



Office of Inspector General County of Los Angeles

FOURTH QUARTERLY REPORT BACK ON IMPLEMENTATION OF THE FAMILY ASSISTANCE PROGRAM

July 2020

Introduction

In July 2019, the Los Angeles County Board of Supervisors (Board) established the Family Assistance Program aimed at improving compassionate communication and providing trauma-informed support to families of those whose lives are lost while they are in custody or following an encounter with Los Angeles County Sheriff's Department (LASD) personnel. The Board instructed the Office of Inspector General (OIG) to report back quarterly in the first year and semi-annually thereafter on the progress of the program. This is the OIG's fourth quarterly report.

Initially, County partners including LASD, Department of Mental Health (DMH), Department of Medical Examiner-Coroner (ME-C), Department of Public Health (DPH), Chief Executive Office (CEO), Auditor-Controller (AC), County Counsel, and Civilian Oversight Commission (COC), made important headway in identifying funding and initiating Family Assistance Program policies. LASD and ME-C wrote new policies to include DMH in their death notifications and DMH committed to providing trauma-informed care. Despite initial progress, one year into Family Assistance Program implementation, efforts have slowed or stalled in key areas including program funding and staffing and some aspects of interagency cooperation.

Family Assistance Program Funding

Between April 1 and June 30, 2020, five in-custody and eight deputy-involved shooting deaths have occurred. Fifty-three individuals have died since the inception of the Family Assistance Program. DMH has provided burial cost assistance to the families of only two of the decedents.

In the initial year of the Family Assistance Program, a total of \$180,000 was set aside to reimburse burial expenses. DMH disbursed \$10,300 among two families; payment was made directly to mortuaries in both instances. The 2019-2020 Fiscal Year ends on June 30, 2020, and in order to retain the unused balance, DMH reports that it has requested a carryover of unspent funds in its supplemental

budget process. The remaining funds are insufficient to support payment of up to \$7,500 per family that has yet to apply for reimbursement. The CEO has reported that the unforeseen financial impact of the novel coronavirus (COVID-19) will eliminate program funding for the 2020-2021 Fiscal Year until an economic recovery identifies a viable funding source. Alternative funding sources were explored but none have been secured.

In the July 9, 2019 Board motion, the CEO was directed to work with the Center for Strategic Partnerships (Center) to explore philanthropic partnerships to assist with Family Assistance Program costs. The OIG and CEO had conversations with the Center, who reported that philanthropic organizations are facing their own economic challenges as a result of COVID-19. Foundations that themselves have not had to scale back on staffing or grants are channeling donations to COVID-19 response and recovery relief. As such, no private money has been identified that would enable burial reimbursement to continue once the initial \$180,000 has been exhausted. The Board will need to allocate additional funds if the financial assistance aspect of the Family Assistance Program is going to continue.

With the goal of disbursing the remaining \$169,700, DMH reports that its application process, no fault-eligibility criteria, and disbursement procedures for burial cost assistance have been finalized. The OIG recommended that burial expenses be paid in chronological order from the date of the first death following the program's inception on July 9, 2019. The financial assistance application and other information regarding the program can be found online on a newly created webpage on the DMH website.¹ The OIG recommends that the application on the DMH webpage be made available in other languages, but at the very least in Spanish, as many of the eligible families have been monolingual Spanish speaking.

DMH reports that some families, in addition to the two mentioned above, have been offered financial assistance for burial costs but DMH has not provided complete information about the specific services offered to each family

¹ https://dmh.lacounty.gov/our-services/countywide-services/family-assistance-program/?preview_id=7559

contacted. According to DMH, some families have been hesitant to accept financial assistance, and others have declined altogether, reportedly because the reimbursements are treated as taxable income to recipients or upon advice of retained counsel. DMH reports that some families have requested that financial assistance be used to pay a County department to cover, for example, fees such as the Medical Examiner's fee required to release a body.²

Family Assistance Program Staffing

In the July 9, 2019 Board motion, DMH was instructed to hire Family Assistance Advocates (Advocates) who would serve as primary points of contact for grieving families. Discussed in more detail below, Advocates would be present during next-of-kin notifications to provide crisis intervention and grief counseling, explain available resources and serve as liaisons between LASD, ME-C and other County departments as appropriate. Advocates would be non-law enforcement providers trained in trauma-informed therapeutic interventions who would be able to empathetically and effectively assist grieving families. Because of the extensive clinical expertise possessed by DMH providers, the Advocate positions were placed with DMH.

DMH was originally allocated \$437,000 to fund two positions, pay for overtime, and to purchase supplies for the Family Assistance Unit. Instead of hiring two full-time employees, the allocated funds were used to pay overtime for existing DMH employees until the County determined if the program was viable. According to documents submitted by DMH during Los Angeles County's May and June 2020 budget deliberations, no request was made to fund any full-time Advocate positions for Fiscal Year 2020-2021. As such, there will be no future funding available beyond the current fiscal year for Advocates or to reimburse DMH for overtime spent providing Family Assistance Program services.

² It costs \$400 to recover a body from the Office of the Medical Examiner. ME-C reports that it waives the transportation and handling fee of \$400 on all homicide and juvenile cases. In addition, families who are on public assistance, or indigent may request a fee waiver. Decedents who are veterans will also have the fee waived upon proof of veteran status. The OIG recommends that the ME-C consider waiving this fee for all in-custody deaths as well.

In order to adequately support families in the wake of tragedies as the Board intended, more outreach and consistent relationship-building with grieving families through clear, ongoing communication is crucial. DMH Advocates should have all necessary resources and authority, including cooperation from all involved departments, to assume primary responsibility for meeting program goals. Alternatively, if the staffing and resourcing of the Advocate positions is not feasible or desirable for DMH, the Board should consider whether placing the positions within DPH or ME-C would better accomplish program goals.

Next-of-Kin Notifications and Communication with Grieving Families

The participation of Advocates during next-of-kin notifications and the establishment of Advocates as liaisons between families, LASD, ME-C, and other County departments are two primary goals of the Family Assistance Program. In addition to informing families of available services and offering support immediately following the death of a loved one, Advocates are supposed to act as single points of contact for families and communicate investigative and other important updates and information in the days, weeks, and months following a death.

DMH reports that Advocates have been present during some next-of-kin notifications. In some cases, next-of-kin are unknown at the time of or immediately following a death, or next-of-kin reside outside of the County. LASD and DMH report that Advocates may have been present during some telephonic notifications. In some instances, DMH reported that LASD and/or DMH were concerned for the Advocates' safety at crime scenes and have recommended against responding. LASD and DMH have reported that sometimes responding Advocates and LASD personnel were unable to coordinate arrival times and Advocates directed LASD to make the notifications without an Advocate present. The Advocates have expressed concerns about being present during notifications. They report that, at times, they have been mistaken for LASD personnel and they are concerned about the timing of their involvement because some families have

been so distraught or angry that they have rejected help offered. LASD and ME-C have also expressed concerns about including Advocates during next-of-kin notifications, citing investigative integrity and concerns for Advocates' physical safety. These concerns may be valid, and given that they are maintained by all departments, likely contribute to Advocates' presence thus far at only a few notifications. DMH, LASD, and ME-C agree that, in all cases, DMH should contact families immediately after next-of-kin notifications and DMH reports that Advocates have done that with most families.

Another program goal in need of improvement involves ongoing communication with grieving families about investigative and other important updates and information. The program goal was to offer families an Advocate with a clinical background who would support them in their grief, help them navigate complex County processes, and update them regularly and upon request about the status of investigations and any other information sought by families as appropriate. DMH reports that Advocates have supported families in activities such as obtaining necessary paperwork, retrieving property, and initiating discussions with embassies to facilitate international burials. These are important tasks and are among the types of assistance families need.

As with next-of-kin notifications, however, LASD and DMH have each expressed concerns about the program goal of having Advocates act as liaisons communicating investigative information. LASD has been reluctant to share information about open cases for fear of jeopardizing investigative integrity and DMH is concerned about legal liability or making missteps that could jeopardize an investigation or upset families unnecessarily. LASD and DMH report that some families have declined to speak with Advocates and directed all communication from county agencies to go through their civil attorneys. The OIG continues to recommend: 1) that LASD, ME-C and DMH meaningfully reevaluate their information-sharing policies and practices; 2) that LASD and ME-C begin to share more information--as much information as possible--with grieving families; 3) that DMH Advocates establish protocols and begin to communicate any information shared with families; and 4) that DMH Advocates maintain regular communication

with families for as long as appropriate to meaningfully support them in their grief.

The OIG has been unable to verify much of the information reported by DMH or to obtain more detailed information about the Advocates' activities. DMH has indicated that it maintains a database containing detailed information, and the OIG is in the process of obtaining direct login access to the database. In the interim, the OIG has regularly requested information from DMH via email pursuant to the OIG's ordinance, but responses have not been timely or complete. As such, the OIG has been unable to adequately monitor whether the services being offered to families meet the Board's goals for the Family Assistance Program. Perhaps once the OIG gains login access to the DMH database and/or if DMH becomes more responsive to OIG information requests, the OIG will be better able to verify information reported and properly evaluate program implementation.

Future of the Family Assistance Program

If funding is not identified for the financial assistance portion of the Family Assistance Program, the OIG recommends that the County retain and continue to improve other valuable aspects of the program and that involved departments continue to look for partnerships that maximize services for grieving families. In addition to important services and assistance described above, Advocates can continue to assist families by providing services, acting as communication liaisons and assisting in navigating County processes.

One possible opportunity for immediate collaboration exists between DMH and DPH's Trauma Prevention Initiative, within the Office of Violence Prevention. Currently in operation only in South Los Angeles, the Trauma Prevention Initiative is part of the DPH's resolve to treat violence as a public health issue, rather than a criminal justice one. The Trauma Prevention Initiative aims to reduce violence-related injuries and deaths by building comprehensive intervention programs in four communities in South Los Angeles. These include the Street Outreach and

Hospital Based Violence Intervention models that utilize a peer approach to engage community members and victims of violence.

Resources such as Trauma Prevention Initiative, Community Action for Peace stakeholder groups, and DPH's MLK Community Healing and Trauma Prevention Center may support community healing and access to services in response to traumatic events associated with deputy-involved shootings and in-custody deaths. DPH currently partners with DMH to support the Trauma Prevention Initiative and will meet to discuss possible future opportunities to be involved in the Family Assistance Program response as needs arise including assistance with data collection and evaluation.

The County is facing unprecedented challenges in responding to the pandemic and nationwide unrest. In creating the Family Assistance Program, the COC and Board were attentive to calls from advocates and families who had lost loved ones in custody or during encounters with Sheriff's Department personnel. The underlying objectives of the program—to create much needed support for families, improve transparency of LASD and ME-C and, ultimately, increase public trust in law enforcement—are more necessary now than ever before.

The OIG will continue to closely monitor and report on all aspects of the Family Assistance Program semi-annually.