



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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August 21, 2020

TO: Supervisor Kathryn Barger, Chair
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Brian K. Williams, Executive Director
Sheriff's Civilian Oversight Commission

FROM: Max Huntsman
Inspector General

SUBJECT: FAILURE OF SHERIFF'S DEPARTMENT PERSONNEL TO OBEY
FACE COVERING MANDATES

After declaring a State of Emergency in California on March 4, 2020, Governor Gavin Newsom issued Executive Order N-33-20 directing the residents of California to "heed the current State public health directives" that he had ordered "the Department of Public Health to develop for the current statewide status of COVID-19." The purpose of this order is to mitigate the impact of COVID-19 and to disrupt the spread of the virus. The order specifically states that it is enforceable pursuant to Government Code section 8665, making it a misdemeanor to violate California's COVID-19 executive orders and any order of the California Department of Public Health relating to COVID-19.

On June 18, 2020, the California Department of Public Health issued "Guidance for the Use of Face Coverings," which includes a mandate that all people in the state "must wear face coverings when they are in high-risk situations." The list of "high risk situations" in which face coverings must be worn includes while:

- Engaged in work, whether at the workplace or performing work off-site when:
 - Interacting in-person with any member of the public
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
 - While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The County's "Re-opening Safer at Work and in the Community for the Control of COVID-19" order, last revised on August 12, 2020, also provide that "Essential Government Functions should be performed in compliance with Social (Physical) Distancing Protocol, to the extent possible."

Collectively, the directives mandate that, absent extenuating circumstances, Sheriff's Department personnel wear face coverings while on duty when dealing with members of the public in person, working in a station open to the public, or within six feet of someone who is not from the same household.

In numerous instances, Sheriff's Department personnel have not complied with the state mandate requiring face coverings. Following the issuance of this mandate, Office of Inspector General personnel have responded to the scene of multiple deputy involved shootings at which no or very few departmental personnel have been masked, despite interacting with members of the public or being within six feet of others. In some instances, members of the Department had masks but were not wearing them with the nose and mouth covered as required.

In addition to the lack of masks at scenes at which Office of Inspector General staff were present, numerous videos of deputies in the field, including during the period of civil unrest in Los Angeles, reveal a general lack of compliance by sworn personnel with state orders on face coverings. As recently as Friday, August 7, 2020, a video of deputies from the Santa Clarita station showed that many of the deputies responding to a call were not wearing masks. The internet is rife with other reported examples.

This lack of compliance is not due to a failure of the Sheriff's Department to issue written directions on the use of face coverings. The Sheriff's Department issued its first order *mandating* face coverings on April 15, 2020, at 0001 hours. The Department's COVID-19 Notice #51 states:

Employees shall wear a facial covering, whose duties require contact with other employees and/or the public, unless in a situation where a facial covering inhibits officer's safety. Deputies should be aware that certain mask designs may pose a risk of injury to the wearer in a confrontation with a suspect. The facial covering must meet the below listed specifications:

- The face cover shall not significantly affect verbal communication. For example, a cloth face covering should not prevent personnel from giving clear verbal commands to a suspect or communicating clearly via radio;
- Cloth face coverings should be washable for decontamination purposes.
- Solid Colors only no patterns;
- Writing and insignias are not permitted;
- Material – Tightly woven cotton or similar tightly woven material which allows for near normal breathing while preventing particulate matter from passing through. Multiple layers of material are acceptable; and
- Accessories are not permitted to be affixed to the mask.

From the departmental directives, it is clear there is not a lack of clarity regarding the wearing of face coverings but rather a refusal to comply with lawful orders and a lack of enforcement by supervisors.

A June 25, 2020 letter from the Office of Inspector General to the Sheriff raised the issue that sworn personnel at deputy involved shootings were maskless, the medical opinion that masks are an effective tool against the pandemic, and that the governor's order requires Californians to wear masks when not at least six feet apart. The Sheriff did not respond to this letter. According to the Sheriff's own website, 805 Sheriff's Department employees have tested positive for COVID-19, 308 of whom are sworn deputies. The lack of face coverings puts not only the public at risk but the very law enforcement personnel who are responsible for protecting our community. As with all failures to obey the law by law enforcement, failure of Sheriff's Department personnel to wear face coverings erodes public trust and increases the likelihood that members of the public will also fail to follow this life-saving practice.

Recently, a video surfaced of a party at the Sassafras Saloon in Hollywood. The company which provided the venue stated that the party was booked for the benefit of the Los Angeles County Sheriff's Department. Because Los Angeles County is on the County Monitoring List in California, as of July 1, 2020, all bars in Los Angeles County are prohibited from opening (California Department of Public Health "Guidance on Closure of Sectors in Response to COVID-19"). Further, all bars within the state were ordered closed as of July 13, 2020. (California Department of Public Health "Statewide Public Health Officer Order, July 13, 2020"). Should this event have been organized or attended by Sheriff's Department personnel, the lack of compliance with state mandates is another example of department personnel disregarding a state directive and sending the public a message that sworn deputies are above the law.

As you know, the Los Angeles County Sheriff's Department no longer complies with state and local laws requiring transparency with the Office of Inspector General during active investigations. However, public statements from the Sheriff's Department give reason to doubt that it is conducting a thorough investigation of the Sassafras Saloon event. The event company has declined to cooperate in the Office of Inspector General's investigation. I recommend that the Board issue a subpoena to the event company for records identifying attendees and organizers or refer the matter to the Civilian Oversight Commission for the consideration of issuing a subpoena.

MH:dw

c: Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Mary C. Wickham, County Counsel
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