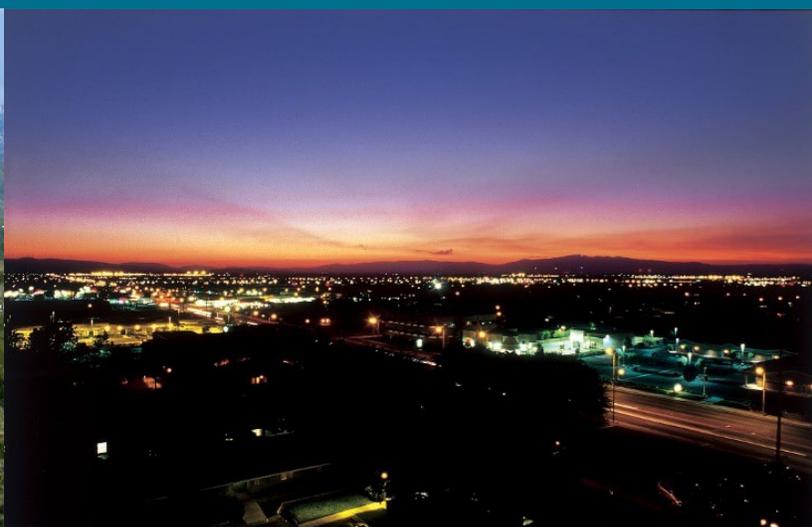
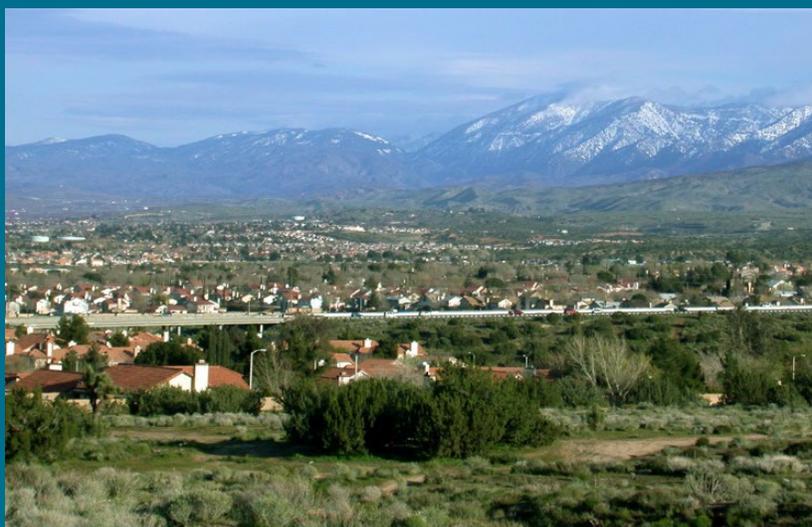


# **ANTELOPE VALLEY MONITORING TEAM**

## **7th USE-OF-FORCE AUDIT**



**January 10, 2026**

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# EXECUTIVE SUMMARY

This audit is the seventh use-of-force (UOF) audit conducted by the Antelope Valley (AV) Monitoring Team (MT). The audit's purpose is to evaluate the compliance of the Los Angeles County Sheriff's Department (LASD, or the Department) with the AV Settlement Agreement (SA) associated with the use, investigation, review, and adjudication of force incidents in the AV.

The SA was established on April 28, 2015, between the United States Department of Justice (DOJ) and LASD and focuses on ensuring that police services provided by LASD to the people of Lancaster and Palmdale comply with the US Constitution, state and federal laws, Department policies, and SA mandates.

This audit is limited in scope to Non-Categorized and Categories 1 and 2 uses of force. (Category 3 uses of force are audited separately.) The audit plan was submitted and approved by LASD and DOJ in September 2025. Auditors established and maintained open communications with the LASD Compliance Unit and the four AV station captains throughout the audit process.

The audit findings document significant improvements in LASD's handling of use-of-force incidents in the AV. Audit findings include the following:

- In 60 of the 62 cases in the audit sample (97%), the auditors found no significant violations of the SA or of LASD policy.
- There was one case out of the 62 cases in the audit sample (2%) where auditors assessed the use of force to be inconsistent with LASD policy and the SA (P-16).
- There was one case out of the 62 in the audit sample (2%) where the auditors found a deputy's conduct to be inconsistent with the de-escalation requirements in Department policy and the SA (L-26).
- There were two cases (same mentioned above, P-16 and L-26) with shortcomings in deputy documentation of force, supervisor investigation, and management review.
- With regard to the cases in the sample, the audit's findings document that LASD is in compliance with SA Paragraphs 102–113, 115, 116, and 118.

The auditors and Monitors want to acknowledge Captains Joshua Bardon and Richard Cartmill of Palmdale Station and Captains Paul Bartlet and Joseph Fender of Lancaster Station for their support and involvement throughout this audit process and their leadership in bringing about impressive improvements with regard to ensuring deputies use an appropriate level of force, when that becomes necessary, and doing so in a manner that is consistent with legal standards, policies and training. We have also noted similar improvements in the quality of the use-of-force investigations being conducted and the subsequent management reviews for these incidents. In addition, we appreciate the support and assistance provided throughout the audit process by Lieutenant Ray Hicks and Sergeant Demetrius Porto-Gathright of LASD's Compliance Unit.

# I. SETTLEMENT AGREEMENT

On April 28, 2015, the Department of Justice’s Civil Rights Division (DOJ), the Los Angeles Sheriff’s Department (LASD, or the Department), and the County of Los Angeles entered into a Settlement Agreement (SA) with the goal of ensuring that police services are delivered to the people of Lancaster and Palmdale in a manner that fully complies with the Constitution and laws of the United States.

In their investigation preceding the settlement, DOJ found that the Department’s use-of-force (UOF) policies were not consistently being followed and that some types of policy violations were routinely tolerated by LASD. They also found accountability measures were not being implemented effectively and there was a pattern of reluctance to hold deputies accountable for the use of unreasonable force.

Paragraphs 102 through 118 of the Settlement Agreement address the Department’s UOF policy and principles as well as the manner by which the Department is required to report, investigate, review, and adjudicate each UOF incident. A summary of each SA paragraph is provided under the individual objectives in the Audit Findings section of this report.

# II. FORCE CATEGORIES

LASD currently uses the following five classifications for uses of force by its employees.

**Pointed Firearm at Person Incident** involves a Department member intentionally pointing a firearm (pistol, rifle, or shotgun) at a person.

**Non-Categorized Force Incident (NCI)** involves any of the following when there is no injury or complaint of pain once the force has concluded and there is no allegation of excessive force or other misconduct:

- Resisted hobble application;
- Resisted searching and handcuffing techniques; or
- Resisted firm grip, control holds, come-alongs, or control techniques.

**Category 1 Force** involves either of the following where there is no injury:

- Takedowns; or
- Use of oleoresin capsicum (OC) spray, Freeze +P or Deep Freeze aerosols, or OC powder from a PepperBall projectile (when a subject is not struck by a PepperBall projectile) if it causes only discomfort and does not involve injury or lasting pain.

**Category 2 Force** involves any of the following:

- Any use of force resulting in an identifiable injury;

- Any use of force resulting in a complaint of pain that medical evaluation determines is attributable to an identifiable injury; or
- Any application of force other than those defined in Non-Categorized/Category 1 Force that does not rise to the level of Category 3 Force.

**Category 3 Force** involves the most serious incidents, including the following:<sup>1</sup>

- Shootings;
- Force resulting in death or hospitalization;
- Head strikes with an impact weapon; or
- Canine bites.

### III. PRIOR USE-OF-FORCE AUDITS

This is the Monitoring Team’s (MT) seventh UOF audit. The first audit was published in October 2018 and assessed Category 1 and 2 uses of force. The second was published in November 2019 and assessed Category 3 force. The third was published in July 2021 and assessed Categories 1 and 2 force. The fourth was published November 15, 2023, and assessed NCI, Category 1, and Category 2 force. The fifth audit was published in June 2025 and assessed NCI, Category 1, and Category 2 force. The sixth audit was published in August 2025 and assessed Category 3 force. Those audit reports are available on the Monitors’ website: <http://antelopevalleysettlementmonitoring.info>.

### IV. MONITORS’ AUDIT RESPONSIBILITY

The Settlement Agreement assigns the Monitors specific responsibilities with regard to documenting the extent to which the Department is complying with SA provisions, including but not limited to the following.

- *The Monitors will assess the County's progress in implementing, and achieving compliance, with the Agreement. (Paragraph 146)*
- *In order to assess and report on LASD's implementation of this Agreement and whether implementation is resulting in constitutional policing, the Monitor shall conduct compliance reviews and audits and outcome assessments. (Paragraph 148)*
- *The Monitors shall conduct compliance reviews or audits as necessary to determine whether LASD has implemented and continues to comply with the material requirements of this Agreement. Compliance with, or implementation of, a material requirement of this Agreement means that LASD has:*

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<sup>1</sup> This audit does not address Category 3 uses of force. Those cases and SA Paragraph 114 are addressed in separate audits.

*(a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary . . . ; and (c) ensured that the requirement is being carried out in practice. (Paragraph 149)*

- *The Monitors will conduct an ongoing review and report on LASD use of force on restrained individuals, use of force in response to spitting, and use of OC spray. (Paragraph 151)*

## V. SCOPE OF AUDIT

This audit was designed to assess the degree to which the Antelope Valley stations are complying with the SA provisions governing the use of force. Specifically, the audit assessed whether (SA paragraphs are paraphrased):

- The force used by AV deputies was necessary, proportional, and consistent with Department policy (Paragraphs 102, 104, 105, and 106g);
- Appropriate tactics were used prior to and during the UOF incident, including the use of advisements, warnings, and persuasion to defuse and de-escalate evolving situations and to de-escalate the UOF as control is achieved (Paragraph 103);
- The force used involved a hard strike to the head with an impact weapon in an incident that did not justify the need for deadly force (Paragraph 107);
- Force incidents were accurately reported to a supervisor in a timely manner (Paragraphs 108–110);
- The UOF was thoroughly investigated (Paragraphs 111 and 112);
- The investigations' findings and conclusions were supported by a preponderance of evidence (Paragraph 113);
- Unit commanders reviewed training and tactical review–related findings, recommendations, and comments to ensure that informal supervisory feedback did not replace the need for formal discipline (Paragraph 118a);
- Effective management oversight occurred, managers held deputies accountable for violations of Department policy, managers held supervisors accountable for responding to force that was unreasonable or otherwise contrary to Department policy and/or the law, and cases were referred to the Internal Affairs Bureau (IAB) and/or the Internal Criminal Investigations Bureau (ICIB) as appropriate (Paragraphs 113, 115, and 116); and,
- Service Comment Reviews (SCRs, aka Personnel Complaints) were initiated when allegations of misconduct arose during an investigation (Paragraph 130).

## VI. AUDIT METHODOLOGY

An audit work plan and a request for documents were submitted to the Department and DOJ in September 2025. The work plan was accepted by the Parties without comment or revision. Auditors subsequently identified the audit population and sample (see below). We then requested and received case materials for the audit sample, prepared audit tools and spreadsheets, and conducted entrance interviews. Each use-of-force investigation was reviewed by at least two auditors, and an auditor reviewed

100 recordings, including body-worn camera (BWC) videos and other recordings associated with the uses of force and recordings of sergeant and watch commander interviews of the subjects of force.

## VII. AUDIT POPULATION

Auditors met with Department representatives and evaluated a variety of time periods from which to draw the audit's population. After careful analysis, auditors selected the first quarter of 2025 as the audit population time period, as it contained the most contemporaneous population of completed use-of-force investigations available for audit. During that quarter there were 168 uses of force that occurred in the AV. Auditors used a random number generator to draw a statistically valid random sample of 62 uses of force from the audit population, resulting in a 95% compliance level with an error rate of +/- 4%. Since the SA requires compliance to be measured across the Antelope Valley stations as a whole, stratification was not utilized.

## VIII. COMPLIANCE MEASURES

The Parties and MT established metrics to assess the Department's compliance with the provisions in the SA. The relevant compliance metrics are listed in the SA Compliance section for each objective.

In making compliance determinations, the Monitors and DOJ consider relevant approved compliance metrics (the Parties and Monitors approved these in July 2020) along with all other available information, including the materiality of any identified errors.

**Note:** The compliance metrics only refer to Category 1 and Category 2 uses of force, as the NCI classification came into use after the compliance metrics were established. NCI uses of force were combined with Category 1 cases for assessing compliance.

## IX. AUDIT FINDINGS

### OBJECTIVE 1: THE USE OF FORCE

The Settlement Agreement and LASD policy require the following.

*LASD agrees to continue to prohibit the use of force above [compliant] handcuffing to overcome passive resistance, except where physical removal is permitted as necessary and objectively reasonable. (Paragraph 102)*

*LASD agrees to clarify that Antelope Valley deputies may not use force against individuals who may be exhibiting resistive behavior, but who are under control and do not pose a threat to the public safety, themselves, or to other deputies. LASD agrees to continue to require that Antelope*

*Valley deputies assess the threat of an individual prior to using force and emphasize that a use of force must be proportional to the threat or resistance of the subject. If a threat or resistance no longer exists, deputies cannot justify the use of force against a subject. (Paragraph 104)*

*LASD agrees to explicitly prohibit the use of retaliatory force, particularly against subjects who express criticism of, or disrespect for, LASD Antelope Valley deputies. (Paragraph 105)*

*LASD agrees to explicitly prohibit interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the member of the public is lawfully present. (Paragraph 106)*

*LASD will continue to require, and emphasize in its training, that a hard strike to the head with any impact weapon, including a baton, is prohibited unless deadly force is justified. (Paragraph 107)*

LASD Policy 3-10/020.00 includes: *“Department members are authorized to use only that amount of force that is consistent with Department policy, and which is proportional, objectively reasonable, and reasonably appears necessary at the time to perform their duties.”*

## **FINDINGS**

There were no cases in the audit population that involved:

- Retaliatory force (Paragraph 105);
- Interfering with, prohibiting, or using force to prevent a person from lawfully photographing or recording a deputy (Paragraph 106); or
- Force that included a head strike with an impact weapon (Paragraph 107).

The Department is currently in the process of implementing updated procedures associated with the recordation, reporting, and adjudication of uses of force associated with the intentional pointing of a firearm, when no other force options are employed.

With that said, our evaluation of the seven uses of force in this audit sample that included a deputy intentionally pointing a firearm at an individual were assessed by MT auditors as consistent with the SA and Department’s policy (P-7, P-8, P-10, P-19, L-35, L-55, and L-56). However, the Department’s reviews of those cases did not specifically address the pointing of a firearm at a person by deputies.

**Recommendation No. 1:** The Department’s use-of-force reviews should include a specific and documented evaluation of the intentional pointing of a firearm at a person for policy compliance.

One of the 62 cases in the audit population (P-16) involved a use of force that was inconsistent with LASD policy and SA Paragraph 104 regarding proportionality.

**P-16.** A deputy was patrolling an alley and saw two men taking trash from the dumpster and discarding it onto the ground. He attempted to detain both men pending a littering and “possible narcotics investigation.” The deputy ordered one of the subjects not to reach into his pockets; the subject ignored the deputy and ran away. The deputy went in foot pursuit and wrote in his report that the subject continuously reached into his waistband as he fled. As the deputy chased the subject, he warned that he would be tased if he didn’t stop running. The deputy fired a Taser at the subject, and the dart struck the subject’s jacket but had no effect. The subject tired, stopped running, and fell to the ground. Once assisting deputies arrived, the subject stopped resisting and was taken into custody without further incident.

The supervisor, watch commander, and captain pointed out several concerns in their reviews, including the extreme danger the deputy put himself in by chasing the subject alone and that his justification for using the Taser met a minimum standard but was contingent on the bad tactics that he had already used. The deputy was assigned to and completed related remedial training.

## **MT ASSESSMENT**

The Department’s CEW Policy that was in place when the incident occurred states:

*“Merely running away from a pursuing Department member is not sufficient justification for use of a CEW to apprehend a subject. . . . Department members shall consider the severity of the offense, the level of threat posed by the subject who is fleeing to Department members or other people, whether the subject can be recaptured later, and the risk of serious bodily injury to the subject who is fleeing.”*

Additionally, proportionality of force requires that the level of force used be “proportional” to the legitimate law enforcement purpose it is being used to achieve. In this case, the underlying crimes were littering and a “narcotics investigation.” However, while the deputy stated that the subject was involved in some form of narcotics activity, none of the behaviors associated with the use, sale, possession, or furnishing of narcotics were included in his reports.

This use of force was clearly inconsistent with LASD policy and SA Paragraph 104.

**Recommendation No. 2:** The Department should review this incident and take appropriate action, including but not limited to reaffirming in its use-of-force training and supervisor use-of-force investigation training when it is appropriate for deputies to use intermediate force options, especially with regard to proportionality and the threat posed by the subject.

## **SA COMPLIANCE**

**Metric:** *At least 90% of the NCI, Category 1 and Category 2 use-of-force incidents are assessed as compliant with SA Paragraphs 102, 104, 105, 106g, and 107.*

**Findings:** The Department is in compliance with SA Paragraphs 102 and 104. Monitors found only one of the 62 cases in the audit sample (P-16) to be out of compliance, for a compliance finding of 98%.

The Department is in compliance with SA Paragraph 105. There were no cases in this audit sample or in any of our previous audits where the force used was assessed as retaliatory.

The Department is in compliance with SA Paragraph 106g. There were no cases in the audit sample or in any of our prior UOF audits that involved a Department member interfering with or prohibiting anyone from lawfully recording deputies.

The Department is in compliance with SA Paragraph 107. There were no cases in this audit sample that involved the use of an impact weapon, and there have been no cases in any of our UOF audits where a deputy delivered a head strike with an impact weapon.

## **COMMENDABLE DEPUTY CONDUCT**

The main purpose of this audit is to assess compliance with the SA and Department policy. That includes the identification of risk exposures and evaluating the implementation and effectiveness of policy. However, that does not preclude auditors from identifying and acknowledging extraordinary and commendable performance.

**L-35.** In this Category 2 use of force, deputies responded to a radio call regarding the subject violating a restraining order, possibly being under the influence of a controlled substance, and refusing to leave the location. The deputies saw the subject vandalizing the victim's property and throwing items through her windows. A sergeant, a Mental Evaluation Team (MET) deputy, and Aero Bureau were requested and responded to the location. The deputies spent approximately one hour de-escalating the subject and gave him multiple commands to come out of the residence. He responded but refused to come out. The BWC recordings show that a sergeant directed the deputies to approach the house to contact the subject. They did so behind a ballistic shield and gave the subject additional orders to come out of the residence. He refused and continued to conceal his right hand behind his back. As deputies advanced further into the residence, the subject quickly came out from behind a corner holding a knife and rushed toward the deputies. A deputy who had been designated less-lethal deployed his Taser 10 three times (one activation) striking the subject and causing neuromuscular incapacitation (NMI). The subject fell to the ground, and deputies used firm grips to handcuff him. This incident could easily have resulted in the use of lethal force. The deputies' actions were commendable and potentially lifesaving.

## **OBJECTIVE 2: TACTICS AND DE-ESCALATION**

The Settlement Agreement requires the following.

- *LASD agrees to . . . use force as a last resort and de-escalate the use of force at the earliest possible moment.* (SA p. 24, Preface to Use-of-Force section)

- *Deputies shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force; and de-escalate force immediately as resistance decreases.* (Paragraph 103)

Department Manual Section 3-10/005.00, Force Prevention Principles states the following about requirements to de-escalate.

*Department members should endeavor to de-escalate confrontations through tactical communications, warnings, and other common-sense methods preventing the need to use force whenever reasonably possible.*

## **FINDINGS**

There was one case out of the 62 cases in the audit population (2%) in which a deputy's deescalation efforts were inconsistent with LASD policy and the SA (L-26).

**L-26.** Deputies (a field training officer and a deputy-trainee) responded to a radio call that reported the subject's father had a restraining order against his daughter. As the deputies drove near the subject, she walked away. After a brief moment, the subject stopped walking, and the deputies approached her and attempted to handcuff her. She briefly resisted and then was handcuffed using firm grips. When the deputies attempted to place her in the patrol vehicle, she resisted. The BWC recordings show one of the deputies, the training officer, was very short tempered with the subject when he told her to get in the car or he would throw her on the ground and "hog tie" her. The deputies then used firm grips to get the subject, who was screaming, into the patrol vehicle. When interviewed by the watch commander, she stated she takes medication because she has a bipolar disorder; however, there were no indicia that the involved deputies were aware of the subject's diagnosis. The subject was not injured and had no complaints, so this case was appropriately classified as an NCI use of force.

## **MT ASSESSMENT**

The use of force was adjudicated by the station captain as in policy, and auditors reluctantly concur with that decision. (Concerns regarding deputy reporting, supervisor investigation, and management review are addressed in other audit objectives.) However, the deputy should have de-escalated the situation instead of escalating it by threatening to throw the subject on the ground and "hog tie" her. The deputy is a training officer, and his actions were hardly consistent with the Department's expectations, or the behaviors field training officers should showcase for trainees. The training officer's hog-tie comment is not mentioned in his report or in the investigation report. Exacerbating this matter, there is no indication that anyone during the investigation or in the approval chain of command viewed the BWC recordings. While not everyone in the chain of command needs to review every use-of-force BWC video, someone in that chain needs to watch at least the main BWC recording for use-of-force events.

**Recommendation No. 3:** The Department should amend its policies to mandate that, whenever available, at least one BWC in a use-of-force incident be evaluated during the review process.

## SA COMPLIANCE

**Metric:** *In at least 90% of the NCI, Category 1, and Category 2 UOF incidents, deputies used advisements, warnings, verbal persuasion, and/or other de-escalation tactics, when possible, before resorting to force, and de-escalated the use of force immediately as resistance decreased.*

**Finding:** The Department is in compliance with SA Paragraph 103. Monitors found one of the 62 cases (L-26) in the audit population out of compliance, which equates to a 98% compliance finding.

### Commendable De-escalation by Deputies

**L-38.** Deputies responded to a priority radio call regarding vandalism and a juvenile disturbance. When they arrived, the deputies saw the caller and her son holding the juvenile subject, who was having a mental health crisis. The caller told the deputies that the subject suffers from mental health issues and had trashed her home. The caller's son was holding the subject and tried to assist placing him in the patrol vehicle, but the subject refused to get in the vehicle. The subject became extremely agitated, and the deputies did an exceptional job de-escalating the situation and calming him. Ultimately, they were able to use very controlled and minimal force to handcuff the subject. He was transported to Lancaster station, where the watch commander showed a great deal of compassion when he interviewed the subject, who had completely calmed down at that point. A MET deputy transported the patient to Olive View Hospital, where he was placed on a 5585 WIC hold. The deputies and watch commander acted in a commendable manner and showed great compassion and care throughout the incident.<sup>2</sup>

## OBJECTIVE 3: REPORTING THE USE OF FORCE

The Settlement Agreement has the following requirements.

- *LASD agrees to continue to require deputies to report all uses of force above un-resisted handcuffing. (Paragraph 108 Part 1)*
- *LASD agrees to continue to require deputies who use or observe force to notify their supervisors immediately following any reportable use of force incident. (Paragraph 110 Part 1)*
- *LASD shall continue to require AV deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (Paragraph 108 Part 2)*
- *The use of force reporting policy shall explicitly prohibit the use of conclusory statements without supporting detail, including "boilerplate" language in all statements and reports documenting use of force. (Paragraph 109 Part 1)*

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<sup>2</sup> The subject was not injured, and there were no complaints, so this case was appropriately classified as an NCI use of force.

- *Deputies shall be held accountable for material omissions or inaccuracies in their use-of-force statements, which may include being subject to disciplinary action.* (Paragraph 109 Part 2)

The Department Manual also requires that UOF reports contain the following.

*Each member reporting force in a report or memorandum shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, and the specific force used in response to the suspect's actions.* (MPP Section 3-10/100)

## FINDINGS

As in all of our previous UOF audits, we find that deputies consistently make prompt notification to a supervisor when they become involved in a UOF (SA Paragraphs 108 Part 1 and 110 Part 1).

**Note:** SA Paragraph 110 Part 2 requires that deputies notify their supervisors of any allegations of excessive force, and if they fail to do so, they will be subject to discipline up to and including termination. There were no indicia of unreported force in the audit sample. SA Paragraph 110 Part 2 is also addressed in complaint audits.<sup>3</sup>

There were two instances in which a deputy used canned or boilerplate language in the report documenting the use of force (P-16) or failed to describe the tactics leading up to the incident (L-26).

**P-16.** (This incident was described at length in Objective No. 1.) The deputy clearly used canned or boilerplate language when he referred to the subject as a narcotics suspect without documenting any of the behaviors commonly associated with a person who is either under the influence of narcotics, or involved in the possession, transportation, furnishing, or sale of narcotics (Paragraph 109 Part 1).

**L-26.** (This incident was described at length in Objective No. 2.) The deputy failed to include in his report that he told the subject he was going to throw her on the ground and hog-tie her (SA Paragraph 108 Part 2).

## SA COMPLIANCE

**Requirement.** *Deputies are required to report all uses of force above un-resisted handcuffing.* (Paragraphs 108 Part 1 and 110 Part 1)

**Finding:** The Department is in compliance with the UOF reporting requirements of SA Paragraphs 108 Part 1 and 110 Part 1. In this and in all of our previous UOF audits, there have been no instances with any indicia that a deputy failed to report a UOF.

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<sup>3</sup> Please also see Objective No. 4.

**Requirement:** *LASD shall continue to require Antelope Valley deputies to completely and accurately describe the force used or observed, including describing in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions, any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment. (SA Paragraph 108 Part 2)*

**Finding:** The Department is in compliance with SA Paragraph 108 Part 2. All deputy reports in the audit met this requirement. (The deficiencies in P-16 and L-26 specifically pertain to SA Paragraph 109 and are addressed below).

**Requirement:** *The use of force reporting policy shall explicitly prohibit the use of conclusionary statements without supporting detail, including "boilerplate" language in all statements and reports documenting the use of force. (SA Paragraph 109 Part 1)*

**Finding:** The Department is in compliance with SA Paragraph 109 Part 1. In one case, the deputy used boilerplate language (P-16), which equates to a compliance finding of 98%. While there is no specific quantitative compliance metric for this objective, a 98% finding indicates compliance.

**Requirement:** *Deputies shall be held accountable for material omissions or inaccuracies in their use of force statements, which may include being subject to disciplinary action. (SA Paragraph 109 Part 2)*

**Finding:** The Department is in compliance with SA Paragraph 109 Part 2. There was one case where a deputy failed to include in his report that he told the subject he was going to throw her on the ground and hog-tie her, which equates to a 98% compliance finding (L-26).

## **OBJECTIVE 4: USE-OF-FORCE INVESTIGATIONS**

The Settlement Agreement sets out the following requirements for investigations of uses of force.

*For all reportable uses of force, the investigating supervisor shall conduct a thorough investigation. This investigation will require supervisors to:*

- a. Respond to the scene, examine the subject of the force for injury, interview the subject for complaints of pain, and ensure that the subject receives medical attention from an appropriate medical provider;*
- b. Identify and collect all relevant evidence;*
- c. Canvass for, and interview, civilian witnesses;*
- d. Collect statements from witness deputies; and*
- e. Review all deputy use-of-force statements for adequacy, accuracy, and completeness. (Paragraph 111)*

Following the investigation, each supervisor shall continue to complete a supervisory investigation documented in a "Supervisor's Report on Use of Force." This report shall include the following.

- a. *The supervisor's narrative description of the incident, including a complete and comprehensive description of the evidence that either justifies or fails to justify the deputy's conduct based on the supervisor's independent review of the facts and circumstances of the incident;*
- b. *Documentation of all evidence;*
- c. *Identities of all deputies witnessing the force;*
- d. *The investigating supervisor's evaluation of force, including a determination of whether the deputy's actions appear to be within LASD policy and consistent with state and federal law, and an assessment of the incident for tactical and training implications; and,*
- e. *Documentation of any training or tactical concerns, and/or corrective action taken or recommended. (Paragraph 112)*

SA Paragraph 130 (partial) includes the SA requirements associated with complaints arising from UOF investigations.

*LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130 partial)*

## FINDINGS

The Parties and Monitors adopted the following criteria to evaluate the supervisory UOF investigations and categorize their level of compliance with SA provisions.

- **Investigation With Critical Deficiencies.** The investigation was incomplete in that it did not address any substantive allegation(s) of misconduct, or it contained mistakes or omissions that cumulatively challenged the reliability of the investigation. Critical deficiencies may include failure to interview a key witness; failure to obtain a statement from the supervisor directing a UOF; failure to obtain a statement from a supervisor present during a UOF; unreasonable failure to obtain a written statement from an involved or witness deputy; failure to gather or analyze a crucial piece of evidence; or inaccurately summarizing a key witness's recorded statement in a material area.
- **Investigation With Non-Critical Deficiencies.** The investigation was complete in that it adequately addressed all significant issues; however, it contained mistakes and/or omissions that do not challenge the report's reliability but do raise concerns about the thoroughness of the investigation or the review process. Non-critical deficiencies may include failure to list a deputy who used minor force on the use-of-force form; failure to record the type(s) of force used by each deputy on the use-of-force form; or inaccurately recording minor aspects of the incident on the use-of-force form.
- **Satisfactory Investigation.** The investigation was complete, adequately addressed the significant issues, and did not contain material errors and/or omissions.

We have clearly stated our concerns with issues associated with two cases (P-16 and L-26).

- In P-16, the deputy clearly used boilerplate language when he stated that he was in foot pursuit of a narcotics suspect when none of his observations supported the statement that the subject was involved in the use, sale, or furnishing of narcotics.
- In L-26, the primary deputy's BWC recording shows him make a clearly inappropriate statement that is contrary to the Department's de-escalation policies and training when he threatened to throw a woman with a bipolar disorder on the ground and hog-tie her. Both of these anomalies should have clearly been pointed out in the supervisors' investigations. Therefore, we have assessed the investigation in those cases as critically deficient.

Each of the 62 other investigations in the audit sample could be relied upon to support reliable conclusions and adjudications.

Only two cases in the audit sample (P-1 and P-3) had an allegation of misconduct, and those allegations were completely refuted by the BWC recording so an SCR was not required.

**Metric:** *At least 90% of the NCI/Category 1 cases were not classified as investigations with critical deficiencies.*

**Finding:** The Department is in compliance with SA Paragraphs 111 and 112 for NCI/Category 1 cases. There were 44 NCI/Category 1 cases in the audit population, one of which (L-26) was assessed as having a critical investigative deficiency. That equates to a 98% compliance finding.

**Metric:** *At least 93% of the Category 2 cases were not classified as investigations with critical deficiencies.*

**Finding:** The Department is in compliance with SA Paragraphs 111 and 112 for Category 2 cases. There were 18 Category 2 cases in the audit population, one of which (P-16) was assessed as having a critical investigative deficiency. That equates to a 94% compliance finding.

**Metric:** *At least 85% of the NCI, Category 1, and Category 2 cases, viewed as a group, were not classified as investigations with a critical or non-critical deficiency.*

**Finding:** The Department is in compliance with SA Paragraphs 111 and 112 for NCI/Category 1 and Category 2 cases as a group. Two of the 62 cases in the audit population had critical deficiencies that were not corrected during the management review (P-16 and L-26). That equates to a 97% compliance finding.

**Note:** There were no unaddressed complaint allegations in the audit sample. However, compliance with Paragraph 130, initiating a personnel complaint, is assessed in audits of public complaints.

## OBJECTIVE 5: MANAGEMENT REVIEW AND OVERSIGHT

The Settlement Agreement details the following requirements.

*Upon completion of the Supervisor's Report on Use of Force, the investigating supervisor shall forward the report through their chain of command, which will review the report to ensure that it is thorough and complete, and that the analysis and findings are supported by a preponderance of the evidence. (Paragraph 113)*

*LASD will hold deputies accountable for uses of force that violate policy or law and continue to require station commanders to refer uses of force that may violate law or the Department's Prohibited Force policy, to the Internal Affairs Bureau or the Internal Criminal Investigations Bureau for further investigation or review. (Paragraph 115)*

*LASD will hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to LASD policy. (Paragraph 116)*

*LASD and Antelope Valley unit commanders will regularly review and track "training and tactical review" related findings, recommendations, and comments to ensure that informal supervisory feedback does not replace the need for formal discipline. (Paragraph 118a)*

The following paragraph was used to assess whether management review confirmed that any complaint arising from a UOF investigation was initiated as required by the SA. Complaint investigations themselves are evaluated in audits of public complaints.

*LASD shall investigate every allegation of misconduct that arises during an investigation even if an allegation is not specifically articulated as such by the complainant. (Paragraph 130 partial)*

Compliance with the following paragraph is evaluated in the MT's separate audits of UOF cases reviewed by the EFRC.

*LASD agrees to continue to require that the Executive Force Review Committee review use of force incidents requiring response by the IAB Force/Shooting Response Team under current policy, and to review the incidents for any policy, training, or tactical concerns and/or violations. (Paragraph 114)*

### FINDINGS

The Parties and Monitors adopted the following criteria to evaluate the management review of UOF investigations and categorize their level of compliance with SA provisions.

- **Critical Deficiency.** The adjudication contained errors or omissions that quantitatively or qualitatively rendered it unreliable to adjudicate the incident. Critical deficiencies include basing the adjudication on an investigation containing a critical error; failure to adjudicate a case based on a preponderance of the evidence; failure to recognize and adjudicate a substantive allegation of

misconduct; failure to hold deputies accountable for uses of force that violate policy or law; failure to hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or against LASD policy; and failure to ensure that important information is recorded accurately on the UOF forms and in PRMS.

- **Non-Critical Deficiency.** The adjudication adequately addressed the significant issues and was based on a reliable investigation; however, it contained errors or omissions that raise concerns about the thoroughness of the management review or lack of attention to detail. Non-critical deficiencies include failure to ensure that all witnesses are identified, and an explanation is provided for anyone who was not interviewed; a thorough explanation is provided if the supervisor conducting the investigation was also present during the incident; failure to identify and adjudicate a minor allegation of misconduct; and failure to ensure that all pertinent aspects of the incident were recorded accurately on the UOF form and in PRMS.
- **Satisfactory.** The adjudication was complete, adequately addressed the significant issues, and did not contain material errors and/or omissions.

### **Management Review and Oversight**

Auditors found the management review and oversight for 60 of the 62 cases to be complete. However, the management review of two cases (P-16 and L-26), which have been addressed in the previous objectives, was critically deficient because the review process did not identify or address the following issues.

- **L-26.** The language used by the primary deputy was inconsistent with the Department's de-escalation policy and was not reflected in the deputy's report (SA Paragraph 104).
- **P-16.** The deputy used canned or boilerplate language, and the use of a Taser was classified as in policy when it was inconsistent with the Department's Taser policy (SA Paragraphs 109, 113, and 115).

### **Training and Tactical Review**

Our review of the 62 UOF cases in the audit population shows that the Antelope Valley unit commanders assessed each UOF for training and tactical considerations. In several cases, the unit commanders identified training and/or tactical considerations and implemented appropriate corrective action (L-44, L-46, L-55, P-6, and P-18). In none of those cases was training or informal supervisory feedback substituted for formal discipline (SA Paragraph 118a).

However, in one of those cases, the deputy was directed to attend arrest and control training, but as of this audit the deputy had not attended the training (L-44).

**Recommendation No. 4:** It is recommended that the deputy who was supposed to attend arrest and control training be assigned to take the training and that the station captain determine why the deputy did not attend the training and take appropriate action (L-44).

## Referral to IAB or ICIB

None of the UOF cases in the audit sample were referred to IAB or ICIB, and auditors did not identify any cases that should have been referred to them (SA Paragraph 115).

## Data Entry Into PRMS

There were no indicia of material inaccuracies in the PRMS data entries for the cases in the audit sample.

## SA COMPLIANCE

**Metric:** *At least 90% of the NCI/Category 1 adjudications do not contain a critical deficiency.*

**Finding:** The Department is in compliance with the adjudication of NCI/Category 1 UOF cases for SA Paragraphs 113, 115, and 116. There were 44 NCI/Category 1 cases in the audit population. The adjudication of two of those cases were found to contain a critical deficiency (P-16 and L-26). This equates to a compliance finding of 95%.

**Metric:** *At least 93% of the Category 2 adjudications do not contain a critical deficiency.*

**Finding:** The Department is in compliance with the adjudication of Category 2 UOF cases for SA Paragraphs 113, 115, and 116. There were 18 Category 2 cases in the audit population. None of the adjudications for those 18 cases were found to contain a critical deficiency. That equates to a compliance finding of 100%.

**Metric:** *At least 85% of the NCI/Category 1 and Category 2 adjudications do not contain a non-critical deficiency.*

**Finding:** The Department is in compliance with the adjudication of NCI/Category 1 and Category 2 cases as a group for SA Paragraphs 113, 115, 116, and 118a. Apart from the three cases mentioned previously (L-26, L-44, and P-16), no other cases raised noteworthy concerns or contained errors or omissions that were not addressed during the review process or that affected the completeness of the UOF investigations. This equates to a 95% (59 of 62) compliance finding.

**Metric:** *LASD-AV will ensure that [PRMS] data is accurate and hold responsible AV personnel accountable for inaccuracies in any data entered. (Paragraph 142)*

**Finding:** There were no indicia of inaccuracies in the PRMS data in the audit population.

## X. CONCLUSION

The Department is now in compliance with most of the SA's requirements for the use of force. Clearly, there has been a major improvement in the frequency and manner in which force is used, investigated, reviewed, and adjudicated in the Antelope Valley.

**Significant Finding:** The leadership shown by the four captains assigned to the AV stations—Captain Josh Bardon, Captain Paul Bartlett, Captain Rick Cartmill, and Captain Joey Fender—has dramatically reduced the use of force within their commands and unquestionably resulted in marked improvements in the quality of use of force investigations.

# ADDENDUM

## FINDINGS FROM MT'S FIVE NCI/CATEGORY 1 CATEGORY 2 UOF AUDITS

| SA PARAGRAPH   | SA REQUIREMENTS BY AUDIT OBJECTIVE                           | COMPLIANCE |   |           |           |           |
|--|--|------------|---|-----------|-----------|-----------|
|  |  | 1ST AUDIT  | 2ND AUDIT   | 3RD AUDIT | 4TH AUDIT | 5TH AUDIT |
| <b>Objective 1: The Use of Force</b>                 |  |            |   |           |           |           |
| 102, 104, 105  | The reasonableness of the use of force                       | Yes        | Yes   | No        | Yes       | Yes       |
| 106g   | Inhibiting, using force on person legally recording incident | Yes        | Yes   | Yes       | Yes       | Yes       |
| 107  | Head strike with impact weapon                               | Yes        | Yes   | Yes       | Yes       | Yes       |
| <b>Objective 2: Avoiding Force and De-Escalation</b> |  |            |   |           |           |           |
| 103  | Use force as a last resort and de-escalation                 | Yes        | Yes   | No        | Yes       | Yes       |
| <b>Objective 3: Reporting Uses of Force</b>          |  |            |   |           |           |           |
| 108a–b   | Deputies reporting force incidents                           | Yes        | Yes   | Partial   | Yes       | Yes       |
| 109 Part 1   | Accurate UOF reports without boilerplate language            | Yes        | Yes   | No        | Yes       | Yes       |
| 110  | Immediate supervisory UOF notification                       | Yes        | Yes   | Yes       | Yes       | Yes       |
| <b>Objective 4: Supervisory Investigations</b>       |  |            |   |           |           |           |
| 111a–d   | Thorough UOF investigations                                  | Yes        | No on critical;<br>Yes on non-critical deficiencies | No        | Yes       | Yes       |
| 111e   | Review deputies' UOF reports for completeness                | Yes        |   | No        | Yes       | Yes       |
| 112a   | Independent supervisory UOF investigations                   | Yes        |   | Yes       | Yes       | Yes       |
| 112b–e   | Completeness of UOF investigations                           | Yes        |   | No        | Yes       | Yes       |
| <b>Objective 5: Management Review</b>                |  |            |   |           |           |           |
| 113  | Management review of UOF investigations                      | Yes        | No  | No        | Yes       | Yes       |
| 115  | Hold deputies accountable for force that violates policy     | No         | No  | No        | Yes       | Yes       |
|  | Refer cases as required to IAB or ICIB                       | UTD        | UTD   | No        | Yes       | Yes       |
| 116  | Supervisors held accountable for inadequate investigation    | UTD        | No  | No        | Yes       | Yes       |

| SA PARAGRAPH                                      | SA REQUIREMENTS BY AUDIT OBJECTIVE  | COMPLIANCE |           |           |           |           |
|---|---|------------|-----------|-----------|-----------|-----------|
|   |   | 1ST AUDIT  | 2ND AUDIT | 3RD AUDIT | 4TH AUDIT | 5TH AUDIT |
| 118a  | AV commanders ensure informal supervisory feedback does not replace formal discipline   | No         | No        | NA        | Yes       | Yes       |
| 118b, 142   | Training and tactical review is captured in PRMS, and accurate data are entered in PRMS | No         | No        | NA        | Yes       | Yes       |
| <b>Force Paragraphs Unaddressed in This Audit</b> |   |            |           |           |           |           |
| 117   | AV commanders identify and curb problematic UOF trends                                  | No         | Pending   | NA        | NA        | NA        |
| 82, 120–123                                       | Annual analysis and public report on UOF data and trends                                | No         | No        | NA        | NA        | NA        |
| 119   | Development and delivery of UOF training  | No         | No        | NA        | NA        | NA        |
| 114   | Thorough review by the Executive Force Review Committee                                 | NA         | NA        | NA        | NA        | NA        |