



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

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**UPDATE ON IMPLEMENTATION OF
REFORMS FOR PROBATIONARY
DEPUTY SHERIFFS AND CUSTODY
ASSISTANTS**

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INTRODUCTION

In May 2016, the Office of Inspector General (OIG) issued a report titled "Analysis of the Deputy Sheriff Trainee Probationary Period: Recommendations for a Meaningful Assessment Opportunity."¹ The report found documentation in trainee files was incomplete and untimely. The majority of evaluations were not meaningful and trainees were not individually supervised for two-thirds of their probation. In some cases, evaluations were simply cut-and-pasted with identical language. Based on these findings, the OIG made the following recommendations:

1. Revise policies governing the probationary period to:
 - a. Set forth a clear definition of the term "meaningful;"
 - b. Identify specific competencies with measurable benchmarks by which to evaluate deputy sheriff trainees;
 - c. Clarify the requirements for data entry in the electronic Line Operations Tracking System (e-LOTS);
2. Assign a single training officer to a trainee for the entire probationary period;
3. Release during the probationary period deputy sheriff trainees who consistently do not display aptitude for the position;
4. Require a commander to review a deputy sheriff trainee's final evaluation before becoming a permanent employee.

On June 28, 2016, the Board of Supervisors requested the Los Angeles County Sheriff's Department (LASD or Department) to report back regarding a plan to include methods and timetables for the implementation of the OIG's recommendations. On September 29, 2016, the LASD submitted its report to the Board² and agreed that the Department's entire Custody Division training program needed revisions due to its lack of formalization, dedicated resources and a challenging curriculum. In response to the OIG's report, the Department created a Probationary/Training Assessment Committee (the Committee) which held bi-weekly meetings from September 2016 through May 2017 with the goal of revamping the training program.

On March 8, 2017, supervisors Hilda L. Solis and Katheryn Barger put forth a motion directing the Inspector General to "report back to the Board in six months regarding the effectiveness of the implemented reforms and also to undertake a

¹ "Analysis of the Deputy Sheriff Trainee Probationary Period: Recommendations for a Meaningful Assessment Opportunity," May 2016, *available at* <https://oig.lacounty.gov/Reports>.

² "Report Back Relative to the Inspector General's Report Entitled, 'Analysis of the Deputy Sheriff Trainee Probationary Period: Recommendations for a Meaningful Assessment of Opportunity,'" September 29, 2016.

review of the probationary period training and evaluation practices for Custody Assistants.”

In this report we provide an update on the reforms the Department has implemented since our May 2016 report, including the application of those reforms to custody assistants.

UPDATE ON OIG’S RECOMMENDATION TO REVISE POLICIES GOVERNING THE PROBATIONARY PERIOD

The OIG recommended that the LASD conduct a meaningful assessment of deputy sheriff trainees (DSTs or trainees or probationers)³ during their one-year probationary period. This included writing meaningful evaluations, identifying specific core competencies with measurable benchmarks and clarifying e-LOTS requirements. In response to these recommendations, the Department has taken the following steps towards implementation.

Setting Forth a Clear Definition of the Term “Meaningful”

In its September 29, 2016, response to the OIG report, the Department stated (and we agree) that “a meaningful probationary period shall be achieved when the probationers have reached specific competencies, have demonstrated they have met measurable benchmarks, and have had their performance reviewed thoroughly by each unit’s training and operational staff.”⁴ We now report on several steps taken by the LASD to meet these goals.

The LASD has revised and updated their Custody Training Manual (CTM) which is given to trainees during their first week of training.⁵ The current class of trainees (Class 422) will be the first recipients of the revised CTM.

The revised CTM now includes the Manual of Policy and Procedures (MPP) section for “Performance to Standards.”⁶ The significance of including this policy is that

³ The correct term for sheriff deputies on training is “deputy sheriff trainee” until they complete their three-month training program. Subsequent to completion of training, they are deputy sheriff generalists who are on probation.

⁴ Report Back Relative to the Inspector General’s Report, *at* 4.

⁵ The last time the CTM was revised was in 2009.

when DSTs start their one-year probationary period, the Department's expectations of sufficient competency in performing their duties will be clear and supported by clear examples of conduct which demonstrates incompetence. The Department reports that in the past, when trainees were told they were not meeting Department expectations in their work performance they often claimed they were not aware of LASD's policy regarding performance requirements. All trainees must now acknowledge and sign the policy which provides that failure to perform in accordance with it can result in extension/remediation of the training program or termination.

Trainees are also now tested and required to demonstrate their knowledge on LASD Force Policies from the MPP in addition to policies in the Custody Division Manual (CDM) that are vital to a basic understanding of what is expected in their work performance.

The previous OIG report on the probationary period analyzed the training program at Men's Central Jail (MCJ) where approximately 25% of all 2014 Academy graduates were assigned. At that time, the program lacked a supervisor in charge of the overall evaluation process of trainees. In response, MCJ added a sergeant whose sole responsibility is the oversight of the probationary employee program. As noted in the LASD's response to the Board, this position is not specifically funded.

The remaining six custody facilities have added oversight responsibilities to the current responsibilities of sergeants to ensure a meaningful evaluation process. As

⁶ Manual of Policy and Procedures Section 3-10/050.10 Performance to Standards states: Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department. Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced;
- An unwillingness or inability to perform assigned tasks;
- Failure to conform to work standards established for the member's rank or position;
- Failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention;
- Absence without leave; and/or
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations; and/or
- A written record of repeated infractions of the Department's rules, regulations, manuals, or directives.

will be discussed below, there has been a dramatic increase in the timeliness and completeness of probationary evaluations.

After graduating from the Academy deputies are assigned to the Custody Division in which they start with a six-week classroom-based training program called "Jail Operations Training." Once this training is complete, DSTs start their training at their assigned custody facility. Prior to our report, DSTs would not meet anyone from their assigned custody facility until their assignments began. The LASD now advises trainees of their upcoming duties and responsibilities during Jail Operations Training.

Previously, issues or concerns regarding a trainee's performance and progress during the Jail Operations Training classes were not conveyed to personnel at their assigned facilities. There is now a concerted effort to ensure any performance issues are relayed to the appropriate supervisors and trainers prior to the arrival of the DSTs.

Finally, as part of the corrective action plan (CAP) resulting from the OIG report, MCJ has been conducting audits of the DST files to ensure they are timely, thorough, and complete. However, they are the only facility to have conducted such audits as the CAP was only applied to them. Other facilities should also conduct audits of trainee files.

Identifying Specific Competencies

The OIG had recommended the Department identify specific competencies that align with the job description of a deputy sheriff such as honesty, integrity, and decision-making skills. Competencies can be used to evaluate DSTs with specific and measurable benchmarks. The Department stated in its response that it would aim to do this through its training program.⁷ As part of this effort, the Committee requested that each custody facility's training staff review the probationary protocols, evaluations forms and manuals. The result was the creation of the revised CTM as discussed above.

Additionally, the Committee sought to identify best practices and industry standards by working with neighboring agencies to enhance their overall probationary training program. As the Department reported in its September 2016 response to the

⁷ The training program includes six weeks of Jail Operations Training, written tests, performance tests, six bi-weekly evaluations, 15 report scenarios, and six-month assessments. Jail Operations Training also includes 32 hours of De-Escalation and Verbal Resolution Training (DeVRT).

Board, the LASD sent Custody Division training officers and executives to training provided by Kaminsky, Sullenberger & Associates, Inc.⁸ titled "Administration, Management, and Supervision of Field Training and Evaluation Programs" to enhance its identification of core competencies and benchmarks. After attending the training and speaking to other local law enforcement agencies,⁹ the LASD concluded having a database containing their training program is the best way to create a comprehensive probationary training program. We address the status of the database below.

Clarifying e-LOTS Requirements

When we reviewed the MCJ probationary files last year, we noted that none of the e-LOTS entries for the files documented an evaluation of the DST's performance as required by Custody Division Manual (CDM) section 3-01/020.15, "Probationary Period for Deputy Sheriff Generalists and Custody Assistants." The Department's response was that e-LOTS was designed to track the progress of administrative paperwork, has limited data entry capabilities and was never designed to track an individual's progress or lack of progress through their probationary period.

To address the issue, the Department requested Board funding for a new Probationary Employee Database. Currently, LASD has put out a Request for Information for a new database that would be able to produce, track and create the necessary forms and programs to ensure a meaningful and vibrant probationary training program.

The Department has also modified the CDM, section 3-01/020.15, to clarify e-LOTS requirements. This section's modification now requires the six-month review to be documented in a memorandum and tracked through e-LOTS by creating an entry under the "Probationary Assessment" drop down box and by documenting the assessment in the notes section. The memo must also be placed in the training file of the probationer. In addition, the unit commander must document the initial assessment and the "annual assessment" in the notes section of e-LOTS. We discuss using e-LOTS to document progress of trainees further below.

⁸ Kaminsky & Associates provides basic and advanced training for field and custody training officers.

⁹ The LASD met with and spoke to the San Fernando Police Department and the San Bernardino County Sheriff's Department regarding their probationary training, however, because of the vast difference in the number of probationary employees compared to the LASD (with other agencies having very few probationary employees), the Department found the training was not comparable or beneficial to the Department.

UPDATE ON OIG'S RECOMMENDATION TO ASSIGN A SINGLE TRAINING OFFICER TO A TRAINEE FOR THE ENTIRE PROBATIONARY PERIOD

In our previous report, we recommended that DSTs should be assigned a Training Officer for the entire year who is held accountable for providing a meaningful evaluation of the trainee. The Department did not concur with our recommendation but made their own recommendation based on what they believed to be more practical. To achieve the goals of this recommendation, the Department in its response made three separate funding requests to the Board.

The Department's made three requests in order to implement the OIG's recommendation No. 2.

LASD's First Request¹⁰

The LASD stated the OIG's recommendation would be impractical and would not be the optimal way to create a more meaningful opportunity to assess new employees.¹¹ Instead, the Department proposed adding 30 additional days to the current 90 day training, creating a more formalized CTO program similar to the Field Training Officer Program, and formalizing the CTO process to include bonus pay which would standardize the requirements and qualifications for hiring CTOs in order to attract a wider group of experienced personnel. The Department estimated the cost of this program to be approximately \$873,000 per calendar year.

The Department reports that currently, funding for this request has been postponed by the Chief Executive Office (CEO) and will be added to future contract negotiations with the LASD unions in the next round of contract negotiations set to start approximately October 2017 (but which would continue well into 2018). Therefore, there has been no progress on the Department's response to achieve the objective of the OIG recommendation.

¹⁰ This request is listed as "Department Request 2" in their September 29, 2016 response to the Board.

¹¹ The Department in its response stated there could be as many as 400 probationers at any given time while the CTOs numbered at 164. In addition, once training is complete, probationers are usually assigned to other positions within the jail, where they have different days off and work separate shifts than their former CTOs in order to accommodate the needs of the facility.

LASD's Second Request¹²

The LASD's second request stated as follows:

The Department recognizes the need for additional probationer oversight and recognizes that one of the most crucial ways to obtain it is through the assignment of a probationer and a CTO to the same function/position for the entire 4-month training period. However, implementing this recommendation would require juggling the assignment of employees at a given facility to ensure that the trainees are consistently assigned to the same area as their CTO. This juggling would result in unfilled positions in other areas that require staffing, creating additional vacancies and requiring backfill overtime. Preliminary cost estimates for such overtime are as much as \$14,700,000.

This funding request has no updates. However, in our review of the three-month training period where trainees are evaluated by custody training officers (CTO or TO) through six bi-weekly evaluations, we found that of the 16 DST files, six (37%) had one TO assigned, and 10 (62.5%) had two TOs assigned.

For 16 custody assistant trainee files, seven (43.8%) had one TO, eight (50.0%) had two TOs and only one (6.3%) had three or more TOs assigned to them during the training period. Thus, it appears the majority of trainees have no more than two TOs assigned.

Custody Assistant Trainees	Custody Training Officer(s) Assigned	Percent of Trainees
7	1	43.8%
8	2	50.0%
1	3	6.3%

Deputy Sheriff Trainees	Custody Training Officer	Percent of Trainees
6	1	37.5%
10	2	62.5%

¹² This request is listed as "Department Request 3" in their September 29, 2016 response to the Board.

LASD's Third Request¹³

The Department agreed with the OIG that there is not enough oversight or mentorship after a probationary employee is released from their 90-day training period. In order to provide more oversight for the trainees, the LASD requested funding for additional shift training officers (STOs) so that full time bonus deputies would be responsible for monitoring and assisting trainees while evaluating them on a bi-weekly basis for the duration of their probationary year. Another area of oversight would be the six weeks of Jail Operations Training where currently there is no documentation or evaluation done on trainee's work performance. Here too, STOs would prepare bi-weekly evaluations and provide mentorship, especially to those that appear to be struggling to meet Department standards. The implementation of this recommendation is estimated to require four STOs assigned to each facility, totaling 28 STOs at a preliminary cost of \$5,700,000 annually.

There is no update on the status of this request and the Department reports it does not appear funding will be available for it.

During our analysis of DST files for this report, we found that the MCJ sergeant in charge of oversight of probationary employees has been creating monthly progress update entries for probationers in e-LOTS subsequent to the completion of their three-month training period. The notations note any issues or concerns that have arisen post training or excellent work by the probationer. These entries allow the unit commander to be advised of the progress of a probationer prior to the completion of the one-year probationary assessment. Until a new database with meaningful tracking abilities is acquired by the Department, this is an effective method for tracking and providing oversight for a probationer's progress during a period where no one formal Training Officer is assigned.

Until a new database is acquired by the LASD, we recommend custody training sergeants at all custody facilities create monthly progress update entries in e-LOTS for probationers who have completed their three-month training program until their probationary period is successfully completed.

¹³ This request is listed as "Department Request 4" in their September 29, 2016 response to the Board.

UPDATE ON OIG'S RECOMMENDATION TO RELEASE LOW-PERFORMING DSTS

The OIG recommended that the Department identify and release employees who consistently do not display aptitude for the position. The Department's response to this recommendation was to "make necessary changes to assist them in identifying substandard employees earlier in the process and if those employees failed to improve their performance, the Department would immediately take the necessary steps to separate them from employment."¹⁴

The LASD has been working on revisions to their current probationary employee policy, CDM section 3-01/020.15, to reflect the changes it has set in motion since our last report.¹⁵ One change the Department has made added the following language to the policy:

During the standard custody training program, if by the second training evaluation¹⁶ the probationary employee's conduct is found to be in potential violation of Department policy and procedures and/or below the standards for performance specified in the CDM, the unit commander shall be notified by their facility training staff. The unit commander, in conjunction with the probationary employee's training staff, shall outline a detailed remediation plan to address the specific issues. The probationary employee shall also be placed on the "Commander's List" prepared by the Division Compliance Lieutenant for the duration of the employee's remediation. At the completion of the probationary employee's remediation plan, the Custody Operations Commander shall complete a Commander's Review Memorandum and delineate whether or not the probationary employee successfully completed the remediation plan.

Since November 2016, the Custody Services Administration division commander has been meeting weekly with the division compliance lieutenant and the training sergeant overseeing the probationary program at MCJ to discuss probationary employees on the "Commander's List" who have performance related issues or who have on-duty or off-duty misconduct cases.

Before our previous report, the LASD was not keeping track of releases and terminations from probation or resignations in lieu of terminations of low

¹⁴ See LASD "Report Back Relative to the Inspector General's Report" at 9.

¹⁵ A draft version of the policy revisions was reviewed by the OIG and has been discussed throughout this report.

¹⁶ There are six bi-weekly evaluations.

performing probationers. The Department now tracks (through a spreadsheet¹⁷) these probationers.¹⁸

In reviewing the tracking sheets and files of those probationers who were either terminated or resigned in lieu of release we found the following for the period between January 2016 through July 2017: five deputy sheriff probationers were released/terminated by the Department due to work performance issues while three deputy sheriff probationers and two custody assistant probationers resigned in lieu of release/termination.

The reasons for the release of the five probationary deputies who were released/terminated by the Department included: inappropriate communication with inmates, officer safety, poor judgement, unethical conduct, lack of job interest, poor report writing skills and failure to report force. Of the three deputy probationers who resigned in lieu of termination, one was legally drunk during training, one accidentally brought a gun into the jail clinic (after numerous low rating evaluations), and one lied to a sergeant and committed plagiarism on an exam. The two custody assistant probationers resigned because they were unable to meet Department work performance standards.

When a probationer is released from probation for any reason, a final probationary assessment evaluation form titled "Report on Probationer" is completed by the custody facility where the probationer is assigned. This evaluation form rates the probationers as "unsatisfactory" and the Department's recommendation of "Discharge the probationer from service" is checked. This form also allows for a narrative for the unit to state the reasons why the probationer was released.

We reviewed 21 personnel files at the Personnel Administration Bureau,¹⁹ and did not find these forms in every file.²⁰ In addition, prior to the tracking by the Department, it was difficult to ascertain why a probationer was being released from probation or resigning, as files rarely contain an explanation. We recommend the Department, in addition to their internal tracking spreadsheet, ensures this final

¹⁷ Our hope is that with the purchase of a new database, the use of spreadsheets will cease, but for now they are the only tool available for successful tracking.

¹⁸ The LASD is also tracking all probationers who have been terminated/released due to administrative policy violations or criminal conduct both on and off duty.

¹⁹ The Personnel Administration Bureau has custody and control of all employees personnel files.

²⁰ We reviewed the file of a probationer that was released by NCCF and discussed it with the Department as the best example of how to document the final evaluation. It was exemplary in how the unit handled a low-performing DST in its counseling and documentation. We commend NCCF for its excellent work that we saw throughout our review of their files.

evaluation form is sent to Personnel Administration and that it includes a narrative stating the reasons why a probationer was released or resigned in lieu of release.²¹

UPDATE ON OIG RECOMMENDATION TO REQUIRE A COMMANDER REVIEW A DST'S FINAL EVALUATION AND AFFIRMATIVELY APPROVE THAT THE DEPUTY SHERIFF TRAINEE PASSED THE PROBATIONARY PERIOD

The OIG recommended commander-level approval for a probationer's final evaluation and completion of probation. The Department in its response stated this was impractical as division commanders are far removed from the day-to-day activities of trainees. Instead, the LASD recommended that the most effective way to provide meaningful oversight would be to have trainees who have performance related issues brought to the attention of the division compliance lieutenant who in turn would notify the Division Commander (as described in the previous section).

As discussed previously, the "Commander's List" brings any probationer who is having performance related issues to the attention of the division commander. We believe the weekly meetings between the division compliance lieutenant and the division commander are successful in achieving the goal of ensuring only qualified trainees successfully complete probation.

ANALYSIS OF DEPUTY SHERIFF TRAINEE FILES POST OIG'S REPORT

In our prior report we analyzed sixteen files from MCJ where approximately 25% of all 2014 Academy graduates were assigned. In this report we analyzed MCJ in addition to all custody facilities where probationers were assigned. We chose to look at members of the first class of deputies who were evaluated *after* the Department implemented its reforms, to assess whether substantive changes have occurred in the evaluation process. The class we analyzed had 71 DSTs that graduated from the Academy. They were assigned as follows:

²¹ When we reviewed personnel files of probationers who had been terminated or released from probation, we noticed that other law enforcement agencies to which the probationer had applied (subsequent to resignation or release by LASD) had reviewed the file (anyone who reviews a personnel file must sign a form and list their name). Yet the files were void of any documentation stating why the person resigned or was terminated. Thus, a future employer would not know whether the reasons were related to integrity or excessive force and could thereby possibly hire a person not suited to be a peace officer.

Total Deputy Sheriff Trainees in Class = 71	Number Assigned to Facility	Percentage Assigned to Facility
Twin Towers Correctional Facility (TTCF)	32	45.07%
Inmate Reception Center (IRC)	14	19.71%
Men's Central Jail (MCJ)	12	16.90%
Century Regional Detention Facility (CRDF)	10	14.08%
North County Correctional Facility (NCCF)	3	4.22%

We reviewed 16 of the 71 trainee files, four files each from MCJ, Inmate Reception Center (IRC) and Twin Towers Correctional Facility (TTCF), three files from Century Regional Detention Facility (CRDF) and one file from North County Correctional Facility (NCCF) to determine whether the files were complete, timely and meaningful. As in our May 2016 report, we reviewed DST files for their six bi-weekly evaluations, six-month assessments and one-year evaluations.²² We could not analyze the one-year probationary assessment for this current report due to the fact that at the time of our request for files from the Department, the DSTs had not yet completed their one-year probationary period. Rather, they had completed approximately eight of the 12 months. Therefore, we could only analyze the six-month assessments and the bi-weekly evaluations.

TIMELINESS AND COMPLETENESS OF DST PROBATIONARY FILES POST REFORMS

Six-Month Assessments

Per Manual of Policy and Procedures section 3-02/090.07,²³ "within six months of an employee's initial assignment to any unit, unit commanders shall review the employee's initial work habits, performance and training records. 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." The LASD conducts this six-month assessment through a

²² See CDM section 3-01/020.015 and MPP 3-02/090.07.

²³ MPP 3-02/090.07 was last revised 9/22/16.

memorandum from a sergeant or a lieutenant²⁴ to the captain,²⁵ who upon review of all relevant documents signs the memorandum. The OIG observed the following:

- **100% Completeness:** We found each of the 16 files we reviewed contained the six-month assessment memorandum. There were no files that were missing this document. In our previous report, 12.5% of these assessments were missing from files.
- **100% Timeliness:** We found each of the 16 memorandums we reviewed to have been written at the appropriate mid-year evaluation period. In our previous report, 93% of the assessments were untimely.

Bi-Weekly Evaluations

Custody Division Manual section 3-02/010.00, requires Custody Training Officers (CTOs or TOs) to complete written bi-weekly evaluations for each DST. As we reported last May,²⁶ 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 4.²⁷ The OIG observed the following:

- **100% Completeness:** We found each of the 16 files reviewed contained six bi-weekly evaluations. There were no missing evaluations. In our previous report, 25% of evaluations were missing from files.
- **100% Timeliness:** We found all of the 16 files contained timely bi-weekly evaluations.
-
- **Document Anomalies:** We found some evaluations to have incorrect dates or missing dates. For example evaluation numbers two through six on a DST file from MCJ did not state the rating period dates (for example June 1 through June 14), but rather stated only "rating period 2 to 3." These are minor issues, but one's we recommend the Department correct.

²⁴ We found TTCF and NCCF to be the only facility that had a sergeant write the six-month memorandum to the captain. MCJ, CRDF and IRC all had a lieutenant write the six month memorandum.

²⁵ At LASD a captain of a unit may also be referred to as the unit commander.

²⁶ "Analysis of the Deputy Sheriff Trainee Probationary Period: Recommendations for a Meaningful Assessment Opportunity," May 2016 at 6.

²⁷ The evaluations are: 1= Unable to evaluate; 2= Well below the standard; 3= Not yet at standard, but improving; and 4= Satisfies the standard.

MEANINGFUL EVALUATION OF DST PROBATIONARY FILES POST REFORMS

Six-Month Assessments

In our May 2016 report, we had found the majority of the six-month assessments to consist of text that was cut and pasted from one DST to another. After careful evaluation of the 16 files across the five facilities we analyzed, we found that practice has stopped completely. The evaluations we reviewed were individualized and originally written with no cut and pasted sections. We found MCJ, TTCF, NCCF and CRDF were very detailed and individualized in their six month assessments. We found IRC to be lacking in the amount of detail and individual assessment when compared to the other four facilities. We encourage IRC to tailor their assessments to more specific language based on the feedback from the bi-weekly evaluations written by CTOs.

Bi-Weekly Evaluations

As with the six-month assessment memorandum, we found a drastic change in the bi-weekly evaluations across the facilities we analyzed. Previously, we reported that bi-weekly evaluations contained generalized comments such as “needs to show improvement” without giving specific feedback regarding how a DST could improve. The 16 DST files we reviewed from across the facilities contained individualized assessments for each of the six bi-weekly evaluations. For example, a DST assigned to IRC who needed improvement in his report writing skills had comments from his CTO for his first evaluation stating that the trainee’s “reports have contained accurate information, but have lacked the writing flow necessary to paint a picture of the event at hand.” On his third evaluation the same CTO stated that the trainee’s “report writing has included details to describe the incident and the actions following the incident.” By his final evaluation, the trainee had his report writing evaluated as his “strongest area” and was “able to organize his reports well with good detail and thoroughness.” We also saw numerous examples of well-written evaluations from the other facilities we analyzed.

The only instances in which we discovered cut and pasted paragraphs among a DSTs evaluations, were comments in areas in which the DST had already satisfied the Department standard and received a “4 = Satisfied the Standard” rating. For example, in each of the six evaluations, CTOs must rate the “Uniform Appearance” of the DST. Thus, the comments section would state the DST’s uniform appearance, grooming, hygiene is in compliance with Department policy.” That comment would be repeated throughout the remaining evaluations for that specific DST. We did not see cut and pasted comments in any substantive areas of the evaluation unless the Deputy had already satisfied the Department standard in a previous evaluation.

\We should note that in reading 96 evaluations written by numerous CTOs, it was evident that some CTO’s evaluations were more substantive and well-articulated than others. The Department reports that currently there is no requirement for a CTO to have a set amount of years of experience as a deputy sheriff before becoming a CTO. Therefore, a deputy who has only been on the job for one year (meaning he or she has just completed the one-year probationary period) can become a CTO. While the LASD states this is not an ideal situation, the Department is inclined to accept volunteers for a position which presently offers no financial incentives. Therefore, we support the Department’s request for funding to enable a formalized program for CTOs where bonus pay and experience make the positions competitive.

ANALYSIS OF CUSTODY ASSISTANTS PROBATIONARY EVALUATION FILES

Custody assistants (C/A) are non-sworn personnel who work at the custody facilities, stations jails and court lockup facilities. The Custody Assistant Academy consists of eight weeks of Jail Operations Training (the training that the deputies receive upon graduation from their Academy). The probationary period training and evaluation practices for C/As are identical to those for DSTs: C/As are paired up with a CTO for twelve weeks and receive six bi-weekly evaluations followed by a six-month assessment and a final one-year probationary evaluation.

The Board has requested that the OIG perform a review of the probationary period training and evaluation practices for custody assistants. We have conducted an analysis of the probationary evaluations contained in 12²⁸ files of C/As who were evaluated *before* our May 2016 report and in 16 files of C/As who were evaluated *subsequent* to our report and the Department’s reforms. The OIG observed the following:

Total Custody Assistant Trainees in Class = 32	Number Assigned to Facility	Percentage Assigned to Facility
Twin Towers Correctional Facility (TTCF)	11	34.37%
Men’s Central Jail (MCJ)	6	18.75%
Inmate Reception Center (IRC)	5	15.62%
North County Correctional	4	12.50%

²⁸ We reviewed one file from Pitchess Detention Center South (PDC South), two files from NCCF, four files from MCJ, three files from TTCF and two files from IRC. These files were randomly chosen by OIG based on two Academy classes.

Total Custody Assistant Trainees in Class = 32	Number Assigned to Facility	Percentage Assigned to Facility
Facility (NCCF)		
Century Regional Detention Facility (CRDF)	4	12.5%
PDC North	2	6.25%

REVIEW OF CUSTODY ASSISTANT TRAINEE FILES PRIOR TO REFORMS

Six-Month Assessments

As explained above, Department policy requires a six-month mid-probation assessment to be completed by the unit to which the trainee is assigned. A review of 12 files randomly selected from five custody facilities found the following:

- **83% Missing:** 10 of the 12 files were missing the six-month assessment memorandum. Some of the tracking through e-LOTS showed the assessments may have been written but were missing from the files.
- **Timeliness:** The six month assessments were timely in the two files that did contain the assessment.

Bi-Weekly Evaluations

- **41.6% Missing:** Of the 12 files we reviewed, five contained no bi-weekly evaluations.²⁹
- **42.8% Untimely:** Of the seven files that had bi-weekly evaluations, three of the evaluations were untimely.

One-Year Assessment

Pursuant to LASD policy in the CDM, section 3-01/020.15, in place at the time of our earlier review before the CDM was revised,³⁰ 30 days before the end of the probationary period all final performance evaluations on probationary employees must be completed and forwarded to Personnel Administration. We reviewed the 12 files for completion and timeliness.

²⁹ Four of the five files belonged to MCJ.

³⁰ This policy, which is in the process of being revised and finalized, now requires all final performance evaluations be completed at least 60 days prior to the end of the probationary period.

- **100% Complete:** All 12 files we reviewed contained the final performance evaluation on the probationary employee.
- **100% Untimely:** None of the 12 files had the final probationary assessment completed prior to the completion of the one-year probationary period. The assessments were signed by the unit commanders anywhere from one month to five months after the probationary period was completed.³¹

REVIEW OF CUSTODY ASSISTANT TRAINEE FILES POST REFORMS

We reviewed 16 files from six custody facilities for our analysis of custody assistant trainee files post LASD reform implementations.³²

Six-Month Assessments

- **93.75% Complete:** Of the 16 trainee files we reviewed, 15 of the files contained the six-month assessment.³³
- **100% Timely.** Of the 15 we reviewed, all of them were written at the six-month period.
- **Meaningful Evaluations:** In our 2016 report we highlighted numerous examples from MCJ where these assessments were copied and pasted from one trainee to the next. We now find MCJ's six-month assessments to be the most substantive we have seen from our current review.

³¹ One file had the assessment completed the day after the one-year probationary period. When we spoke to LASD regarding the untimeliness of these assessments, we were told that the understanding of most LASD custody units was that they had to wait until the one-year period was over before they could complete the assessment. The Department has reported the policy has been briefed to personnel who are now aware that the assessment must be complete 60 days prior (previously 30 days prior) to the end of the one-year period.

³² We reviewed one (1) file from PDC North; two (2) files from NCCF; three (3) files from MCJ; three (3) files from IRC; three (3) files from CRDF; and four (4) files from TTCF.

³³ We found MCJ to be the only facility that does not include information that other facilities do in their Six Month Probationary Assessment memorandum. For example while other facilities state the number (if any) of inmate complaints, administrative investigations, on and off duty incidents among other information, MCJ's Assessments do not. We noted that MCJ's Six Month Assessment memorandum of DSTs also does not include this information while other facilities do.

Bi-Weekly Evaluations

- **100% Complete:** All 16 files we reviewed contained six bi-weekly evaluations. In our 2016 report we had found 25% of the files to be missing these evaluations.
- **Timeliness and Document Date Anomalies:** Each of the six bi-weekly evaluations should be written at the end of a two-week period, totaling six evaluations. In our prior report, we had found some bi-weekly evaluations were written before the end of the two week period. In this review, we still found some bi-weekly evaluations with date anomalies. For example, we found a trainee’s file from MCJ had a bi-weekly evaluation dated July 8, 2016, for the period covering July 24, 2016, through August 7, 2016. We also found some of the bi-weekly evaluations were late and untimely. For example, in one trainee file from TTCF, we found the CTO had written four separate evaluations (covering an eight week period) on the same day instead of at the end of each bi-weekly period. Other bi-weekly evaluations were written between seven to twenty days after the due dates.
- **Meaningful Evaluations:** Overall, we found both the bi-weekly and six-month probationary assessments to be meaningful and individualized to the trainee with thoughtful comments from CTOs.³⁴ We were most impressed with evaluations from PDC North where for each bi-weekly evaluation there was also a separate shift sergeant evaluation for that two-week period. We did not see this in any of the other facilities we reviewed.³⁵ The sergeant’s evaluation was a one page form signed by the trainee in which eight points of assessment were rated and contained specific comments and recommendations from the sergeant.

Overall, evaluations of trainee files for timeliness and completeness post implemented reforms are far superior to our findings in our last report.

³⁴We did notice a pattern in which once a trainee has met a department standard rating for a particular assessment like “Report Writing” or “Self-Initiated Activity” (4 is the rating that indicates this), the comments of the CTO become copied and pasted for the remaining evaluations.

³⁵ While we understand that PDC North had the least number of trainee’s assigned in this class (two), we still think a sergeant evaluation for each bi-weekly period is a best practice that other custody facilities at LASD should emulate.

RECOMMENDATIONS

Below are the two recommendations we have made in this report.

- 1. Until the LASD obtains a new database for tracking, custody training sergeants at custody facilities should create monthly progress update entries in e-LOTS for probationers who have completed their three-month training program until their probationary period is successfully completed.**
- 2. The Department should ensure the final evaluation form includes a narrative of the reasons a probationer resigned or was released or terminated from probation and submit it to the Personnel Administration Bureau.**

CONCLUSION

The turn-around of LASD's probationary program cannot be overstated. Whereas before we found 12.5% of six-month evaluations were missing from files, they are now 100% complete; while before we found 93% of these evaluations were untimely, they are now 100% timely. In addition, the bi-weekly evaluations that had 25% missing from files are now 100% complete and while more work is needed for proper documentation, they are now 100% timely. The "Commander's List" created by the LASD, in addition to the weekly meetings held by the LASD to review this list, will ensure tracking of all low-performing probationary employees. Finally, the Custody Training Manual and the policy governing probationary periods, have been improved for thoroughness and accuracy. In response to our prior report, the Department made substantive changes to its probationary program. We recognize the Department's efforts in dedicating resources to improve probationary training so that only the most qualified of candidates become members of the LASD. While there is always room for improvement, we encourage the Department to remain steadfast in its mission to improve the probationary training program. Our review of the implemented reforms has showcased in detail the progress and strides the Department has made in the past year.³⁶ We hope this report has shed light on the important changes the Department has made in its efforts to achieve a meaningful probationary training program.

³⁶ We would like to thank the Department for providing numerous resources to the OIG in order to complete this report. Their rapid response to our document requests and countless hours spent in discussion was invaluable to our efforts.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S RESPONSE



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



September 8, 2017

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 REPORT – UPDATE ON IMPLEMENTATION OF REFORMS
FOR PROBATIONARY DEPUTY SHERIFFS AND CUSTODY ASSISTANTS**

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General (OIG) report, *Update on Implementation of Reforms for Probationary Deputy Sheriffs and Custody Assistants*.

The effort and dedication made by members of the OIG to execute this report is greatly appreciated by the Department. The Department values the recommendations relating to the effectiveness of the implemented reforms, including the application of those reforms to custody assistants. The Department will continually strive to meet and/or exceed the recommendations of this report.

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

Sincerely,

JIM McDONNELL
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL REPORT

COUNTY OF LOS ANGELES – SHERIFF

SUBJECT: UPDATE ON IMPLEMENTATION OF REFORMS FOR PROBATIONARY
DEPUTY SHERIFFS AND CUSTODY ASSISTANTS

Response of Recommendations by the OIG

1. Until the LASD obtains a new database for tracking, custody training sergeants at custody facilities should create monthly progress update entries in e-LOTS for probationers who have completed their three-month training program until their probationary period is successfully completed.

Response: Concur.

The Department concurs with this recommendation. Currently Men's Central Jail (MCJ) is the only facility employing this method for tracking and providing oversight for a probationer's progress after the official training program has been completed. MCJ has been able to accomplish this additional monitoring as a result of having added a sergeant whose sole responsibility is to monitor the probationary employee program. This position was created as a result of the previous Office of Inspector General (OIG) report and is currently unfunded. To expand this monitoring and documentation for an additional nine months will require funding for dedicated sergeants as we noted in our Board of Supervisors' report, dated September 29, 2016, Request No. 5.

2. The Department should ensure the final evaluation form includes a narrative of the reasons a probationer resigned or was released, or terminated from probation and submit it to the Personnel Administration Bureau.

Response: Concur in part.

The Department concurs in part with this recommendation. Current practice for the Department is to author and submit Reports on Probationers (performance evaluations) for employees who are released or terminated from probation; the reports include a rating of "unsatisfactory," and the reasons for the release/termination are documented in the narrative. All reports are submitted to the Personnel Administration Bureau. By contrast, when an employee chooses to resign during their probationary period, the Department has not consistently followed the same practice of completing a Report on Probationer.

Moving forward, the Department will ensure that a form is completed for each employee who has resigned. The employee's probationary period will be identified as "incomplete," a box will be checked noting that the employee "resigned," and all reports will be submitted to the Personnel Administration Bureau. The Department notes, however, that with regard to the inclusion of a narrative in the Report on Probationer for an employee who has resigned, only adverse comments discussed and documented in written form with the employee during their evaluation period are permitted to be included in such a report; it is not uncommon to have only minimal, if any, adverse comments about the employee documented at the time of resignation. Therefore, adverse comments in narrative form may be included as well, though only to the extent that they were discussed and documented in written form with the employee prior to resignation.