



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



July 18, 2023

Danielle Butler Vappie, Interim Executive Director
Sheriff Civilian Oversight Commission
World Trade Center
350 South Figueroa, Suite 288
Los Angeles, California 90071

Dear Ms. Vappie:

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S UPDATE TO THE CIVILIAN OVERSIGHT COMMISSION'S REPORT

The purpose of this correspondence is to provide you with an update on the status of the Los Angeles County Sheriff's Department's (Department) efforts in implementing the recommendations made by the Civilian Oversight Commission ("COC") in its report issued entitled "Report and Recommendations of the Special Counsel to Sheriff Civilian Oversight Commission Regarding Deputy Gangs and Cliques in the Los Angeles Sheriff's Department." This is a summary of the efforts being undertaken by the Department and any further details can be communicated to the Subcommittee on this matter.

Furthermore, this correspondence also seeks to respond to individual requests by the COC for updates on specific recommendations, specifically: (1) the COC correspondence dated June 22, 2023, in which an update on the various recommended policies was requested; and (2) the COC correspondence dated July 6, 2023, in which an update on various investigative actions is requested. Instead of responding to these items in a piecemeal fashion, this correspondence is intended to present a comprehensive update to the report in its entirety.

Finally, I am mindful that many recommendations require collaboration with our labor partners. While the Commission may seek immediate implementation of many, or all of the recommendations, I intend to work with

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representatives of labor on the recommendations that require formal discussions. Even where consultation is not formally required, I intend to work with labor unions in a collaborative fashion in implementing many of these and other recommendations to ensure that they are sustainable and effective.

Internal Messaging Recommendations

COC Recommendations:

Leadership: Recommendation 1:

The Sheriff must clearly, promptly, and unequivocally articulate his vision, policies, and objectives in addressing the problem of Deputy Gangs and Deputy Cliques.

Leadership: Recommendation 4:

The Sheriff should develop a department-wide initiative to end Deputy Gangs and Deputy Cliques.

Policy and Training Recommendation 3:

The Department's leadership team should consistently and recurrently emphasize the adverse career consequences of creating or joining a Deputy Gang or Deputy Clique.

LASD Efforts:

The Department has been and will continue to implement these recommendations. I regularly visit our training academy to speak directly to the newest members of our Department to ensure that they understand my expectations of them and how they can honor the oath they are undertaking.

I also regularly visit our deputies in the field, whether they be assigned to stations, jails, or specialized units. I also hold discussions with deputies in smaller groups and in shift briefings.

Separately, I also spoke to the command staff, Captains and above, about my expectations of them, the need to uphold the finest traditions of law enforcement, to honor our oath, and to share my approach to the issues described in the report.

As you may already be aware, I previously asked Undersheriff Tardy to form a working group, that includes deputies and Department members from various ranks, to develop a plan to address these issues internally. The work of this

group is underway and Undersheriff Tardy is aware of my expectations for this working group.

Following publication of the COC report, I also issued an all-deputy letter stating clearly that this behavior is unacceptable. I also expressed my sincere desire to hear from labor representatives about the concerns of deputies as we proceed through this process. I intend to be as transparent as possible with deputies to ensure that they know what changes will be made, and to alleviate their concerns about change, while simultaneously being clear that the conduct described in the report is unacceptable.

Policy Changes Recommendations

COC Recommendations:

Leadership: Recommendation 2:

Adopt a policy that clearly prohibits deputies from participating in Deputy Gangs, as defined in Penal Code Section 13670.

Leadership: Recommendation 3:

Adopt a policy that prohibits deputies from joining, participating in and soliciting others to join Deputy Cliques.

Policy and Training Recommendation 1:

As set forth in recommendations A (2) and A (3) above, the Sheriff should adopt and promptly implement a clear policy to address the need to eliminate Deputy Gangs and Deputy Cliques and prohibit tattoos that depict violence which must be supported and explained by the Sheriff's leadership team.

LASD Efforts:

As you are aware, three policies have been drafted relevant to these issues. You have reviewed these drafts and provided feedback. The OIG has reviewed these drafts and provided feedback. County Counsel has reviewed these drafts and provided feedback. The formal process with labor representatives has also begun. I intend to have thoughtful and meaningful discussions with labor on the policies. Only at that time will a policy be finalized.

I believe that everyone involved in this process understands the importance of this issue and is approaching it in good faith. I will not unilaterally impose any policy and subject this Department to years of litigation. I intend to respect our labor colleagues and allow them input and abide by the meet and

confer process. Persistent questioning and repeated letters will not alter my approach to a fair and deliberative process with labor representatives.

Labor Relations Recommendation

COC Recommendations:

Leadership: Recommendation 5:

The Sheriff should seek the support of ALADS and PPOA, for his vision, policies and objectives regarding Deputy Gangs and Deputy Cliques.

LASD Efforts:

I have met with the leaders of the Association for Los Angeles Deputy Sheriffs (“ALADS”) and the Los Angeles County Professional Peace Officers Association (“PPOA”). I am committed to working collaboratively with labor unions on a thoughtful engagement process that will address these issues, protect the rights of Department members, and enhance public trust and community’s safety.

As noted above, I believe that everyone involved in this process, including our labor partners, understands the importance of this issue and is approaching all issues in good faith. I expect all of our efforts will be stronger and more sustainable with the collaborative effort currently in progress.

Command Leadership Recommendations

COC Recommendations:

Leadership: Recommendation 6:

Any captain who is unable or unwilling to support the Sheriff’s policy without reservations should be subject to appropriate discipline ranging from transfer to a less critical position with little or no presence of Deputy Gangs and Deputy Cliques to termination for insubordination in the Sheriff’s considered judgment and pursuant to required due process.

Accountability Recommendation 1:

The Sheriff should ensure that senior executives and unit leaders, notably captains and commanders are implementing the Sheriff’s policy, vision and objectives regarding Deputy Gangs and Deputy Cliques.

Accountability Recommendation 3:

Promotional considerations should include an evaluation of evidence that a member under consideration for a promotion is currently involved in a Deputy Gang or Deputy Clique, including the nature and extent of the member's involvement and whether it was before or after the date of the policy issued by the Sheriff.

Accountability Recommendation 6:

The Department should ensure that the CompStat process for risk management indicators regarding the existence of Deputy Gangs or Deputy Cliques within a patrol station or other Department unit is implemented and is effective in assessing the risk mitigation efforts of unit commanders.

Accountability Recommendation 8:

The Department must ensure that sergeants actively and recurrently mentor deputy personnel and enforcement of the policy prohibiting Deputy Gangs and Deputy Cliques.

LASD Efforts:

Dr. Barney Melekian has joined my Office of Constitutional Policing. Dr. Melekian is a former Pasadena Police Chief, Former Director of the Department of Justice's Community Oriented Policing Office, and former Undersheriff of the Santa Barbara Police Department. Dr. Melekian is working on executive leadership and ensuring that all members of the LASD leadership team are given the tools and training to lead, that they are leading with a consistent message, and that they are fully focused on the priorities I have set. This includes the COC recommendations and ensuring that all senior executives are implementing my vision and objectives, and that risk management tools are being implemented.

Dr. Melekian's efforts include restructuring the Executive Planning Council ("EPC") meetings to focus on the priorities I have set, including progress of the initiative to end law enforcement gangs and cliques. These EPC meetings will be restructured to include a rotating report from Division Chiefs on their Division's efforts toward implementing my priorities—one of which is the eradication of deputy gangs and other subversive groups. The Division Chief will be required to report their Division's activities related to this issue and the steps taken to impact the problem throughout their command.

Separately, I also spoke to the command staff, Captains and above, about my expectations of them, and to share my approach to the issues described in the report. Promotional considerations include whether applicants are committed to this issue. I have made it clear that leaders within the organization are expected to take all steps necessary to develop an organizational culture that recognizes the harmful effects of illicit subgroups of any nature and their destructive effect on community trust. Those leaders that do not demonstrate a proactive and vigilant approach to ensuring any illicit subgroups or other subversive activities are dealt with swiftly.

Training Recommendation

COC Recommendation:

Policy and Training Recommendation 6:

The Department should train supervisors in how to mentor deputies about the adverse consequences of involvement in Deputy Gangs and Deputy Cliques.

LASD Efforts:

We have developed a multi-year training plan which includes developing a consistent training program throughout the career path of deputies. Beginning in every deputy's academy class and continuing through the executive level training, all training programs will contain messaging about the need to prevent employees from joining or maintaining membership in Deputy Gangs or other subversive affiliations. The Department has also established a cross-disciplinary Training Committee to ensure training and messaging is delivered consistently across the organization.

Specifically, the Department is currently updating our training program to include training on law enforcement gangs and cliques in the following courses:

- Basic Academy
- Patrol Operations School
- Custody Operations School
- Perishable Skills Program (PSP)
- Field Training Officer School
- Supervisor School
- Lieutenant/Management School

- Internal Executive Development/Leadership Courses

The Field Training Officer (“FTO”), Supervisor, and Lieutenant training programs and their associated curricula are being updated with tools and resources to help front-line supervision and first-level management positions prevent the formation of law enforcement gangs and model behavior that discourages participation in those groups.

In addition, we are reviewing and auditing the FTO program, implementing ongoing audits and inspections at the command level and the development of a formal change of command program which will ensure continuity and sustainability that has been previously lacking. We are also working on improvements to the Performance Mentoring Program.

Organizational Restructure Recommendations

COC Recommendations:

Leadership: Recommendation 7:

The Department should consider assigning a senior captain and a newly promoted captain to larger, high activity stations to ensure maximum supervision and mentoring of lieutenants and sergeants, while retaining full accountability within the paramilitary structure of the Department.

Accountability Recommendation 9:

The Sheriff should flatten the chain of command by eliminating at least one layer of supervision between him and the captains running patrol stations.

LASD Efforts:

With respect to organizational restructuring, I requested that the Department receive funding in the 2023-2024 budget for six additional captain positions in order to place an additional captain in the six stations highlighted in the report. The CEO’s office recommended, and the Board of Supervisors ultimately approved, three captain positions to be created and filled. The three stations selected for the two-captain model are: Lancaster, Palmdale, and East Los Angeles. The first two stations were selected not simply because they are named in the COC report, but because they have been subject to the Antelope Valley Settlement Agreement in which little progress has been made over the last eight years. East Los Angeles was selected due to the volume of issues identified in your report.

These three stations will be a pilot program for the two-captain model, and it is my objective to present data to the Board of Supervisors demonstrating the value of this model in order to get additional funding in the future. While I will need flexibility in order to alter the model as we implement and develop the program, the following represents a preliminary division of responsibilities between the two captains:

Operations Captain – City involved in Selection Process

- Attend city council and city department head meetings to provide information regarding station operations and discuss issues of interest.
- Represent the Department at community events and meetings to keep the public informed about public safety, or explain actions taken.
- Responds to inquiries and complaints from the public to resolve problems and address controversial matters.
- Coordinates the station's work with other departmental units or external agencies.
- Directs and implements the station patrol and crime reduction strategy.
- Monitors and evaluates methods, procedures and practices utilized to deliver services to the community served by the station.
- Develop and implement a robust community engagement program.
- Ensure the Community Advisory Committee (CAC) is robust, meeting regularly, and providing meaningful community engagement.
- Ensures workload is efficiently assigned to maintain personnel safety and identifies and implements areas for improvement.
- Monitors contractual obligations.
- Responds to high-profile crime scenes, deputy-involved shootings and other emergent situations to manage the investigation, resolution and overall incident coordination.
- Provide media briefings on high profile events if necessary.

Administrative Captain – Selected by the Department

- Manages directs and organizes risk management and administrative activities for all personnel assigned to the station.
- Ensures the implementation of Department policy and procedures.
- Ensures compliance with terms of applicable consent decrees and settlement agreements.

- Ensure compliance with corrective actions plans identified as risk mitigation issues.
- Hears employee grievances and conducts investigations that can be resolved at the station level.
- Forwards investigations to division executives for further action when warranted.
- Oversees station training to ensure all personnel are in compliance with station training and department-wide training, and that any training needed for performance improvement is provided.
- Oversees Performance Mentoring Program to ensure the program is running effectively, and program is improving performance.
- Responsible for developing and monitoring station data analytics and ensuring consistency with department-wide efforts.
- Recommends and implements discipline.
- Mentors subordinates to develop personnel.
- Prepares annual performance evaluations for subordinate supervisors.
- Prepare cases for Critical Incident Review (CIR), Executive Force Review Committee (EFRC), Case Review.
- Participate in division Risk Management Forums.

As you can see, this model is designed to assist in with the oversight issues that are critical for the future success of each of these stations, and the Department.

With respect to flattening the chain of command, I do not intend to remove any command position from the structure of the organization. I do, however, intend to achieve the objective of this recommendation by having more direct communication with the area captains. Furthermore, by the selection of the second captain being made by the Department and not the local city officials involved, I believe the Department will have greater control over the outcomes and expectations of each area captain.

Investigations and Accountability Recommendations

COC Recommendations:

Policy and Training Recommendation 2:

The Department should investigate violations of the policy banning joining or participating in Deputy Gang and Deputy Cliques and refer violations for discipline.

Policy and Training Recommendation 5:

The Department should actively investigate violations of the policy prohibiting joining, participating in or soliciting deputies to join Deputy Gangs and Deputy Cliques.

Accountability Recommendation 4:

The Department should include a standard set of questions regarding a deputy's current affiliations with Deputy Gangs or Deputy Cliques in the use of force review process and in administrative and internal criminal investigations.

Accountability Recommendation 5:

The Department should ensure that captains are notified of deputies involved in force incidents or personnel misconduct investigations who have affiliations with Deputy Gangs or Deputy Cliques, including tattoos associated with such groups.

Accountability Recommendation 7:

The Department must ensure that captains hold sergeants and lieutenants accountable for deputies under their supervision involved in Deputy Gangs and Deputy Cliques.

Policy and Training Recommendation 4:

The Department must implement a procedure for notifying the District Attorney's Office if a deputy testifying as a witness participates in a prohibited Deputy Gang or Deputy Clique.

In a COC letter dated July 6, 2023, the COC reiterated some of these items by requesting the following:

Are LASD Homicide detectives investigating if deputies involved in a shooting are affiliated with a deputy gang? If not, why not?

When LASD leadership learns that a deputy is affiliated with a deputy gang, does it notify the District Attorney's Office so that the prosecution can make the appropriate *Brady* disclosures to the defense? If not, why not?

LASD Efforts:

The Department is investigating allegations involving law enforcement gangs and will continue to do so. The Department is currently in the process of updating investigative manuals and procedures to ensure that it is clear that such investigations are to take place, and that relevant questions are asked. The internal procedure for notifying the District Attorney's Office pursuant to

Brady v. Maryland has been updated. Conversations are currently in progress with the District Attorney's Office to ensure that they are satisfied with the process that has been implemented.

While further details are being worked on in all these areas, considerable work is underway to ensure that investigations are thorough and complete. A number of these recommendations are being evaluated by County Counsel and will be discussed with our labor partners, as appropriate.

Community Engagement Recommendation

COC Recommendations:

Policy and Training Recommendation 7:

The Department should implement a series of community meetings involving patrol station captains, commanders, and chiefs to ascertain the impact of Deputy Gangs and Deputy Cliques on community relations.

LASD Efforts:

The Department is in the process of organizing community meetings and expects them to begin in August 2023. In order to ensure that these meetings are productive and allow for conversations about law enforcement gangs and other issues of concern to the community, we have requested the United States Department of Justice and the Community Relations Service (CRS) to assist in organizing and facilitating these meetings. We are pleased to report that the DOJ CRS has agreed, and we are currently organizing these meetings.

The meetings are also currently being organized in partnership with community groups that will serve as meeting co-hosts in the different areas involved. The meeting locations will be central, neutral, and easily accessible venues for community members to attend.

The facilitated discussions will ensure key meeting objectives are addressed and key action items from the discussions are defined for Department follow-up. This will create an opportunity for the Department to utilize community input to better create and enhance policy, understanding, and cooperation with the community.

Deployment Recommendations

COC Recommendations:

Re-deployment and Rotations Recommendation 1:

The Sheriff should use his authority to re-deploy and rotate deputies based upon the needs of the Department for the Department to eliminate the formation and re-emergence of Deputy Gangs and Deputy Cliques.

Re-deployment and Rotations Recommendation 2:

The Department should re-assess the dual career track for Custody/Court Services and provide a written report to the COC explaining what factors impede implementation.

Re-deployment and Rotations Recommendation 3:

The Department should assess the feasibility of first assignments to patrol rather than jail facilities and provide a written report to the COC explaining what factors exist, if any, impede implementation.

LASD Efforts:

These recommendations are being reviewed. With respect to the rotation of deputies, as you are aware, contract cities are greatly opposed to the rotation of deputies. Most cities get to know their deputies, and do not wish to see them rotated. Any final decision being made will be subject to further conversations with all impacted parties.

Hiring

COC Recommendations:

Accountability Recommendation 10:

The prohibition against joining or participating in Deputy Gangs or Cliques should be a condition of employment.

LASD Efforts:

All new deputy hires are being made aware of the policy and are signing acknowledgements of it. They are further agreeing that they will not associate with, participate in, or join any deputy gang or clique and that such associations can be grounds for termination. This acknowledgement is for both probationary deputies as well as deputies who completed probation.

Ms. Vappie

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July 18, 2023

Should you have any questions, please contact Director Eileen Decker, Office of Constitutional Policing, at (213) 229-3096.

Sincerely,

A handwritten signature in cursive script that reads "R. Luna". The signature is written in dark ink and is positioned above the printed name.

ROBERT G. LUNA
SHERIFF