

**COUNTY OF LOS ANGELES  
OFFICE OF INSPECTOR GENERAL**

**RECOMMENDATION TO THE LOS ANGELES  
COUNTY SHERIFF'S DEPARTMENT  
FOR PUBLIC DATA DISCLOSURE**

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# Recommendation to Los Angeles County Sheriff's Department for Public Data Disclosure

## I. Recommendation

Peace officers serve as the face of government in any country. Americans in particular rely on our peace officers to give our democratic rights meaning by fairly executing the laws we pass. The public has a right and a need to know that this reliance is well placed and, in recent years, has demanded increased transparency in police operations. Public disclosure of data is an important component of a transparent and open police force.

The law in California, and elsewhere, places limits on what police agencies may disclose to the public, particularly with respect to the disciplining of officers. However, police departments across the country have found their relationship to the communities they serve can be greatly strengthened by sharing as much information as possible and California law authorizes the sharing of such data when it does not disclose personnel information linked to particular officers. The number of police agencies that publicly disclose data and statistics about complaints, force and shootings is on the rise. The Office of Inspector General (OIG) recommends that the Los Angeles County Sheriff's Department (hereafter, LASD or "the Department") regularly disclose data on civilian complaints, use of force, discipline imposed and deputy involved shootings.

The LASD currently provides local and county-wide crime statistics but does not provide detailed information on a regular basis to the public about deputy-involved shootings, discipline of employees and complaints by members of the public, including

those who are incarcerated. In this regard, the Department is not keeping pace with law enforcement best practices employed by many of the other major law enforcement agencies in California and across the country. Current circumstances, however, create a timely opportunity for the LASD to take significant steps toward transparency. The Department recently created the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC) unit which can facilitate collating and disclosing data with greater openness. This unit is budgeted with the resources needed to conduct audits, gather statistical data and publish the aforementioned information to the public.

We recommend that the Sheriff's Department take this opportunity to formulate a comprehensive transparency plan with a reasonable timeline of objectives. The plan should comply with the Peace Officers Bill of Rights. The type of information provided should cover the following areas at a minimum:

- Deputy-involved shootings, including details such as the number of deputies involved, and their length of service.
- Other “category 2” and “3” uses of force, including head strikes with weapons, knees or shod feet, canine bites, and any force resulting in broken bones, hospital admittance or death, as well as the injuries sustained, the number of deputies involved, and the method of force.<sup>1</sup>
- Complaints against officers and other employees, including numbers, category of employee, types of complaints, types of investigation conducted, findings of investigations, corrective action taken.

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<sup>1</sup> Category 1 uses of force are not included in this recommendation: these are defined in the Department's Use of Force Manual as the following uses of force when they do not result in injury: searching and handcuffing techniques, hobbling, control holds and come-alongs, when resisted; take downs; and use of aerosols or OC spray or powder when the suspect is not hit by a projectile and where the use causes no lasting pain.

- Where appropriate, the data should include any information which the Department has available, may lawfully provide, and which the public might consider relevant, such as geographic distribution, ethnicity of involved parties, or other surrounding circumstances.

The OIG further recommends that the transparency plan include a clear, user-friendly design for public disclosure of this information either through the Sheriff's lasd.org website or through a linked, related stand-alone website created for this purpose. Information should be provided for past years to enable the public to place the data in context and form its own opinions about year to year changes and trends.

## II. Importance of Data Sharing

The effectiveness of law enforcement in its mission is tempered by the trust and confidence of the community it serves. This trust tends to increase where communities view their local law enforcement agency as a partner and protector of their constitutional, individual and collective rights rather than as a group of strangers limiting or violating those rights. Today it is not uncommon to hear skepticism about a law enforcement agency investigating its own personnel following a critical incident. California law requires that police agencies investigate the conduct of their officers, so it is imperative that those investigations be thorough and fair and that the public know as much about the process as possible. The more transparent an agency can be with the public it serves, the more trust it will garner with its constituents.

With national attention recently focused on officer involved shootings and use of force, there is a perceived lack of transparency regarding how often deadly force is used by law enforcement.<sup>2</sup>

The leading national association of law enforcement chief executives has observed that disclosure of information to the public is a critical law enforcement responsibility:

While the sophistication and level of detail of these summary reports vary considerably by department, providing such reports is sound public policy. The very availability of this summary information sends an important message of transparency and accountability to the public. With the summary information in hand, the public can better understand the workings of the complaint process. If the summary report contains monthly, quarterly, or yearly comparisons, then the public is able to assess whether complaints are generally on the rise or dropping. If the summary report breaks down particular types of complaints, such as rudeness or excessive force, by time period, then the public is able to make similar assessments at a more detailed level.<sup>3</sup>

Transparency is consistent with the LASD's core values, which include "holding ourselves and each other accountable for our actions at all times." There is a burgeoning effort to bring greater transparency to local government. According to a 2010 study by the Pew Research Center, "61 percent of Americans either looked for information or completed a transaction on a public agency website in the 12 months before the study." More than a third of Americans (35%) "researched official documents and/or agency statistics." Thus an effective website "is an opportunity to provide raw information and also to provide the public with background information on what the numbers mean for

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<sup>2</sup> Lowery, "How many police shootings a year? No one knows," *Washington Post*, September 8, 2014; Fischer-Baum, "Nobody Knows How Many Americans the Police Kill Each Year," *FiveThirtyEight Politics*, August 19, 2014; Tedford and Favot, "Graphic: The numbers on Los Angeles' officer-involved shootings," *Los Angeles Daily News*, August 16, 2014.

<sup>3</sup> International Association of Chiefs of Police, *Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement*, September 2006, p. 104.

the services they receive and how to participate in the decision-making process if they choose.”<sup>4</sup> For the LASD to provide meaningful information to the public, the information should be easily located and regularly updated.

A fair, robust and transparent complaint process is also a critical component for building community trust and enhancing accountability:

It is imperative to not only have procedures in place for fairly and impartially accepting, processing, and investigating complaints concerning allegations of employee misconduct but also to inform all police employees and the public of that process (*Citation Omitted*). “An accessible, fair, and transparent complaint process is the hallmark of police responsiveness to the community” (*Citation Omitted*). It is incumbent on the police department to make its citizens aware that a complaint process exists, how to file a complaint, and how the agency processes and investigates complaints.<sup>5</sup>

Taking complaints and investigating them thoroughly are just the first steps in agency accountability. “[O]pen data ... can bridge the often too-large gap between the public and government.”<sup>6</sup> National law enforcement organizations also urge that departments then make information about complaints readily available to the public:

Additionally, by tracking the complaint process and analyzing the data from it, agencies can produce comprehensive, clear, and informative summary reports to disseminate to the public. [T]hese summary reports should be widely disseminated, “sending a message of transparency and accountability to the public” (citation omitted).<sup>7</sup>

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<sup>4</sup> *Local Agency Website Transparency Opportunities*, Institute for Local Government, June 2012.

<sup>5</sup> International Association of Chiefs of Police, *Building Trust Between the Police and the Citizens They Serve*, p. 20.

<sup>6</sup> Shaw, Emily, *How do we improve open data for police accountability?* Sunlight Foundation (Dec. 5, 2104) < <http://sunlightfoundation.com/blog/2014/12/05/how-do-we-improve-open-data-for-police-accountability/> >

<sup>7</sup> International Association of Chiefs of Police, *Building Trust Between the Police and the Citizens They Serve*, p. 32. CALEA refers to The Commission on Accreditation for Law Enforcement Agencies, Inc., a private accreditation organization.

True transparency requires more than a police department reporting data it has collected itself. The national best practice for transparency includes external monitoring with complete access and some form of civilian oversight such as the civilian commission currently being planned. However, comprehensive and readily available data is an important element as well.

### III. Legal Framework

California law protects the confidentiality of some law enforcement information and restricts disclosure to the general public of “personnel records” relating to a particular officer which have been broadly defined to include “[c]omplaints or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, pertaining to the manner in which he or she performed his or her duties” (Cal. Pen. Code § 832.8(e)). California Penal Code section 832.7(c) specifically allows for a department to “disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.” Outside of this section, there is no legal mandate for law enforcement agencies to retain or disclose use of force statistics, including deputy/officer involved shootings. However many law enforcement agencies disclose to the public (either by request or on their websites) detailed data regarding complaints (number and type), discipline of officers, use of force statistics, and deputy/officer involved shootings. Courts have commented upon the obligations of a law enforcement agency to strive to provide public information as well as the California Constitution’s admonition to provide access to information concerning the conduct of “the people’s

business” within the bounds of statutory protections for privacy. See e.g., *Copley Press, Inc. v. Superior Court* (2004) 39 Cal. 4th 1272, 1300.

The OIG concludes that the LASD is neither constrained from nor required by law to disclose the information we discuss in this report but there are ample public policy reasons to do so.

#### IV. Review Process

Our review of this matter included interviews with officials from the LASD, review of documents provided by the LASD and review of websites of other law enforcement agencies both inside and outside California. Through these activities we:

- Identified the two broad areas of data which should be accessible: use of force and public complaints.<sup>8</sup>
- Identified the largest police departments and sheriff’s offices in the United States and in California per the *Census of State and Local Law Enforcement Agencies, 2008*, and selected the largest for review, since they would have resources similar to the LASD. We also selected two smaller agencies which have notable transparency regarding use of force or complaints data.
- Identified LASD documents used to track or report complaints, discipline and deputy involved shootings and their accessibility to the public, including through its website.
- Evaluated websites of other law enforcement agencies for the availability and accessibility of data regarding civilian complaints, discipline, officer involved shootings and other use of force.

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<sup>8</sup> “Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement,” Int’l. Assoc. of Chiefs of Police, September 2006.



## V. LASD Practices and Comparison with Other Agencies

### Current LASD Practices

The Los Angeles County Sheriff's Department employs over 9,100 sworn law enforcement officers and operates on an annual budget of approximately \$2.8 billion. The LASD compiles a great deal of data concerning use of force and public complaints on a station-by-station basis as well as regionally. While this data is not always tracked department-wide, the ability is present to do so accurately. The Department compiles this type of data for divisional analysis, such as Sheriff's Critical Incident Forum (SCIF) meetings, but does not routinely publish the results either inside or outside the Department. Discipline data must be compiled from the Department's personnel tracking database, but this is only done on a case-by-case or issue-by-issue basis. The database is not accessible to anyone outside the Department and only to managers and other authorized personnel within the Department. The LASD does compile a Quarterly Discipline Report describing each founded internal affairs case and the resulting discipline from that calendar quarter. This document, although it does not contain the names of disciplined deputies, is only distributed to a small group of managers within the Department.<sup>9</sup>

Currently, in accordance with California Penal Code section 832.5, the LASD annually reports to the State of California Department of Justice the number of citizen complaints, the number of administrative investigations opened as a result of those complaints, the number sustained, resolved or unfounded and the number of cases

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<sup>9</sup> LASD does publish an annual report titled "Year in Review," however, while it contains crime statistics, it does not provide the public with statistics regarding complaints, use of force or deputy-involved shootings.

pending. The type of complaints made by citizens is distinguished only by whether the complaint was non-criminal or criminal (further distinguished by felony or misdemeanor).

These internal collations of data rarely result in disclosure to the general public even in a redacted form. There is no proactive public disclosure by the LASD of aggregate information about use of force or deputy involved shootings. The Department does respond to media requests for such data on a case-by-case basis. Discipline outcomes resulting from force incidents or misconduct investigations are not published, even where no names are provided. The Office of Independent Review previously issued frequent “Oversight of Administrative Discipline” reports describing discipline cases and their outcomes, but the Sheriff’s Department never did so directly and has not adopted this practice since the dissolution of that office.

A soon to be published study conducted by researchers with the San Diego State University School of Public Affairs analyzed the transparency – in terms of data and information – provided through the websites of 350 police departments across the country.<sup>10</sup> The researchers scored each department’s website on the presence of 26 elements, including areas such as department policies, historical annual reports, current crime statistics, use of force data, traffic stop data and civil litigation information. “The average department scored just 7.20 out of a possible 26.” The LASD was part of the sample and, according to the study’s author, had 11 out of the 26 possible elements. This compares to the LAPD, discussed below, which scored 21 out of 26.

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<sup>10</sup> Chanin, J., and J. Courts. 2014. Examining the determinants of police department online transparency. Manuscript submitted for publication.

## Other California Law Enforcement Agencies

### **Los Angeles Police Department**

The Los Angeles Police Department (LAPD) is comprised of 9,921 sworn personnel with an annual budget of \$1.189 billion.

Use of Force and Shootings: In 2009 and 2010, the LAPD published on its website “Annual Use of Force Reports.” Although it appears this practice was short-lived, these reports were detailed as to statistics on officer-involved shootings, animal shootings, unintentional discharge incidents, and other uses of lethal force or force resulting in significant injury. For example, in their 2010 report, the LAPD reported there were 26 hit shootings, 14 non hit shootings, 18 shootings at animals and 7 unintentional discharges. These numbers were further broken down to show the bureau and division where the shootings occurred, an analysis of the day and hour in which they took place, the rank of the officer involved in the shooting and the years of employment at the LAPD.

Complaints and Discipline: The LAPD’s website contains Quarterly Discipline reports for years 2007 through 2012. These reports include the following: the number of complaints generated by citizens and department employees; the types of allegations; the penalties imposed by the LAPD and discipline imposed for violations of use of force and shooting policies.

Accessibility: The Use of Force Annual Report and the Quarterly Discipline Reports were not easily accessible on the LAPD’s website. These reports were found under the subheadings of “Police Commission” and “Special Assistant for Constitutional

Policing.” A citizen unfamiliar with these terms and their meaning might find it difficult to find these reports.

### **San Diego County Sheriff’s Department**

The San Diego County Sheriff’s Department (SDSD) has 1,322 sworn personnel with an annual budget of \$730 million.

Use of Force and Shootings: The SDSD publishes a yearly “Use of Force/Internal Affairs Statistical Report.” These annual reports include the following information to the public: the Use of Force statistics including the type of force used, i.e., Taser, canine, and impact weapons. The Department also releases to the public the number of deputy-involved shootings including both hit and non-hit shootings. These statistics are further broken down to specify which of the Department’s three Bureaus (Law Enforcement Services Bureau, Detention Services Bureau or Court Services Bureau) used force.

Complaints and Discipline: The SDSD also releases statistics compiled by their Internal Affairs Unit which is responsible for investigating complaints initiated by a citizen or internally by a Department member. Statistics include the number of complaints by citizens and by SDSD members broken down by the Bureau being complained about. They further break it down by distinguishing between procedural and use of force complaints.

Accessibility: The SDSD’s reports on force can be found in the “complaints and commendations” section of their website. Placement of reports in this section does not lend itself to easy public access.

## **California Highway Patrol**

Use of Force and Shootings: The California Highway Patrol (CHP) does not publish any information on use of force or officer involved shootings.

Complaints and Discipline: The CHP publishes an annual report per the Commission on Accreditation for Law Enforcement Agencies, (“CALEA”) and their own internal Department policy. Their statistics are divided by Division and Region. The CHP publishes the results of their internal affairs investigations of citizen complaints stating whether they resulted in adverse action. They further publish the number of citizen complaints by division and by type of allegation, e.g. discourtesy, discrimination, validity of citation, arrest, and reason for stop.

Accessibility: The CHP’s annual reports can be found on its website under “CHP programs.” We found searching for the reports on the CHP’s website difficult as the placement of them was under “programs” instead of something more logical like “reports.”

### Out Of State Departments

We reviewed the availability and accessibility of relevant data by the New York City Police Department (NYPD), the Chicago Police Department, and the Philadelphia Police Department. They, along with the LAPD, and the Los Angeles County Sheriff’s Department, are the five largest local law enforcement agencies in the United States. In examining disclosure of shootings, force, complaints, and discipline we also reviewed two other smaller agencies which present a particularly proactive model of transparency with their information: the Las Vegas Metropolitan Police Department and the Austin Police Department.

## **New York City Police Department**

The NYPD had 36,023 sworn officers as of 2008.

Use of Force and Shootings: The City of New York provides a number of resources to the public including a very thorough *Annual Firearms Discharge Report*. The sixty-three page 2012 report provides a wide range of data in a user-friendly format. A reader can readily learn, for instance, that in 2012 sixty officers fired their weapons during forty-five adversarial incidents in which sixteen subjects were killed and fourteen others were injured. The department also discloses data in the report covering in which boroughs shootings took place, the ethnicity of subjects who were shot by officers, information about unintentional discharges, and even shots fired to defend against “animal attacks.”

Complaints and Discipline: The NYPD does not publish data about civilian complaints or employee discipline but another city entity does. The Civilian Complaint Review Board (CCRB) is independent of the NYPD and its task is to receive, investigate, mediate, hear and make findings and action recommendations on complaints against the NYPD officers. The CCRB states that it “issues a minimum of 14 reports per year to fulfill its mandate to inform the public” and city leaders about the NYPD complaints, case dispositions and discipline. The reports are twelve monthly statistical reports and two bi-annual reports. In its most recent biannual report, the CCRB stated that it received an average of 456 complaints per month during the first half of 2014. The CCRB also produces data on the method the complainants used to contact the CCRB to file complaints, as well as location of incidents leading to complaints and demographic data. Thus, a reader can quickly learn that in the first half of 2014, African-Americans

made up 54% of alleged victims of misconduct but comprise 23% of the city's population. A reader is also able to learn that of 901 cases that were fully investigated in the first half of 2014, 137 were substantiated.

The CCRB's Administrative Prosecution Unit (APU) also publishes a quarterly report pursuant to a memorandum of understanding with the NYPD. The report describes dispositions of administrative cases the APU files, discipline outcomes and the current status of cases awaiting trial.

Accessibility: The NYPD's Annual Firearms Discharge Report is found in the "Reports and Information" section which is accessible from the website front page. The CCRB's reports and statistics are easy to find on a well-marked "News, Reports and Statistics" link on the home page.

### **Chicago Police Department**

The Chicago Police Department had 13,354 sworn officers as of 2008.

Use of Force and Shootings: The Independent Police Review Authority (IPRA), which is part of the city but independent of the police department, publishes complaint outcome as well as officer involved shooting data. This includes the district in which a shooting took place as well as the ethnicity and gender of the involved individual. The IPRA releases similar information regarding Taser discharges.

Complaints and Discipline: The Internal Affairs Division of the Chicago Police Department published annual reports covering the years 2009 through 2012 of cases that included "criminal misconduct, operational violations, substance abuse, and off-duty incidents that warrant department oversight." The 2-page 2012 report categorized

the types of complaints received, for example verbal abuse, and how many officers were discharged or suspended.

Following recent litigation where a state appeals court ruled that the release of records of complaints against individual officers would not violate officer privacy, the City of Chicago agreed to release such misconduct complaint records so that the public would have more information available.

The IPRA has responsibility for the intake of all allegations of misconduct from members of the public and investigates allegations of excessive force, domestic violence, coercion through violence, or verbal abuse. All other allegations are referred to the Internal Affairs Division for resolution. (This model is unlike the LASD where all complaints - known as Service Comment Reports - are handled by the involved deputy's assigned unit. When such a complaint is serious enough to merit an administrative investigation, it is conducted either by the deputy's assigned unit or by the Internal Affairs Bureau.)

Accessibility: The Internal Affairs Division annual reports are not easy to find. A user has to know that one can find IAD reports page through the "Inside the CPD" tab on the homepage. The IPRA's reports are logically placed in the "Resources" section and are easy to find.

### **Philadelphia Police Department**

The Philadelphia Police Department had 6,624 officers as of 2008.

Use of Force and Shootings/Accessibility: The Philadelphia Police Department's website has a prominent section covering officer involved shootings which is highly visible on the homepage. The dedicated officer involved shooting page explains the



investigation process that occurs after deadly force is used. The page includes a chart that compares the number of officer-involved shooting incidents to other crimes in general, and firearms offenses and assaults on a police officer specifically. A remarkable feature provides maps which lay officer involved shooting locations over other gun crimes and civilian-on-civilian shootings so that the public can gain an understanding of where incidents take place in Philadelphia.

The page also has a link to a summary of each officer involved shooting that takes place. A reader is able to learn where and when the incident occurred, whether the subject was wounded, killed or arrested, whether the officer was wounded or killed and finally the outcome of the district attorney's criminal evaluation as well as the administrative determination by the police department's use of force review board.

The department explains why it provides such a high degree of information on the same page:

We post this information to make transparent the police department's process when an officer involved shooting occurs. We believe that your trust and confidence in the Philadelphia Police Department will increase as you understand what our officers encounter, how we prepare them for these encounters, and how we hold them accountable for their actions.

Complaints and Discipline: The department does not appear to publish any discipline or other use of force data. The Philadelphia Police Advisory Commission did release complaint data for the 2009-2012 timeframe. The Commission only released data of complaints it has received which number from 50 to 300 per year while the police department receives from 700 to 800 complaints annually.<sup>11</sup> Initiating a complaint requires two clicks on the department website.

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<sup>11</sup> <http://technical.ly/philly/2013/01/28/city-of-philadelphia-police-complaint-data-api/>

Accessibility: The information provided by the Philadelphia Police is highly accessible. The “Officer Involved Shooting” page is very prominently placed near the center of the home page.

### **Las Vegas Metropolitan Police Department**

The Las Vegas Metropolitan Police Department (LVMPD) has 2,942 officers.

Use of Force and Shootings: In 2012 the LVMPD created an Office of Internal Oversight (OIO) which is assigned to “provide a continual review process for all issues surrounding the use of deadly force by police officers.” The Office publishes a number of reports and statistics intended to enhance transparency surrounding shootings. A visitor to the LVMPD website will find a page explaining the Department’s seventeen-step use of deadly force review process.

The page for officer-involved shootings lists each completed investigation along with links to the District Attorney’s decision regarding criminal liability, the Force Investigation Team report and the Office of Internal Oversight review report. The degree of disclosure is notable in that the involved officers are named in all the documents which contain evaluations of their respective conduct. Similarly, the non-fatal shooting page contains both these reports. In California, the Penal Code would most likely preclude disclosure of some of this information if attached to specific officers’ names.

Similar to the NYPD’s firearms discharge report, the LVMPD’s OIO publishes an annual *Deadly Force Statistical Analysis* which covers the previous five years of officer involved shootings. The LVMPD explains in the introduction that the published analysis “reflects the Department’s continued willingness and responsibility to be

transparent and accountable. In an effort to build community trust and enhance its police service, the LVMPD has taken steps to place police use of force incidents at the forefront...”<sup>12</sup> The report identifies demographics and describes the circumstances surrounding the incidents.

One recent report goes beyond the numbers into some significant analysis, for instance the remarkable disclosure that “mistake-of-fact” shootings by the police are the most significant contributing factor to the proportional over-representation of African-American OIS subjects. In mistake-of-fact shootings, officers incorrectly perceive subjects present immediate, life-endangering threats. In actuality, the actions of these unarmed subjects, while in some cases unintentionally provocative, are not assaultive.”<sup>13</sup>

Complaints and Discipline: The Internal Affairs Bureau posts a summary of citizen contacts and provides some statistical information on the most common complaint categories: interaction with the public, neglect of duty, use of force, and standards of conduct. The most recent published data is for 2012.

Accessibility: Both the Office of Internal Oversight and Internal Affairs pages were directly accessible from the page through the drop-down menu on the “About LVMPD” page.

### **Austin Police Department**

The Austin Police Department (APD) had 1,515 officers as of 2008. The APD publishes a number of reports which are intended to enhance transparency. The Texas Code of Criminal Procedure requires that most agencies submit an annual racial

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<sup>12</sup> Sheriff Douglas Gillespie, *Deadly Force Statistical Analysis 2009-2013, July 1, 2014*, at p. 4.

<sup>13</sup> *Id.* at p. 6.

profiling report to the Texas Commission on Law Enforcement. The report discloses the number of motor vehicle stops, the ethnicity of the driver, the number of vehicle searches, and how often searches result in the discovery of contraband.

Use of Force and Shootings: The APD publishes an annual report called the *Response to Resistance Dataset* which focuses on “any physical contact with a subject by an officer using the body or any object, device, or weapon, not including unresisted escorting or handcuffing of a subject...” Unlike the other agencies discussed above, this report encompasses both uses of firearms and less lethal means of force. It provides data on the type and level of force used, ethnicity of the subject, the reason for the contact and the extent of injuries received.

Complaints and Discipline: The Austin Office of Police Monitor (OPM) is independent of the police department. The OPM receives and assesses complaints and monitors internal affairs investigations conducted by the police department. The OPM has historically published bi-annual updates which include data and statistics “relating to the number and types of complaints, geographic area of the incidents, as well as a breakdown by the race/ethnicity of complainants.” The OPM also publishes individual disciplinary memos under the Texas open records codes which allow far more disclosure of misconduct records than allowed in California, including the name of the involved officer. The published memos include a summary of the allegations, the policy violation deemed “founded,” and the imposed discipline.

Accessibility: While not entirely obvious, there is a direct link to the Austin Police home page to both the racial profiling report and the response to resistance dataset by clicking through “APD Reports.”

## Other Notable Jurisdictions

The OIG also took note of two other jurisdictions which are undertaking significant transparency measures. The Portland Police Bureau publishes details on-line about officer involved shooting incidents including the entire death investigation report authored by detectives. In addition, the department also publishes a Stops Data Collection report for traffic stops as well as a report for pedestrian and bicycle stops.<sup>14</sup> Thus the department was able to disclose that an African-American motorist was four times (8.3% of all stops) as likely to be asked to give consent to search his vehicle as a white motorist (1.9% of all stops) even though contraband was found more often in a the searched vehicle of a white motorist (44.2% discovery rate) than an African-American driver (30.5% discovery rate).

As a result of a high profile officer involved shooting, the Dallas Police Department put a number of reforms in place in 2012. It has a prominent Officer Involved Shooting web page which is visibly accessible from the Department's homepage. The OIS page includes an explanation of the Dallas Police's use of deadly force policy, charts plotting the number of shootings going back ten years and a map detailing where in the city shootings have taken place. Moreover, the Dallas Police Department also publishes a table detailing each shooting incident with data provided for location of the shooting, whether the suspect was killed, the race and gender of the subject and what, if any, weapon the suspect possessed. That last category is very helpful for stakeholders to track how many shootings of unarmed civilians take place.

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<sup>14</sup> Portland Police Bureau, *Stops Collection Data* (Feb. 13, 2014) <<http://www.portlandoregon.gov/police/article/481668>>

The table also names the involved officers and provides their gender and race. A user can click on each incident to access a summary of the shooting event.

## VI. Conclusion

Our of law enforcement agencies illustrates that police agencies comparable to the LASD in size and resources in several jurisdictions are much farther along than the LASD in providing detailed, accessible information to the public describing the uses of force employed by the departments as well as their internal discipline and complaint response processes. The large California law enforcement agencies that have made similar transparency strides toward greater communication with the public they serve have been able to adapt this technique to California laws protecting police personnel information. We therefore conclude that detailed information sharing has been adopted as a best practice in law enforcement and that the LASD can and should disclose more information to the public. It is evident that currently the LASD discloses to the general public only that information which is required by the Penal Code. The Department has taken no other steps to regularly provide information to the public regarding use of force, deputy involved shootings, discipline and complaints against the Department generated by citizens or internally. There is currently an unprecedented demand and momentum toward greater transparency in government and specifically law enforcement agencies and the LASD can and should adopt practices consistent with the trend.

The OIG submitted a draft of this report to LASD leadership for review. We are eager to join with the Department in fashioning procedures which will constitute a model of best practices in data disclosure and serve as a basis for improving transparency generally.

Data Disclosure Comparison Table – Types of Data Regularly  
Disclosed to Public

Agency	Shootings	Use of Force	Discipline	Complaints	Accessibility & Website
LASD	No	No	No	No	Poor
LAPD	Yes *	Yes *	Yes	Yes	Fair
San Diego Sheriff's Dept.	Yes	Yes	No	Yes	Fair
CHP	No	No	Yes	Yes	Fair
NYPD	Yes	No	Yes**	Yes**	Good
Chicago PD	Yes**	Yes (Taser use only)**	Yes**	Yes**	Fair**
Philadelphia PD	Yes	No	No	Yes**	Good
Las Vegas PD	Yes	No	No	Yes	Good
Austin PD	Yes	Yes	Yes**	Yes**	Good

\*Disclosed through 2010 only.

\*\*Public disclosure provided by another municipal entity.