Audit of Allegation-of-Force Investigations at Custody Facilities

June 2016

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PURPOSE

This audit was conducted to assess the compliance of the Los Angeles County Sheriff's Department (LASD or the Department) with the policies and procedures for handling allegations-of-force as outlined in the LASD's Manual of Policies and Procedures (MPP) 3-10/000.00, 3-10/110.00 and Custody Division Manual (CDM) 5-12/000.00.

The Office of Inspector General (OIG) conducted this performance audit in accordance with the Generally Accepted Government Auditing Standards (GAGAS). The OIG has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

On October 21, 2014, the Department presented a PowerPoint to the Los Angeles County Board of Supervisors (the Board) detailing the number of allegation-of-force investigations[1] conducted by all custody facilities for the period of January 1, 2013, through September 30, 2014. Subsequently, the Board instructed the OIG to report back to the Board on the protocols used for conducting the allegation-of-force investigations. On November 21, 2014, the OIG issued a report entitled Summary of Force Allegation Investigative Procedures, outlining the policies and protocols for investigating allegations of force and also a review of custody facilities' compliance with those policies and protocols.

PRIOR AUDITS

This is the first audit of this issue conducted by the OIG.

SCOPE AND METHODOLOGY

This audit covers four significant areas of an allegation-of-force: 1) reporting, 2) investigation, 3) levels of review, and 4) completeness of the allegation-of-force package. These four areas were broken down into fourteen audit objectives that aimed to evaluate each allegation-of-force investigation for its compliance with LASD Departmental policy that allegations-of-force be investigated in a manner similar to Use-of-Force investigations.

[1] An allegation-of-force investigation refers to investigations of allegations by or on behalf of an inmate that inappropriate force was used upon the inmate. This is different than use-of-force investigations, which are investigations of Department-reported uses of force.

The audit included reviews of sources of information that were provided by various units within the Department. OIG staff obtained and reviewed allegation-of-force packages maintained by the Discovery Unit.[2] The allegation-of-force packages consisted of investigative memorandums, reviewer memorandums, inmate complaint forms, medical forms, video files, audio files, photographs, and inmate housing and movement sheets.

Throughout this report we reference policies that are specific to allegation-of-force cases. We also make reference to policies that are specific to use-of-force cases due to policy dictating that allegations-of-force cases should be investigated in similar manner to a use-of-force investigation.[3]

AUDIT PERIOD

The time period covered by this audit is January 1, 2013, through September 30, 2014.

AUDIT POPULATION

A request by the OIG was made to the Discovery Unit for a list of all allegation-of-force packages for every custody facility with incident dates between January 1, 2013, and December 31, 2014. The list we received contained 144 cases from seven jail facilities. The seven jail facilities are identified as: Century Regional Detention Facility (CRDF), Inmate Reception Center (IRC), Men's Central Jail (MCJ), North County Correctional Facility (NCCF), Pitchess Detention Center, North Facility (PDC NORTH), Pitchess Detention Center, South Facility (PDC SOUTH), and Twin Towers Correctional Facility (TTCF).

Of the 144 cases on the Discovery Unit's list, 21 were de-selected from the population for the following reasons:

- Eleven did not pertain to the audit period of January 1, 2013, through September 30, 2014,
- One was not a custody force allegation complaint, and
- Nine were duplicates.

Consequently, the total population for our analysis was 123 cases.

[2] In an effort to collect the best evidence possible, the OIG obtained from the Discovery Unit copies of each allegation-of-force package.
[3] MPP, Section 3-10/100.00

SAMPLE SELECTION

Of the 123 cases, a statistically valid stratified sample[4] of 57 allegation-of-force cases was selected for analysis. These 57 cases were selected proportionately to the total number of incidents in each facility,[5] as illustrated in the following table:

Figure 1 - AUDIT SAMPLE OF FORCE ALLEGATIONS

FACILITY	Received from Discovery	% of Population	Sample Size
Century Regional Detention Facility (CRDF)	25	20.3	11
Inmate Reception Center (IRC)	13	10.6	6
Men's Central Jail (MCJ)	33	26.8	15
North County Correctional Facility (NCCF)	23	18.7	11
Pitchess Detention Center, North Facility (NORTH)	2	1.6	1
Pitchess Detention Center, South Facility (SOUTH)	4	3.3	2
Twin Towers Correctional Facility (TTCF)	23	18.7	11
TOTALS	**123**	**100**	**57**

Once the sample size was selected, the allegation-of-force packages to be used in our analysis were randomly selected from each facility.

SUMMARY OF AUDIT FINDINGS

We found that the jail facilities performed well in the following areas:

- Overall investigation of allegations-of-force, including recording initial interviews, interviews of medical personnel, and documenting the alleged force;
- Packages moving through the various levels of reviews;
- Required information contained in the completed package sent to the Discovery Unit.

We found that the jail facilities had poorer compliance in the following areas:

- Review of packages by a Chief (a requirement that was removed from the Use-Of-Force Reporting policy in March of this year);
- Ensuring the initial allegation was reported using the appropriate form;
- Ensuring investigations of allegations-of-force are conducted by a non-involved/non-witness sergeant;
- Submitting allegation-of-force packages within the 21 day timeframe;
- Ensuring that complainants are notified of a disposition to their complaint.

[4] Statistically valid sample refers to a 95% confidence level with a precision of five percent using a one-tail test sample size. For purposes of this report, each strata represented a facility.
[5] Calculated as the total number of cases for each facility divided by total number of incidents multiplied by sample size.

Figure 2 - SUMMARY OF AUDIT FINDINGS

Obj. #	Description	Met the Standard	
		%	#
1	Reporting of Inmate Allegation on Appropriate Form	28.1	16
2	Non-Involved/Non-Witness Supervisor conducting Investigation	93.0	53
3	Recording of initial interview on video	92.9	52
4	Interview of medical personnel	78.2	43
5	Inmate treated by medical personnel	89.1	49
6	Documentation of medical treatment	87.5	49
7	Securing copies of recordings of incident	93.5	29
8	Communication of the disposition of investigation to inmate	3.5	2
9	Package submitted within 21 days	45.6	26
10	Review by Unit Commander	93.0	53
11	Review by Division Chief	1.8	1
12	All related memorandums included in package	75.4	43
13	In-service rosters for concerned shift(s) included in package	90.7	49
14	Video Recordings of interviews included in package	87.5	49

DETAILED FINDINGS

Objective 1 – Reporting of Allegation of Force on Appropriate Form

Criteria

CDM, Section 5-12/000.00, *Inmate Requests for Service and Complaints (Non-Medical/Non-Mental Health)*, Requests states, "All requests other than basic requests must be submitted on the Inmate Request/Complaint Form . . . ."

Complaints from Released Inmates states, "Inmate complaints received from persons who have been released from custody shall be processed on an Inmate Request/Complaint Form . . . ."

CDM, Section 5-12/020.00, *Referred Inmate Complaints* states "Referred Inmate Complaints are those complaints received from a non-involved or non-aggrieved party; i.e., an inmate's friend, relative, etc. on behalf of an inmate. Department policy mandates that complaints received from a non-inmate be handled on a Referred Inmate Complaint Form . . . ." and "[t]he watch commander at the inmate's housing facility shall ensure the information provided on the Referred Inmate Complaint Form is transferred to an Inmate Request/Complaint form."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if Department personnel ensured that the allegation-of-force complaint was submitted on or transferred to a Inmate Request/Complaint Form.

Findings

Fifty seven allegation-of-force packages were reviewed. Sixteen (28.1%) met the standard for this objective. Forty one (71.9%) did not meet the standard for this objective because Department personnel did not ensure that the allegation-of-force complaint was submitted on or transferred to a Inmate Request/Complaint Form.

Table 1 - Findings of Objective 1 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	36.4%	33.3%	6.7%	27.3%	100.0%	50.0%	36.4%	28.1%
	4 of 11	2 of 6	1 of 15	3 of 11	1 of 1	1 of 2	4 of 11	16 of 57

Objective 2 – Non-Involved/Non-Witness Supervisor Conducting Investigation

Criteria

MPP, Section 3-10/100.00, *Use of Force Reporting Procedures*, Force Allegations states, "The Department member to whom the force allegation was reported shall report the allegation to their immediate supervisor (with a minimum rank of Sergeant) . . . [h]owever, if that supervisor was alleged to have been involved in, or a witness to, the incident, the inquiry shall be assigned to another supervisor."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if the inquiry was conducted by a supervisor not alleged to have been involved in, or a witness to, the incident.

Findings

Fifty three (93.0%) of the allegation-of-force packages reviewed met the standard for this objective. Four (7.0%) of the allegation-of-force packages reviewed did not meet the standard for this objective because the inquiry was conducted by a supervisor alleged to have been involved in or a witness to the incident.

Table 2 - Findings of Objective 2 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	100.0%	83.3%	93.3%	90.9%	100.0%	100.0%	90.9%	93.0%
	11 of 11	5 of 6	14 of 15	10 of 11	1 of 1	2 of 2	10 of 11	53 of 57

Objective 3 – Recording of Initial Interview on Video

Criteria

MPP, Section 3-10/100.00, *Use of Force Reporting Procedures*, Force Allegations states, "Allegations of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g., interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.)."

MPP, Section 3-10/110.00, *Use of Force Review Procedures*, Watch Commander/Supervising Lieutenant's Responsibilities states "The Watch Commander/Supervising Lieutenant shall ensure that the interview of the suspect is recorded on video . . . ."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if the watch commander or supervising lieutenant ensured that the initial interview of the suspect was recorded on video.

Findings

Of the 57 cases reviewed, one was excluded from the objective because the Investigating Sergeant was not able to locate the complainant.[6].

With regard to the remaining 56 cases, Fifty two (92.9%) allegation-of-force packages reviewed met the standard for this objective. Four (7.1%) of the allegation-of-force packages reviewed did not meet the standard for this objective because the watch commander or supervising lieutenant did not ensure that the initial interview of the suspect was recorded on video.

[6] In an NCCF case an allegation was submitted by the Mexican consulate on behalf of a released inmate who had been deported to Mexico. After an exhaustive search, the Investigating Sergeant wasn't able to locate the ex-inmate to conduct an interview.

Table 3 - Findings of Objective 3 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	100.0%	100.0%	80.0%	100.0%	100.0%	100.0%	90.9%	92.9%
	11 of 11	6 of 6	12 of 15	10 of 10	1 of 1	2 of 2	10 of 11	52 of 56

Objective 4 – Interview of Medical Personnel

Criteria

MPP, Section 3-10/110.00, *Use of Force Review Procedures*, Immediate Supervisor's Responsibilities states, "With respect to any Category 1 or Category 2 Force Incident, the Field Sergeant or immediate supervisor shall do the following: Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported . . . ."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if the investigating supervisor interviewed the attending physician or other qualified medical personnel.

Findings

Of the 57 cases reviewed, 2 cases were excluded from this objective due to an interview with medical personnel being unnecessary.[7]

With regard to the remaining 55 cases, 43 (78.2 %) allegation-of-force packages reviewed met the standard for this objective. Twelve (21.8%) of the allegation-of-force packages reviewed did not meet the standard for this objective because the investigating supervisor did not document interviewing the attending physician or other qualified medical personnel.

Table 4 - Findings of Objective 4 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	81.8%	33.3%	78.6%	90.9%	100.0%	50.0%	90.0%	78.2%
	9 of 11	2 of 6	11 of 14	10 of 11	1 of 1	1 of 2	9 of 10	43 of 55

[7] In a MCJ case, the investigating sergeant concluded after the initial interview that the allegation had previously been investigated and determined to be unfounded, therefore no further investigation, including an interview with medical personnel, was necessary. In a TTCF case, a third party reported that she believed her relative had been killed by deputies while in custody. However, it was determined that her relative was alive and therefore an interview with medical personnel was unnecessary.

Objective 5 – Inmate Treated by Medical Personnel

Criteria

MPP, Section 3-10/105.00, *Medical Treatment and Transporting Suspects*, Medical Treatment states "A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person . . . alleges any injury and requests medical treatment, whether or not they have any apparent injuries" or ". . . alleges that substantial force was used against them, whether or not they have any apparent injuries or requests medical treatment . . . ."

MPP, Section 3-10/105.00, *Medical Treatment and Transporting Suspects*, Transporting Suspects states "If the suspect refuses medical treatment in any of the cases previously described, they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if the inmate was treated or personally informed medical staff of refusal to receive medical treatment. An Inmate Injury Report or other medical documentation indicating that the inmate was treated was taken into consideration. If the inmate refused medical treatment, documentation from medical personnel indicating that the inmate personally refused treatment satisfied this objective.

Findings

Of the 57 cases reviewed, two cases were excluded from this objective. In the first case, an MCJ sergeant investigating the allegation determined after his initial interview that the case had been previously investigated and that no further investigation was necessary including taking the inmate to be treated by medical personnel. In the second case at NCCF, an allegation was submitted by the Mexican consulate on behalf of a released inmate who had been deported to Mexico.

With regard to the remaining 55 cases, 49 of the 55 (89.1%) allegation-of-force packages reviewed met the standard for this objective. Of the 55 allegation-of-force packages reviewed, seven (10.9%) did not meet the standard for this objective because an Inmate Injury Report, other medical documentation indicating that the inmate was treated or documentation from medical personnel indicating that the inmate refused treatment was not included in the package.

Table 5- Findings of Objective 5 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	81.8%	66.7%	85.7%	100.0%	100.0%	100.0%	100.0%	89.1%
	9 of 11	4 of 6	12 of 14	10 of 10	1 of 1	2 of 2	11 of 11	49 of 55

Objective 6 – Documentation of Medical Treatment

Criteria

MPP, Section 3-10/110.00, *Use of Force Reporting Procedures*, Force Packages requires that the force package includes documentation showing suitable treatment from qualified medical personnel was sought and/or received.

Audit Procedures

OIG staff reviewed 56 allegation-of-force packages to determine if documentation showing suitable treatment from qualified medical personnel, such as a copy of a completed Inmate Injury Report, was included in the package. One of the randomly selected cases was excluded from this objective due to a case at MCJ where the sergeant investigating the allegation determined that the case was previously investigated and closed as unfounded.

Findings

Of the 56 cases reviewed, 49 (87.5%) met the standard for this objective. Seven (12.5%) of the allegation-of-force packages reviewed did not meet the standard for this objective because documentation that suitable treatment from qualified medical personnel was sought and/or received was not included in the package.

Table 6 - Findings of Objective 6 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	72.7%	50.0%	92.9%	100.0%	100.0%	100.0%	100.0%	87.5%
	8 of 11	3 of 6	13 of 14	11 of 11	1 of 1	2 of 2	11 of 11	49 of 56

Objective 7 – Securing Copies of Recordings of the Incident

Criteria

MPP, Section 3-10/110.00, *Use of Force Reporting Procedures*, Force Allegations states “The supervisor conducting the inquiry shall . . . collect evidence and take statements . . . .”

MPP, Section 3-10/110.00, *Use of Force Review Procedures*, Immediate Supervisor's Responsibilities states "With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall . . . [d]etermine if the force incident was recorded and secure any such recordings of the incident whenever able to do so . . . ."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if the alleged force incident was video recorded and if the investigating supervisor secured any such recordings. The audit procedure was only applied to those facilities that had, at the time, video surveillance systems in place. Those facilities included CRDF, IRC, MCJ and TTCF.

Findings

Of the 57 cases reviewed, 26 cases were excluded from this objective: 14 cases involved facilities at which no CCTV systems were installed[8] , 10 involved incidents which occurred in areas not covered by CCTV[9] and 2 involved cases where securing video was not necessary.[10]

With regard to the remaining 31 cases where surveillance systems were available and in the covered area, 29 of the 31 (93.5%) allegation-of-force packages reviewed met the standard for this objective. Two (6.5%) of the allegation-of-force packages reviewed did not meet the standard for this objective because the investigating supervisor did not document whether available video recordings of the alleged force incident were obtained.

Table 7 - Findings of Objective 7 Detailed

Custody Facility	CRDF[11]	IRC	MCJ	TTCF	Total
Cases Meeting Standard	100.0%	100.0%	100.0%	80.0%	93.5%
	1 of 1	6 of 6	14 of 14	8 of 10	29 of 31

Objective 8 – Communication to Inmate of the Disposition of Investigation

Criteria

[8] The number of cases involving facilities that did not have video surveillance systems in place was: 11 at NCCF, 1 at PDC-NORTH and 2 at PDC-SOUTH.
[9] These cases were at CRDF.
[10] These were the same cases discussed in footnote 7.
[11] CRDF had a CCTV system but it was limited to certain areas of the facility; therefore, for purposes of measuring compliance with this objective, we only measured the one case in which CCTV was mentioned in the report.

CDM, Section 5-12/000.00, *Inmate Requests for Service and Complaints (Non-Medical/Non-Mental Health),* Handling Dispositions of Personnel Complaints states "The reviewing sergeant shall advise the inmate, in writing, of the disposition of a complaint against any personnel or any results of inquiries pertaining to personnel conduct. The information disclosed to the inmate shall be limited to . . . [a]cknowledgment of the complaint" and "[s]tatement that the investigation was completed . . . ."

Audit Procedures

OIG staff reviewed each allegation-of-force package to determine if the reviewing sergeant advised the inmate, in writing, of the disposition of the inmate's complaint.

Findings

Of the 57 allegation-of-force packages reviewed, two (3.5%) met the standard for this objective. Fifty five (96.5%) of the allegation-of-force packages reviewed did not meet the standard for this objective because documentation that the sergeant advised the inmate, in writing, of the disposition of the inmate's complaint was not included in the package.

Table 8- Findings of Objective 8 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	0.0%	16.7%	0.0%	0.0%	0.0%	0.0%	9.1%	3.5%
	0 of 11	1 of 6	0 of 15	0 of 11	0 of 1	0 of 2	1 of 11	2 of 57

Objective 9 – Package Submitted within 21 Days

Criteria

MPP, Section 3-10/110.00, *Use of Force Review Procedures*, Watch Commander/Supervising Lieutenant's Responsibilities, Force Packages states "The watch commander or supervising lieutenant shall prepare and submit a force package to the Unit Commander for all reviews of force not conducted by an IAB Force/Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed . . . ."

Audit Procedures

OIG staff reviewed 57 allegation-of-force packages to determine if the watch commander or supervising lieutenant submitted the package to the unit commander no later than 21 days after the incident (or date the incident was reported).

Findings

Twenty six (45.6%) allegation-of-force packages reviewed met the standard for this objective. Thirty one (54.4%) allegation-of-force packages reviewed did not meet the standard for this objective because the packages were submitted to the unit commander more than 21 days after the incident (or date the incident was reported)[12].

Table 9 - Findings of Objective 9 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	45.5%	16.7%	73.3%	18.2%	100.0%	100.0%	36.4%	45.6%
	5 of 11	1 of 6	11 of 15	2 of 11	1 of 1	2 of 2	4 of 11	26 of 57

Objective 10 – Review by the Unit Commander

Criteria

MPP, Section 3-10/110.00, *Use of Force Review Procedures*, Unit Commander's Responsibilities, Force Packages states "The Unit Commander shall ensure that unit-level force packages are completed, reviewed/approved and processed in a timely manner . . . ."

Audit Procedures

OIG staff reviewed 57 allegation-of-force packages to determine if the unit commander reviewed and approved the package.

Findings

Fifty three (93.0%) allegation-of-force packages reviewed met the standard for this objective. Four (7.0%) of the allegation-of-force packages reviewed did not meet the standard for this objective because documentation of review and approval by the unit commander was not included in the packages.

Table 10 - Findings of Objective 10 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	90.9%	100.0%	86.7%	100.0%	100.0%	50.0%	100.0%	93.0%
	10 of 11	6 of 6	13 of 15	11 of 11	1 of 1	1 of 2	11 of 11	53 of 57

[12] The average number of days for watch commander or supervising lieutenant to prepare and submit an allegation-of-force package to the Unit Commander was 69 days. The longest amount of time was 386 days.

Objective 11– Review by Division Chief

Criteria

During the audit time period, MPP, Section 3-10/110.00, *Use of Force Reporting Procedures*, Force Allegations stated "Closed force allegation inquiries shall be forwarded to the concerned Division Chief or Division Director for review/concurrence . . . ."

Audit Procedures

OIG staff reviewed 57 allegation-of-force packages to determine if the Division Chief reviewed and concurred with the findings of the inquiry.

Findings

One (1.8%) allegation-of-force package reviewed met the standard for this objective. Fifty-six (98.2%) did not meet the standard for this objective because documentation of review and concurrence by the concerned division chief was not included in the packages.

Table 11 - Findings of Objective 11 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	0.0%	0.0%	6.7%	0.0%	0.0%	0.0%	0.0%	1.8%
	0 of 11	0 of 6	1 of 15	0 of 11	0 of 1	0 of 2	0 of 11	1 of 57

Objective 12 – All related memorandums included in package

Criteria

MPP, Section 3-10/110.00 *Use of Force Reporting Procedures*, Force Packages, requires that force packages include all related supplemental reports and/or memos.

Audit Procedures

OIG staff reviewed 57 allegation-of-force packages to determine if all related supplemental reports and/or memos completed by involved personnel were included in the package.

Findings

Forty three (75.4%) allegation-of-force packages reviewed met the standard for this objective. Fourteen (24.6 %) did not meet the standard for this objective

because all related supplemental reports and/or memos were not included in the packages.

Table 12 - Findings of Objective 12 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	81.8%	50.0%	73.3%	90.9%	100.0%	50.0%	72.7%	75.4%
	9 of 11	3 of 6	11 of 15	10 of 11	1 of 1	1 of 2	8 of 11	43 of 57

Objective 13 – In-service Rosters for Concerned Shift(s) Included in Package

Criteria

MPP, Section 3-10/110.00 *Use of Force Reporting Procedures*, Force Packages, requires that the force package include copies of in-service rosters for the concerned shift(s).

Audit Procedures

OIG staff reviewed 54 allegation-of-force packages to determine if copies of in-service rosters for the concerned shift(s) were included in the package. Three of the 57 randomly selected cases were excluded from this objective due to the in-service rosters of the concerned shift(s) being unnecessary.[13]

Findings

Forty nine (90.7%) of the allegation-of-force packages reviewed met the standard for this objective. Five (9.3%) of the allegation-of-force packages reviewed did not meet the standard for this objective because a copy of in-service rosters for the concerned shift(s) was not included in the package.

Table 13 - Findings of Objective 13 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	100.0%	100.0%	71.4%	90.0%	100.0%	100.0%	100.0%	90.7%
	11 of 11	6 of 6	10 of 14	9 of 10	1 of 1	2 of 2	10 of 10	49 of 54

[13] In an MCJ case an inmate's allegation had been previously investigated and closed as unfounded and therefore no in-service rosters were necessary. In a TTCF case, a third party reported that she believed her relative had been killed by deputies while in custody, however, it was determined that her relative was alive and therefore an interview with medical personnel was unnecessary. In an NCCF case an allegation was submitted by the Mexican consulate with unknown dates so the investigating sergeant was unable to pull in service rosters.

Objective 14 – Video Recordings of Interviews Included in Package

Criteria

MPP, Section 3-10/110.00 *Use of Force Reporting Procedures*, Force Packages, requires that force packages include copies of any recorded interviews conducted by supervisors during their investigation.

Audit Procedures

OIG staff reviewed 56 allegation-of-force packages to determine if all recordings of interviews conducted by supervisors during the investigation were included in the package. One case was excluded from this objective due to case the ex-inmate was not located in order to conduct the interview.[14]

Findings

With regard to the remaining 56 cases, 49 (87.5%) allegation-of-force packages met the standard for this objective. Seven (12.5%) did not meet the standard for this objective because copies of all recorded interviews conducted by supervisors during their investigation were not included in the packages.

Table 14 - Findings of Objective 14 Detailed

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	90.9%	100.0%	66.7%	90.0%	100.0%	100.0%	100.0%	87.5%
	10 of 11	6 of 6	10 of 15	9 of 10	1 of 1	2 of 2	11 of 11	49 of 56

OTHER SIGNIFICANT MATTERS

Additional Levels of Review for Allegation of Force Cases

During the audit period, all custody facilities reported that it was the Department's practice that all allegations of force cases receive additional levels of review from the Division Commander and Custody Force Response Team (CFRT). Our audit did not present these levels of review due to allegations-of-force cases not specifically being required by policy to be reviewed by the Division Commander or CFRT. However, OIG staff reviewed each allegation-of-force package to determine the level of compliance with these levels of review. OIG staff determined whether a Division Commander had reviewed the package by reviewing memorandums, signatures and initial stamps that were included in the package. OIG staff also

[14] This was the same case as discussed in footnote 6.

consulted with CFRT's internal tracking database of all allegation-of-force cases to determine whether CFRT had reviewed the case.

Review by Division Commander

Of the 57 allegation-of-force packages reviewed, 51 (89.5%) had been reviewed by a Division Commander and 6 (10.5%) did not indicate any review by a Division Commander.

Table 15

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	90.9%	83.3%	86.7%	100.0%	100.0%	0.0%	100.0%	89.5%
	10 of 11	5 of 6	13 of 15	11 of 11	1 of 1	0 of 2	11 of 11	51 of 57

Review by CFRT

Of the 57 allegation-of-force packages reviewed, 56 (98.2%) had been reviewed by CFRT. OIG staff was unable to determine if the one (1.8%) remaining package had been reviewed by CFRT.

Table 16

Custody Facility	CRDF	IRC	MCJ	NCCF	NORTH	SOUTH	TTCF	Total
Cases Meeting Standard	90.9%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	98.2%
	10 of 11	6 of 6	15 of 15	11 of 11	1 of 1	2 of 2	11 of 11	56 of 57

As of March 1, 2016, CDM 7-06/000.00 had been revised to include these two additional layers of review.

Reliance on Discovery Files

According to previous policy and current policy, all allegation-of-force packages are required to be forwarded to Discovery for final repository. Accordingly, OIG found it appropriate to rely on Discovery's database as our source of cases to be sampled and analyzed. However, in reviewing facility level and CFRT internal data tracking databases and comparing those databases to the Discovery Unit's database, we found that there were differences in the number of packages for each unit. Attempts to resolve the differences with the Department were not successful. In 2015, the Custody Services Division issued an informational bulletin[15] requiring all allegation-of-force cases to be entered in the electronic Line Operations Tracking System (e-Lots), which will make it easier to track and reconcile allegation-of-force cases at each level.

[15] Custody Services Division Informational Bulletin #2015-06

Prior to the issuing of this report, we presented our audit results to the Unit Commander of each facility in order to provide them an opportunity to respond with any corrections and/or concerns. The OIG addressed each of those concerns and updated some audit findings as a result of our inquiry. However, in some cases, the Unit Commanders provided documentation and responses derived from information contained in the unit level files and *not* contained in the files of the Discovery Unit. In those instances, any findings or exceptions were not changed as the audit relied on the Discovery Unit file as the complete and accurate file for the Department.

Inconsistencies in Requirements for Allegation-of-Force Packages

During our review, we noticed that, although most of the allegation-of-force packages contained essential reports, videos, and other information, each facility incorporated a different set of documents in what it considered to be a completed package. The issue appears to be that the Department's current policy does not specify what constitutes a completed allegation-of-force package. It does, however specify what constitutes a completed use-of-force package and dictates that allegations of force be investigated/completed in the same manner as use-of-force packages. We are not aware of any Department policy which defines the proper contents of a completed allegation-of-force package.

Review and Concurrence of Force Allegation Packages

In reviewing allegation-of-force packages, we noted that Department reviewers utilized a hand stamp that indicated "Noted" as a way to signify a "review and concurred" for the purposes of meeting policy requirements. Although, we found it acceptable for purposes of this audit, it is important to note that the practice made it difficult for the auditor to determine who and when the review took place as the signatures did not identify the person signing the memorandum. It is our understanding that this practice is continuing in each of the facilities.

CONCLUSIONS AND RECOMMENDATIONS

Throughout this audit, we received assistance from various units within the Department, including the management staff of each facility, division commanders, CFRT, the Discovery Unit and Custody Services Divisions. Their timely cooperation was essential to gathering the information necessary to complete this audit and was greatly appreciated. We also recognize that Department policies regarding our audit topic have been undergoing change and further development.

Overall, the jail facilities appear to conduct allegation-of-force investigations in a thorough and fair manner. However, administrative duties related to the review process and delivery of a complete package to the Discovery Unit should be given more attention and supervisory oversight.

The following are our conclusions and recommendations.

1. The CDM requires that allegation-of-force complaints are submitted on or transferred to an Inmate Request/Complaint Form. Additionally, the *Rosas, et al. v. Baca (*Case CV 12-00428) implementation plan requires the separation of inmate requests from complaints and that inmate grievance forms should include "use of force" as a specific category. Department personnel should ensure that allegation-of-force complaints are submitted on or transferred to an Inmate Request/Complaint Form**.** The Department should consider the *Rosas* requirements when developing a new inmate complaints/grievance form. (**Objective 1**).

2. The MPP requires that inquiries into allegations of force are conducted by a supervisor not alleged to have been involved in, or a witness to, the incident. Watch commanders and supervising lieutenants should ensure that inquiries into allegations of force are conducted by a supervisor not alleged to have been involved in, or a witness to, the incident. During our review, we noted four cases in which the allegation-of-force was investigated by a supervisor who had been directly involved in or witnessed the alleged force. If the investigation cannot be investigated by a non-involved/non-witness supervisor, a detailed explanation of the circumstances should be documented by the watch commander and/or supervising lieutenant. While the compliance percentage in this area was high, it is of such critical importance that any failure to follow policy in this regard requires correction. (**Objective 2**).

3. The MPP requires that the investigating supervisor interview the attending physician or other qualified medical staff, when a suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported. Investigating supervisors should ensure that they interview the attending physician or other qualified medical personnel. Additionally, interviews of medical personnel should be clearly documented in the investigating supervisor's memorandum. If the attending physician or other qualified medical personnel cannot be interviewed, the investigating supervisor should provide a detailed explanation of the circumstances in his/her memorandum. (**Objective 4**).

4. The CDM requires that the inmate (complainant) be advised, in writing, of the disposition of an allegation-of-force. Additionally, the *Rosas, et al. v.*

*Baca (*Case CV 12-00428) Implementation Plan, Provision 7.2 requires that, "An inmate should be advised of the results of the Department's investigation of the inmate grievance against personnel, but not any sanction imposed, within 10 days of the Department's adjudication of the grievance." Investigating supervisors should ensure that the complainant is advised in writing of the disposition of the complainant's allegation-of-force. The Office of Inspector General regularly hears that prisoners believe their complaints are disregarded or not conveyed. Failure to provide notice fosters such a belief. (**Objective 7**).

5. The MPP requires that allegation-of-force packages be forwarded to the unit commander for review no later than 21 days after the incident. Watch commanders and supervising lieutenants should ensure that all allegations of force packages are submitted to the unit commander no later than 21 days after the incident. If for any reason the package cannot be submitted within 21 days, the supervising lieutenant should include documentation stating the reason(s) (**Objective 8**).

6. The MPP requires that the unit commander ensure that unit-level force packages are completed, reviewed/approved and processed in a timely manner. Watch commanders should ensure that they forward all allegations of force to the unit commander for review and approval. Some Department personnel currently utilize a "Noted" stamp as a signatory on documents. We do not recommend the continuation of this practice because the term is vague and may not encourage full review. Each level of review and concurrence should be clearly and legibly documented and include the reviewing personnel's name, rank, date and articulate review and concurrence. (**Objective 9**).

7. In March 2016, the MPP was revised and no longer requires review/concurrence by the concerned division chief. MPP, Section 7-6/000.00, *Use of Force Reporting Procedures*, Force Allegations, states, "All Allegations of Force shall be forwarded by the unit commander to the concerned facility's area commander for review/concurrence and then forwarded to the administrative commander for review." Unit commanders should ensure that they forward all allegations of force to the concerned area commander for review and concurrence and then to the administrative commander for review. Each level of review and concurrence should be clearly and legibly documented and include the reviewing personnel's name, rank, date and articulate review and concurrence. (**Objective 10**).

8. The MPP requires that force packages include all related supplemental reports and/or memos. Watch commanders and supervising lieutenants should ensure that all required memorandums are completed and all related

supplemental reports and/or memorandums are included in allegation-of-force packages. (**Objective 11**).

9. The MPP requires that force packages include copies of any recorded interviews conducted by supervisors during their investigation. Watch commanders and supervising lieutenants should ensure that all recorded interviews conducted by supervisors during their investigation are included in allegation-of-force package.

   Watch commanders and supervising lieutenants should also ensure that video interviews are of good quality, steady, focused and audible. Although there was high compliance with Departmental policy requiring video be filed, we noted in our review that several of the video interviews were dark, shaky, contained muffled voices, or did not include the subject of the interview in the video frame. For example, a sergeant conducting one interview videotaped only the inmate's nostrils during the entire interview. Another video depicted the ground as the sergeant spoke with the inmate. In another, the voice of the sergeant and the inmate were muffled and barely audible. (**Objective 14**).

10. The Department's practice to utilize the "noted" stamp to signify review and concurrence of allegations for force packages has been standard protocol for the department during this audit. However, this made our review difficult in ascertaining who actually reviewed the allegation of force package, date reviewed and their respective rank. We suggest that the "Noted" stamp be eliminated and each level of review and concurrence should be clearly and legibly documented to include the reviewing personnel's name, rank, and date. (**Other Significant Matters**).

11. The MPP requires that force packages contain all the necessary documentation in order to be considered complete. We recommend that an allegation-of-force checklist similar to the checklist utilized for Use of Force (Form 438) be used in all allegation-of-force packages. A checklist will ensure the consistency of custody investigations Department-wide. The form should include: a checkbox for all documentation required by policy, a signature affirmation to ensure accountability for the task, and space for the identity of the specific LASD approving personnel by policy role and corresponding signature box to assist the reviewers and auditors in the function of that specific person. The current signatory system is confusing as to which role each person plays in the approval phase of an investigation. The checklist should also indicate if CCTV was available and if not, why not. If CCTV was available and not included in the package, a memo should be included from the custody commander articulating why CCTV of the incident was not included.

The Department should consider training which is specific to the allegations of force investigative process for all operations and compliance personnel. The topics should include: review of the findings of the audit report conducted by OIG (risk management issues from the report should be emphasized), discussion of development and implementation of a new checklist, and case study reviews of prior allegations of force investigations that were out of compliance with the MPP. (**Other Significant Matters**).

12. Custody Services Bulletin 2015-06 requires that all allegations of force cases be logged and tracked in e-Lots. The Department should ensure that all allegations of force cases originating at the different facilities are entered in E-Lots. This will bring consistency to the tracking of completed packages and avoid discrepancies. (**Other Significant Matters**).

13. Current policy requires that allegation-of-force packages be forwarded to the Discovery Unit for retention. The Department should ensure that the record that is sent to the Discovery Unit by Unit Level personnel should be the complete file that contains copies of all related memorandums with appropriate approving signatures, video, pictures and audio recordings along with all other relevant investigatory documentation that supports the conclusion reached. **(Other Significant Matters)**

DEPARTMENT'S RESPONSE

Our audit findings were shared with Department on May 10, 2016. The Department submitted the attached response on June 8, 2016.

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

June 8, 2016

JIM MCDONNELL, SHERIFF

Max Huntsman, Inspector General
Los Angeles County Office of Inspector General
312 South Hill Street, 3rd Floor
Los Angeles, California 90013

Dear Mr. Huntsman:

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL AUDIT OF ALLEGATION-OF-FORCE INVESTIGATIONS AT CUSTODY FACILITIES

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General (OIG) report, *Audit of Allegation-of-Force Investigations at Custody Facilities.* The OIG audit report assessed the Department's compliance with the policies and procedures for handling allegation-of-force as outlined in the Department's policies and procedures and Custody Division Manual.

The effort and dedication made by members of OIG to execute this report is greatly appreciated by the Department. The Department values and appreciates the comments relating to allegation-of-force investigation protocols and will continually strive to meet and/or exceed the recommendations of this report.

The Audit and Accountability Bureau has the responsibility to monitor and document the Department's response related to this audit. Should you have any questions or require additional information, please contact Captain Steven E. Gross, Audit and Accountability Bureau, at (323) 307-8302.

Sincerely,

JIM McDONNELL
SHERIFF

JM:SEG:faa
(Audit and Accountability Bureau)

Attachment

c: Neal B. Tyler, Executive Officer
Richard J. Barrantes, Assistant Sheriff
Kelly L. Harrington, Assistant Sheriff
Todd S. Rogers, Assistant Sheriff
Jacques A. LaBerge, Acting Assistant Sheriff
David L. Fender, Chief, Custody Services Division, Specialized Programs
Karyn Mannis, Chief, Professional Standards Division
Eric G. Parra, Chief, Custody Services Division, General Population
Daniel J. Dyer, Commander, Custody Services Administration Control
Michael J. Parker, Commander, Personnel and Training Command
Victor M. Trujillo, Commander, Professional Standards Division
David A. Walters, Commander, Audit and Accountability Command
Steven E. Gross, Captain, Audit and Accountability Bureau (AAB)
Faye A. Adragna, Operations Lieutenant, AAB
Mark P. Smith, Constitutional Policing Advisor
Diana M. Teran, Constitutional Policing Advisor
Daniel Baker, Chief Deputy, Office of Inspector General (OIG)
Cathleen Beltz, Assistant Inspector General, OIG
Robert Miller, Assistant Inspector General, OIG
Don Pedersen, Assistant Inspector General, OIG

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL AUDIT REPORT

COUNTY OF LOS ANGELES – SHERIFF

SUBJECT: AUDIT OF ALLEGATION-OF-FORCE INVESTIGATIONS AT CUSTODY FACILITIES

RECOMMENDATION NO.1: ENSURE ALLEGATION-OF-FORCE COMPLAINTS ARE SUBMITTED ON OR TRANSFERRED TO AN INMATE REQUEST/COMPLAINT FORM

The Custody Division Manual (CDM) requires that allegation-of-force complaints are submitted on or transferred to an Inmate Request/Complaint Form. Additionally, the *Rosas, et al. v. Baca* (Case CV 12-00428) implementation plan requires the separation of inmate requests from complaints and that inmate grievance forms should include "use of force" as a specific category. Department personnel should ensure that allegation-of-force complaints are submitted on or transferred to an Inmate Request/Complaint Form. The Department should consider the *Rosas* requirements when developing a new inmate complaints/grievance form.

RESPONSE: NO.1

The Department concurs with the recommendation. The current policy regarding inmate complaints is not clear if allegations-of-force should be treated as inmate complaints. In cases when an inmate made a verbal allegation-of-force, or when a third-party reported the allegation-of-force, the primary supervisor initiates the investigation in accordance with procedures established for use of force incidents. As there has been no written procedure or training directing personnel to handle allegations-of-force as inmate complaints, it has not been Department practice to categorize and/or document these allegations as such. This will be addressed in the Department's pending comprehensive revisions to inmate grievance policies and the creation of the Inmate Grievance Manual, in accordance with *Rosas v. McDonnell*.

The Inmate Grievance Manual has been approved by the *Rosas v. McDonnell* monitors and is currently in the approval process with the labor unions and Department executives. The court deadline is June 30, 2016; however, the executive approval process may affect the publishing date, if changes are proposed.

In an effort to more efficiently handle and track allegations-of-force in the County jails, the new policy establishes all allegations-of-force will be documented and tracked as grievances against staff. In order to familiarize Department personnel with these policies and procedures, an inmate grievance handbook will be distributed to all custody personnel within a month of the publication of the Inmate Grievance Manual.

Additionally, all supervisors will be required to attend a training class regarding the new inmate grievance procedures. We expect this training to be completed by December 31, 2016.

RECOMMENDATION NO.2: ALLEGATION-OF-FORCE INVESTIGATIONS SHOULD NOT BE CONDUCTED BY SUPERVISORS ALLEGED TO HAVE BEEN INVOLVED IN, OR A WITNESS TO, THE INCIDENT

The Manual of Policy and Procedures (MPP) requires that inquiries into allegations-of-force are conducted by a supervisor not alleged to have been involved in, or a witness to, the incident. Watch commanders and supervising lieutenants should ensure that inquiries into allegations-of-force are conducted by a supervisor not alleged to have been involved in, or a witness to, the incident. During our review, we noted four cases in which the allegation-of-force was investigated by a supervisor who had been directly involved in or witnessed the alleged force. If the investigation cannot be investigated by a non-involved/non-witness supervisor, a detailed explanation of the circumstances should be documented by the watch commander and/or supervising lieutenant. While the compliance percentage in this area was high, it is of such critical importance that any failure to follow policy in this regard requires correction.

RESPONSE: NO.2

The Department concurs with this recommendation and will re-brief CDM Section 7-06/000.00 "Force Reporting Procedures" to ensure all sergeants are aware that only non-involved sergeants should investigate allegations-of-force. In cases wherein a non-involved sergeant cannot be made available to investigate, the circumstances will be documented in the allegation-of-force memorandum. This briefing will be distributed and tracked through the Scheduling Management System (SMS), the system through which all custody informational bulletins, policy revisions, directives and other custody specific information is distributed.

RECOMMENDATION NO.3: INVESTIGATING SUPERVISOR MUST INTERVIEW ATTENDING MEDICAL PERSONNEL OR OTHER QUALIFIED MEDICAL PERSONNEL

The MPP requires that the investigating supervisor interview the attending physician or other qualified medical staff, when a suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported. Investigating supervisors should ensure that they interview the attending physician or other qualified medical personnel. Additionally, interviews of medical personnel should be clearly documented in the investigating supervisor's memorandum.

If the attending physician or other qualified medical personnel cannot be interviewed, the investigating supervisor should provide a detailed explanation of the circumstances in his/her memorandum.

RESPONSE: NO.3

The Department concurs with this recommendation. The Department will re-brief CDM Section 7-07/000.00 "Use of Force Review Procedures" to ensure all supervisors are aware of the interview and documentation requirements. This information is presented in the 16-hour Standards and Training for Corrections (STC) course "Use of Force Report Writing and Documentation for Supervisors."

RECOMMENDATION NO.4: INMATES MUST BE ADVISED, IN WRITING, OF THE DISPOSITION OF AN ALLEGATION-OF-FORCE

The CDM requires that the inmate (complainant) be advised, in writing, of the disposition of an allegation-of-force. Additionally, the *Rosas, et al. v. Baca* (Case CV 12-00428) Implementation Plan, Provision 7.2 requires that, "An inmate should be advised of the results of the Department's investigation of the inmate grievance against personnel, but not any sanction imposed, within 10 days of the Department's adjudication of the grievance." Investigating supervisors should ensure that the complainant is advised in writing of the disposition of the complainant's allegation-of-force. The Office of Inspector General regularly hears that prisoners believe their complaints are disregarded or not conveyed. Failure to provide notice fosters such a belief.

RESPONSE: NO.4

It was previously not the Department's practice to handle allegations-of-force not submitted on a complaint form, as inmate complaints. The inmate complaint policies requiring notification of dispositions were recognized by personnel as applicable only to inmate grievances, and not allegation-of-force investigations. As stated above, the Department's comprehensive revision of the inmate grievance policy (*per Rosas v. McDonnell*) now addresses this point by requiring allegations-of-force be documented and tracked as inmate grievances against staff, and concerned inmates are notified of the dispositions in writing.

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL AUDIT REPORT

RECOMMENDATION NO.5: ALLEGATION-OF-FORCE PACKAGES MUST BE FORWARDED TO THE UNIT COMMANDER FOR REVIEW NO LATER THAN 21 DAYS AFTER THE INCIDENT.

The MPP requires that allegation-of-force packages be forwarded to the unit commander for review no later than 21 days after the incident. Watch commanders and supervising lieutenants should ensure that all allegations of force packages are submitted to the unit commander no later than 21 days after the incident. If for any reason the package cannot be submitted within 21 days, the supervising lieutenant should include documentation stating the reason(s).

RESPONSE: NO.5

In November 2013, the Department created the compliance lieutenant position in order to address deficiencies in the force reporting and review process. One compliance lieutenant was added to each custody facility.

In November 2015, CDM 2-01/060.05 "Compliance Lieutenant" was revised per *Rosas v. McDonnell* provision 5.1 to state, "The compliance lieutenant should track the status of all investigations, reviews and evaluations of all custody use of force incidents, and allegations of force to ensure that investigations, reviews, and evaluations are completed appropriately and timely."

The Department will conduct future audits, beginning next fiscal year, and provide requested information for any future OIG audits to ensure compliance with this recommendation.

RECOMMENDATION NO.6: UNIT COMMANDERS MUST ENSURE THAT FORCE PACKAGES ARE COMPLETED, REVIEWED, AND APPROVED IN A TIMELY MANNER.

The MPP requires that the unit commander ensure that unit-level force packages are completed, reviewed/approved and processed in a timely manner. Watch commanders should ensure that they forward all allegations of force to the unit commander for review and approval. Some Department personnel currently utilize a "Noted" stamp as a signatory on documents. We do not recommend the continuation of this practice because the term is vague and may not encourage full review. Each level of review and concurrence should be clearly and legibly documented and include the reviewing personnel's name, rank, date and articulate review and concurrence.

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL AUDIT REPORT

RESPONSE: NO.6

The Department agrees with this recommendation. For allegations-of-force, the lieutenant to unit commander memorandum will be modified to include a signature line denoting the unit commander's review, check boxes indicating "approved" or "further review required," and a comments section.

These packages use checklists which require a signature at every level of review. "Contents Noted" stamps are no longer to denote review and/or approval for use-of-force packages.

RECOMMENDATION NO.7: EACH ALLEGATION-OF-FORCE MUST BE FORWARDED TO THE AREA COMMANDER FOR REVIEW AND CONCURRENCE AND THEN TO THE THE ADMINISTRATIVE COMMANDER FOR REVIEW.

In March 2016, the MPP was revised and no longer requires review/concurrence by the concerned division chief. MPP, Section 7- 06/000.00, Use of Force Reporting Procedures, Force Allegations, states, "All Allegations of Force shall be forwarded by the unit commander to the concerned facility's area commander for review/concurrence and then forwarded to the administrative commander for review." Unit commanders should ensure that they forward all allegations of force to the concerned area commander for review and concurrence and then to the administrative commander for review. Each level of review and concurrence should be clearly and legibly documented and include the reviewing personnel's name, rank, date and articulate review and concurrence.

RESPONSE: NO.7

In order to ensure proper tracking of the use of force package, the "Use of Force Package Tracking Sheet" (SH-R-438T) and the "Custody Operations Use of Force Checklist" (SH-R-438R) forms were created to ensure that each level of subsequent review was completed, as required. The tracking sheet also contains a checklist which is attached to the front of the envelope in which all materials are kept, to ensure all materials are accounted for. Additionally, Informational Bulletin 2015-06 was created to ensure consistency throughout custody regarding the reporting and tracking of inmate allegations-of-force in the electronic Line Operations Tracking System (e-LOTS).

Upon review of the Use of Force Package Tracking Sheet and the Custody Operations Use of Force Checklist (for the preparation of this memorandum), Custody Administration will re-evaluate both forms to ensure the number of supplemental reports and memorandums are documented and the additional administration commander's review is reflected for all allegations-of-force.

The titles of both forms will be re-evaluated to include allegations-of-force and the Informational Bulletin 2015-06 will be re-briefed.

RECOMMENDATION NO.8: ALL RELATED SUPPLEMENTAL REPORTS AND/OR MEMORANDUMS MUST BE INCLUDED IN ALLEGATION-OF-FORCE PACKAGES.

The MPP requires that force packages include all related supplemental reports and/or memos. Watch commanders and supervising lieutenants should ensure that all required memorandums are completed and all related supplemental reports and/or memorandums are included in allegation-of-force packages.

RESPONSE: NO.8

In order to ensure proper tracking of the use of force package, the "Use of Force Package Tracking Sheet" (SH-R-438T) and the "Custody Operations Use of Force Checklist" (SH-R-438R) were created to ensure each level of subsequent review was completed, as required. The tracking sheet also contains a checklist which is attached to the front of the envelope in which all materials are kept, to account for all related materials.

RECOMMENDATION NO.9: WATCH COMMANDER MUST ENSURE ALL REQUIRED INTERVIEWS ARE CONDUCTED, OF GOOD QUALITY, AND INCLUDED IN THE ALLEGATION-OF-FORCE PACKAGE.

The MPP requires that force packages include copies of any recorded interviews conducted by supervisors during their investigation. Watch commanders and supervising lieutenants should ensure that all recorded interviews conducted by supervisors during their investigation are included in allegation-of-force package.

Watch commanders and supervising lieutenants should also ensure that video interviews are of good quality, steady, focused and audible. Although there was high compliance with Departmental policy requiring video be filed, we noted in our review that several of the video interviews were dark, shaky, contained muffled voices, or did not include the subject of the interview in the video frame. For example, a sergeant conducting one interview videotaped only the inmate's nostrils during the entire interview. Another video depicted the ground as the sergeant spoke with the inmate. In another, the voice of the sergeant and the inmate were muffled and barely audible.

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL AUDIT REPORT

RESPONSE: NO.9

The Department recognizes it is critical that video interviews are included in the allegation-of-force package and are of good quality. In an effort to ensure all interviews are included and to improve video quality, a portion of the 16-hour STC course "Use of Force Report Writing and Documentation for Supervisors" (which is part of the 48-hour Custody Orientation for Supervisors) is dedicated to the video interview process.

RECOMMENDATION NO.10: SIGNATURES SHOULD BE USED TO DOCUMENT THE SUPERVISORY APPROVAL PROCESS IN LIEU OF THE "NOTED" STAMP.

The Department's practice to utilize the "noted" stamp to signify review and concurrence of allegations-of-force packages has been standard protocol for the Department during this audit. However, this made our review difficult in ascertaining who actually reviewed the allegation of force package, date reviewed and their respective rank. We suggest that the "Noted" stamp be eliminated and each level of review and concurrence should be clearly and legibly documented to include the reviewing personnel's name, rank, and date.

RESPONSE: NO.10

As stated in Response #6, the Department agrees with this recommendation and will make the stated changes to the lieutenant to unit commander memorandum.

RECOMMENDATION NO.11: AN ALLEGATION-OF-FORCE CHECKLIST SIMILAR TO THE CHECKLIST UTILIZED FOR USE OF FORCE (FORM 438) BE USED IN ALL ALLEGATION-OF-FORCE PACKAGES TO COVER ALL REQUIRED DOCUMENTATION AND CREATE A TRAINING COURSE FOR SUPERVISORS SPECIFIC TO ALLEGATIONS-OF-FORCE INVESTIGATIVE PROCESS FOR ALL OPERATIONS AND COMPLIANCE PERSONNEL.

The MPP requires that force packages contain all the necessary documentation in order to be considered complete. We recommend that an allegation-of-force checklist similar to the checklist utilized for Use of Force (Form 438) be used in all allegation-of-force packages. A checklist will ensure the consistency of custody investigations Department-wide. The form should include: a checkbox for all documentation required by policy, a signature affirmation to ensure accountability for the task, and space for the identity of the specific LASD approving personnel by policy role and corresponding signature box to assist the reviewers and auditors in the function of that specific person. The current signatory system is confusing as to which role each person plays in the approval phase of an investigation. The checklist should also indicate if CCTV was available and if not, why not. If CCTV was available and

not included in the package, a memo should be included from the custody commander articulating why CCTV of the incident was not included.

The Department should consider training which is specific to the allegations of force investigative process for all operations and compliance personnel. The topics should include: review of the findings of the audit report conducted by OIG (risk management issues from the report should be emphasized), discussion of development and implementation of a new checklist, and case study reviews of prior allegations of force investigations that were out of compliance with the MPP.

RESPONSE: NO.11

The new "Use of Force Package Tracking Sheet" (as indicated in Response #7) contains a checklist for all materials which could potentially be included in the use-of-force/allegation-of-force package. This form is initiated by the handling sergeant and affixed to the outside of the envelope which contains the entirety of the force package. This allows for an easy accounting of which materials need to be included in the package as well as to provide an inventory of the package for later stages of review.

The Department will share the OIG's report and this response letter with Custody Training and Standards Bureau (CTSB) and assess the feasibility of expanding the allegations-of-force portion of the 16-hour "Use of Force Report Writing and Documentation for Supervisors" course, integrating the OIG's findings. Additionally, the inmate grievance handbook is being developed (as described in Response #1) instructing all Department personnel on proper allegation-of-force reporting and tracking procedures. This handbook will be distributed within a month of the publication of the inmate grievance manual.

RECOMMENDATION NO.12: ENSURE ALL ALLEGATIONS-OF-FORCE CASES ORIGINATING AT THE DIFFERENT FACILITIES ARE ENTERED IN E-LOTS.

Custody Services Bulletin 2015-06 requires that all allegations of force cases be logged and tracked in e-LOTS. The Department should ensure that all allegations of force cases originating at the different facilities are entered in e-LOTS. This will bring consistency to the tracking of completed packages and avoid discrepancies.

RESPONSE: No.12

The Department concurs with this recommendation and will re-brief informational bulletin 2015-06 "Alleged Use of Force Reporting in e-LOTS" to all custody personnel. This briefing will be distributed and tracked in the SMS system, as described in Response #2.

RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL AUDIT REPORT

RECOMMENDATION NO.13: ENSURE THE RECORD SENT TO THE DISCOVERY UNIT BY UNIT LEVEL PERSONNEL IS THE COMPLETE FILE THAT CONTAINS COPIES OF ALL RELATED MATERIALS

Current policy requires that allegation-of-force packages be forwarded to the Discovery Unit for retention. The Department should ensure that the record that is sent to the Discovery Unit by Unit Level personnel should be the complete file that contains copies of all related memorandums with appropriate approving signatures, video, pictures and audio recordings along with all other relevant investigatory documentation that supports the conclusion reached.

RESPONSE: NO.13

The Department concurs with this recommendation and will ensure all required materials in an allegation-of-force package are forwarded to the Discovery Unit. An "Alleged Use of Force Package Tracking Sheet" will be developed with a review date tracker, which includes the Discovery Unit in the last position.