ANALYSIS OF THE DEPUTY SHERIFF TRAINEE PROBATIONARY PERIOD: RECOMMENDATIONS FOR A MEANINGFUL ASSESSMENT OPPORTUNITY

May 2016

INTRODUCTION

For more than two years, the Los Angeles County Sheriff's Department has expended significant resources overhauling the Deputy Sheriff hiring process in an effort to alleviate a significant staffing shortage and quickly identify qualified candidates. However, it appears that the Department is missing a crucial opportunity to weed out low-performing and potentially problematic deputies during the one-year probationary period – the final stage of that process. Because civil service protections do not attach, the LASD has a heightened incentive to rigorously assess probationary employees over the course of that year and discharge those who do not meet department standards. The statistics indicate that a rigorous assessment is not taking place. Of the 334 Deputy Sheriff Trainees who graduated from the Academy in 2014, not one was released for performance-related reasons. Moreover, an investigation by the Office of Inspector General revealed significant deficiencies in the probationary evaluation process, including incomplete personnel files and untimely and unsubstantial assessments. For example, 90% of one-year probationary assessments were untimely; occurring after the one-year probationary period had expired and leaving no time to remove a problematic trainee. Many of the written evaluations were form documents or included cut-and-pasted comments that lacked specificity and were not tailored to the individual trainee. In order to have a fully effective hiring process, the Department must conduct meaningful evaluations of its probationary employees or run the risk of repeating the mistakes of previous large-scale recruiting drives.

BACKGROUND

After graduating from the Academy, Deputy Sheriff Trainees ("DSTs") are placed on probation for one year. During this time they are not afforded the civil service protections that are provided to permanent Los Angeles County Sheriff's Department ("LASD" or "Department") employees. If during probation a DST's conduct is below the standards specified in Department policies he or she can be terminated (or "released") at will, without recourse to the full range of grievance rights and Civil Service appeals.[1]

The Department therefore has an incentive to rigorously assess the skills of DSTs before the conclusion of their probationary period. As explained in the Community Social Services Employers' Association's Best Practice Series, during the probationary period "[Managers] have a significant responsibility to properly assess the employee's aptitude and competencies and to assess whether or not the employee possesses the requisite

[1] "Seventh Annual Report," *Office of Independent Review*, April 2009 at 27.

qualifications and suitability for on-going employment."[2] Furthermore, "the probationary period is effective only if action is taken to prevent less than fully successful individuals from becoming [Permanent] employees – with all the rights that such an appointment entails. Without this assessment and action, the probationary period becomes meaningless."[3]

Whether DSTs are meaningfully assessed during their probationary period has been raised in a number of different forums over the past seven years. In 2009, the Office of Independent Review noted in its annual report that for years the Department would only release a DST whose transgression was so severe that a tenured deputy would have been discharged, imposing an unnecessarily high burden on the ability to terminate underperforming employees.[4] OIR explained that if the "Department does not take advantage of the probationary period to shed itself of problematic employees, it will be left with individuals who displayed troublesome behavior during a 'trial period' when one would expect the employee to be striving to meet Department standards."[5]

Three years later, in September 2012, the Citizen's Commission on Jail Violence ("CCJV") issued a report culminating "many months of investigation and public hearings regarding allegations of excessive use of force in the Los Angeles County Jails."[6] The CCJV referenced the 2009 OIR report and expressed "concern[] that the Department may still not be taking adequate advantage of the probationary period to weed out deputies who may present disciplinary problems."[7] In light of the perceived ongoing deficiency, the CCJV recommended that: "New deputies should have a meaningful probationary period during their first twelve months in Custody. The Department must rigorously assess each new deputy's abilities and fitness for service and terminate deputies who cannot meet the requisite standards."[8]

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[2] "Best Practice Series: Managing Employee Performance Guide," *Community Social Services Employers' Association*, August 2007 at 25 ("Rather than adopting a wait and see attitude during this period, [managers] must take an active role in the process and assess a variety of factors, including on-the-job work performance, attitude, work habits, productivity, attendance and punctuality, compatibility and any other factor connected to the performance of the job and your expectations.").

[3] *See* "The Probationary Period: A Critical Assessment Opportunity," *A Report to the President and the Congress of the United States by the U.S Merit Systems Protective Board*, August 2005, at ii ("The probationary period, if used fully, is one of the most valid assessment tools available for supervisors to determine an individual's potential to fulfill the needs of the specific position, the agency, and the civil service. However, this outcome requires that an agency assess its probationers to determine if they are an asset to the Government.").

[4] "Seventh Annual Report," *Office of Independent Review*, April 2009 at 27.

[5] *Id.*

[6] "Report of the Citizens' Commission on Jail Violence," September 2012, *available at* http://ccjv.lacounty.gov/wp-content/uploads/2012/09/CCJV-Report.pdf.

[7] *Id.* at 132.

[8] *Id*. at 137 (recommendation 6.4).

LASD agreed with the CCJV recommendation and in December 2012 reported to the Board of Supervisors and the interim compliance monitor that it had "implemented" a "meaningful probationary period for new deputies in Custody."[9] In October 2014, the Department reported compliance with the recommendation but acknowledged to the Office of Inspector General ("OIG") that "evaluation protocols for probationary employees are not being implemented consistently across facilities."[10] In January 2015, LASD continued to report to the OIG that the recommendation was implemented, but indicated that "efforts to ensure that all units are well-versed in the probationary protocol have increased," and suggested that the challenge lay with "tracking and timely monitoring" of evaluations. [11]

In December of 2014, Los Angeles County settled a "federal class-action lawsuit that alleged Los Angeles County Sheriff Lee Baca and his top staff condoned a long-standing and widespread pattern of violence and abuse by deputies against those detained in the jails."[12] The implementation plan for the lawsuit settlement explained that "[t]o ensure a meaningful probationary period, new Department members assigned to Custody Operations should be reviewed within six months after being assigned to Custody and again before their first post-probationary assignment."[13]

PROBATIONARY EVALUATION PROCESS

When deputies graduate from the Academy, they are assigned to the Custody Division.[14] After attending "Jail Operations Training" – a four week classroom-based training to prepare DSTs for their Custody assignment – they are dispersed throughout the County

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[9] Baca, Leroy D. *30-Day Status of Recommendations Made by the Citizens' Commission on Jail Violence.* December 12, 2012. Letter to The Honorable Board of Supervisors.

[10] Office of Inspector General, "First Status Report: The Los Angeles Sheriff's Department Implementation of the Citizens' Commission on Jail Violence Recommendations and Monitoring Plan (Oct. 21, 2014) at 38 *available at* https://oig.lacounty.gov/Portals/OIG/Reports/Oct%2021%2014%20OIG%20CCJV%20Implementation%20Report.pdf.

[11] Office of Inspector General, "2014 Fourth Quarter Status Report: The Los Angeles Sheriff's Department Implementation of the Citizens' Commission on Jail Violence Recommendations (January 20, 2015) at 23 *available at* https://oig.lacounty.gov/Portals/OIG/Reports/OIG%204th%20Quarter%20Report.pdf.

[12] *See* American Civil Liberties Union. December 16, 2014. "ACLU Reaches Landmark Settlement over Rampant Violence and Abuse by Guards in L.A. County Jails" [Press Release]. *Retrieved from* https://www.aclu.org/news/aclu-reaches-landmark-settlement-over-rampant-violence-and-abuse-guards-la-county-jails.

[13] *See* "Rosas Implementation Plan Pursuant to Settlement of Class Action Case Alleging a Pattern and Practice of the Use of the Excessive Force in the Jails," at 4 (Recommendation 3.6), *available at* http://www.lacounty.gov/files/rosas.pdf.

[14] In recent years a small handful of deputies have been assigned to other divisions directly from the Academy and the Department's expressed goal is to eventually increase the number of DSTs sent directly to patrol assignments. However, currently this practice describes an insignificant percentage of Academy graduates.

jail facilities for the duration of their probationary period.[15] Each facility is responsible for providing its assigned DSTs with a standardized training program which lasts for three months.[16] Probationary deputies are provided a Custody Division Training Manual, which includes a wide range of materials including checklists, report writing exercises and performance tests. During the training period, each DST is assigned a "training officer" (TO) who, in addition to his duties as a custody deputy, is tasked with guiding a group of DSTs through the twelve week training period. Expectations of the TO include assisting with the trainee's orientation, providing feedback to the trainee, consistently communicating with the DST regarding Department expectations and completing bi-weekly evaluations of each trainee's proficiency in a variety of skills.

LASD has set forth a number of policies governing the evaluation of probationary employees. Within ninety (90) days of a probationary employee's initial assignment to Custody, the unit commander is required to review the employee's "initial work habits, performance, and training records."[17] "Unit commanders shall pay particular attention to issues such as honesty, integrity, trustworthiness, and character, and any other characteristic that would enable the unit commander to determine if the probationary employee is truly suited for a career in law enforcement."[18]

If the DST's performance is deemed satisfactory, he or she is "removed from training status" and assigned to work a section of the jail. During the remaining eight months of a DST's probation, his or her "floor supervisor," who supervises up to 25-30 deputies at any one time, may change due to staffing needs.

Thirty days before the completion of the DST's one-year probationary period, "[t]he unit commander shall conduct an assessment of the employee's overall career performance."[19] The evaluation and face-to-face meeting must address a number of topics including the DST's training and probationary evaluations.[20] Starting December 1, 2015, unit commanders were required to document the "assessment of the employee's overall career performance . . . in the electronic Line Operations Tracking System (e-LOTS) by creating an entry under the 'Probationary Assessment' drop down box. The unit commander shall document the probationary initial assessment and the 'annual assessment' in the notes

[15] The OIG specifically analyzed the training program provided by Men's Central Jail ("MCJ"), where approximately 25% of all 2014 Academy graduates were assigned.
[16] *See* CDM 3-02/010.00.
[17] *See* CDM § 3-01/020.15. This policy, setting forth a 90-day requirement and requiring that the evaluation be conducted by the Unit Commander, was implemented on November 12, 2015. Prior to that date (and since October 15, 2012, in response to the CCJV report), DSTs were subject to Custody Division Directive 12-005, which required the shift sergeant to document an assessment of the employee's performance at the completion of the employee's six month of assignment.
[18] *See* MPP § 3-02/090.07.
[19] *See* CDM § 3-01/020.15; MPP § 3-02/090.10.
[20] *See* CDM § 3-01/020.15.

section."[21] The unit commander, who typically holds the rank of Captain, makes the final decision regarding whether or not a DST has passed his or her probation.

ANALYSIS

LASD policy clearly articulates that it is a "fundamental responsibility" of every unit commander to "establish individual performance objectives" in order to ensure probationary employees "understand[] and meet the Department's expectations."[22] The policy further warns that "[c]onduct that is inconsistent with the high standards established by this Department will not be tolerated."[23] In an effort to assess the overall quality of the review process, the OIG analyzed a sample of sixteen personnel files of DSTs who were participating in the MCJ training program.[24] Of the sixteen files reviewed, ten DSTs had completed their one-year probationary period and six were still on probation but had completed the sixteen week training program. The OIG's file review revealed significant deficiencies in three areas: (1) completeness of documentation; (2) timing of completion and (3) rigor of trainee evaluation.

A. Documentation in Trainee Files Was Incomplete and Untimely

1. 90-Day Assessment

As explained above, Department policy requires the unit commander to review a trainee's "initial work habits, performance, and training records" within 90-days of their assignment to the Unit.[25] The OIG observed the following:

- **12.5% Missing:** Prior to the November 2015 change in the probationary evaluation policy, the training department drafted a document entitled "Assessment of Training" to comply with the 6-month mid-probation requirement. Since the policy revision, the unit commander holds a meeting with each DST which is documented in e-LOTS. Of the 16 files reviewed, 9 contained "Assessment of Training" memoranda and 5 contained e-LOTs documentation of an "off training" meeting. Two of the 16 files were missing documentation of any mid-probation evaluation.

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[21] *See* CDM § 3-01/020.15. *See also* MPP § 3-02/090.10 ("All final performance evaluations on probationary employees must be completed and forwarded to Personnel Administration 30-days prior to the end of the probationary period.").
[22] MPP § 3-02/090.07.
[23] *Id.*
[24] Review and analysis was conducted by Deputy Inspector General Dorsey Kleger-Heine. The OIG greatly appreciates the forthright and rapid cooperation of the LASD in facilitating this review.
[25] CDM § 3-01/020.15.

- **93% Untimely**: Only 1 DST received an assessment within 90-days or six months (depending on which policy applied) of assignment to Custody. The remaining assessments were delivered anywhere from 1½ to 7 months late or not at all.[26]

2. One-Year Assessment

Pursuant to LASD policy, 30 days before the end of the probation period the "unit commander shall conduct an assessment of the employee's overall career performance" and forward the final evaluation to Personnel Administration.[27] The policy further outlines the topics to be covered by the written assessment and face-to-face meeting which include, but are not limited to, training and probationary evaluations.[28] The OIG observed the following:

- **40% Missing:** Of the 10 Trainees who had completed their probationary period, 3 had a "Probationary Assessment" in their file. Of those without a written evaluation, 3 had e-LOTS entries documenting a "probationary interview." Four of the 10 files were missing documentation of any final probationary evaluation.

- **90% Untimely:** Only 1 DST received a Probationary Assessment prior to the completion of the 1-year probationary period. The remaining assessments took place anywhere from 1½ to 5 months after the expiration of probation or not at all.

3. Bi-Weekly Evaluations

Department policy also requires Training Officers ("TO") to complete written bi-weekly evaluations of each DST.[29] The standardized Custody Division Training Manual provides TOs with a form to fill out for each evaluation which includes 14 different subject areas with ratings for each from 1 to 4.[30] The OIG observed the following:

- **25% Missing:** Bi-weekly evaluations for 4 of 16 deputies were either missing or incomplete.

- **Document Date Anomalies:** Anomalies in the dates recorded on the bi-weekly evaluations raised some concerns regarding their accuracy. For example, on March

[26] The memo documenting the one timely Assessment of Training meeting was dated over two months after the meeting took place.
[27] CDM § 3-01/020.15; MPP § 3-02/090.07.
[28] *Id.*
[29] *See* CDM §3-02/010.00.
[30] *See* Appendix A ("Custody Division Standardized Evaluation Form"). The evaluation ratings are: 1= Unable to evaluate; 2= Well below the standard; 3= Not yet at standard, but improving; and 4=Satisfies the standard.

16, 2016, the OIG reviewed the file of one DST whose 12-week training period was set to end on April 2, 2016. However, bi-weekly evaluations for the time period from March 22 through April 2 had already been completed and were signed and dated March 9, 2016, leading the OIG to infer that the evaluations had been filled out ahead of time.[31]

B. THE MAJORITY OF TRAINEE EVALUATIONS REVIEWED WERE NOT "MEANINGFUL"

In addition to compliance with the technical aspects of Department policy, "[n]ew deputies should have a meaningful probationary period during their first twelve months in Custody. The Department must rigorously assess each new deputy's abilities and fitness for service and terminate deputies who cannot meet the requisite standards."[32]

There are many reasons why the Department should conduct "meaningful" evaluations of probationary employees. Effective assessments improve the organization's productivity, allow for informed personnel decisions, inform DSTs of what is required to perform their assigned position and accurately assess the Trainee's performance.[33] These goals can only be achieved by providing evaluations that identify specific areas for improvement, develop plans aimed at improving these areas and support the employee's efforts to progress.[34] Reviews that lack specificity, are not tailored to the individual and do not provide clear feedback for performance improvement are ineffective and undermine the over-arching goal of the probationary period, [35] i.e. to identify and weed out deputies who

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[31] As discussed *supra*, section III.B.3, this inference was strengthened by the fact that the comments in each evaluation were essentially identical from week to week, except for changes in ratings from 2 progressively to 4.

[32] "Report of the Citizens' Commission on Jail Violence," September 2012, at 137 (recommendation 6.4).

[33] *See* "Employee Performance Appraisals," a*vailable at* http://www.inc.com/encyclopedia/employee-performance-appraisals.html. *See also* "How to Make Performance Evaluations Meaningful," *Management Education Group Inc.*, *available at* http://managementeducationgroup.com/2013/09/how-to-make-performance-evaluations-meaningful%E2%80%8F/#.

[34] *See* "Employee Performance Appraisals," a*vailable at* http://www.inc.com/encyclopedia/employee-performance-appraisals.html. *See also* Fagnani, Stephanie, "What are the Characteristics and Components of a Highly Effective Performance Evaluation?" *Chron.*, *available at* http://smallbusiness.chron.com/characteristics-components-highly-effective-performance-evaluation-10644.html.

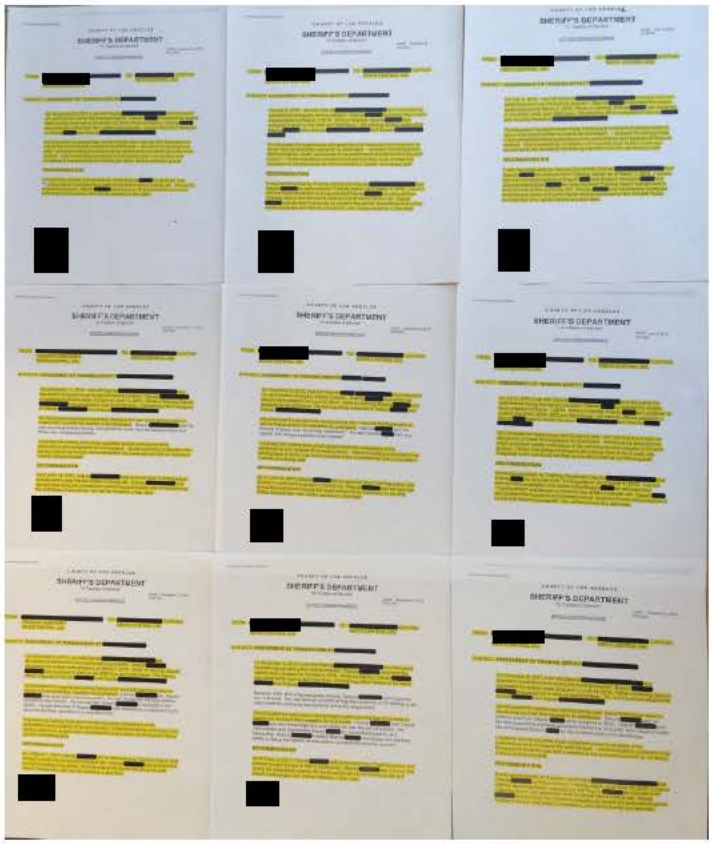
[35] *See, e.g.,* Jackson, Eric, "Ten Biggest Mistakes Bosses Make In Performance Reviews," *Forbes,* January 9, 2012, *available at* http://www.forbes.com/sites/ericjackson/2012/01/09/ten-reasons-performance-reviews-are-done-terribly/#165b99e259c3; Kilponen, Eric, "4 Performance Appraisal Mistakes You Might be Making," *Insperity*, *available at* http://www.insperity.com/blog/4-performance-appraisal-mistakes-you-might-be-making/; Son, Sabrina, "The 9 Common Performance Review Mistakes You're Probably Doing," *Tiny Pulse*, June 17, 2015, *available at* https://www.tinypulse.com/blog/sk-the-9-common-performance-review-mistakes-youre-probably-doing.

cannot meet the "high standards established by the Department" before the strong civil service protections kick in, making termination significantly more difficult.

None of the written evaluations reviewed by the OIG contained the basic criteria necessary for an effective assessment of performance and instead consisted of cut and pasted text which incorporated minimal individualized Trainee information. The documentation of the in-person meetings was similarly deficient. Not one of the e-LOTS entries reviewed by the OIG documented an evaluation of the DST's performance as required by CDM §3-01/020.15 and instead simply noted that a meeting took place or described the DST's experience as a trainee.

1. 90-Day Assessment

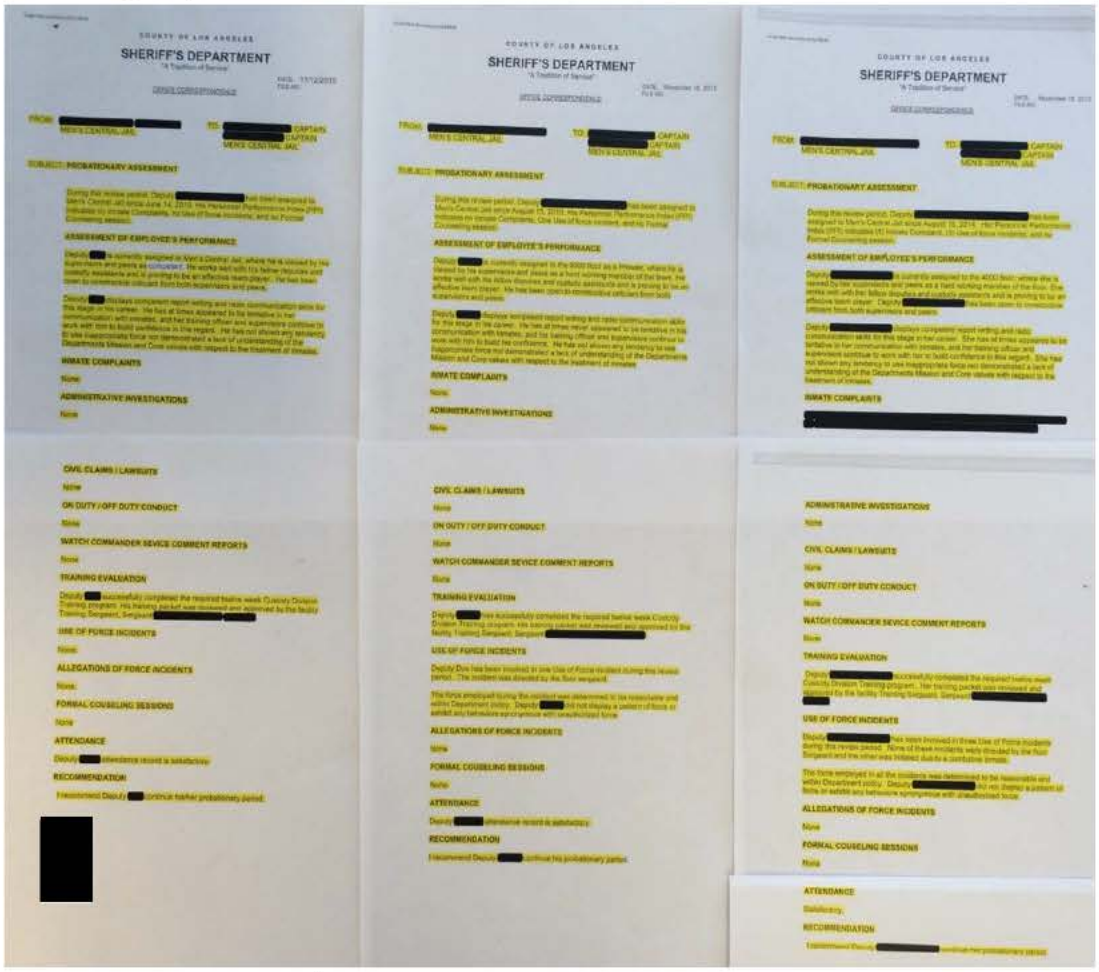
The majority of each written "Assessment of Training" reviewed consists of text that is cut and pasted from one DST to another. The hi-lighted portion of each memorandum in the image below is text that appears in many or all of the letters.[36] The only unique language in a letter contains the DST's feedback regarding his or her training officer. The document contains no evaluation of the deputy's performance during the training period and does not reference or incorporate the bi-weekly evaluations.



[36] *See* Appendix B ("Assessment of Training" Memoranda, redacted to remove any identifying personal information).

2. One-Year Assessment

The written "Probation Assessment" also appears to be a form letter which consists of cut and pasted "assessment" language. For example, the observation that the deputy "has at times appeared to be tentative in his communication with inmates, and his training officer and supervisors continue to work with him to build confidence in this regard" appears, essentially identically, in all three letters.[37] The only unique data incorporated are statistics regarding required topics such as the number of inmate complaints, administrative investigations or civil claims/lawsuits.[38] The hi-lighted portion of the memoranda included below is text that appears in many or all of the letters. In addition to the identical text, evidence that the "Assessment of the Employee's Performance" has been cut and pasted from other letters includes misplaced gender articles and the use of the name "Deputy Doe" instead of the Deputy's true name.[39] Neither the written "Probation Assessment" nor the e-LOTS documentation of the "Probationary Interview" indicates that the deputy has received any individualized feedback that meets the criteria for a meaningful performance evaluation.


COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"

SUBJECT: PROBATIONARY ASSESSMENT

ASSESSMENT OF EMPLOYEE'S PERFORMANCE

INMATE COMPLAINTS

ADMINISTRATIVE INVESTIGATIONS

CIVIL CLAIMS / LAWSUITS

ON DUTY / OFF DUTY CONDUCT

WATCH COMMANDER SEVICE COMMENT REPORTS

TRAINING EVALUATION

USE OF FORCE INCIDENTS

ALLEGATIONS OF FORCE INCIDENTS

FORMAL COUNSELING SESSIONS

ATTENDANCE

RECOMMENDATION

[37] *See* Appendix C ("Probationary Assessment" Memoranda, redacted to remove any identifying personal information).
[38] CDM § 3-01/020.15.
[39] *See* Appendix C, at Deputy 2.

3. Bi-Weekly Evaluations

Training officers ("TOs") are required to complete bi-weekly evaluations of each DST. The lack of individualized and specific feedback present in many of the evaluations reviewed by the OIG further indicates that probationary evaluations are not meaningful. Concerns include:

- Comments were very generalized, such as "needs to show improvement" without giving specific feedback regarding how a DST could improve.

- The comments sections of one set of evaluations were almost entirely blank, except for occasional comments such as, "needs more paper" when reporting on the DST's report writing skills.

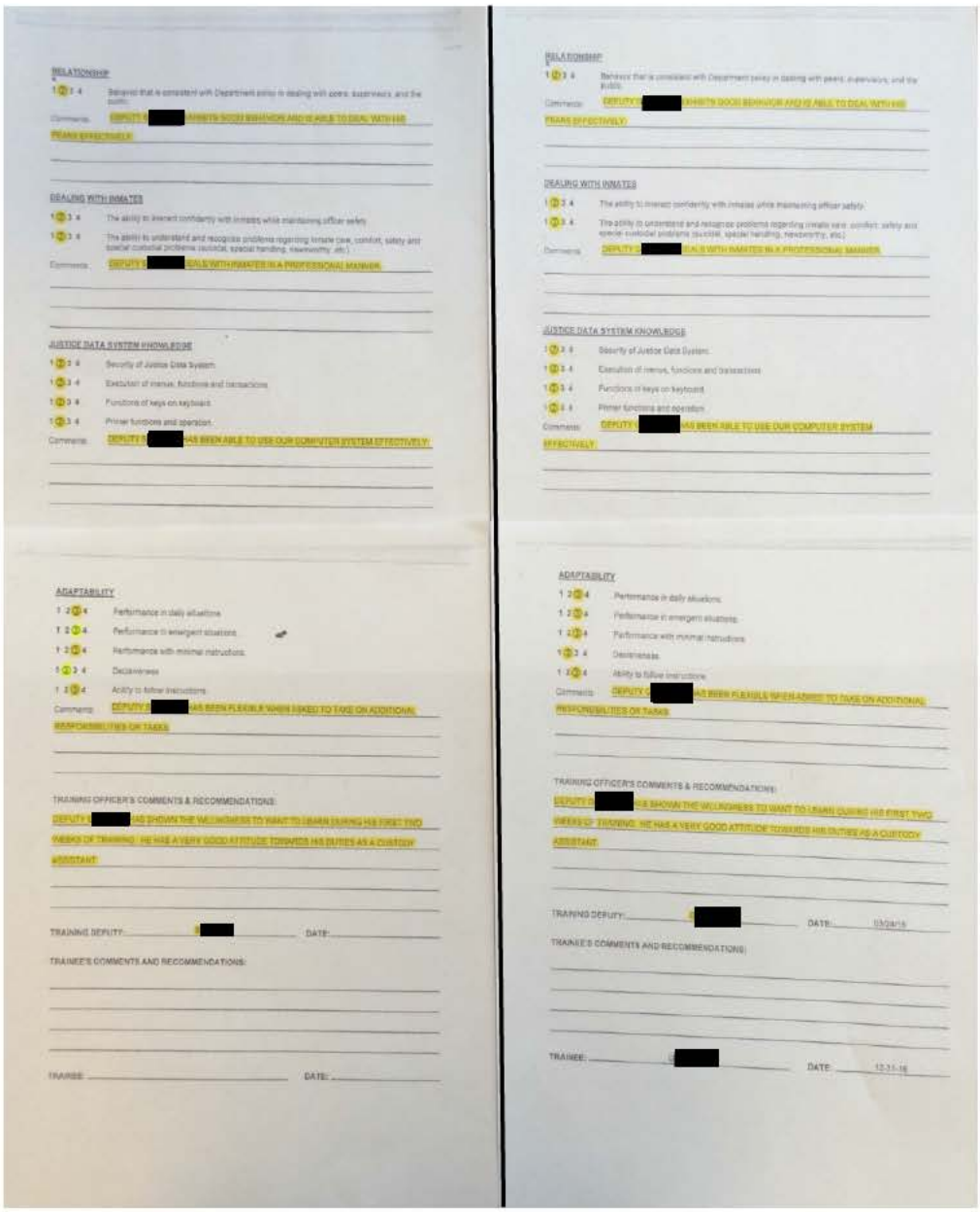
- One set was completely blank except for the back-dated dates of each training week and the names of the DST and Training Officer.

<intentionally left blank>

- Five sets of evaluations contained strikingly similar comments which appeared to have been cut and pasted between deputies. Two DST evaluations (excerpt illustrated below) were exactly the same including identical typographical errors and reference to the deputies as "Custody Assistants."[40]

Deputy 1

Deputy 2


RELATIONSHIP

DEALING WITH INMATES

JUSTICE DATA SYSTEM KNOWLEDGE

ADAPTABILITY

TRAINING OFFICER'S COMMENTS & RECOMMENDATIONS:

TRAINEE'S COMMENTS AND RECOMMENDATIONS:

[40] *See* Appendix D (Excerpt from "Custody Division Standardized Evaluation Form" for Deputies 1 & 2, redacted to remove any identifying personal information).

- A third trainee's evaluation, shown in the excerpt below, contained almost identical comments week to week, with only the rating changing as he progressed through training from 2 (well below the standard) to 4 (satisfies the standard).[41]

Weeks 1 & 2

REPORT WRITING-GRAMMAR/SPELLING/NEATNESS

1 (2) 3 4 Reports must be neat and legible with minimal spelling, punctuation, and grammatical errors

Comments: Deputy 3 [redacted] eports are neat and legible. He requires little to no corrections.

PERFORMANCE

1 (2) 3 4 The ability to assess situations accurately and to take appropriate actions

Comments: Deputy 3 [redacted] able to assess most situations that he encounters on a daily basis and is able to take the appropriate actions needed to complete them.

SELF-INITIATED ACTIVITY

1 (2) 3 4 The ability to recognize and investigate suspicious or unusual activity, and take appropriate action

Comments: Deputy 3 [redacted] very motivated and requires little to no motivations from me to find him activities to do. He does a good job with self initiated activity

OFFICER SAFETY

1 (2) 3 4 The ability to control persons and situations, while minimizing danger to self and

1 (2) 3 4 The ability to control prisoners and suspects.

1 (2) 3 4 The proper knowledge of the use of force must be demonstrated.

1 (2) 3 4 The proper use of safety equipment (flashlight, air packs, handcuffs, etc.)

Comments: Deputy 3 [redacted] as a good command presence. His ability to tell and inmate what to do, so the inmate understands is acceptable. He seems to have a good understanding of the Departments Force Options chart and is aware of situations on when to use it. He is knowledgeable of all his safety equipment.

Weeks 11 & 12

REPORT WRITING-GRAMMAR/SPELLING/NEATNESS

1 2 3 (4) Reports must be neat and legible with minimal spelling, punctuation, and grammatical errors

Comments: Deputy 3 [redacted] eports are neat and legible. He requires little to no corrections.

PERFORMANCE

1 2 3 (4) The ability to assess situations accurately and to take appropriate actions.

Comments: Deputy 3 [redacted] s able to assess most situations that he encounters on a daily basis and is able to take the appropriate actions needed to complete them.

SELF-INITIATED ACTIVITY

1 2 3 (4) The ability to recognize and investigate suspicious or unusual activity, and take appropriate action

Comments: Deputy 3 [redacted] s very motivated and requires little to no motivations from me to find him activities to do. He does a good job with self initiated activity

OFFICER SAFETY

1 2 3 (4) The ability to control persons and situations, while minimizing danger to self and

1 2 3 (4) The ability to control prisoners and suspects.

1 2 3 (4) The proper knowledge of the use of force must be demonstrated.

1 2 3 (4) The proper use of safety equipment (flashlight, air packs, handcuffs, etc.)

Comments: Deputy 3 [redacted] as a good command presence. His ability to tell and inmate what to do, so the inmate understands is acceptable. He seems to have a good understanding of the Departments Force Options chart and is aware of situations on when to use it. He is knowledgeable of all his safety equipment

4. Trainees Are Not Individually Supervised for Two-Thirds of their Probation

For the remaining eight months after removal from training status, each DST reports to a "floor supervisor" who manages up to 30 deputies at a time and may change depending on staffing needs. Since each DST is not assigned one supervisor who is held accountable for assessing him or her over the course of the year, there is a large gap of information regarding a DST's performance during the majority of his or her probation. Even if trainees were receiving twelve weeks of comprehensive bi-weekly evaluations from their TOs, this lack of insight into a DSTs performance during the entire probationary period undermines the ability to rigorously evaluate each trainee.

[41] *See* Appendix E (Excerpt from "Custody Division Standardized Evaluation Form" for Deputy 3, redacted to remove any identifying personal information. Compare Weeks 1 & 2 to Weeks 11 & 12.).

C. LOW PERFORMING TRAINEES ARE NOT RELEASED

One of the sixteen files reviewed by the OIG contained detailed and individualized evaluations of the DST. Two weeks into the training program, the Training Officer ("TO") wrote that the deputy is "not comprehending the importance of having knowledge of department policy and unit orders. I have talked to him multiple times regarding this and it seems he is not taking me seriously." A week later, the TO wrote that the deputy "continues to display a negative attitude and does not seem interested in experiencing/learning new things." After consistently concerned reviews, the Department assigned the DST to a second TO and then, when the trainee failed to improve, to a third. Six months into the DST's probation year, his third TO wrote a memorandum stating that the trainee was "not taking his position here at Men's Central Jail as a Deputy Sheriff seriously" and that his "integrity is a major concern not only in his role as a Deputy Sheriff but also for the safety of his partners." The TO further explained that he was "extremely concerned" for the DST's "well-being as a Deputy Sheriff when it is clear he does not know department policy or standard operating procedures."

Instead of creating a detailed performance improvement plan that established "individual performance objectives" to ensure he understood and met the Department's expectations[42] or risked termination, the Department assigned him to a fourth TO in a different section of the jail who was able to guide him through the training program by his 10th month of probation. The trainee's "Assessment of Training" makes no mention of the concerns expressed by three out of four training officers and instead, consistent with the form letter, notes that, "We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed." The Deputy then completed his probationary period two months later without receiving a 1-year Probationary Assessment. Although the Deputy was able to finish his training program under his fourth TO's close supervision, it is difficult to imagine how he will be able to meet the high standards of the Department as he progresses his career. Even though this DST received rigorous evaluations over the course of his probation that revealed the significant likelihood that he was not a fit for the position of Deputy Sheriff, the Department nonetheless failed to take advantage of the opportunity to release a low-performing employee before he obtained the substantial rights provided by civil service protection.

RECOMMENDATIONS

- **Revise Policies Governing the Probationary Period:** The current policies are vague or silent on a number of important issues that, if clarified, would increase the likelihood that a DST will receive a "meaningful" assessment.

[42] *See* MPP § 3-02/090.07.

1. **Define "Meaningful":** Department policy should require a "meaningful" written evaluation of DSTs during their probationary period and set forth a clear definition of that term.
2. **Identify Competencies:** The Department should identify specific competencies that align with the job description of a Deputy Sheriff (such as honesty, integrity, decision-making skills) which it uses to evaluate the DSTs with specific and measurable benchmarks.
3. **Clarify e-LOTS Requirements:** The Department should clarify the requirement for data entry in e-LOTS. The entries reviewed by the OIG consist of either a notation that a probationary meeting took place or a few sentences regarding the DST's experience as a trainee. Such sparse documentation provides no record of whether the DST was evaluated against any of the topics listed in the policy. The Department should also require a complete written assessment of the DST which may be included in e-LOTS or the paper file.

- **Dedicated TO for Probationary Year:** As discussed above, each DST has no dedicated supervisor for up to two-thirds of his or her probationary period. In the best of circumstances, this makes it difficult to provide a thorough and thoughtful evaluation of a deputy's strengths and growth areas. DSTs should be assigned a TO for the entire year who is held accountable for providing a meaningful evaluation of the trainee. In contrast to field training officers, who supervise new patrol deputies during their probationary period, custody training officers are not paid any additional salary for their training responsibilities. This should change and custody TOs should be compensated for their work.

- **Release of Low-Performing DSTs:** Even if a low-performing trainee is identified, such as the individual discussed above, the Department's reluctance to take action is illustrated by the statistics. Of the 334 DSTs who graduated from the Academy in 2014, not one was released for performance-related reasons.[43] The Department should take advantage of the opportunity to identify and dismiss employees who consistently do not display aptitude for the position and ensure that its policy clearly expresses this possibility.

- **Commander Approval:** Department policy allows the Unit Commander, who is typically a Captain, to approve each DST's passage off of probation. It is unclear why such an important decision as allowing a deputy sheriff permanent employee status is not escalated higher up the chain of command.[44] Commander-level approval is

[43] Seventeen of the 334 DSTs did leave the department during their probationary year for the following reasons: 11 for outside non-county employment, 2 due to criminal misconduct, 1 for personal reasons, 2 for medical reasons and 1 moved out of state.
[44] The policy does require that the concerned division chief review the probationary status of an employee who is under an administrative or criminal investigation. However, this level of review is not required of a poorly performing DST.

standard for the Department. For example, any allegation of force by a Deputy Sheriff – including the lowest level of non-injury force such as a control hold – must be reviewed and approved by a Commander. In order to ensure that probationary employees are being rigorously evaluated, the Department should require that a Commander review a DST's final evaluation and affirmatively approve that the deputy has passed his or her probationary period at least 30-days prior to the end of the year in order ensure there is time to release the DST if necessary.

CONCLUSION

Deputy Sheriffs play a central role in the County's law enforcement system. In light of the wide discretion and powers given to deputies to carry out their responsibilities, the Los Angeles Sheriff's Department has a heightened duty to ensure that it hires and retains only qualified individuals. In order to have any chance of identifying unqualified trainees, the Department must provide each DST with a meaningful probationary performance evaluation. A DST who shows on-going signs of sub-par performance during probation – the time period that he or she has the most incentive to meet expectations – should be released during the window of opportunity to do so before the significant civil service protections kick in making termination for low-performance almost impossible. This practice would be consistent with the Department's own policy not to "tolerate" conduct that is "inconsistent with [its] high standards."

APPENDIX A

JOB INTEREST

1 2 3 4 Application to duties. Positive and professional attitude, demonstrated in staff and inmate interactions.

Comments: _____

_____

_____

KNOWLEDGE

Knowledge of the following must be demonstrated to the extent that competent performance is achieved:

1 2 3 4 Custody applicable statutes

1 2 3 4 Case law and criminal procedures

1 2 3 4 Department policy and procedures

1 2 3 4 Department resources

1 2 3 4 Facility / Unit Orders and procedures

1 2 3 4 Recurrent briefings

1 2 3 4 Title XV Statutes

Comments: _____

_____

_____

REPORT WRITING

1 2 3 4 All forms and reports used by Custody Division must be accurately completed in a timely manner, consistent with the complexity of the task.

Comments: _____

_____

_____

REPORT WRITING-ORGANIZATION/DETAIL/THOROUGHNESS

1 2 3 4 Reports written must contain properly sequenced statements, observations and action. Such reports shall contain adequate detail to accurately describe the original events, actions taken, and decisions made.

Comments: _____

_____

REPORT WRITING-GRAMMAR/SPELLING/NEATNESS

1 2 3 4 Reports must be neat and legible with minimal spelling, punctuation and grammatical errors.

Comments: _____

_____

PERFORMANCE

1 2 3 4 The ability to assess situations accurately and to take appropriate actions.

Comments: _____

_____

SELF-INITIATED ACTIVITY

1 2 3 4 The ability to recognize and investigate suspicious or unusual activity, and take appropriate action.

Comments: _____

_____

_____

OFFICER SAFETY

1 2 3 4 The ability to control persons and situations, while minimizing danger to Self and others.

1 2 3 4 The ability to control prisoners and suspects.

1 2 3 4 The propar knowledge of the use of force must be demonstrated.

1 2 3 4 The proper use of safety equipment (flashlight, air packs, handcuffs, etc.)

Comments: _____

_____

_____

RELATIONSHIPS

1 2 3 4 Behavior that is consistent with Department policy in dealing with peers, supervisors, and the public.

Comments: _____

_____

_____

DEALING WITH INMATES

1 2 3 4 The ability to interact confidently with inmates while maintaining officer safety.

1 2 3 4 The ability to understand and recognize problems regarding inmate care, Comfort safety and special custodial problems (suicidal, special handling, newsworthy, etc.)

Comments: _____

_____

_____

JUSTICE DATA SYSTEM KNOWLEDGE

1 2 3 4 Security of Justice Data System.

1 2 3 4 Execution of menus, functions and transactions.

1 2 3 4 Functions of keys on keyboard.

1 2 3 4 Printer functions and operation.

Comments: _____

_____

_____

ADAPTABILITY

1 2 3 4 Performance in daily situations

1 2 3 4 Performance in emergent situations.

1 2 3 4 Performance with minimal instructions.

1 2 3 4 Ability to follow instructions.

Comments: _____

_____

_____

TRAINING OFFICER'S COMMENTS & RECOMMENDATIONS:

_____

_____

_____

TRAINING DEPUTY:_____ _____**DATE:**_____

TRAINEE'S COMMENTS AND RECOMMENDATIONS:

_____

_____

_____

_____

TRAINEE: _____**DATE:**_____

MEASURES TAKEN BY TRAINING OFFICER TO CORRECT DEFICIENCIES:
(Must be filled out for areas receiving a 2 rating)

_____

_____

_____

_____

_____

TRAINING DEPUTY: _____ _____DATE:_____

MEASURES TAKEN BY TRAINEE TO CORRECT DEFICIENCIES:

_____

_____

_____

_____

_____

_____

TRAINEE:_____ _____DATE:_____

FACILITY TRAINING UNIT COMMENTS AND RECOMMENDATIONS:

_____

_____

_____

TRAINING UNIT SERGEANT:_____ ____DATE:_____

APPENDIX B

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: December 9, 2015
FILE NO.

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On December 9, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on June 14, 2015. While on training, Deputy [redacted] was assigned to the 2000 floor. The training officer assigned to Deputy [redacted] was Deputy [redacted].

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. Deputy [redacted] said the training program was "a learning experience." He said Deputy [redacted] was very helpful, and always available when needed.

I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

As of June 14, 2015, Deputy [redacted] will be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by his shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: July 8, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On July 8, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on March 1, 2015. While on training, Deputy [redacted] was assigned to work on the 2000 and 3000 floors. The training officers assigned to Deputy [redacted] were Deputy [redacted] and Deputy [redacted]

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

It was recommended by [redacted] that Deputy [redacted] be removed from "Training status" as of March 1, 2015. I concur with her recommendation and approve that Deputy [redacted] be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: July 6, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On July 6, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on March 1, 2015. While on training, Deputy [redacted] was assigned to the 2000, 3000, and 4000 floors. The training officer assigned to Deputy [redacted] was Custody Assistant [redacted].

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

It was recommended by [redacted] that Deputy [redacted] be removed from "Training status" as of March 1, 2015. I concur with the recommendations of Deputy [redacted] and Custody Assistant [redacted] and approve that Deputy [redacted] be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the AM shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: December 2, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: ASSESSMENT OF TRAINING-DEPUTY [redacted]

On December 2, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on June 14, 2015. While on training, Deputy [redacted] was assigned to work on the 2000 floor. The training officer assigned to Deputy [redacted] was Deputy [redacted]

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. Deputy [redacted] said he learned a lot from Deputy [redacted] while assigned to 2600. Deputy [redacted] said the fast pace of the modules operations forced him to quickly learn required tasks. He commended Deputy [redacted] on his professionalism and knowledge.

I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

It was recommended by [redacted] that Deputy [redacted] be removed from "Training status" as of June 14, 2015. I concur with her recommendation and approve that Deputy [redacted] be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the shift Watch Commander, who will be named at a later date.

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE January 29, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: ASSESSMENT OF TRAINING-DEPUTY [redacted]

On November 22, 2014, I sat with Deputy [redacted] and discussed her performance during the training program. Deputy [redacted] completed the twelve week training program on November 24, 2014. While on training, Deputy [redacted] was assigned to the 2000 floor at Men's Central Jail. The training officer assigned to Deputy [redacted] was Deputy [redacted]

We discussed her experiences during training and I was told that there were no issues that occurred that needed to be addressed. I reviewed her training book which contained weekly evaluations of her performance and samples of her work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

I recommend that as of November 24, 2014, Deputy [redacted] be removed from "Training status," and allowed to work on the line at Men's Central Jail. During her probationary period, Deputy [redacted] performance will be monitored by the AM shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: December 5, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On December 3, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on March 1, 2015. While on training, Deputy [redacted] was assigned to work on the 2000 floor and 3000 floors. The training officer assigned to Deputy [redacted] was Deputy [redacted].

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. Deputy [redacted] said Deputy [redacted] was very helpful and resourceful. He said he learned the daily module operations very quickly. He commended Deputy [redacted] knowledge of the facility. He said because of Deputy [redacted] vast experience, he learned much about the facilities operation in a very short time.

I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

As of March 1, 2015, Deputy [redacted] will be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: December 2, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted] MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On December 2, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on October 1, 2015. While on training, Deputy [redacted] was assigned to work on the 2000 floor. The training officer assigned to Deputy [redacted] was Deputy [redacted].

Because of his slow progress during training, Deputy [redacted] training period was extended. This was done in an effort to help him progress in his training so he could meet the minimum requirements set by the Department.

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. Deputy [redacted] said Deputy [redacted] was very knowledgeable, and made him feel like part of a team. He commended and appreciated deputy [redacted] for his professionalism, and leadership. Deputy [redacted] credited Deputy [redacted] knowledge and teaching ability as being the reason he was able to complete the training program

RECOMMENDATION

As of June 14, 2015, Deputy [redacted] will be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

'A Tradition of Service'

DATE: December 11, 2015
FILE NO.

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On December 11, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on June 14, 2015. While on training, Deputy [redacted] was assigned to work the 3000 floor. The training officer assigned to Deputy [redacted] was Deputy [redacted]

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. Deputy [redacted] said he was very busy during training, but learned so much from his training officer and those who worked around him.

I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

As of June 14, 2015, Deputy [redacted] was removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the shift Watch Commander, who will be named at a later date.

[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: July 8, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted], CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **ASSESSMENT OF TRAINING-DEPUTY** [redacted]

On July 8, 2015, I sat with Deputy [redacted] and discussed his performance during the training program. Deputy [redacted] completed the sixteen week program on March 1, 2015. While on training, Deputy [redacted] was assigned to work on the 2000, 3000, 4000 and 5000 floors. The training officers assigned to Deputy [redacted] were Custody Assistant [redacted] and Deputy [redacted]

We discussed his experiences during training and I was told that there were no issues that occurred that needed to be addressed. I reviewed his training book which contained weekly evaluations of his performance and samples of his work product. I found everything contained in the training book to be in order and completed to the standards set forth by the Men's Central Jail training staff.

RECOMMENDATION

It was recommended by [redacted] that Deputy [redacted] be removed from "Training status" as of March 1, 2015. I concur with her recommendation and approve that Deputy [redacted] be removed from "Training status" and allowed to work the line at Men's Central Jail. Deputy [redacted] was advised that during his probationary period, his performance will be monitored by the shift Watch Commander, who will be named at a later date.

[redacted]

APPENDIX C

DEPUTY 1

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: 11/12/2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted] CAPTAIN
[redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **PROBATIONARY ASSESSMENT**

During this review period, Deputy [redacted] has been assigned to Men's Central Jail since June 14, 2015. His Personnel Performance Index (PPI) indicates no Inmate Complaints, no Use of force incidents, and no Formal Counseling session.

ASSESSMENT OF EMPLOYEE'S PERFORMANCE

Deputy [redacted] is currently assigned to Men's Central Jail, where he is viewed by his supervisors and peers as competent. He works well with his fellow deputies and custody assistants and is proving to be an effective team player. He has been open to constructive criticism from both supervisors and peers.

Deputy [redacted] displays competent report writing and radio communication skills for this stage in his career. He has at times appeared to be tentative in her communication with inmates, and her training officer and supervisors continue to work with him to build confidence in this regard. He has not shown any tendency to use inappropriate force nor demonstrated a lack of understanding of the Departments Mission and Core values with respect to the treatment of inmates.

INMATE COMPLAINTS

None.

ADMINISTRATIVE INVESTIGATIONS

None

CIVIL CLAIMS / LAWSUITS

None

ON DUTY / OFF DUTY CONDUCT

None

WATCH COMMANDER SEVICE COMMENT REPORTS

None

TRAINING EVALUATION

Deputy [redacted] successfully completed the required twelve week Custody Division Training program. His training packet was reviewed and approved by [redacted]

USE OF FORCE INCIDENTS

None.

ALLEGATIONS OF FORCE INCIDENTS

None.

FORMAL COUSELING SESSIONS

None

ATTENDANCE

Deputy [redacted] attendance record is satisfactory.

RECOMMENDATION

I recommend Deputy [redacted] continue his/her probationary period.

[redacted]

DEPUTY 2

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: November 18, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]
MEN'S CENTRAL JAIL

TO: [redacted], CAPTAIN
[redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **PROBATIONARY ASSESSMENT**

During this review period, Deputy [redacted] has been assigned to Men's Central Jail since August 15, 2015. His Personnel Performance Index (PPI) indicates no Inmate Complaints, One Use of force incident, and no Formal Counselling session.

ASSESSMENT OF EMPLOYEE'S PERFORMANCE

Deputy [redacted] is currently assigned to the 9000 floor as a Prowler, where he is viewed by his supervisors and peers as a hard working member of the team. He works well with his fellow deputies and custody assistants and is proving to be an effective team player. He has been open to constructive criticism from both supervisors and peers.

Deputy [redacted] displays competent report writing and radio communication skills for this stage in his career. He has at times never appeared to be tentative in his communication with inmates, and his training officer and supervisors continue to work with him to build his confidence. He has not shown any tendency to use inappropriate force nor demonstrated a lack of understanding of the Departments Mission and Core values with respect to the treatment of inmates.

INMATE COMPLAINTS

None.

ADMINISTRATIVE INVESTIGATIONS

None

CIVIL CLAIMS / LAWSUITS

None

ON DUTY / OFF DUTY CONDUCT

None

WATCH COMMANDER SEVICE COMMENT REPORTS

None

TRAINING EVALUATION

Deputy [redacted] has successfully completed the required twelve week Custody Division Training program. His training packet was reviewed and approved by [redacted]

USE OF FORCE INCIDENTS

Deputy Doe has been involved in one Use of Force incident during this review period. The incident was directed by the floor sergeant.

The force employed during the incident was determined to be reasonable and within Department policy. Deputy [redacted] did not display a pattern of force or exhibit any behaviors synonymous with unauthorized force.

ALLEGATIONS OF FORCE INCIDENTS

None

FORMAL COUSELING SESSIONS

None.

ATTENDANCE

Deputy [redacted] attendance record is satisfactory.

RECOMMENDATION

I recommend Deputy [redacted] continue his probationary period.

DEPUTY 3

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: November 18, 2015
FILE NO:

OFFICE CORRESPONDENCE

FROM: [redacted]

TO: [redacted] CAPTAIN
[redacted] CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **PROBATIONARY ASSESSMENT**

During this review period, Deputy [redacted] has been assigned to Men's Central Jail since August 15, 2014. Her Personnel Performance Index (PPI) indicates (1) Inmate Complaint, (3) Use of force incidents, and no Formal Counseling session.

ASSESSMENT OF EMPLOYEE'S PERFORMANCE

Deputy [redacted] is currently assigned to the 4000 floor, where she is viewed by her supervisors and peers as a hard working member of the floor. She works well with her fellow deputies and custody assistants and is proving to be an effective team player. Deputy [redacted] has been open to constructive criticism from both supervisors and peers.

Deputy [redacted] displays competent report writing and radio communication skills for this stage in her career. She has at times appeared to be tentative in her communication with inmates, and her training officer and supervisors continue to work with her to build confidence in this regard. She has not shown any tendency to use inappropriate force nor demonstrated a lack of understanding of the Departments Mission and Core values with respect to the treatment of inmates.

INMATE COMPLAINTS

[redacted]

ADMINISTRATIVE INVESTIGATIONS

None

CIVIL CLAIMS / LAWSUITS

None

ON DUTY / OFF DUTY CONDUCT

None

WATCH COMMANDER SEVICE COMMENT REPORTS

None

TRAINING EVALUATION

Deputy [redacted] successfully completed the required twelve week Custody Division Training program. Her training packet was reviewed and approved by [redacted]

USE OF FORCE INCIDENTS

Deputy [redacted] has been involved in three Use of Force Incidents during this review period. None of these incidents were directed by the floor Sergeant and the other was initiated due to a combative inmate.

The force employed in all the incidents was determined to be reasonable and within Department policy. Deputy [redacted] did not display a pattern of force or exhibit any behaviors synonymous with unauthorized force.

ALLEGATIONS OF FORCE INCIDENTS

None

FORMAL COUSELING SESSIONS

None

ATTENDANCE

Satisfactory.

RECOMMENDATION

I recommend Deputy [redacted] continue her probationary period.

[redacted]

APPENDIX D

DEPUTY 1

RELATIONSHIP

1 (2) 3 4 Behavior that is consistent with Department policy in dealing with peers, supervisors, and the public.

Comments: DEPUTY S[redacted] EXHIBITS GOOD BEHAVIOR AND IS ABLE TO DEAL WITH HIS PEARS EFFECTIVELY.

DEALING WITH INMATES

1 (2) 3 4 The ability to interact confidently with inmates while maintaining officer safety.

1 (2) 3 4 The ability to understand and recognize problems regarding inmate care, comfort, safety and special custodial problems (suicidal, special handling, newsworthy, etc.)

Comments: DEPUTY S[redacted] DEALS WITH INMATES IN A PROFESSIONAL MANNER.

JUSTICE DATA SYSTEM KNOWLEDGE

1 (2) 3 4 Security of Justice Data System.

1 (2) 3 4 Execution of menus, functions and transactions.

1 (2) 3 4 Functions of keys on keyboard.

1 (2) 3 4 Printer functions and operation.

Comments: DEPUTY S[redacted] HAS BEEN ABLE TO USE OUR COMPUTER SYSTEM EFFECTIVELY.

ADAPTABILITY

1 2 (3) 4 Performance in daily situations

1 2 (3) 4 Performance in emergent situations.

1 2 (3) 4 Performance with minimal instructions.

1 (2) 3 4 Decisiveness

1 2 (3) 4 Ability to follow instructions.

Comments: DEPUTY S[redacted] HAS BEEN FLEXIBLE WHEN ASKED TO TAKE ON ADDITIONAL RESPONSIBILITIES OR TASKS.

TRAINING OFFICER'S COMMENTS & RECOMMENDATIONS:

DEPUTY S[redacted] HAS SHOWN THE WILLINGNESS TO WANT TO LEARN DURING HIS FIRST TWO WEEKS OF TRAINING. HE HAS A VERY GOOD ATTITUDE TOWARDS HIS DUTIES AS A CUSTODY ASSISTANT.

TRAINING DEPUTY: S[redacted] DATE:

TRAINEE'S COMMENTS AND RECOMMENDATIONS:

TRAINEE: DATE:

DEPUTY 2

RELATIONSHIP

1 (2) 3 4 Behavior that is consistent with Department policy in dealing with peers, supervisors, and the public.

Comments: DEPUTY G[redacted] EXHIBITS GOOD BEHAVIOR AND IS ABLE TO DEAL WITH HIS PEARS EFFECTIVELY.

DEALING WITH INMATES

1 (2) 3 4 The ability to interact confidently with inmates while maintaining officer safety.

1 (2) 3 4 The ability to understand and recognize problems regarding inmate care, comfort, safety and special custodial problems (suicidal, special handling, newsworthy, etc.)

Comments: DEPUTY G[redacted] DEALS WITH INMATES IN A PROFESSIONAL MANNER.

JUSTICE DATA SYSTEM KNOWLEDGE

1 (2) 3 4 Security of Justice Data System.

1 (2) 3 4 Execution of menus, functions and transactions.

1 (2) 3 4 Functions of keys on keyboard.

1 (2) 3 4 Printer functions and operation.

Comments: DEPUTY G[redacted] HAS BEEN ABLE TO USE OUR COMPUTER SYSTEM EFFECTIVELY.

ADAPTABILITY

1 2 (3) 4 Performance in daily situations.

1 2 (3) 4 Performance in emergent situations.

1 2 (3) 4 Performance with minimal instructions

1 (2) 3 4 Decisiveness

1 2 (3) 4 Ability to follow instructions.

Comments: DEPUTY G[redacted] HAS BEEN FLEXIBLE WHEN ASKED TO TAKE ON ADDITIONAL RESPONSIBILITIES OR TASKS.

TRAINING OFFICER'S COMMENTS & RECOMMENDATIONS:

DEPUTY G[redacted] HAS SHOWN THE WILLINGNESS TO WANT TO LEARN DURING HIS FIRST TWO WEEKS OF TRAINING. HE HAS A VERY GOOD ATTITUDE TOWARDS HIS DUTIES AS A CUSTODY ASSISTANT.

TRAINING DEPUTY: G[redacted] DATE: 03/24/16

TRAINEE'S COMMENTS AND RECOMMENDATIONS:

TRAINEE: G[redacted] DATE: 12-31-16

APPENDIX E

WEEKS 1 & 2

REPORT WRITING-GRAMMAR/SPELLING/NEATNESS

1 (2) 3 4 Reports must be neat and legible with minimal spelling, punctuation, and grammatical errors

Comments: Deputy J[redacted] reports are neat and legible. He requires little to no corrections.

PERFORMANCE

1 (2) 3 4 The ability to assess situations accurately and to take appropriate actions.

Comments: Deputy J[redacted] is able to assess most situations that he encounters on a daily basis and is able to take the appropriate actions needed to complete them.

SELF-INITIATED ACTIVITY

1 (2) 3 4 The ability to recognize and investigate suspicious or unusual activity, and take appropriate action.

Comments: Deputy J[redacted] is very motivated and requires little to no motivations from me to find him activities to do. He does a good job with self initiated activity

OFFICER SAFETY

1 (2) 3 4 The ability to control persons and situations, while minimizing danger to self and others

1 (2) 3 4 The ability to control prisoners and suspects.

1 (2) 3 4 The proper knowledge of the use of force must be demonstrated.

1 (2) 3 4 The proper use of safety equipment (flashlight, air packs, handcuffs, etc.)

Comments: Deputy J[redacted] has a good command presence. His ability to tell and inmate what to do, so the inmate understands is acceptable. He seems to have a good understanding of the Departments Force Options chart and is aware of situations on when to use it. He is knowledgeable of all his safety equipment.

WEEKS 11 & 12

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OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

May 16, 2016

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 DRAFT REPORT: ANALYSIS OF THE DEPUTY SHERIFF TRAINEE PROBATIONARY PERIOD

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General (OIG) Draft Report, *Analysis of the Deputy Sheriff Trainee Probationary Period.* The OIG report analyzes the Citizens' Commission on Jail Violence (CCJV) recommendation 6.4, which states, "There should be a meaningful probationary period for new deputies in custody." This analysis included a review of the deputy sheriff trainee probationary process evaluating training, supervision, and documentation.

The effort and dedication made by members of the OIG to execute this analysis is greatly appreciated by the Department. The Department values and appreciates the comments relating to the deputy sheriff trainee probationary process and will continually strive to meet and/or exceed the recommendations of this report and those of the Citizens' Commission on Jail Violence.

The Audit and Accountability Bureau has the responsibility to monitor and document Department responses related to this analysis. Should you have any questions regarding this Department response, please contact Captain Steven Gross at (323) 307-8302.

Sincerely,

JIM McDONNELL
SHERIFF

JM:SEG:faa
(Audit and Accountability Bureau)

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Michael J. Parker, Commander, Personnel and Training Command
David A. Walters, Commander, Audit and Accountability Command
Steven E. Gross, Captain, AAB
Faye A. Adragna, Operations Lieutenant, AAB
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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 Pederson, Assistant Inspector General, OIG

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

COUNTY OF LOS ANGELES – SHERIFF

SUBJECT: ANALYSIS OF THE DEPUTY SHERIFF TRAINEE PROBATIONARY PERIOD: RECOMMENDATIONS FOR A MEANINGFUL ASSESSMENT OPPORTUNITY

RECOMMENDATION NO.1: REVISE POLICIES GOVERNING THE PROBATIONARY PERIOD

The current policies are vague or silent on a number of important issues that, if clarified, would increase the likelihood that a Deputy Sheriff Trainee (DST) will receive a "meaningful" assessment.

a) Define "Meaningful": Department policy should require a "meaningful" written evaluation of DSTs during their probationary period and set forth a clear definition of that term.
b) Identify Competencies: The Department should identify specific competencies that align with the job description of a Deputy Sheriff (such as honesty, integrity, decision-making skills) which is used to evaluate the DSTs with specific and measurable benchmarks.
c) Clarify e-LOTS Requirements: The Department should clarify the requirement for data entry in e-LOTS. The entries reviewed by the OIG [Office of the Inspector General] consist of either a notation that a probationary meeting took place or a few sentences regarding DST's experience as a trainee. Such sparse documentation provides no record of whether the DST was evaluated against any of the topics listed in the policy. The Department should also require a complete written assessment of the DST which may be included in e-LOTS or the paper file.

RESPONSE: 1(a)

The Department concurs with the recommendation. The term "meaningful" was first used by the Citizens' Commission on Jail Violence (CCJV) in recommendation 6.4 which stated "There should be a meaningful probationary period for new deputies in custody." Because "meaningful" is subjective, it has been interpreted by custody administration, in the context of the OIG recommendation, to mean that the evaluations should be accurate, timely, and individually tailored to the performance of the trainee being evaluated.

Based upon the sample evaluations collected by OIG, it is clear that the documentation in the bi-weekly trainee evaluations is sub-standard. In order to educate training officers on the importance of completing accurate, timely, and individually tailored evaluations of their trainees, an informational bulletin will be drafted, which will provide clear examples of acceptable and unacceptable evaluation narratives.

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

Custody administration will work with Custody Training and Standards Bureau (CTSB) to develop a two-hour Intensified Format Training (IFT) course, which will focus on how to develop detailed and timely training evaluations. This course outline will be provided by CTSB personnel and instruction will be provided by Custody Training staff at each individual facility.

To address the policy deficiency regarding the narratives, Custody Division Manual (CDM) Section 3-02/010.00 "Standardized Orientation and Training Program" will be revised to require training officers to prepare detailed and timely evaluations of their trainees.

The facility training sergeant will be required to review each evaluation received by the training office to ensure that evaluations are complete, detailed, and relevant to the trainee's performance. Generalized statements or template trainee evaluations will not be accepted. Facility training staff will be required to check all training materials submitted for completeness and accuracy, prior to filing them in the trainee's packet. The facility training lieutenant will be required to ensure training evaluations are submitted by the training officers to the training office bi-weekly, and approved in a timely manner.

RESPONSE: 1(b)

The Department concurs with the recommendation. The current evaluation forms used by training officers were last revised in 1996. The criteria currently evaluated through the custody training evaluations are the following:

- Uniform Appearance
- Attitude
- Job Interest
- Knowledge
- Report Writing
- Officer Safety
- Investigative Skills
- Communication Skills
- Evidence
- Common Sense and Judgement
- Relationships
- Dealing With Inmates

These forms will be revised to modernize the terminology and to better reflect the current focus and needs of custody and the Department.

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

RESPONSE: 1(c)

The Department concurs with this recommendation. Currently, the 90-day unit commander's assessment of the trainee's performance is tracked in e-LOTS, but there is some confusion as to the amount of information that needs to be entered. Since e-LOTS was designed as a tracking device for administrative paperwork, it is not suited to handle detailed entries of employee performance.

CDM Section 3-01/020.15 "Probationary Period for Custody Personnel" will be revised to clarify that the documentation of the date and time of the unit commander's interview with the probationary employee will be tracked in e-LOTS; however, the unit commander's assessment will be typed, printed, and placed in the employee's personnel file. Custody Administration is researching the creation of a form for the purpose of standardizing the unit commander's assessment to include the requirements of the Probationary Period for Custody Personnel policy.

When deputies graduate from the academy, they are immediately transferred to the custody facility they have been assigned to (on paper), but must first attend six weeks of additional, custody specific, training called Jail Operations. Previously, this training was only two weeks in length. As this additional training now amounts to half of the required 90-day evaluation period mandated by policy. Custody Support Services (CSS) is working with Field Operations Support Services (FOSS) to revise both the CDM and Manual of Policy and Procedures (MPP) to change the timeframe for the mandatory assessment from 90 days to six months. This amount of time will provide a clearer picture of a deputy's performance prior to their unit commander's assessment.

RECOMMENDATION NO. 2: DEDICATED TRAINING OFFICER (TO) FOR PROBATIONARY YEAR

DSTs should be assigned a TO for the entire year who is held accountable for providing a meaningful evaluation of the trainee. In contrast to field training officers, who supervise new patrol deputies during their probationary period, custody training officers are not paid any additional salary for their training responsibilities. This should change and custody TO's should be compensated for their work.

RESPONSE:

During the first half of 2016, Men's Central Jail (MCJ) reported a projected 112 trainees arriving at the facility in need of a custody training officer. If this trend continues, and the Department were to adopt this recommendation, MCJ would need three times as many training officers to handle the workload. This change would only serve to dilute the knowledge and skill of the pool of training officers and result in a lower standard of training.

The "Standardized Orientation and Training Program" policy currently states that training officers should have only one trainee and that they should be on the same schedule and assigned to the same location as their training officer. If facilities were to comply with this mandate for a year-long training program, coupled with the CCJV recommendation and Rosas v. McDonnell settlement agreement that line personnel must be rotated every six months, staffing issues would make it prohibitive.

In order to assist with the current level of evaluations handled by the MCJ Training Office, which has only one sergeant, MCJ has assigned a second training sergeant (effective May 15, 2016), dedicated to ensuring the timeliness of evaluations and other training documents. If the training program is extended to 12 months, additional sergeants would be necessary to process the additional paperwork.

Custody training officers take on significant additional work and are held accountable for not only their work and own actions, but in some cases, the actions of their trainees. This additional work and risk comes with little reward and no tangible compensation. The creation of a training officer rank or position would significantly help ensure the most capable and experienced personnel become training officers.

In the current financial and personnel state, the Department does not have the resources to accomplish this request. Custody facilities are also assigned a compliance lieutenant who is responsible for identifying potential at-risk employees as it relates to force, conduct, and inmate grievances. The compliance lieutenant is tasked with analyzing trends and assessing potential risk management issues as it relates to use of force, inmate injuries, and other potential areas of liabilities. Any problems in these areas are directly reported to the unit commander.

RECOMMENDATION NO. 3: RELEASE OF LOW-PERFORMING DST

Of the 334 DSTs who graduated from the Academy in 2014, not one was released for performance-related reasons. The Department should take advantage of the opportunity to identify and dismiss employees who consistently do not display aptitude for the position and ensure that its policy clearly expresses this possibility.

RESPONSE:

Currently, approximately four percent of personnel who apply to the Department successfully complete the backgrounds process and begin the academy. Of those recruits, approximately 20 percent do not graduate from the Sheriff's academy.

When a trainee is assigned to a custody facility (28 weeks, including academy training and jail operations), the Department has invested a significant amount of time (approximately

five months) and resources into that individual prior to them ever working a shift on the line. Through the initial 28 weeks of academy training and jail operations, individuals are closely monitored and rigorously assessed. A thorough and thoughtful evaluation is conducted to measure a deputy's strengths and growth areas. This evaluation is continued through the next 90 days while the DST is on training at a custody facility.

Because of this investment, the Department takes great efforts to ensure that those who can competently complete the training process are afforded every opportunity to succeed.

Those who are deficient have their training program extended and those who decide that the custody environment is not for them are allowed to resign. The vast majority of trainees have given considerable personal sacrifice to the Department to become deputy sheriffs and by the time they have arrived at their facilities, have been thoroughly vetted by both the background and academy processes. This leads to an extremely low number of employees terminated during their probationary period.

CDM section 3-02/010.00 "Standardized Orientation and Training Program" will be revised to require immediate notification to the training sergeant and lieutenant for any trainee who exhibits any of the following during their training process:

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- Any use of force incident or prevented use of force
- Any Performance Log Entry (PLE)
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These notifications shall be entered in the "Custody Training Unit Comments and Recommendations" section of the biweekly trainee evaluations. This will be used to establish any trends which may appear during the training program.

This policy will also be revised to require unit commander notification wherein any trainee continues to exhibit significant deficiencies after being given a reasonable amount of time to improve. Unit commander notifications will be made prior to the end of the 90-day training program.

RECOMMENDATION NO.4: COMMANDER APPROVAL

In order to ensure that probationary employees are being rigorously evaluated, the Department should require that a Commander review a DST's final evaluation and affirmatively approve that the deputy has passed his or her probationary period at least 30-days prior to the end of the year, to ensure there is time to release the DST if necessary.

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

RESPONSE:

Currently, the Department graduates approximately eight academy classes a year, with approximately 90 deputy sheriff graduates per class, totaling 700+ deputies. A commander is not intimately involved during the review and assessment of each probationer during their probationary period. It would be impractical for a commander to review the probationer's final evaluation. The review of more than 700 probationers per year, would require an extensive degree of research by each Commander which would be unfeasible. The current review practice affords the probationer the opportunity to have a fair and efficient review of their work performance by the necessary stakeholders that have firsthand knowledge of the employee's overall work history, strengths, and weaknesses during the probationary period.

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

May 16, 2016

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

COUNTY OF LOS ANGELES – SHERIFF

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

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RESPONSE:

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RECOMMENDATION NO.4: COMMANDER APPROVAL

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

RESPONSE:

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