

**County of Los Angeles
Office of Inspector General**

**2014 FOURTH QUARTER STATUS REPORT:
The Los Angeles Sheriff's Department
Implementation of The Citizens'
Commission on Jail Violence
Recommendations**

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2014 FOURTH QUARTER STATUS REPORT JANUARY 20, 2015

Since the Office of Inspector General's (OIG) *First Status Report* on the Los Angeles County Sheriff's Department (Department) implementation of the Citizens' Commission on Jail Violence (CCJV or Commission) recommendations was submitted on October 21, 2014, the Department has made additional progress in a number of areas. As the OIG increases its staffing, it will begin to implement the monitoring plan set forth in its *First Status Report*. Because the critical issue of OIG access to personnel files and other confidential materials remains unresolved, much of the OIG's monitoring is currently forestalled. The OIG respectfully submits to the Board of Supervisors its Second Status Report.

As the Department has progressed in implementing the CCJV recommendations, the County of Los Angeles has been in settlement negotiations with the plaintiffs in *Rosas, et al. v. Baca* (Case No. CV 12-00428 DDP). An Implementation Plan has now been finalized which will bring about additional changes to the procedures and policies within the Custody Division. For example, CCJV Recommendation 3.1 called for the Department to have a "comprehensive" use of force policy in a single document. Under the *Rosas* Implementation Plan, the Department will now create a "separate, revised, free-standing" Custody Force Manual.¹ The OIG will closely review the Implementation Plan to identify areas of overlap with the CCJV recommendations and adjust its monitoring plan to avoid duplication of efforts and undue burden on the Department and County.

As of this report, there are no changes in the implementation status of any of the CCJV recommendations. For this evaluation period, the OIG met with executives and managers

¹ Implementation Plan, *Rosas, et al. v. Baca, supra*, Section 2.1.

throughout the Department to obtain the necessary information and data. The OIG met with the Sheriff's Executive Officer Neal Tyler, the Custody and Patrol Division assistant sheriffs, Custody and Patrol Division commanders, facility managers, and staff from Custody Support Services and the Custody Standards and Training Bureau. OIG staff also visited the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC) and met with its leadership and staff. The OIG attended multiple meetings of the Executive and Custody Force Review Committees (EFRC and CFRC), Critical Incident Reviews (CIR), Custody Division commander meetings, a use of force data review, several 24-hour and 7-day Prisoner Death Reviews as well as Complex Case Committee Meetings. Finally, the OIG met with the commander of the Professional Standards Bureau and the leadership of the Internal Affairs Bureau.

In addition to formal meetings, OIG staff engaged individual Department managers and executives in follow-up meetings, phone calls and briefings. The Department was again accommodating in providing additional data and information when requested by the OIG. The OIG continues to meet monthly with the Assistant Sheriff, Custody Division, Terri McDonald and the Custody Division chiefs and meets in person or via telephone with the custody division assistant sheriff several times per month.

While the Department continued to make progress in several areas consistent with its projected completion times, the OIG identified several areas which will require further inquiry. The OIG recently reported in two public reports on allegations of force by prisoners and the use of body scanner technology to discover contraband hidden on prisoners. The OIG will be analyzing and reporting on the quality of prior use of force allegation inquiries conducted by the Department. The OIG will also continue to evaluate the body scanner pilot project (Recommendation 3.12) as well as the projected expansion of the use of iPad computer

tablets in the Department's effort to modernize its prisoner grievance system.

(Recommendation 7.14.)

The OIG has ongoing concerns about the evaluation of new deputies who are still in their probationary periods. (Recommendation 6.4.) The Department reports that it is not adequately tracking and timely monitoring probationary employee performance evaluations. Performance shortcomings must be identified in a timely fashion so that remedial action can be taken while deputies are still on probation. Given the potential problematic decision-making in this area identified in the previous quarterly report, the OIG is seeking to learn more. However, without access to personnel records, it is impossible to assess the overall quality of the review process or the qualifications of personnel ultimately retained.

The OIG continues to have access to all of the Department's jail facilities and scenes of significant Custody Division incidents, including prisoner suicides and deaths, uses of force, and jail group disturbances. The OIG also continues to roll out to all deputy involved shootings. The Department has been diligent in notifying the OIG of problematic or excessive Custody Division uses of force. Similarly, when the OIG has reported questionable or improper Custody Division staff conduct, the Department has assured the OIG that it acts swiftly to investigate. However, the moment an inquiry or investigation is triggered, the OIG is denied access to the information necessary to evaluate its quality. In every such instance, opportunities for real-time monitoring or any meaningful oversight of the Department are lost. Department personnel have been forthcoming, available and accommodating in the OIG's preparation of this and other reports. However, as a result of the OIG's limited access, much of the information detailed in this and other reports is based solely on Department representations or summary data review as opposed to thorough review and analysis consistent with nationally recognized oversight methods.

USE OF FORCE

3.1. LASD should promulgate a comprehensive and easy-to-understand Use of Force Policy in a single document.

Status: *Implemented*

Progress since First Status Report: The policy proposals were reviewed and approved by the deputy sheriffs' and custody assistants' unions without any revisions. As stated above, the Department anticipates additional revisions to the Use of Force Manual in response to the recent settlement of the *Rosas* litigation.

3.2. LASD personnel should be required to formally acknowledge, in writing, that they have read and understand the Department's Use of Force Policy.

Status: *Implemented*

Progress since First Status Report: Since the OIG's first status report, the Patrol Division has provided documentation that indicates 100 percent compliance with the use of force policy acknowledgement recommendation. No further monitoring of this recommendation is anticipated at this time.

3.3. All LASD personnel should be provided training on the new Use of Force Policy.

Status: *Implemented*

Progress since First Status Report: See discussion of recommendation 3.2 above. No further monitoring of this recommendation is anticipated at this time.

3.4. The Department's Use of Force Policy should reflect a commitment to the principles of the Force Prevention Policy and prohibit inmate retaliation or harassment.

Status: *Implemented*

Progress since First Status Report: The Department's use of force policy has not changed since the OIG's first report. In November, the OIG received a complaint of personnel in a disciplinary module harassing a mentally ill prisoner. The OIG reported the incident to facility managers and reviewed corroborating video footage. The Department reports that the incident is now being investigated by the Internal Affairs Bureau (IAB). The prisoner complainant in this incident has made allegations of other taunting and mistreatment by Department personnel. The Department reports that the custody facilities are conducting inquiries into these allegations. However, without access to personnel records, the OIG can neither receive information about the outcome of the investigation nor monitor the investigation itself.

3.5. LASD's Use of Force Policy should be based upon the objectively reasonable standard rather than the Situational Use of Force Options Chart.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

3.6. The Use of Force Policy should articulate a strong preference for planned, supervised, and directed force.

Status: *Implemented*

Progress since First Status Report: The pilot program for the redesigned “Supervisor’s Use of Force Report –Form 438” is ongoing at Men’s Central Jail (MCJ). The Department has started analyzing the results and, thus far, there have been some changes in the formatting of the report; however, no substantive changes to the form have been made. On December 1, 2014, the Department launched a 90-day pilot program at TTCF. The Department plans to review and analyze the results of the pilot program at both TTCF and MCJ before initiating a pilot program in the Department’s North Patrol Division. The Department hopes to launch the patrol pilot program in the spring of 2015.

3.7. The Use of Force Policy should account for the special needs populations in the jails.

Status: *Implemented*

Progress since First Status Report: The Department reports that, as a result of *Rosas*, it anticipates further revisions to its Use of Force Manual regarding how to respond to those with mental illness.

3.8. PPI and FAST should be replaced with a single, reliable, and comprehensive data tracking system.

Status: *In progress (funding approved)*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG’s last status report. Meaningful analysis and monitoring of the Department’s Personnel Performance Index (PPI) and Facility Automated Statistical Tracking (FAST) systems requires OIG access to personnel and disciplinary records.

3.9. Inmate grievances should be tracked in PPI by the names of LASD personnel.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of PPI related recommendations requires OIG access to personnel and disciplinary records.

3.10. LASD should analyze inmate grievances regarding the use of force incidents.

Status: *Implemented*

Progress since First Status Report: On November 21, 2014, the OIG reported to the Board the protocols and policies currently in use by the Department to investigate prisoner allegations of force by Department personnel. The OIG has requested and expects to receive by December 30, 2014, 134 completed force allegation inquiries that were made between January 1, 2013 and September 30, 2014, which the Department judged to be unfounded. The OIG will conduct a qualitative review of each case to determine whether policy and protocols were followed and whether the investigations were thorough, fair and complete with appropriate dispositions.

3.11. Statistical data regarding use of force incidents needs to be vigilantly tracked and analyzed in real time by the highest levels of LASD management.

Status: *Implemented*

Progress since First Status Report: The Department reports that it is continuing to vigilantly track and analyze use of force data and the OIG continues to receive use of force statistics and synopses daily.

3.12. Department should purchase additional body scanners.

Status: *In progress*

Progress since First Status Report: The OIG recently reported on the body scanner pilot project being conducted at the Inmate Reception Center (IRC). Since then the Department has installed a body scanner at the Century Regional Detention Facility (CRDF) for female prisoners and it is operational. One of the two scanners at IRC is still not repaired following a failure in September. The Department reports that it is considering replacing existing monitors with higher resolution monitors to aid in detecting contraband.

MANAGEMENT

4.1. The Sheriff must be personally engaged in oversight of the jails.

Status: *Implemented*

Progress since First Status Report: The Department reports that through the end of his tenure on December 1, 2014, Sheriff John Scott continued to closely monitor custody operations through the same means described above. In order to allow Sheriff Jim McDonnell the ability to influence staffing of key roles, the Department has not yet filled the open Senior Deputy Counsel, Constitutional Policing Advisor position.

4.2. The Sheriff must hold his high level managers accountable for failing to address use of force problems in the jails.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.3. The Undersheriff should have no responsibility for Custody operations or the disciplinary system.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.4. The Department should create a new Assistant Sheriff for Custody position whose sole responsibility would be the management and oversight of the jails.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.5. The Sheriff should appoint as the new Assistant Sheriff for Custody an individual with experience in managing a large corrections facility or running a corrections department.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.6. The Assistant Sheriff for Custody should report directly to the Sheriff.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.7. The Commander Management Task Force should not be a permanent part of Custody management.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.8. The Sheriff must regularly and vigilantly monitor the Department's Use of Force in the jails.

Status: *Implemented*

Progress since First Status Report: The Department reports that through the end of his tenure, Sheriff Scott continued to review regularly the daily, weekly and monthly custody force statistics and synopses with his team. He also held weekly meetings and communicated frequently with Assistant Sheriff McDonald. The Department is closely monitoring uses of force at a high managerial level and is in the process of determining how to train personnel on improved decision-making techniques. The Department also reports that Sheriff McDonnell anticipates regularly and vigilantly monitoring the Department's use of force in the jails and is in the process of determining the most effective way to do so.

4.9. The Department should implement SCIF [the Sheriff's Critical Issues Forum] on the Custody side to improve the accountability of jail supervisors.

Status: *Implemented*

Progress since First Status Report: The November 2014 Custody Division SCIF was cancelled and the next Custody Division SCIF, renamed "Risk Management Forum," (RMF) was scheduled for December 12, 2014. The RMF includes all custody facilities and follows a format developed by Risk Management Bureau to standardize the review of risk management issues Department-wide. The topics analyzed during the RMF were anticipated to include administrative investigations, use of force, prisoner complaints, civil claims, prisoner assaults on staff, and prisoner assaults on other prisoners. Due to bad weather, the December 12, 2014 RMF was cancelled.

On January 28, 2015, the Custody Division will hold the first formal RMF which, the Department reports, will include a more in-depth analysis of the same topics that were scheduled for review at the cancelled RMF. In addition, data will be reviewed regarding prisoner population numbers, Education Based Incarceration (EBI) participation rates, prisoner disturbances, prisoner suicides and suicide attempts, and prisoner participation in town hall meetings. All Custody Division commands will participate, including the support units.

In Implementation Monitor Richard Drooyan's July 2014 report, he recommended that the Custody Division SCIF be held on a quarterly basis. The Department reports that instead of quarterly, a full RMF (formerly Custody side SCIF) will be held twice yearly. The Department reports that in between the two formal RMF presentations, smaller reviews will be held to address trends. The most recent review was held on October 30, 2014, and was

attended by the OIG. Also, Assistant Sheriff McDonald and custody commanders meet monthly to review the contents of a statistical book in which force statistics are now maintained. They report that their most recent review meeting took place on December 9, 2014.

4.10. Senior management needs to be more visible and engaged in Custody.

Status: *Implemented*

Progress since First Status Report: The Department reports that its managers continue to maintain a visible presence in the jails. This is achieved through the Weekend Duty Facility Visitation rotation described above and the consistent and ongoing presence of Custody Division executives within the jails. Custody Division executives report that they make unannounced visits on all shifts and days of the week.

This quarter's facility visitation reports reflect that the facilities were visited by a commander or chief on the following dates: Pitchess Detention Center (PDC) East (October 18, 2014), PDC South (October 18, 2014), PDC North (October 5, 2014; October 18, 2014), North County Correctional Facility (NCCF) (October 5, 2014, November 23, 2014), MCJ (October 4, 2014; October 17, 2014, October 26, 2014; November 2, 2014; November 22, 2014; December 12, 2014), IRC (October 17 & 19, 2014; November 2, 2014; December 12, 2014), CRDF (October 4, 2014; October 19, 2014; November, 1, 2014; November 22, 2014; December 13, 2014), TTCF (October 17 & 19, 2014; October 25, 2014; November 23, 2014).

Reports reflect that activities conducted by executives during these visits include (1) visiting the recreation yards and viewing cell blocks, (2) examining facility hygiene, (3) conducting town hall meetings and Title 15 trainings, (4) holding sergeants meetings, (5) addressed certain individual prisoner issues related to mental health, (6) evaluating the use of body scanners, (7) working to address the issue of Forensic Inpatient (FIP) bed

availability for prisoners in IRC clinic for over 24 hours, (8) discussing the use of force policy with deputies and, (9) in many instances, recommending follow up for issues about which they were made aware during the visits. One commander noted that, on October 17th at IRC, there was a large back log for clinic processing. The commander personally returned on October 19th to ensure that the backlog had been cleared and noted that the staff had worked very hard to do so.

In addition, emergency response drills for PDC North, NCCF, MCJ, CRDF and TTCF were conducted on November 23, 2014, by various Department Commanders. A drill was also conducted on October 25, 2014, at TTCF and on October 26, 2014, at MCJ.

4.11. Management should be assigned and allocated based on the unique size and needs of each facility.

Status: *In progress (funding approved)*

Progress since First Status Report: The Department has received the funding for 19 new full-time permanent clerical positions that was approved by the Board on September 30, 2014. An allotment was provided to each facility based on size and needs. The Department created a new classification for a professional staff position within the County to serve as clerical staff within each facility, which has been approved by the Chief Executive Office. However, the Department reports that due to logistical hiring challenges not within the Department's control, it anticipates delays in filling the positions. The Department still anticipates that 19 deputies and custody assistants will be put on line duty and replaced with the nineteen professional clerical staff.

4.12. LASD should create an Internal Audit and Inspection Division.

Status: *In progress (funding approved)*

Progress since First Status Report: Since the OIG's first report, IMPACC has continued to move forward with its Phase II staffing and has hired 15 of the approved 28 new positions. Management is in the process of hiring five sergeants, one lieutenant, one head compliance officer and six sheriff performance auditors. The Department reports that it anticipates hiring the head compliance auditor in January of 2015. Phase III staffing does not begin until July of 2015.

In the last quarter, IMPAAC has completed audits regarding Custody Personnel Rotation, Uniform Crime Reports Assault Classification Audit and have initiated three additional audits. It also completed a CCJV compliance inspection, developed a "project tracker," and conducted unit level performance mentoring assessments for the evaluation of the way in which Department supervisors monitor employee performance, provide feedback, mentor employees and document reviews and assessments.

4.13. The Department should have a formal policy to address campaign contributions.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. There is no further monitoring anticipated at this time.

4.14. LASD should participate in collaborations such as the Large Jail Network that would enable it to learn about best practices and approaches in other systems.

Status: *Implemented*

Progress since First Status Report: See discussion of Recommendation 6.10 below.

CULTURE

5.1. The Department must continue to implement reforms that emphasize respect for, engagement of, and communications with inmates.

Status: *Implemented*

Progress since First Status Report: The Department has continued to implement reforms described above that emphasize respect for, engagement of and communication with prisoners. Over the course of the last quarter, the Department reports the following *additional* programming and program related changes for each facility:

Men's Central Jail:

- The Unit Commander and Operations Lieutenants walk the floors and engage with prisoners inside their dorms.
- EBI participation has continued to increase, with approximately 900 of the 4,000 prisoners involved in EBI classes.
- MCJ has implemented the comfort-dog program. Discipline and High Risk housing locations are prioritized.
- The Custody Division, in consultation with the Department of Justice Office of Community Oriented Policing Services, is continuing with its pilot of a Community Oriented Policing program on the 9000 floor with 720 prisoners participating. In the initial phase of the program, MCJ has assigned one senior deputy to serve as a mediator/facilitator of deputy-prisoner communications and is scheduling Community Oriented Policing trainings for additional personnel.

North County Correctional Facility:

- Staff-prisoner communication is continuing to improve through town hall meetings which involve station deputy or custody assistant personnel.

Pitchess Detention Center South:

- Implementation of the “Back on Track” program, which immerses prisoner students in educational, life skills, and technical career curricula on a daily basis. Twenty-five PDC South personnel received a 16-hour educational block of training.
- Town hall meetings have been expanded by assigning a dedicated lieutenant and sergeants to each compound to allow prisoners to become comfortable with a smaller, more consistent group of personnel.
- Late night television on Saturday nights is offered to prisoners who are involved in work and education programs. The Department anticipates expanding the program to Friday nights if it continues to be successful.
- Three bunks from each barrack in the northern facilities have been eliminated to accommodate two additional tables, which will allow a greater number of prisoners to utilize areas other than their bunks for programming.
- The assignment of EBI liaisons who facilitate the EBI program through direct involvement and communication with participating prisoners.

Inmate Reception Center:

- A Crisis Intervention Training was provided to IRC personnel that will help identify specific mental illnesses associated with newly arriving prisoners.
- An orientation video that is shown to newly arriving prisoners regarding the process of going through the various stages prior to being assigned a housing location.

Century Regional Detention Facility:

- Education Based Incarceration offerings have been expanded.
- A women's re-entry council has been formed to better understand prisoner needs and connect prisoners with available community and Department resources.
- An eight-hour "Identifying and Interacting with the Mentally Ill" course, designed to provide personnel with the skills and knowledge to improve communication, lessen the need for force and assist mentally ill prisoners. As of November 30, 2014, 270 deputies had completed the course.
- The facility recently opened a beauty salon that was profiled in the Los Angeles Times. Professional stylists who are incarcerated staff the salon and provide services for their fellow prisoners.

Twin Towers Correctional Facility:

- Implementation of the comfort-dog program for high observation-housing mentally ill prisoners.
- Crisis Intervention Training for several deputies and sergeants.
- Visiting area town hall meetings with prisoner families.
- Partnered with outside providers and faith-based organizations to give classes and information to prisoners.
- Through the Community Oriented Policing Program, assignment of consistent supervisors to floors to facilitate continuity and communication.

5.2. The Department's Force Prevention Policy should be stressed in Academy training and reiterated in continuing Custody Division training.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: See discussion of Recommendation 3.3.

5.3. The Department should enhance its ethics training and guidance in the Academy as well as in continuing Custody Division training.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: While awaiting the settlement of the *Rosas* litigation, the Department has put on hold additional revisions to its use of force policy. As of November 2014 the “Force Concepts” training, which included the current use of force policy and constituted four hours of the eight-hour block training described above, has been paused pending the implementation of the settlement. However, the four-hour portion of the training that covers ethics and standards is currently being rolled out to all existing custody personnel and is included as part of the Jail Operations Continuum training for new deputies. To date the Department has trained 49 percent of all Custody Division staff (which includes new hires) and is continuing to calendar the ethics training portion for new and ongoing personnel. The Department reports that the additional training related funding has been beneficial because it has allowed the Department to mandate certain classes and more efficiently train personnel.

5.4. The Department must make Custody a valued and respected assignment and career.

Status: *Implemented*

Progress since First Status Report: The Department has continued to implement its Dual Track Career Path. The oral exam for the lieutenant test was completed in November and the promotions will be finalized and released in January 2015. As of December 13, 2014, the Department has promoted or assigned 97 dual track sergeants: 16 at CRDF, 1 in Custody Support Services (CSS), 14 at IRC, 22 at MCJ, 13 at NCCF, 2 at PDC South, 3 at PDC North, 1 at Population Management Bureau, and 25 at TTCF. The Department has, for the first time,

given personnel the option of indicating on their transfer preference form that they wish to remain in their Custody assignment. As of December 15, 2014, of 2,084 total respondents, 500 (402 male and 98 female) indicated that they wished to remain in Custody.

While Department personnel have expressed mixed opinions of the Dual Track Career Path, Department management believes that values are shifting. More deputies are recognizing and taking advantage of the significant benefits to remaining in the Custody Division which include among other benefits, pay parity with the Patrol Division, a more consistent and family-friendly schedule, and increased promotional opportunities.

5.5. Senior leaders must be more visible in the jails.

Status: *Implemented*

Progress since First Status Report: See discussion of Recommendation 4.10.

5.6. LASD must have a firm policy and practice of zero tolerance for acts of dishonesty that is clearly communicated and enforced.

Status: *Implemented*

Progress since First Status Report: Current guidelines, in place since February 17, 2013, as described above, require that discipline for acts of dishonesty ranges between 20 to 25 day suspensions to discharge. The Department's "Quarterly Administrative Discipline Report" for the third quarter of 2014 shows that in at least three instances, deputies were disciplined for conduct that involved some measure of dishonesty. In one incident, the Department followed the enhanced guidelines by discharging the deputy. However, in the remaining two incidents, the Department failed to follow the enhanced guidelines by imposing a 10-day suspension for one incident and a 15-day suspension for the other. As explained above, meaningful analysis and monitoring of the Department's disciplinary practices and

adherence to its zero tolerance policy requires OIG access to personnel and disciplinary records.

5.7. The Department should have a sensible rotation policy to protect against the development of troubling cliques.

Status: *Implemented*

Progress since First Status Report: The Custody Division and the IMPAAC unit have conducted audits to determine the Custody Division’s compliance with the Department’s rotation policy. Results of the audits are currently being analyzed in consultation with the OIG and will be reported in the OIG’s next quarterly report.

5.8. LASD should discourage participation in destructive cliques.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: An investigation initiated in September regarding the “beginning of a clique formation” is an ongoing IAB matter and no decision regarding discipline has been made to date. Without access to personnel records the OIG can neither receive information about the outcome of the investigation nor oversee the investigation itself. The Department has completed a draft of a Tattoo Policy which addresses clique tattoos and is waiting for additional review and approval. Finally, the Department has integrated a curriculum related to values-based decision-making in to its training protocol, which includes a presentation by an Employee Support Services psychologist.

PERSONNEL AND TRAINING

6.1. The Department should review and revise its personnel and training procedures to reflect Custody’s status as a valued and important part of the Department.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: New deputies assigned to Custody Division receive 24 hours of “Control, Escort, and Restraining Techniques” as part of the Jail Operations curriculum. New supervisors assigned to the division now first attend a 40-hour Custody Orientation for Supervisors class before supervising line deputies. This is an improvement from years past, when new sergeants and lieutenants might work for months before receiving custody specific training when the next such class was scheduled. This class includes the eight-hour “Use of Force Investigations” as part of the curriculum.

6.2. The Department should develop and implement a long-range and steady hiring plan based upon normal attrition.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG’s last status report.

6.3. Deputies and supervisors should receive significantly more Custody specific training overseen by the Department’s Leadership & Training Division.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: The Department continues with Jail Operations training for new academy graduates. As monitor Drooyan noted in his Fourteenth

Report, the Custody Training and Standards Bureau “developed an initial one-time, eight-hour use of force and ethics block for everyone in Custody Operations” called Force Concepts/Ethics. The state Board of State and Community Corrections mandates that each local correctional officer receive 24 hours of Standards for Training and Corrections training each fiscal year. The Custody Division has put an emphasis on the training areas identified by the CCJV and now includes Force Concepts/Ethics as part of the 24 hours of annual mandatory training. Other components emphasized by the Custody Division as part of the annual training are: Interacting with Mentally Ill Inmates, Jail Specific Restraint Training, Use of Force Investigations (for supervisors), and Inmate Extraction Training. Curriculum changes are possible, though, as the result of anticipated new requirements stemming from the *Rosas* litigation.

According to data provided by the Department there has been progress toward the goal of mandatory training of all personnel:

Custody Division S.T.C. Training Report (FY 2014/2015) as of 11/30/14										
Course	South	NCCF	East	North	MCJ	CRDF	TTCF	IRC	PMB	Total
No. of staff requiring STC training	257	354	22	207	641	393	734	393	136	3137
Interacting with Mentally Ill	61%	78%	27%	90%	52%	69%	55%	83%	34%	61%
Force Concepts/Ethics	58%	56%	45%	86%	42%	41%	39%	62%	14%	49%
Jail Specific Restraint	63%	81%	36%	100%	53%	63%	39%	55%	7%	55%
Use of Force Investigations	100%	96%	0%	100%	100%	100%	93%	89%	0%	97%
Inmate Extraction Training	83%	94%	50%	100%	100%	100%	100%	92%	0%	80%

In the review of a recent medical emergency, the Custody Division identified areas for improvement that have resulted in additional critical incident training for deputies and medical personnel responding to medical emergencies. The Department is also in the process

of purchasing full-size CPR-capable dummies for enhanced critical incident training for all jail facilities.

6.4. There should be a meaningful probationary period for new deputies in Custody.

Status: *Implemented*

Progress since First Status Report: As noted in the OIG’s prior status report, “evaluation protocols for probationary employees are not being implemented consistently across facilities.” Since the OIG’s first report, the Custody Division indicated that efforts to ensure that all units are well-versed in the probationary protocol have increased. These efforts included commanders re-briefing the respective Custody Division units of their obligations to evaluate probationary employees. For example, the employee’s unit commander is supposed to conduct an evaluation three to four weeks prior to the employee’s one year anniversary. This is critical because releasing a probationary employee is far less burdensome than firing an employee with civil service tenure. The evaluations are currently not being audited by either CSS or IMPAAC and, as stated above, the Custody Division is not adequately tracking or timely monitoring six-month or one-year probationary employee evaluations. The Department acknowledges that improvements are needed in its tracking and accountability systems for one-year evaluations and that it should implement a centralized mechanism for the six-month review. Since the evaluations serve as the basis for formal processes, such as extensions of probation and performance mentoring, their quality and timeliness is critical.

6.5. The number of supervisors to deputies should be increased and the administrative burdens on Custody supervisors should be minimized.

Status: *Partially implemented (funding requested)*

Progress since First Status Report: The Department updated the OIG with more specific data on the supervisor positions added to Custody Division. Eighteen new sergeant positions were filled through promotion as of December 13, 2014. Eight additional sergeants are scheduled to be added to Custody Division through promotion in January 2015. Custody Division management level staffing has remained mostly consistent

6.6. The Department should allow deputies to have a career in Custody and take steps in the interim to decrease the length of new deputy assignments to Custody.

Status: *Implemented*

Progress since First Status Report: A round of sergeant promotions was just completed in December 2014. The lieutenant promotion examination process is scheduled to be completed in January 2015. As part of the normal process of rotating deputies from custody to patrol positions, deputies designate their preferred assignment locations. Deputies continue to have the option of staying in Custody Division.

6.7. The Department should utilize more Custody Assistants.

Status: *Partially implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

6.8. Rotations within and among proximate facilities should be implemented.

Status: *Implemented (within facilities, recommendation among facilities was not adopted)*

Progress since First Status Report: Rotations of deputies within jail facilities continue. Per Custody Division's Mandatory Rotation of Line Personnel policy, each facility's unit commander has the option of designating certain key positions as non-rotating. Those

non-rotating assignments have to be reflected in a unit memorandum provided annually to the Custody Division. Rotations are monitored by CSS. See discussion of rotation policy audits in Recommendation 5.7 above.

6.9. The Department’s Mission Statement should be changed to reflect the importance of Custody.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG’s last status report. There is no further monitoring anticipated at this time.

6.10. The Department should create a separate Custody Division with a professional workforce.

Status: *In progress*

Progress since First Status Report: Participation in professional development by Custody Division’s management staff continues. This includes attending meetings of the Large Jail Network and other relevant organizations. Managers will be attending the American Jails Association conference in 2015 and Custody Division will be sending a sizable contingent to the American Correctional Association Winter Conference in Long Beach in February. A Custody Division chief has also visited an out of state jail facility which recently underwent a series of reforms to provide improved mental health care for its prisoners.

DISCIPLINE

7.1. The investigative and disciplinary system should be revamped.

Status: *Implemented*

Progress since First Status Report: As of the OIG’s first report, the remaining three authorized sworn positions have been filled by Internal Criminal Investigations Bureau (ICIB). The IAB Bureau reports that Phase III of its staffing should be complete in July 2015. At that time, the IAB will have its seventh team of six sergeants and one lieutenant. In addition, ICIB has now completed its Phase II expansion and will receive 13 more personnel in Phase III.

The IAB reports that it has continued to conduct all administrative investigations stemming from Category 2 custody uses of force.² The average case load at the IAB remains steady at an average of 10 cases per investigator while the average time of completion of cases has decreased slightly averaging between 7.5 to 8.5 months.

The average caseload at the ICIB is currently at 6.5 (down from 10.2) cases per investigator while the average timeframe for case completion is at 4.9 months (previously at 4.8).

Without implementation of the access provided for by the OIG ordinance, it is impossible to assess whether the investigative system has been revamped or has simply received additional staffing.

7.2. The CFRC [Custody Force Review Committee] should monitor Force Packages for trends and concerns and the performance of supervisors.

Status: *Implemented*

Progress since First Status Report: The Department reports that there was one instance of a late notification to the Custody Force Response Team (CFRT) regarding a use of

² The Department reports that since mid-2013 there have been two Category 2 force incidents in custody that resulted in administrative investigations.

force occurring at a court lock-up facility. In order to rectify this situation, the CFRT reports that it has met with Court Services Division and reviewed CFRT notification protocols.

7.3. Deputies should be required to provide a timely written report of force incidents and not be allowed to review videotape footage prior to the completion of that report or any interviews.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of deputies' adherence to use of force policy requires OIG access to personnel and disciplinary records.

7.4. Deputies involved in Significant Force incidents should be separated and not permitted to talk to each other until they have provided a written statement or have been interviewed by investigators.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of the Department's response to use of force incidents requires OIG access to personnel and disciplinary records.

7.5. IAB and ICIB should be part of an Investigation Division under a Chief who would report directly to the Sheriff.

Status: *Implemented*

Progress since First Status Report: The CCJV recommended that both IAB and ICIB be placed under a "newly created Investigations Division" led by a chief who reports directly to the Sheriff. The commission stated, "This would create a single division

responsible for all significant internal investigations under the leadership of a high ranking Department official.” Monitor Drooyan noted in his fifth report that the Department implemented the recommendation on March 1, 2013, by creating the Internal Investigations Division (IID) led by a chief to whom both IAB and ICIB report, who in turn reported directly to the Sheriff.

In the Spring of 2014, Interim Sheriff Scott renamed IID to the Professional Standards Division with the IAB reporting to its chief. The ICIB was designated as a stand-alone bureau whose captain reports directly to the Sheriff. In his thirteenth report, monitor Drooyan described the reorganization as “somewhat different from what the Commission recommended,” but stated it was “consistent with the Commission’s recommendations” that internal investigations “should be vetted by a senior leader in the Department.” He concluded that the recommendation was “implemented.”

However, recent federal convictions of deputies underscore the importance of a chain of command. A direct link from the Sheriff to ICIB without intervening command staff increases the danger of mistakes which might otherwise be avoided through the usual process of management. Along the same lines, the Association of Los Angeles Deputy Sheriff’s has called for a specific policy against the following of illegal orders. The Department should carefully consider the mistakes of the past in deciding how to permanently structure IAB and ICIB, as well as policies which might prevent a repeat of the events that led to those convictions.

7.6. IAB should be appropriately valued and staffed by personnel that can effectively carry out the sensitive and important work of that bureau.

Status: *Partially implemented (funding approved)*

Progress since First Status Report: As discussed above in section 7.1, IAB reports that it has completed Phase II of its funded expansion and currently has six roll out teams up from four teams in October 2013. IAB reports that Phase III, which will see the addition a seventh team, should be completed in July 2015.

The CCJV report found that the Department's attitude was "a significant factor affecting the efficacy of the bureau in its investigations" of alleged misconduct. The CCJV recommended that sworn personnel in IAB should have the ability to promote "after serving in IAB." Since the report's October 2012 publication, three sergeants were promoted to lieutenant and one captain was promoted to commander while assigned to IAB.

7.7. The Disciplinary Guidelines should be revised to establish increased penalties for excessive force and dishonesty.

Status: *Implemented*

Progress since First Status Report: Since the enactment of the new disciplinary guidelines Department-wide there have been two unreasonable force cases (Category 1 and 2, both of which imposed the required 15 days minimum suspension, and five failure to report force cases, all of which imposed the required 15 days minimum suspension. In addition, there have been eight cases involving dishonesty (failure to make statements, false statements, false information in records) for which the required minimum suspension days have been imposed.

7.8. Each jail should have a Risk Manager to track and monitor use of force investigations.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

7.9. Force investigations should not be conducted by deputies' supervisors.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report. Meaningful analysis and monitoring of the Department's response to use of force incidents requires OIG access to personnel and disciplinary records.

7.10. Captains should not reduce charges or hold penalties in abeyance for use of force, dishonesty, or failure to report force incidents.

Status: *Implemented*

Progress since First Status Report: On July 1, 2014, the Department modified the protocol for any proposed modification of discipline after a case had been heard by the Case Review Committee. If a division chief is considering a change in findings or discipline after the matter is heard by the panel, the case has to be presented again for a re-hearing and only with the agreement of an assistant sheriff. In addition, if the same case was first heard at EFRC before referral to case review committee, the chief has to confer with the EFRC chair.

While the OIG does not have access to discipline records, findings or reports, the Department did share data with the OIG of recent findings and discipline for unreasonable force, dishonesty and noncompliance with the force prevention policy:

- Of seven adjudicated findings of unreasonable force incidents that took place after September 28, 2012, the discipline imposed for five of those cases was the same as the initial recommended discipline. One case was modified from a 15 day to a 10 day suspension and one case imposition is still pending after the issuance of a letter of intent to suspend the employee for 15 days.

- Of five findings of violations of the force prevention policy, all five cases had discipline imposed which was consistent with the initially recommended discipline.
- There were seven findings of failure to report force involving nine employees from patrol units. In five of those cases, discipline was imposed as recommended. One case was modified from a five to a three day suspension and one case is still pending.
- Of eleven cases involving dishonesty which were disclosed by the Department, discipline was reduced in two cases. In one case a 27 day suspension was reduced to 15 days. In another case, a 25 day suspension was reduced to 20 days. Lastly, in one case, an employee resigned from the Department while the review of a recommended discharge was pending.

7.11. The Department should vigorously investigate and discipline off-duty misconduct.

Status: *Implemented*

Progress since First Status Report: The Department's Quarterly Administrative Discipline Report for the third quarter of 2014 (covering discipline imposed between July 1, 2014, through September 30, 2014) reflects the following personnel discipline for off-duty misconduct: three violations resulted in short-term suspension (1-5 days); five violations resulted in moderate-term suspensions (6-15 days); one violation resulted in a long-term suspension, and five violations resulted in discharges.

Disciplinary measures are based on the severity of the conduct in question, the employee's history, progressive discipline practices, and consistency with similar offenses. Without access to personnel records, the OIG cannot meaningfully assess the suitability of discipline imposed in each instance nor ensure that a vigorous investigation of each alleged off-duty incident took place.

7.12. The Department should implement an enhanced and comprehensive system to track force reviews and investigations.

Status: *Implemented*

Progress since First Status Report: The implementation status of this recommendation remains unchanged since the OIG's last status report.

7.13. Inmate Complaints should be tracked by deputies' names in PPI.

Status: *Implemented*

Progress since First Status Report: See discussion of Recommendation 3.9.

7.14. The inmate grievance process should be improved and include added checks and oversight.

Status: *Partially Implemented*

Progress since First Status Report: The Department reports that its pilot iPad programs at MCJ and CRDF are still ongoing since the first report. Funding for expansion of the iPad program is pending. The Department did not initiate the program across the entire Custody Division due to anticipated changes to the grievance system, particularly the iPad program, upon initiation of the *Rosas* implementation plan.

The Department reports that for those grievances in hard-copy form, there remains a large backlog due to delay in scanning the documents into the Custody Automated Response Tracking System (CARTS). This delay results from a combination of factors, including the sheer volume of complaints, lack of designated personnel assigned to handle grievances, lack of available scanners, and the inability to purchase new scanners that comport with new Department policies due to high costs. The Department reports that at some facilities it remains unable to adhere to its 5 and 15 day requirements in responding to prisoner grievances.

7.15. The use of lapel cameras as an investigative tool should be broadened.

Status: *In progress (Alternative Implementation)*

Progress since First Status Report: Progress since First Status Report: The Department continues to install additional cameras and bring them online. The table below reflects the Facilities Services Bureau's current installation projections.

Facility	Number of cameras	Installation Completed	Network Online and operational
MCJ	238	August 2014	February 2015
TTCF	96	November 2014	February 2015
IRC	20	December 2014	February 2015
CRDF	491	December 2015	December 2015