

## 23-01- Officer and Recurrent Witness Information Tracking System (ORWITS)

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Los Angeles County Sheriff's Department

### NEWSLETTER

Field Operations Support Services

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## OFFICER AND RECURRENT WITNESS INFORMATION TRACKING SYSTEM (ORWITS)

### INTRODUCTION

In 2017, the Los Angeles County District Attorney's Office (LADA) created a database referred to as the Officer and Recurrent Witness Information Tracking System (ORWITS). ORWITS is separate from the Brady database.

ORWITS was created to protect the integrity of a criminal case being prosecuted by the LADA. It is an informational system used to track recurring witnesses, including deputies who **may**, but do not necessarily have exculpatory or impeachment information in their personnel files. ORWITS is not limited to sworn personnel, it can also include non-sworn witnesses (civilian employees).

### HOW IS ORWITS INFORMATION OBTAINED BY LADA?

The LADA will notify the Department when a Department member has been identified (subpoenaed) to testify in a criminal case. The Department then responds with one of two letters indicating the following:

1. There is **no** potential exculpatory or impeachment information

in the Department member's personnel file; or

2. There **may be** potentially exculpatory or impeachment information

in the Department member's personnel file.

In the latter case, the Department simply advises the LADA such information potentially

exists. The Department **does not** provide the LADA with any specific information from the Department member's personnel file.

In order to obtain additional information, the prosecuting Deputy District Attorney (DDA) would file a Pitchess Motion to determine if the material is relevant at trial. The judge presiding over the case would then decide whether the information in the Department member's file is relevant and exculpatory to that case. Furthermore, if the prosecuting DDA is aware of this information before trial, they can move to have that information excluded from trial and prohibit its use by a defense attorney.

Having learned exculpatory or impeachment information **may** exist, the LADA's office enters the involved Department member's name into ORWITS.

ORWITS may include information obtained from publicly open sources such as news accounts, the internet, public records, court rulings, testimony, police reports, lawsuits, or civil settlements alleging misconduct. Information disclosable pursuant to Senate Bill (SB) 1421, includes complaints with sustained allegations of dishonesty, and sexual assault, as well as records related to deputy-involved shootings at a person and uses of force resulting in great bodily injury or death.

### **WHY DOES LADA USE ORWITS?**

ORWITS is used to alert the prosecuting DDA of information that **may** discredit the testifying Department member. By compiling the information in advance of litigation, it allows the prosecutor to prepare for a potentially aggressive cross-examination.

### **HOW DO I KNOW IF I AM IN ORWITS?**

When the LADA places a Department member into ORWITS, they provide the Department with a letter of their findings. Upon receiving the letter, Risk Management Bureau forwards the ORWITS letter to the concerned Department member via their unit commander.

Letters will have language directing Department members on how to proceed, should they have any questions, believe the letter was received in error, or would like to provide rebuttal information. **Information stored in ORWITS does not necessarily constitute misconduct or wrongdoing, nor does it require an administrative investigation.** Additionally, because information in ORWITS can come from public sources, entry of information into ORWITS is not an endorsement of its validity.

The LADA is an independent Department within the Los Angeles County justice system. The policies set forth by the LADA's office are not under the purview of the Department and as such, the Department does not facilitate grievances or appeals.

### **WHAT IS THE BRADY DATABASE?**

The LADA's Brady database contains exculpatory, or impeachment information known to prosecutors about a Department member, requiring disclosure under Penal Code Section 1054.1, and the United States Supreme Court's holding in Brady v. Maryland.

"Brady" information includes criminal convictions, false statements, and administrative investigation findings regarding dishonesty, or other serious misconduct. Department members affected by these disclosure requirements are notified through a letter from the LADA, commonly known as a "Brady Letter."

If you have any questions regarding the information contained in this newsletter, please contact Field Operations Support Services Unit, at [REDACTED TEXT]

**REFERENCES**

<https://da.lacounty.gov/sites/default/files/pdf/DCS-120921.pdf>

<https://da.lacounty.gov/sites/default/files/policies/Brady-Chapter14-2020.pdf>

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