORD staff report needs to be modernized to ensure responsive records are located in an efficient and timely fashion. Even if the Probation Department modernized its systems, as per the ordinance, prior to assuming responsibility for handling all SB 1421 requests on behalf of the Probation Department, the division must be fully staffed.

PRA Responses by the Peace Officer Records Division

Because PORD has not started handling SB 1421 PRA requests sent to the Sheriff's Department or the Probation Department, these requests are still being handled by the individual departments. PORD continues to assist the Sheriff's Department with complying with SB 1421 requests by providing legal advice on responses, the propriety of redactions, and the production of records, and advises the Probation Department on SB 1421 matters when required.

COUNTY OF LOS ANGELES REQUIREMENTS FOR SB 1421 DISCLOSURES

In March 2022, the Board of Supervisors County enacted [Los Angeles County Code § 2.170.020](#), which sets minimum standards for the disclosure of records related to peace officers employed by the Sheriff's Department and the Probation Department. While the ordinance is only operative "once the funds are appropriated to fully staff the Office of the County Counsel to fulfill the Departments' obligations under this section and the Office of the County Counsel obtains the required access to the Departments' records," the requirements of the section are intended to provide greater public access to Sheriff's and Probation Department records covered by the SB 1421 and SB 16.²

The aspirational goals of the ordinance are noted here as the delay in triggering the ordinance means there is no mechanism currently to ensure the greater transparency intended by the ordinance.

The ordinance requires that the Sheriff's Department and Probation Department must publish certain "Decisional Records" related to peace officers on a website within 30 days of their creation, and defines "Decisional Records" as a subset of nonconfidential peace officer records that includes, among other documents, the investigative summary, letter of imposition, any settlement agreement, various forms and memos related to force and shooting, and video footage from at least one deputy's body-worn camera for at least two minutes before and after a deputy-involved shooting.³ The ordinance also requires that those departments must publish any records produced in response to a PRA request on a publicly accessible website within 30 days after production.⁴ The ordinance also requires the departments with "the appropriate technological and operational means to do so" must publish records indexed and searchable by date, name of the peace officer involved, type of force used, policies violated, and discipline imposed.⁵

Current State of the Public's Access to SB 1421 Records

Currently, the Sheriff's Department maintains a [public website](#) where it posts records it has released under SB 1421 in response to PRA requests.⁶ Users can search these records by the category of incident under which it is disclosable pursuant to SB 1421 (such as use of force, dishonesty, sexual assault) and by the name of the person shot

² L.A. County Code § 2.170.020(I).

³ L.A. County Code § 2.170.020(A)(3).

⁴ *Id.* § 2.170.020(B).

⁵ *Id.* § 2.170.020(E).

⁶ [SB-1421 SB-16 Incidents - LA County Sheriff \(powerappsportals.us\)](#)

by deputies, and can sort the records by date of incident. But a user cannot search the records by other data fields that will be required by Los Angeles County Code § 2.170.020(E) once its operative date is triggered, including the name of the peace officer involved, type of force used, policies violated, or discipline imposed. The Sheriff's Department also maintains a separate page on its website where it lists [deputy-involved shootings](#) by date and name of the person shot, and provides links to the Incident Summary and a "Critical Incident Briefing," a video the Sheriff's Department produces about each shooting that generally includes selected clips of available body-worn camera video. The Probation Department does not have any similar pages on its website for the public to access SB 1421 disclosures.

PORD reports that it is working on developing its own public website, GovQA, which will manage and house the Sheriff's Department's and the Probation Department's SB 1421 requests and disclosures. With this website, PORD plans to proactively publish certain records that fall under SB 1421 without the public having to specifically submit a PRA request, as required by Los Angeles County Code § 2.170.020(B). Once PORD assumes responsibility for responding to requests for SB 1421 records, this website will function as a central PRA management system that can process PRA requests, house responses and records produced, and proactively post "Decisional Records," as required by the ordinance.

PORD has been working extensively with County Counsel and Sheriff's Department IT staff to implement it. This includes ensuring that GovQA interfaces properly with County Counsel, the Sheriff's Department, and other County systems, and is set up and configured in a secure, but easy-to-use manner. More specifically, this work has included developing the GovQA public-facing portal website, including building a landing page, customizing GovQA configurations such as public account creation, workflows, email notifications, and templates, and creating administrative components, such as a redaction list, a production exemption list, users' rights, users' roles, and system notifications.

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