



August 25, 2023

TO: Los Angeles County Civilian Oversight Commission
Professor Sean Kennedy, Chair, Civilian Oversight Commission
Danielle Butler Vappie, Esq, Interim Executive Director, Civilian Oversight Commission
Max Huntsman, Inspector General

Via E-mail

RE: Agendize LASD's Continued Failure to Comply with the Antelope Valley Settlement Agreement for September 21 Civilian Oversight Commission Meeting

Dear Commissioners,

We write with grave concerns about the Los Angeles County Sheriff's Department's ("LASD") continued and willful non-compliance with the Antelope Valley Settlement Agreement between LASD and the U.S. Department of Justice ("AV Settlement Agreement"). For over 8 years, LASD has shirked its obligations under the agreement, failing to adopt a compliant use of force policy, to conduct analyses of stops, uses of force, and arrest data, and to ultimately hold deputies accountable for their misconduct and abuse of the community. Year after year, LASD has refused to fully comply with those provisions and various others set forth in the 2015 AV Settlement Agreement, allowing LASD deputies to continue to act with impunity and wanton disregard for the people they are tasked with protecting and brutalize Black and brown community members.

Now, the consequences of LASD's failure to comply with the AV Settlement Agreement have come to a head, as the world watches in horror. Just recently, we watched LASD brutally attack an elderly Black family outside of WinCo Foods in Lancaster, where a woman with cancer was body slammed by her neck and pepper sprayed. We watched as LASD punched a Black mother in the face for refusing to hand over her 3-week-old infant to an agency that has a well-documented history of harming Black community members. These are not isolated incidents. This is a pattern of abuse of the community that is steadily rising.

The heightened public concern that this pattern of abuse has recently generated demonstrates the urgent need for the Civilian Oversight Commission to promptly agendize this issue.¹ Absent

¹ See, e.g., Josh DuBose, "Protestors call for deputies' firing after footage of rough arrest released by L.A. County Sheriff's Department," KTLA (July 5, 2023), <https://ktla.com/news/local-news/protestors-call-for-deputies-firing-after-woman-seen-slammed-to-ground-in-video-released-by-l-a-county-sheriffs-department>; Keri Blakinger & James Queally, "Body-cam footage shows Palmdale sheriff's deputy punching a woman holding her baby," LA Times (July 12, 2023), <https://www.latimes.com/california/story/2023-07-12/body-cam-footage-shows-palmdale-sheriff-deputy-punching-a-woman-holding-her-baby>; Darsha Phillips, "'We are outraged': Disturbing video shows

immediate intervention and public pressure, LASD will continue as it has for the last 8 years—defying the AV Settlement Agreement and subjecting the Antelope Valley community to untold violence in the process. Given the demonstrable risk to the community, this is a matter of the utmost urgency. We therefore ask that the Civilian Oversight Commission agendize and allow for information-sharing and community discussion about LASD’s continued failure to comply with the AV Settlement Agreement in its September 21 meeting.

I. Cancel the Contract Antelope Valley and ACLU of Southern California’s Interests in LASD’s Compliance

Cancel the Contract Antelope Valley (“CTCAV”) advocates for the end to LASD’s racist and violent policing in their region and seeks to hold LASD accountable for their historic and ongoing abuses of the community. Chief among the coalition’s demands is that LASD comply with the AV Settlement Agreement and cease engaging in racially discriminatory stops and seizures of Black and brown individuals in the Antelope Valley. Given LASD’s near decade-long non-compliance, CTCAV seeks to strengthen the enforcement mechanisms within the settlement agreement itself to ensure that the community is not forced to wait another decade for meaningful change.

ACLU of Southern California (“ACLU SoCal”) is a non-profit organization that is dedicated to protecting the civil rights and civil liberties of Southern Californians. At the state and local level, ACLU SoCal advocates for greater civilian oversight and seeks to hold LASD accountable for their unconstitutional abuses and misconduct through policy and litigation. In 2021, ACLU SoCal sued the City of Lancaster and LASD in *Butts v. City of Lancaster*, which both challenged a retaliatory citation that LASD issued to an unhoused Black man and the deeply punitive municipal scheme that denied indigent persons an opportunity to appeal their administrative citation. Both Lancaster’s punitive enforcement regime and LASD’s willful non-compliance with the investigatory stops and supervisory review provisions of the AV Settlement Agreement led to violations of Mr. Butts’ constitutional rights. Discovery in the case has uncovered evidence clearly showing that LASD is systematically violating the agreement’s accountability provisions and terms requiring documentation and review of the legal justifications for deputies’ actions. As a remedy for the violations of his rights, Mr. Butts demands LASD’s long overdue compliance with the agreement.

II. Non-Compliance with AV Settlement Agreement and the Devastating Impact on the Community

In 2011, the U.S. Department of Justice launched an investigation into LASD. Among other alleged violations of law, the investigation concerned community complaints of racialized policing, excessive force, and unlawful stops, searches, and seizures. After a two-year long investigation, the U.S. Department of Justice issued their findings, concluding: “LASD’s Antelope Valley stations have engaged in a pattern or practice of discriminatory and otherwise

sheriff’s deputy punching woman with baby,” NBC Los Angeles (July 13, 2023), <https://www.nbclosangeles.com/news/local/we-are-outraged-disturbing-video-shows-sheriffs-deputy-punching-woman-with-baby/3187271/>.

unlawful searches and seizures, including the use of unreasonable force, in violation of the Fourth Amendment, the Fourteenth Amendment, and Title VI.”²

In April 2015, the U.S. Department of Justice, County of Los Angeles, and LASD entered into a settlement agreement.³ Among other things, the agreement set forth provisions requiring LASD to conduct stops with reasonable suspicion, cease arbitrary searches and seizures based on race or ethnicity, revise its use of force policies and practices, and collect and analyze data relating to its stops, searches, and seizures. Despite having 8 years to fulfill its obligations under the AV Settlement Agreement, LASD remains wholly out of compliance—even failing to implement simple provisions relating to revisions to policy. Of the various areas of non-compliance, some of the more egregious include LASD’s failure to:

1. Adopt a compliant use of force policy and training;⁴
2. Conduct a use of force analysis of the data from the Antelope Valley stations to identify trends and correct deficiencies (i.e., data on the frequency and nature of force connected to IAB investigations, civilian complaints, civil suits, or involving repeat deputies or units) and publish a public report on results;⁵
3. Conduct data analysis on investigatory stops in the Antelope Valley and ensure that stops and searches are geared towards crime prevention and are adequately documented for tracking and supervision;⁶
4. Require deputies to document the specific facts and circumstances that support reasonable suspicion or probable cause for stops and citations, without relying on “boilerplate” or form language;⁷
5. Ensure supervisory review of stop documentation, reports, and citations for sufficient detail and articulation of sufficient legal and policy justification for deputy actions;⁸
6. Conduct, at minimum, a semi-annual analysis of Antelope Valley data, including, but not limited to, stops, searches, arrests, uses of force, and civilian complaints;⁹

² See U.S. Dep’t of Just., Investigation of Los Angeles County Sheriff’s Department Stations in Antelope Valley (June 28, 2013), https://www.justice.gov/sites/default/files/crt/legacy/2013/06/28/antelope_findings_6-28-13.pdf.

³ See AV Settlement Agreement (Apr. 28, 2015), <https://www.justice.gov/file/414706/download>.

⁴ See AV Settlement Agreement ¶¶ 102, 104, 105, 119; Antelope Valley Monitoring Team, 16th Semi-Annual Report (June 2023), pp. 2 of introductory letter & 44-46, <http://www.antelopevalleysettlementmonitoring.info/content/documents/reports/16%20Semi-Annual%20Report,%20June%202023.pdf> There is a pending use of force policy that has been approved as compliant with the AV Settlement Agreement by the Monitors and U.S. Department of Justice. County stakeholders and labor unions are in the process of reviewing it. The approval of a policy, however, is not indicative of whether it will ultimately be adopted. In 2019, after an updated use of force policy had been approved, LASD decided not to implement it and instead remain out of compliance. See 16th Semi-Annual Report at p. 2.

⁵ See AV Settlement Agreement ¶¶ 120-23; 16th Semi-Annual Report at p. 49.

⁶ See AV Settlement Agreement ¶¶ 46, 51, preface to Stops section; 16th Semi-Annual Report at p. 10.

⁷ See AV Settlement Agreement ¶¶ 44-45. Discovery in the *Butts* case has surfaced evidence demonstrating that LASD’s Lancaster station systematically fails to comply with these requirements of the agreement.

⁸ See AV Settlement Agreement ¶¶ 59, 63. Discovery in the *Butts* case has surfaced evidence demonstrating that LASD’s Lancaster station systematically fails to comply with these requirements of the agreement.

⁹ See AV Settlement Agreement ¶ 82; 16th Semi-Annual Report at pp. 31-32.

7. Revise personnel complaints policies to ensure misconduct allegations from the public are received and fairly investigated and implement associated training;¹⁰

The impact of this non-compliance has been devastating to the Antelope Valley community, particularly Black residents who are the principal targets for LASD's racialized policing tactics. In a recent report, the Neighborhood Legal Service of Los Angeles County and California State University, Northridge analyzed LASD's 2019 RIPA data. It found that, when considering their population size and as compared to white individuals, Black individuals in the Antelope Valley disproportionately account for all stops, searches, and seizures.¹¹ To put that into perspective, Black people in the Antelope Valley comprise roughly 16 percent of the community but are subjected to approximately 32 percent of all traffic stops and 43 percent of stops based on reasonable suspicion.¹² Black people are also subjected to nearly 40 percent of all "pat down" and property searches and 38 percent of all searches conducted incident to arrest, despite being less likely than their counterparts to have contraband recovered after a search.¹³

In the continued absence of full compliance with the agreement, particularly accountability measures and adequate supervision, LASD deputies in Lancaster and Palmdale act with impunity. They routinely violate the rights of community members, particularly those of Black and brown people, by conducting unlawful searches and detentions, engaging in racial profiling, and using excessive and deadly force. The effects of the agency's refusal to comply with the agreement are clearly reflected in its use of brutal excessive force in the WinCo Foods incident, the violent abuse of a Black mother last year, and the many other violent abuses of the community every year.

If prompt action is not taken, these harrowing racist and violent incidents will continue. As the Monitors in the AV Settlement Agreement provided in expressing that they were "not surprised" by the aforementioned incidents, "failures at supervisory and management levels are contributing to a continuation of such incidents."¹⁴ They are correct. Unless LASD complies with the supervisory and accountability measures, as well as the various other terms of the agreement, these incidents will continue, and this predominantly Black and brown community will continue to pay the price. Therefore, we respectfully request that the Commission agendize and allow for information-sharing and community discussion on LASD's non-compliance with the AV Settlement Agreement at its September meeting.

Sincerely,

ACLU of Southern California

Cancel the Contract-Antelope Valley

¹⁰ See AV Settlement Agreement ¶¶ 127, 129, 138; 16th Semi-Annual Report at pp. 54-59.

¹¹ Neighborhood Legal Services of Los Angeles County & California State University, Northridge, NOT JUST STOPS: Mapping Racially Biased Policing in the Antelope Valley (Oct. 2021) pp. 14-15, https://nlsia.org/wp-content/uploads/2021/10/Mapping-Racially-Biased-Policing-in-the-AV_compressed.pdf

¹² *Id.* at pp. 15-16, 19.

¹³ *Id.* at pp. 6, 19, 20.

¹⁴ 16th Semi-Annual Report at p. 1 of introductory letter.