County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

January 15, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

30-DAY STATUS OF RECOMMENDATIONS MADE BY THE CITIZENS' COMMISSION ON JAIL VIOLENCE

On October 16, 2012, the Board requested the Los Angeles County Sheriff's Department (Department) report back on the status of recommendations made by the Citizens' Commission on Jail Violence (CCJV). Attached is an update on each recommendation from the December 4, 2012, response.

Should you have any questions or require additional information, please contact me or Assistant Sheriff Cecil W. Rhambo, Jr., at (323) 526-5065.

Sincerely,

LEROY D. BACA
SHERIFF

CCJV Recommendations - Status

Marker	RECOMMENDATION	Done	In Progress	Funding Required	Original Funding Request	Current Funding Request	Funding Last Updated	Target Date	Last Updated
3.1	Use of Force Policy in a single document	X						1/1/13	1/15/13
3.2	Members read and understand the Department's Use of Force Policy	X						1/1/13	1/15/13
3.3	Training on Use of Force Policy and how it applies in Custody	X						1/1/13	1/15/13
3.4	Force Prevention Policy and prohibit inmate retaliation or harassment	X						1/1/13	1/15/13
3.5	Force Policy should be based upon the objectively reasonable standard	X						1/1/13	1/15/13
3.6	Force Policy preference for planned, supervised, and directed force	X						1/1/13	1/15/13
3.7	The Use of Force Policy should account for special needs populations in the jails	X						1/1/13	1/15/13
3.8	Single, reliable, and comprehensive data tracking system			X	TBD	$3,000,000	11/1/12	6/1/15	1/15/13
3.9	Inmate grievances should be tracked in PPI by the names of LASD personnel		X					6/1/15	1/15/13
3.10	LASD should analyze inmate grievances regarding use of force incidents	X						N/A	12/4/12
3.11	Use of force needs to be tracked by the highest levels of LASD management	X						N/A	1/15/13
3.12	Body scanners		X					6/1/13	12/4/12
4.1	The Sheriff must be personally engaged in oversight of the jails	X						N/A	12/4/12
4.2	High level managers accountable for force problems in the jails		X					11/1/13	12/4/12
4.3	The Undersheriff responsibility	X						N/A	12/4/12
4.4	New Assistant Sheriff for custody			X	$732,000	$771,000	11/1/12	1/1/13	1/15/13
4.5	New Assistant Sheriff should have corrections experience			X		See Item 4.4		1/1/13	12/4/12
4.6	The Assistant Sheriff for Custody should report directly to the Sheriff	X						N/A	12/4/12
4.7	The CMTF should not be a permanent part of Custody management	X						N/A	1/15/13
4.8	The Sheriff must monitor the Department's use of force in the jails	X						N/A	12/4/12
4.9	The Department should implement SCIF	X						N/A	1/15/13
4.10	Senior management needs to be more visible and engaged in Custody	X						N/A	10/15/12
4.11	Operations Staff size			X	TBD	TBD	10/15/12	3/31/13	1/15/13
4.12	Internal Audit and Inspections Division			X	$6,702,000	$8,464,000	11/1/12	3/31/13	12/4/12
4.13	Policy to address campaign contributions		X					1/1/13	1/15/13
4.14	Participate in collaborations such as the Large Jail Network	X						N/A	1/15/13
5.1	Continue to implement reforms that emphasize respect for inmates.	X						N/A	12/4/12
5.2	Force Prevention Policy to be stressed in training	X						N/A	1/15/13
5.3	Enhance ethics training	X						N/A	10/15/12
5.4	Make Custody a valued and respected assignment and career.		X					1/1/13	1/15/13
5.5	Senior leaders must be more visible in the jails	X						N/A	1/15/13

Marker	RECOMMENDATION	Done	In Progress	Funding Required	Original Funding Request	Current Funding Request	Funding Last Updated	Target Date	Last Updated
5.6	Zero tolerance for acts of dishonesty		X					1/1/13	1/15/13
5.7	The Department should have a sensible rotation policy		X					12/31/13	1/15/13
5.8	LASD should discourage participation in destructive cliques.	X						N/A	12/4/12
6.1	Revise policies and procedures to reflect Custody as a valued part of the Department.		X					1/1/13	1/15/13
6.2	Develop a long-range and steady hiring plan based upon normal attrition	X						N/A	10/15/12
6.3	Deputies and supervisors should receive significantly more Custody specific training		X		$15,867,000	$12,097,000	11/1/12	3/31/13	12/4/12
6.4	There should be a meaningful probationary period for new deputies in Custody	X						N/A	1/15/13
6.5	The number of supervisors to deputies should be increased			X	$21,431,000	$19,647,000	11/1/12	1/1/13	12/4/12
6.6	The Department should allow deputies to have a career in Custody		X					1/1/13	1/15/13
6.7	The Department should utilize more Custody Assistants		X		$14,875,000	$14,875,000	10/15/12	1/1/13	1/15/13
6.8	Rotations within and among proximate facilities should be implemented		X					12/31/13	1/15/13
6.9	The Mission Statement should be changed to reflect the importance of Custody	X						3/31/13	1/15/13
6.10	Create a separate Custody Division with a professional jail workforce		X					1/1/13	1/15/13
7.1	The investigative and disciplinary system should be revamped			X	$6,373,000	TBD	11/1/12	3/31/13	12/4/12
7.2	CFRC should monitor Force Packages	X						N/A	1/15/13
7.3	Deputies should not be allowed to review video prior to writing report	X						1/1/13	1/15/13
7.4	Deputies involved in Significant Force should be separated	X						1/1/13	1/15/13
7.5	IAB / ICIB should in an Investigations Division under a Chief who reports to the Sheriff			X	$1,223,000	$313,000	11/1/12	1/1/13	12/4/12
7.6	IAB should be appropriately valued	X						N/A	10/15/12
7.7	There should be increased penalties for excessive force and dishonesty		X					TBD	1/15/13
7.8	Each jail should have a Risk Manager to track and monitor use of force investigations			X	$1,784,000	$1,718,000	11/1/12	1/1/13	12/4/12
7.9	Force investigations should not be conducted by deputies' supervisors	X						TBD	1/15/13
7.10	Charges should not be reduced for use of force or dishonesty		X					TBD	1/15/13
7.11	The Department should vigorously investigate and discipline off-duty misconduct	X						N/A	10/15/12
7.12	Implement an enhanced system to track force reviews and investigations		X					TBD	1/15/13
7.13	Inmate complaints should be tracked by deputies' names in PPI		X					6/1/15	12/4/12
7.14	The inmate grievance process should be improved		X					12/31/14	12/4/12
7.15	The use of lapel cameras as an investigative tool should be broadened			X	TBD	TBD	10/15/12	12/31/13	12/4/12
8.1	Create an independent Inspector General's Office			X				N/A	10/15/12
8.2	Report regularly to the Board of Supervisors	X						N/A	10/15/12
8.3	OIR should review unit level investigations for fairness and accuracy.			X				N/A	10/15/12
8.4	The OIG should review the Department's data for trends, spikes, and patterns in the Jails.			X				N/A	10/15/12
	SUMMARY - 63 Recommendations	32	18	13	$68,987,000	$60,885,000			

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner / Commander Hellmold

10/15/12 Response:
Currently, the Department requires all personnel to sign that they have read and understand the Department's Policy and Ethics Chapters of its Manual of Policy and Procedures. The Department has prepared a signed admonition form to additionally ensure all personnel acknowledge in writing that they have read and understand the Department's Use of Force Policy. This process will be completed by December 31, 2012.

12/04/12 Response:
The new Use of Force Policy has been finalized, and is currently being consolidated with all other force policies into a single document entitled: "Force Manual." A training bulletin and video will be distributed to assist unit commanders with briefing and training all personnel regarding the policy changes. Unit commanders will ensure all personnel have read and signed the admonition for acknowledging they have read and understand the policy. The process is scheduled to be completed by December 31, 2012.

Update 01/15/13:
The new Use of Force Policy has been published and distributed to all Department members. Department wide training has been conducted to inform all members of the significant changes to the policy. All Department members attending the training have been required to sign an acknowledgement form for placement in their Personnel File.

Due to a variety of reasons for excused absences (Injury leave, military leave, family leave, holiday vacations, etc.) the training will be ongoing for personnel as they return to duty. As of January 8, 2013, 95.5 percent of sworn Department members have attended the training. The remaining members are currently unavailable.

Recommendation 3.3 (IMPLEMENTED)
All LASD Custody personnel should be provided training on a new comprehensive and easy to understand Use of Force Policy and how it applies in Custody.

Chief Abner / Chief Yim

10/15/12 Response:
The Department is preparing an easy to understand training bulletin, to be followed-up with training conducted by unit training sergeants to ensure all personnel understand how the Use of Force Policy applies specifically in Custody, as well as throughout the entire Department.

12/04/12 Response:
The training bulletin and video are being finalized, and will be distributed to assist unit commanders with briefing and training all personnel regarding the policy changes. The process is scheduled to be completed by December 31, 2012.

Update 01/15/13:
The new Use of Force Policy has been published and distributed to all Department members. Department wide training has been conducted to inform all members of the significant changes to the policy. The Department's Force Manual, which contains all policies and procedures governing the use of force has been published online and is accessible at all times for reference. During training at all units, including Custody units, personnel have been briefed on how the changes specifically affect operating procedures and management's expectations.

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

Chief Abner / Chief Yim

10/15/12 Response:
The Department has incorporated the principles contained in the Force Prevention Policy, into the restructured Use of Force Policy. This policy will take effect January 1, 2013. Additional policies specifically prohibiting inmate retaliation and harassment have also been incorporated into the Custody Division Manual.

12/04/12 Response:
This recommendation will be completed upon implementation of the new Use of Force Policy, effective January 1, 2013.

Update 01/15/13:
The Department's continued commitment to the principles of the Force Prevention Policy is now formalized as the first section of the Use of Force Policy, which went into effect on January 1, 2013.

The policies providing direction to personnel specifically prohibiting inmate retaliation and harassment were included in the Force Manual. See attached Treatment of Inmates, 5-12/005.00 and Anti-Retaliation Policy, 5-12/005.05.

5-12/005.00 TREATMENT OF INMATES

Inmates are entitled to fair and impartial treatment. At the same time Department members must be firm and resolute in requiring compliance with rules and regulations. Members shall treat all persons in custody with respect and dignity. Department member's relationships and communications with inmates shall remain professional at all times.

Members shall consider inmate inquiries as potentially legitimate. When appropriate, refer an inmate to personnel who can address the inquiry, or to the inmate complaint procedure. Members are prohibited from discouraging inmates from voicing complaints or concerns about their incarceration. Retaliation is defined per Custody Division Manual section 5-12/005.05, Anti-Retaliation Policy.

5-12/005.05 ANTI-RETALIATION POLICY

Inmates shall not be subject to retaliation for any reason. When inmate conduct requires a response from Department members, it shall be handled through the criminal justice system, inmate disciplinary system, or other methods consistent with the Department's Core Values, policies, and procedures.

Inmates shall not be threatened, intimidated, mistreated, abused, denied privileges, denied access to programs or services, or disciplined in retaliation for speaking with a legal representative, any inmate advocacy organization, any investigative entity, or for expressing dissatisfaction with any Department personnel or any conditions of confinement such as:

- Meals,
- Housing,
- Exercise,
- Visiting,
- Mail,
- Showers,
- Phones,
- Commissary,
- Medical treatment or medications,
- The performance of duties of Custody, Department of Mental Health, or Medical Services personnel.

Inmates are part of a community inside the jail system and shall not be discouraged from filing or expressing complaints, requests, or recommendations to Department members. Inmates shall also have the right to communicate with legal representatives, inmate advocacy organizations, or any investigative entities about complaints or personal legal matters. Members shall not ask inmates for details of their communications, or interfere with the intent to discourage complaints. Department member's relationships and communications with inmates shall remain professional at all times.

Department members shall not remove, destroy, or deprive an inmate from correspondence, including names, phone numbers, contact information, or any information that is used for legitimate and lawful purposes.

Any allegation of retaliation by an inmate will be objectively and thoroughly investigated by the Sheriff's Department. The allegation will be documented by the supervisor receiving the complaint on a SH-AD 32A and submitted to the unit commander of the involved facility for review. The unit commander shall be responsible for reviewing all retaliation complaints, and ensure all allegations of retaliation are entered into the Facility Automated Statistical Tracking (FAST) system. The unit commander should refer to the inmate complaint policy for the handling of retaliation complaints.

Upon receipt of a retaliation complaint, the Unit Statistical Coordinator shall ensure that data is entered into the F.A.S.T. system by the next business day. Load Sheets generated from Friday afternoons through Sunday shall be input on Monday (holidays exempt).

The unit commander shall forward a copy of the retaliation complaint to Custody Division Headquarters. The complaint shall be reviewed by a Custody Division commander, as directed by the Chief, and forwarded to the appropriate unit for handling within the fifteen day time frame as outlined in the inmate complaint policy.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner / Commander Hellmold

10/15/12 Response:
While the current Use of Force Policy is based on the "objectively reasonable" standard, the Department inserted specific language from the Supreme Court decision of ***Graham v. Connor*, 490 U.S. 386 (1989)**, into its restructured Use of Force policy (effective January 1, 2013). The Situational Use of Force Options Chart is a visual representation of our policies and training, and also based on Graham v Connor. This visual representation assists our personnel in understanding what their "objectively reasonable" force options are. It is used in conjunction with written policies, verbal training, and dynamic practical application training scenarios.

12/04/12 Response:
Specific language from the Supreme Court Decision of **Graham v. Connor, 490 U.S. 386 (1989)** was inserted into the new Use of Force Policy.

The Department will continue to work with the Implementation Monitor and law enforcement experts to determine the necessity for the Situational Use of Force Options Chart.

Update 01/15/13:
The policy was implemented January 1, 2013.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner / Commander Hellmold

10/15/12 Response:
The Department has inserted specific language into the restructured Use of Force policy to articulate a strong preference for planned, supervised, and directed force. More specifically, the new Preamble to the Department's Use of Force Policy states:

Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible. When force is required, every effort shall be made to plan, supervise, and direct force in an effort to control confrontations in a calm and professional manner.

12/04/12 Response:
This recommendation will be completed upon implementation of the new Use of Force Policy, effective January 1, 2013.

Update 01/15/13:
The policy was implemented January 1, 2013.

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

Chief Yim / Commander Hellmold

10/15/12 Response:
The Department consulted the Department of Justice to ensure compliance with Department of Mental Health standards. In March 2012, the Department of Justice reported full compliance by the Department in its inspection report. The Department will work with mental health experts to develop specific policies, supervision, and training for handling inmates with special needs. Those policies will be implemented concurrent with the new Use of Force Policy (effective January 1, 2013).

12/04/12 Response:
Please see attached Custody Division Manual policies 5-03/115.00 and 5-04/020.00 submitted with this update for policies regarding special needs inmates. The policies regarding special handling for pregnant inmates are a direct reflection of California Penal Code Sections 6030(f), and 5007.7.

Update 01/15/13:
In addition to the previously referenced policies, the Department has inserted specific language into the Custody Division Manual regarding planned tactical incidents in section 3-02/035.00:

> *If a situation arises involving a special needs inmate, the appropriate medical or mental health staff should be consulted, whenever possible, prior to the planned use of force.*

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 3.8 (FUNDING NEEDED)
PPI and FAST should be replaced with a single, reliable, and comprehensive data tracking system.

Chief Betkey

10/15/12 Response:
The Department is currently working with technicians to develop a single, reliable, and comprehensive data tracking system to replace the Personnel Performance Index (PPI) and Facilities Automated Statistical Tracking (FAST) systems.

12/04/12 Response:
The Department plans to upgrade the current PPI to a completely upgraded system which will provide a comprehensive single solution for tracking all aspects of Department personnel performance regardless of assignment. It is estimated the PPI project will cost approximately $3 million and take approximately 24-36 months for full implementation; however, funding has not been identified. The new system would provide the functionality to meet all of the CCJV recommendations related to tracking personnel performance.

The function of PPI differs from that of FAST, Operations Information Management (OIM), and Custody Automated Reporting and Tracking System (CARTS). PPI was made solely to compile and report statistics regarding the performance of Department personnel. FAST, OIM, and CARTS provide some of those same statistics; however, their main function is to allow Custody managers to manage events and their workflow. Because personnel statistics are considered sensitive information, the security of PPI is a great deal more robust than that of the other systems. Additionally, edit capabilities are restricted to a small number of authorized users to ensure the sanctity of personnel information remains intact and reliable. Based on this reliability, PPI should be the only source of data regarding personnel performance for reporting purposes. In order to safeguard personnel information to help ensure its continued reliability, it is recommended the tracking of workflow, (e.g. FAST, OIM, CARTS) be kept separate from that of tracking personnel statistics (PPI).

The Department's plans to upgrade PPI, and its associated costs, have been forwarded to the County's Chief Information Officer (CIO), and he has preliminarily concurred with the upgrade proposal. Additionally, the Information Systems Advisory Board (ISAB) has also been consulted.

Update 01/15/13:
The Department met with representatives from the Board offices to discuss the various systems that the Department uses. As a result of that meeting, the following systems overview is provided:

OVERVIEW OF FUNCTION OF FAST, OIM, CARTS
Information provided to the Board has included references to several systems performing and reporting on different functions within Custody Division and the Department. Of note, the Facilities Automated Statistical Tracking system, (FAST), Operations Information Management, (OIM), and the Custody Automated Reporting and Tracking System,

(CARTS). The functions of FAST, OIM, and CARTS are somewhat similar in that each system is designed to "track" administrative statistics and allow managers to query the system in order to monitor issues within Custody Division. FAST and OIM are considered to be "temporary" solutions based on the fact that the systems are built on either technology that is at its end-of-life, or non-enterprise level technology, which limit their usage to a division level only and cannot be considered to be used as a Department-wide solution. Also the main function of FAST, OIM, and CARTS is to track incidents and workflow in Custody Division as opposed to tracking personnel statistics. While some of the same information can be derived from tracking incidents, the reporting of personnel statistics should not come from any of these systems. They should only be reported from PPI, because PPI was specifically designed for this purpose and has supporting policy and procedures which manage the accuracy of the data which it reports. That being said, it is recognized that tracking incidents is just as important to managers as is tracking personnel performance. For this purpose, CARTS was commissioned and will allow Custody Division to track data relevant to their management needs.

In order to address legal concerns stemming from a lawsuit initiated by the American Civil Liberties Union, the Department began compiling and recording data related to Inmate Complaints against personnel. The Department compiled this information for the past five years and input that information into FAST. This data is searchable by employee name and can currently provide records in response to Pitchess Motions and other such requests. Because this data relates to personnel as opposed to incidents, the appropriate system to store it is PPI. The Department is working on modifying the existing PPI to allow it to permanently house this data which should be completed by September 2013. At that time, the data in FAST will be migrated to PPI where it will be permanently stored.

OIM is currently being used in Court Services Division; however, Custody Division has recognized some of their needs can be addressed by implementing OIM. Based on this, Custody Division began using OIM to temporarily address their needs, which were not met by FAST. OIM will cost $30,000 and be used until CARTS is placed on-line.

CARTS will be built on an enterprise level platform and will handle all of the tasks to satisfy the needs of Custody Division, which currently are being handled by both FAST and OIM. Once CARTS is on-line, FAST and OIM will be decommissioned.

BENEFITS OF NEW PPI SYSTEM

The current PPI system was originally built in 1997. While the system was built on a stable platform using sound practices, technology advances have come a long way in the past 15 years. It is the Department's goal to re-write PPI in Oracle 11g. This would allow the Department to maintain the same benefits it has enjoyed in the last 15 years with the original PPI and take advantage of technology advancements, which have occurred since then. The proposed upgrade to PPI will allow the Department to take advantage of some of these advances such as: enhanced auditing trails, addresses will be geo-coded, reports can be pre-scheduled to be run automatically, and PPI will be web enabled so the application can run in an internet browser without having to install client software. Other important functions the upgrade will enable are the capability of linking multiple incidents together, real time dashboards, and the ability to notify Division managers when statistics meet a pre-

defined threshold. Yet another advantage of the new system would enable PPI to link to other data sources such as CARTS to allow pertinent information within CARTS to be shared and queried from within PPI. Finally, the proposed PPI will have enhanced security utilizing Active Directory Federated Services and enabled workflow, which would allow more timely entries into PPI. These improvements are in-line with not only the needs identified by Department users over the past 15 years, but are consistent with recommendations made by the Citizens Commission of Jail Violence and the report conducted by Special Counsel Merrick Bobb and the Police Assessment Resource Center. The Sheriff's Department showed innovation in 1997 when it commissioned and created PPI. It is now time to upgrade PPI to enable it to meet the growing needs of a new era.

CIO / CEO APPROVAL

The Department has consulted with the Chief Executive Office (CEO) regarding the need to upgrade PPI. In addition, the Department has consulted with staff members from the Chief Information Officer (CIO) who have given tentative approval regarding the need to upgrade PPI.

SURVEY OF SYSTEMS

The Department has evaluated several "off the shelf" personnel management products; however, none of the products reviewed met the needs of the Department. In January 2012, a Request for Information (RFI) was posted seeking information from additional vendors. The Department reviewed the responses from the RFI, but none of the vendors were capable of meeting the complex needs of the Department. Based on the review of the RFI responses and associated costs surrounding the massive amount of custom-tailoring needed to support our business practices, the subject matter experts concluded that an in-house upgrade to PPI would be the most cost effective, expedient, and reasonable solution.

Recommendation 3.9 (IN PROGRESS)
Inmate grievances should be tracked in PPI by the names of LASD personnel.

Chief Betkey

10/15/12 Response:
The Department's long-term plan is to create a new module in the updated Personnel Performance Index (PPI) database. In order to comply immediately, the Department is currently tracking inmate grievances by the names of Department personnel, in the Facilities Automated Statistical Tracking (FAST) database.

12/04/12 Response:
See recommendation 3.8 for status updates on PPI.

Update 01/15/13:
Inmate grievances are currently being tracked and are available for query by name of personnel. This information, including historical information, (inmate grievances going back five years) is currently available by query of the FAST system.

Department personnel are currently working on modifying PPI so it can take over this function. Once modified, the data regarding Inmate Grievances related to personnel complaints which is housed in FAST will be migrated into PPI. The modifications to PPI are expected to be completed by September 2013.

Recommendation 3.10 (IMPLEMENTED)
LASD should analyze inmate grievances regarding use of force incidents.
Chief Yim

10/15/12 Response:
The Department has established a process to track and review inmate grievances to identify potential patterns of conduct by personnel. Special Counsel Merrick Bobb urged the Department to analyze inmate grievances in order to ensure potential problems were identified. The practice has been incorporated into the regular duties of each jail Captain in order to ensure oversight and early warning to potential problems. Unit commanders are required to review all staff members' Personnel Performance Index (PPI) and Facilities Automated Statistical Tracking (FAST) entries to identify possible trends in performance. This process will also be reviewed by the Custody Division Chief, and during Sheriff's Critical Issues Forums (SCIF).

12/04/12 Response:
The Department currently has a policy in place to address inmate grievances, which includes complaints against staff and use of force incidents. The attached Custody Division Manual, section 5-12/000.00, mandates that complaints be tracked by a reference number. Any complaints of allegations of misconduct are forwarded to the unit commander for investigation and disposition. The attached Custody Division Directive 12-003 states that personnel identified in an inmate complaint against staff shall be listed in the disposition section of the form, after a supervisor has completed their investigation. Inmate complaints against staff are accessible in FAST by deputy and inmate names, as well as reference number and complaint category.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Yim

10/15/12 Response:
The Department has established direct daily reporting procedures for force incidents, to identify potential patterns of conduct by personnel. The process was initially established through the Commanders Management Task Force, and has been incorporated into the regular duties of Custody Division in order to ensure oversight and early warning to potential problems.

12/04/12 Response:
Custody Division facilities report all uses of force incidents to Custody Support Services (CSS) on a daily basis. All incidents are examined regarding their tactics, location, time of occurrence, and personnel involved, for any patterns or issues. All use of force data is reviewed with the Sheriff and Chief every week. In addition, each facility Captain is required to submit a monthly analysis of their use of force incidents to CSS, where each incident is analyzed for historical data, prior use of force incidents, mitigating circumstances, and any training issues. This information is then compiled and reported to Custody Division each month. Custody Division reports the findings of any issues, trends, or concerns to the Sheriff.

Update 01/15/13:
The Custody Training Bureau is developing its own protocols to analyze and identify trends and training issues. Once this Bureau is fully funded, they will be better able to modify or add training to address the identified issues.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 3.12 (IN PROGRESS)
The Board of Supervisors should provide funding so that the Department can purchase additional body scanners.

Commander Waters

10/15/12 Response:
The Department's Custody Division and the Commanders Management Task Force have received valuable input from numerous correctional agencies throughout the Nation regarding the effectiveness of body scanners. The Department has conducted product analysis and pricing and is in the process of purchasing the body scanners. Your Board will be required to approve the purchase based on existing County protocols.

12/04/12 Response:
Currently, the Department does not have any body scanners; however, we are currently in the procurement process with Internal Services Department to purchase 20 units. The Board approved this purchase with monies identified from the Over Detention Settlement lawsuit. The estimated cost per unit is $175,000 to $220,000, with an estimated maintenance cost of 12 percent.

The proposed scanners will be deployed as follows:

Inmate Reception Center	6
North County Correctional Facility	4
Men's Central Jail	3
Twin Towers Correctional Facility	2
Century Regional Detention Facility	1
Mira Loma Detention Center	1
PDC North	1
PDC South	1
PDC East	1

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 4.1 (IMPLEMENTED)
The Sheriff must be personally engaged in oversight of the jails.

Sheriff

10/15/12 Response:
I have personally reflected on my shortcomings in managing Custody Division. I took immediate action to correct the situation, and personally evaluated all of the jail facilities to verify areas of concern through direct interaction with personnel and inmates. I created the Commanders Management Task Force to inspect every aspect of jail operations, and ensure prompt action and follow-up. I insisted all personnel cooperate with all oversight and critique, and encouraged cooperation with the Commission's investigation, even when the information was not favorable to the Department.

12/04/12 Response:
I meet with Custody Division executives on a weekly basis to monitor the Division's overall use of force, participation in the Education Based Incarceration program, inmate complaint levels, inmate population issues, as well as other custody related topics.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Sheriff

10/15/12 Response:
I agree with the Commission's assessment, but am also bound by adherence to laws, policies, and procedures when it comes to matters of formal discipline. I value and respect the Commission's input regarding leadership and accountability, and have ordered formal administrative investigations to determine if there is a factual basis for formal discipline.

I understand the Commission's point regarding the difference between evidence of misconduct, and not getting the job done. I agree that in several instances my senior management failed to keep me informed, or did not perform to my expectations. All of this will be taken into evidence-based consideration at the culmination of the formal investigations, but the outcome will not be influenced by personal or political motivations of anyone.

12/04/12 Response:
The administrative investigations are ongoing.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 4.3 (IMPLEMENTED)
The Undersheriff should have no responsibility for Custody operations or the disciplinary system.

Sheriff

10/15/12 Response:
I have restructured the chain of command. The new Assistant Sheriff over Custody Division will report directly to me. Furthermore, I have restructured Internal Affairs Bureau (IAB) and Internal Criminal Investigations Bureaus (ICIB) directly under the Division Chief (currently Chief Roberta Abner), who will report directly to me.

12/04/12 Update:
Please see the attached organizational charts submitted with this update reflecting past, current, and proposed hierarchies as they relate to all of the CCJV recommendations.

01/15/13 Update:
Sheriff's Bulletin #593, Executive Reporting Procedures, was distributed to all personnel on January 8, 2013. See attached bulletin.

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

SHERIFF'S BULLETIN #593 Date: January 8, 2013

EXECUTIVE REPORTING PROCEDURES

During the past year, I have conducted an assessment of the Department's organizational structure. In order to enhance operational and reporting efficiency related to the Department's chain of command, the following reporting procedures shall be effective immediately:

- All Chiefs will report to their respective Assistant Sheriff who, in turn, will report directly to me.
- Any fiscal, financial, or administrative services-related issues will be reported through the chain of command to the Undersheriff who, in turn, will report directly to me.
- Any Internal Affairs Bureau-related issues will be reported directly to me by the Chief of Leadership and Training Division.
- Any Internal Criminal Investigations Bureau-related issues will be reported directly to me by the Captain of Internal Criminal Investigation Bureau.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Sheriff

10/15/12 Response:
I agree and have advocated such a proposal in the past. The Department is currently ordinanced for a third Assistant Sheriff position, but requires additional funding from the Board of Supervisors. Additionally, the Department merged Correctional Services and Custody Operations into a consolidated command, under Custody Division (currently Chief Alex Yim).

12/04/12 Response:
On November 1, 2012, the Department submitted a funding request to the Chief Executive Office (CEO) for this recommendation. The Department is working with the Department of Human Resources (DHR) on the hiring process. I have already approved a recruitment announcement, which is posted on the DHR website, and I anticipate the selection process to be completed by the end of the year. Please see attached recruitment announcement submitted with this update.

Update 01/15/13:
After much preliminary analysis of potential candidates, I realize that the process of choosing the right person will take longer than I initially anticipated. This crucial position deserves to be filled by a highly qualified leader. I am continuing to evaluate all of the viable candidates and will advise the Board when I have reached a decision.

Recommendation 4.5 (FUNDING REQUIRED)
The Sheriff should appoint as the new Assistant Sheriff over Custody an individual with experience in managing a large corrections facility or running a corrections department.

Sheriff

10/15/12 Response:
The Department agrees that the new Assistant Sheriff over Custody should possess experience in managing a large corrections facility or department. As a Correctional Commissioner for the State of California, I understand and appreciate the specialized knowledge and skills required for running such a large jail population.

12/04/12 Response:
See recommendation 4.4 for status updates on the hiring process.

Recommendation 4.6 (IMPLEMENTED)
The Assistant Sheriff for Custody should report directly to the Sheriff.

Sheriff

10/15/12 Response:
The Department agrees that the Assistant Sheriff for Custody should report directly to the Sheriff. Since the inception of the Commission, I have required the Assistant Sheriff to report directly to me, in addition to weekly scheduled executive meetings known as the Sheriff's Executive Planning Council (EPC), consisting of all senior managers at the rank of Division Chief and above.

12/04/12 Response:
See recommendation 4.4 for organizational charts associated with all CCJV recommendations.

Recommendation 4.7 (IMPLEMENTED)
The Commanders Management Task Force should not be a permanent part of Custody management.

Sheriff

10/15/12 Response:
The Department agrees that the Commander Management Task Force (CMTF) should not be a permanent part of Custody management. I have directed the CMTF to incorporate its jail reforms into the regular duties of the Custody Division command. I have kept the CMTF intact as an immediate, short-term solution to identify and address deficiencies in all jail operations. At the culmination of the Commission's Final Report and Recommendations, the CMTF will conduct an out-briefing with Custody Division to ensure all of the jail reforms will remain a permanent solution to improve jail operations.

Update 01/15/13:
The CMTF, which at one point had five commanders, has been down sized to two commanders as more tasks have been concluded and many responsibilities have been transitioned to Custody Division personnel.

Recommendation 4.8 (IMPLEMENTED)
The Sheriff must regularly and vigilantly monitor the Department's use of force in the jails.

Sheriff

10/15/12 Response:
I agree that I must regularly and vigilantly monitor the Department's use of force in the jails. The Commanders Management Task Force has developed a thorough, clear, accurate, and prompt force reporting procedure, which includes daily force numbers and charts. This process has kept me and senior managers aware of force trends, and ensures a prompt response to significant use of force incidents. This format will be passed on to Custody Division at an out briefing, and will continue with the new Assistant Sheriff over Custody.

12/04/12 Response:
I continue to monitor the use of force in the jails by meeting with Custody Division managers on a weekly basis.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 4.9 (IMPLEMENTED)
The Department should implement SCIF on the Custody side to improve the accountability of jail supervisors.

Chief Yim

10/15/12 Response:
The Department appreciates that the Commission recognizes Sheriff's Critical Issues Forums (SCIF) are currently conducted in Custody Division. The Department is committed to continuing SCIF's and open forums to provide additional quality control, oversight and review throughout the Department.

12/04/12 Response:
In the past, Custody Division has held SCIF presentations on an annual basis. Beginning in September, Custody Division began to hold these large, division-wide meetings on a bi-annual basis to examine the previous six-month and one-year periods. In addition, the Division holds smaller meetings on a monthly basis to insure that concerns are examined and corrective action is taken when appropriate.

Update 01/15/13:
On December 13, 2012, a Custody Division Directive was implemented mandating bi-annual SCIF meetings with topics to include use of force, performance evaluations, status of injured employees, administrative investigations, and inmate complaints. See attached Custody Division Directive 12-008. The next scheduled biannual SCIF is set for June and the monthly meetings are continuing.

Los Angeles County Sheriff's Department

CUSTODY DIVISION DIRECTIVE

Custody Support Services

CUSTODY DIRECTIVE: 12-008 DATE: DECEMBER 13, 2012

ISSUED FOR: CUSTODY DIVISION

SHERIFF'S CRITICAL INCIDENT FORUM

PURPOSE

The purpose of this directive is to establish procedures for the Sheriff's Critical Incident Forum. This directive supersedes all current policies, Custody Division Directives, Unit Orders, or any other document pertaining to the Sheriff's Critical Incident Forum.

POLICY AND PROCEDURES

The Sheriff's Critical Incident Forum (SCIF) is a risk management process for executive and facility/unit commanders to review incident statistics that reflect the function and effectiveness of the jail facilities within Custody Division. Through the SCIF process, critical incident statistics designated for review will be examined in two sessions per calendar year. The first half of the year will be reviewed in a SCIF session in July-August; the complete year will be reviewed in a session conducted in January-February.

Topics of review include, but are not limited to:

- Use of force
- Performance Evaluations
- Status of Injured Employees
- Administrative Investigations
- Inmate Complaints

The Custody Support Services unit is designated with the collection of SCIF data and coordinating each SCIF session.

RETENTION

The policies and procedures outlined in this directive shall remain in effect until the Custody Division Manual is revised and/or this directive is rescinded.

Questions regarding this directive should be directed via email or phone to Custody Support Services, Lieutenant Vincent E. Callier at (213) 893-5096.

APPROVED: Alexander Yim
ALEXANDER R. YIM, CHIEF
CUSTODY DIVISION

ARY: br

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 4.10 (IMPLEMENTED)
Senior management needs to be more visible and engaged in Custody.
Chief Yim

10/15/12 Response:
The Department agrees that senior management personnel need to be more visible and engaged in Custody. From the onset of the jail allegations, I visited every jail facility and directed all senior managers to do the same. I designated Commander Paul Pietrantoni to serve as a Personnel Performance Commander, to specifically walk through jail facilities, both announced and unannounced, to identify and address deficiencies. In addition to informal walks through jail facilities, I have required unit commanders to report back and account for the frequency of their interaction on jail floors at "Inmate Town Hall Meetings," as well as regular attendance at staff briefings and "spot check" inspections.

Update 01/15/13:
I continue to have a Personnel Performance Commander conduct regular inspections of jail facilities to identify and address any deficiencies. In addition, the Department has implemented random Monthly Efficiency Inspections. These inspections are unannounced and are conducted by two Division Commanders and members of Custody Support Services.

Recommendation 4.11 (FUNDING REQUIRED)
Management staff should be assigned and allocated based on the unique size and needs of each facility.

Chief Yim

10/15/12 Response:
The Department will be requesting funding for additional staffing required to address operational needs of larger units.

12/04/12 Response:
The Department is in the process of conducting a comprehensive assessment of the operations staff for the eight custodial facilities. The assessment will compare each facility and establish a model for allocating administrative staff based on individual facility needs. The Department anticipates the assessment of each jail facility will be completed within 60 days.

Update 01/15/13:
The Department is continuing a comprehensive assessment of the operations staff for the eight custodial facilities. In addition to the operations staff, the Department will assess the training and scheduling units of each facility to determine facility needs based on size and the number of employees.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 4.12 (FUNDING REQUIRED)
LASD should create an internal Audit and Inspections Division.
Sheriff / Commander Guyovich

10/15/12 Response:
The Department agrees and will be seeking funding to create an internal Audit and Inspections Division. The Commanders Management Task Force has already met with the Commission and the Los Angeles Police Department to explore the creation of an internal Audit and Inspections Division. A proposal to create the Sheriff's Inspectional Services Command (ISC) has been prepared, but requires funding from your Board.

12/04/12 Response:
On November 1, 2012, the Department submitted a funding request to the Chief Executive Officer (CEO) and has been engaged in discussions of the proposed staffing levels.

The goal of the ISC is to identify and address potential deficiencies within the Department through audits, inspections, reviews, mentorship, and open forums with personnel at all ranks. The focus of the ISC is to ensure prompt and effective action to strengthen our level of service, while reducing the Department's exposure to liability. The Inspectional Unit's scope will encompass four main areas:

- Internal Command Inspections
- Independent Audits, Inspections, and Review
- Disciplinary Review
- Accountability and Maintenance

Currently, Department's inspections are conducted by individuals throughout the Department as a collateral assignment. The Department is proposing to follow the design of LAPD's Audit and Inspection Division so that all audits and inspections are centralized within one unit; therefore, creating accountability at all ranks.

This new unit will be tasked with inspecting and auditing all of the various units within the Department. The Department has consulted with members of the LAPD to gain insight into the challenges and successes of their Audit and Inspections Division. In addition, the Department has also consulted with the Auditor Controller's office for additional guidance. There are approximately 70 different units that would benefit from this inspection and audit process. It is estimated that each audit would take approximately 30-120 days to complete. The Department is currently reviewing each unit and conducting a risk assessment to determine the priority of inspections.

The Department is discussing proposed initial staffing levels with the CEO. Once the unit is established for a period of time, the Department will be better able to determine the optimum staffing level needed to achieve an appropriate schedule of audits.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Update 01/15/13:
The Department continues to work with the Implementation Monitor on the development of this unit.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 4.13 (IN PROGRESS)
The Department should have a formal policy to address campaign contributions.

Chief Abner

10/15/12 Response:
The Department has already prepared a policy consistent with the Commission's recommendations. The policy is in its final stages of review.

12/04/12 Response:
The Department is conferring with County Counsel on the proposed policy.

Update 01/15/13:
The proposed policy was finalized after a review by County Counsel. The Department is targeting an implementation date before the end of January 2013.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Yim

10/15/12 Response:
The Department has re-established participation with the National Institute of Corrections, National Jail Exchange (Large Jail Network). The next formal conference will be held March 2013, in Aurora, Colorado. A Custody commander will be designated as the liaison, to participate and report back regarding best practices and information to me and at Custody Division staff meetings.

The Department is also involved with the American Jail Association and the Southern California Jail Manager's Association. In addition, the Department has recently initiated a Force Consortium with other local agencies.

12/04/12 Response:
The Large Jail Network is designed for executive level participation. Department members are scheduled to attend the next meeting in the spring of 2013. Additionally, the Department has organized a consortium comprised of the nine Southern California sheriff's departments, which will examine use of force issues, policy, training, and management methodology. The goal is to examine and establish some best practices in these areas. The first session of the consortium is scheduled for February 5, 2013.

Update 01/15/13:
In addition to attending the Large Jail Network meeting, the American Jail Association's National Training Conference is in May of 2013. A contingent of Custody Division personnel will be attending.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 5.1 (IMPLEMENTED)
The Department must continue to implement reforms that emphasize respect for, engagement of, and communication with inmates.

Chief Yim / Commander Fennell

10/15/12 Response:
The Department will continue to expand Education Based Incarceration (EBI), Inmate Town Hall Meetings, and other efforts emphasizing respect for, engagement of, and communication with inmates. The Department appreciates that the Commission also understands the value of progressive programs that encourage respect based interaction between staff and inmates. To date, there have been more than 6,500 participants of EBI. Over the past year, combined attendances at regularly scheduled Inmate Town Hall Meetings have increased to more than 50,000.

12/04/12 Response:
It is the responsibility of each custody facility unit commander or their designee to facilitate Town Hall meetings. Every facility conducts a Town Hall meeting for each housing area at least once a month. Prior to the commencement of a Town Hall meeting, a survey is provided to each inmate in attendance and is collected by the staff at the end of each meeting. If there are specific complaints regarding a quality of life issue, they are entered into the Town Hall Meeting Tracker. All issues derived from the Town Hall meetings are addressed within seven days from the date of the meeting.

The information provided in the Town Hall Meeting Tracker is audited on a weekly basis by staff members from the EBI Bureau. Each facility entry is reviewed for the thoroughness and to ensure that the inmate concerns have been addressed. A report of the top five concerns is generated and provided to each facility captain for review.

Since October 2011, there have been 1,572 Town Hall meetings conducted, and 57,449 inmates in attendance.

The Department also provides all inmates the opportunity to submit complaints, outside of the Town Hall meeting forums. Each housing area has a supply of Inmate Complaint Forms available for the inmate to obtain. The inmate can complete the complaint form, retain the pink copy, and place the complaint in a locked Inmate Complaint Form box, which is collected at least once per shift by the floor sergeant.

The sergeant and medical personnel review all collected complaints. All complaints pertaining to medical requests are collected by medical staff, entered into the tracking system by Medical Services Bureau, and handled to conclusion.

All other complaints are handled by the floor sergeant. Complaints that are easy to resolve, such as linen, clothing, care packets, etc., are immediately handled by the sergeant. Complaints that require additional research are logged into the tracking system, disseminated to the appropriate handling entity, and completed as soon as possible. The

yellow copy of the complaint with the complaint disposition is returned to the inmate. The disposition of the complaint is entered into the tracking system.

The Commission recommends that the Department continues to implement reforms that emphasize the respect for and communication with inmates. The Department's EBI Bureau has been established to focus on education within the custodial environment and provide the inmates in our custody the ability to fully capitalize upon the rehabilitative programs and the Department's concurrent efforts to reduce recidivism.

Principles of Education-Based Incarceration:

Assess and evaluate the educational and trade skills of all inmates.

- Develop a learning environment to educate inmates.
- Develop and implement an automated case management information system.
- Strengthen and systemize our partnership with California Department of Corrections and Rehabilitation.
- Develop a structured curriculum.
- Transform the cultural mentality of residents in the communities at large and those housed in our care to support and embrace the principles of EBI.

Under the command of a captain, the EBI Bureau is comprised of several sub-units that address the educational needs of inmates beginning at the first point of contact when they are arrested and information is entered into our booking system, to a point post-release when they are involved in our post-release educational programs.

In the past, the Department's vocational programs did not have an educational component. Our experience has shown that participation in life skills, decision-making, parenting, personal relations, and spiritual growth programs provide the life-changing skills needed to succeed outside of the custodial environment. EBI provides the following inmate programs:

Programs Offered

- Personal Development
- Leadership
- Decision Making
- Critical Thinking
- Relationships
- Conflict Management
- Employment
- Time Management
- Budget Management
- Understanding and Coping with Stress
- Vocational Programming
- General Educational Development (G.E.D.)
- Parenting
- Substance Abuse
- Moral Resonation Therapy

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

- Anger Management
- Communication Skills

The Department's ultimate goal is to transform the culture of the custody facilities and provide a safe, secure learning environment for our personnel and the inmates. To date, there have been more than 7,000 participants in EBI.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner / Chief Yim

10/15/12 Response:
The Department teaches de-escalation techniques in the Academy. The Department has incorporated the Force Prevention Policy into the Academy and Jail Operations training curriculum. Force Prevention will also be included throughout the entire Department in the restructured Use of Force Policy (effective January 1, 2013).

12/04/12 Response:
Currently, the Academy curriculum provides a total of 80 hours of instruction on the Department's Use of Force policy, Defensive Tactics, and Persons with Disabilities.

The Use of Force Learning Domain curriculum includes 12 hours of the following:

- Introduction to Use of Force
- Force Options
- Use of Deadly Force
- Documenting Use of Force
- Concept of Control in Use of Force

The Defensive Tactics Learning Domain curriculum includes 60 hours of the following:

- Principles of Defensive Tactics
- Person Searches
- Controlling Force: Control Holds and Take-down Techniques
- Carotid Restraint Control Holds
- Restraint Devices
- Firearm Retention and Takeaways
- Use of Impact Weapons
- Transporting Prisoners

The Persons with Disabilities Learning Domain curriculum includes six hours of the following:

- Disability Laws
- Developmental Disabilities
- Physical Disabilities
- Mental Illness

The Department's Jail Operations training curriculum includes 32 hours of Use of Force policy and force prevention. An additional 8 hour block of instruction on values based decision-making, respect-based communication, and how to deal with inmates was added to the curriculum, which includes scenarios covering recalcitrant inmates and force prevention policies. The Department has conducted recurrent briefings at each facility to

ensure Custody Division employees have been briefed and adhere to the Force Prevention policy.

Due to the fact that the mentally impaired population has increased, the Department felt a need to enhance training in this area to potentially lessen force incidents with mentally impaired inmates. For years, employees received four hours of training on how to cope with mentally-impaired inmates in Jail Operations training which was taught by the Department of Mental Health. The Jail Operations curriculum has expanded by an additional six hours of training taught by the Jail Mental Evaluation Team (JMET).

JMET consists of a team of deputies who are classified as subject matter experts specifically trained to handle mentally disturbed persons. JMET is partnered with a Psychiatric Social Worker II to assist in de-escalating conflicts and ultimately reducing the potential of force incidents. The JMET training staff receives 32 hours of training per year. The training consists of the following:

- Introduction to Mental Illness including signs and symptoms
- Identification and types of mental illness and co-occurring disorders
- Crisis Intervention
- Suicide Prevention and Identification
- Pacific Clinic's conferences once a year on mental illness
- Mental Illness and Law Enforcement Systems (MILES) conference once per year
- Mental Evaluation Team (patrol) ride-alongs
- Patton and Metropolitan Hospital tours.

The primary responsibility of JMET is to identify mentally-ill inmates who are in need of additional attention to address their special needs. JMET responds directly to the housing areas for any requests by staff, which may include, but are not limited to individual assessments (completed twice a week to evaluate care and any unmet needs in general population), provide intervention services, transportation to clinics, and assist in crisis situations (jail extractions, attempt suicides, hunger strikes, etc.).

Effective January 1, 2013, the Force Prevention policy will be mandated throughout the Department in the new Use of Force policy.

Update 01/15/13:
The policy was implemented January 1, 2013.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner / Chief Yim

10/15/12 Response:
The Department has added two additional weeks at the end of the Academy to enhance its ethics training and guidance. More specifically, recruits will be taught the principles of Constitutional Jailing, Constitutional Policing, and Procedural Justice. This will be reinforced during Custody Division training, as well as Department-wide training, through the Deputy Leadership Institute. Furthermore, personnel will not only learn *Our Core Value*s, but be held accountable for Policy and Ethics violations in conflict with *Our Core Values.*

12/04/12 Response:
Please see the attached flow chart depicting the additional training added to the academy and jail specific classes.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 5.4 (IN PROGRESS)
The Department must make Custody a valued and respected assignment and career.
Chief Yim / Commander Fennell

10/15/12 Response:
The Department has drafted a proposal for a "Dual Track Career Path" (DTCP). The proposal centers on staffing the jails with personnel who are better suited in skills, personalities, and desire to serve permanently in a Custody assignment. The proposal would also benefit those deputies who choose to serve in patrol, since they would not be required to serve a long tenure in the jails, unless they specifically desired to do so.

The proposal was presented to the Board of Supervisors' Public Safety CARs meeting on February 8, 2012. The proposal is currently being considered by the employee associations (ALADS and PPOA), and is subject to additional reform based on the best interest of the public, the Department, and its employees.

Update 01/15/13:
As of January 2, 2013, PPOA has entered a tentative agreement with the Department for implementation of the DTCP proposal. Members of the CMTF will present the DTCP plan throughout Custody Division, Court Services Division, and Field Operations Divisions over the next several weeks. The Department anticipates an implementation process of the DTCP plan by February 1, 2013.

Recommendation 5.5 (IMPLEMENTED)
Senior leaders must be more visible in the jails.

Chief Yim

10/15/12 Response:
I have directed that all jail captains regularly attend and conduct Inmate Town Hall Meetings, as well as become directly engaged with staff, inmates, and independent oversight at each facility. This directive has been followed up with an accounting for the frequency of captain and supervisory attendance at Inmate Town Hall Meetings, training, and briefing.

The information will be permanently reviewed by the Custody Division chief and the assistant sheriff over Custody.

Update 01/15/13:
The Captains continue to attend Town Hall meetings. Inmate issues and concerns, as well as the frequency of these meetings, are discussed at the monthly division staff meeting.

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

Chief Abner

10/15/12 Response:
Law enforcement officers must be held to the highest standard of honesty and integrity, and that standard must be continually communicated. The Department will continue to emphasize the principles clearly stated in *Our Core Values*, as well as reinforce the Department's "zero-tolerance" for dishonesty. To accomplish this, the Department will require all unit commanders to conduct in-service briefings reminding personnel of the Discipline Schedule for Dishonesty. To ensure this is accomplished in a timely manner, these briefings will be conducted in concurrence with the signed admonition for the restructured Use of Force Policy, to be completed by December 31, 2012.

12/04/12 Response:
The Discipline Guidelines have been revised and submitted for approval. Employee unions will be notified and provided an opportunity to respond.

Update 01/15/13:
I have approved The Discipline Guideline changes. Employee unions are in the process of being notified.

Recommendation 5.7 (IN PROGRESS)
The Department should have a sensible rotation policy to protect against the development of troubling cliques.

Chief Yim

10/15/12 Response:
The Department and has already implemented a Mandatory Rotation Directive. Implemented on February 17, 2012, the Directive provides a reasonable exception for "positions that require additional training or experience that may affect the effectiveness of their command. These key positions shall be reported annually to the chief of Custody Division."

To ensure compliance with this Directive, unit commanders are required to retain their rotation records for at least two years.

12/04/12 Response:
The Sheriff's Department will work with the Implementation Monitor to assemble a working group of personnel to pilot rotations within and among proximate facilities to assess the viability of implementing such a policy. In order to ensure cooperation from the employee unions, participation in the pilot program will be voluntary.

Update 01/15/13:
The chief of Custody Division recently ordered that the rotation exception report of key positions be submitted to him quarterly rather than annually.

The Department is developing a working group to analyze permanent plans for rotations and the pilot program.

Recommendation 5.8 (IMPLEMENTED)
LASD should discourage participation in destructive cliques.
Chief Abner / Chief Yim

10/15/12 Response:
As the Commission points out in its Final Report, the Department cannot prohibit discretionary decisions with personnel to associate with each other, but it will remain vigilant to prohibit the use of Department resources and time in any activity contrary to the Department's Mission and Core Values. This will be accomplished by ensuring supervisors and managers are continually monitoring the workplace, and documenting activities in conflict with the Department's Mission and Core Values. The Department will also incorporate a formal lecture during the extended Jail Operations and Ethics Training, specifically discouraging participation in destructive cliques. Additionally, "spot checks" and inspections will be conducted by senior managers and by the Inspectional Services Command (ISC) currently being proposed.

The Commission's concerns regarding visible tattoos associated with deputy cliques is addressed through a clear policy, summarized by this excerpt from Manual of Policy and Procedures Section 3-01/050.80: *"While on duty and wearing any Department-approved uniform or appropriate business attire, members are prohibited from exhibiting any tattoo, branding, or other form of body art that may be seen by another person."*

12/04/12 Response:
Effective October 22, 2012, with Jail Operations Class #390, the Department incorporated a formal lecture specifically discouraging participation in destructive cliques.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 6.1 (IN PROGRESS)
The Department should review and revise its personnel and training policies and procedures to reflect Custody's status as a valued and important part of the Department.
Chief Yim / Commander Fennell

10/15/12 Response:
The Department agrees in concept. It is my desire to create a fully staffed Custody Training Bureau under the leadership of the Custody Division Chief or the newly appointed Custody Division Assistant Sheriff position, in an effort to fulfill the Commission's training mandates. To accomplish this task the appropriate funding is necessary from the Chief Executive Officer (CEO). The American Civil Liberties Union (ACLU) concurs with this configuration.

In addition, the Department has submitted the Dual Track Career Path (DTCP) proposal to the CEO for approval. The DTCP will permit non-patrol trained deputy sheriffs assigned to Custody Division the opportunity to promote within Custody Division to the rank of Division Chief. The DTCP will also allow deputy sheriffs the flexibility to select a career path in Custody Division or Field Operations/Detectives. The DTCP will provide value and a career path for personnel assigned to Custody Division.

12/04/12 Response:
The Department is in the process of revising its supervisory selection process for newly promoted supervisors. Historically, the Department permitted each custody captain to select their top two choices, then allowed Field Operations, Courts Services and Detective Divisions to select their supervisors with Custody Division receiving the remaining supervisors. As we move forward, Custody Division will have an equal voice in the selection of newly promoted supervisors. This will be accomplished by permitting Custody Division to immediately select a replacement if a vacancy is identified instead of waiting until other divisions fill their vacancies with Custody Division receiving the last selections.

The Department's policy and practice allows custody sergeants to promote to the rank of custody lieutenant without having to transfer to field operations first. The perception, however, is the Department does not practice this policy. The Department will ensure supervisory personnel are aware that they can, and will, be promoted in Custody Division without having to transfer to Field Operations Division first.

In addition, the Department has submitted the DTCP proposal to the CEO for approval. The DTCP will permit non-patrol trained deputy sheriffs assigned to Custody Division the opportunity to promote within Custody Division to the rank of Division Chief. The DTCP will also allow deputy sheriffs the flexibility to select a career path in Custody Division or Field Operations/Detectives. The DTCP will provide value and a career path for personnel assigned to Custody Division.

Update 01/15/13:
As of January 2, 2013, PPOA has entered a tentative agreement with the Department for implementation of the DTCP proposal. Members of the CMTF will present the DTCP plan throughout Custody Division, Court Services Division, and Field Operations Divisions over

the next several weeks. The Department anticipates an implementation process of the DTCP plan by February 1, 2013.

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

Assistant Division Director Dragovich

10/15/12 Response:
The Department's Personnel Administration Bureau has forecasted a consistent hiring strategy for the next five years based upon the Department's current financial allocations. However, if the Chief Executive Officer (CEO) implements a fiscal reduction in the Department's budget, the hiring strategy will require adjustments according to financial restraints.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 6.3 (IN PROGRESS)
Deputies and supervisors should receive significantly more custody specific training overseen by the Department's Leadership and Training Division.

Chief Yim / Commander Fennell

10/15/12 Response:
I have mandated an additional two-week custody specific training curriculum for new deputies; this curriculum is in addition to the two-week Jail Operations class. Under the Department's current training mandates, following this classroom curriculum, deputies must complete an additional 12 week training course under the supervision of an experienced and well respected custody training officer at their respective facilities. Therefore, the custody training for new deputies actually totals 16 weeks.

In addition to the 16 weeks noted above, the Department is increasing specific facility training from 12 weeks to 16 weeks. This will enhance the actual custody training for new deputies to a total of 20 weeks.

The Department is also increasing training for custody supervisors from 8 hours to 40 hours.

Furthermore, it is my desire to create a fully staffed Custody Training Bureau under the leadership of the Custody Division Chief or the newly appointed Custody Division Assistant Sheriff position. To accomplish this task the appropriate funding is necessary from your Board. The American Civil Liberties Union "ACLU" concurs with this configuration.

12/04/12 Response:
The Department agrees in concept with the CCJV recommendation regarding the inception of a Custody Training Bureau (CTB); however, we feel the best practice would be to adhere to the industry standard, and assign the CTB within the command structure of the Custody Operations Division. The Department has met with members of the American Civil Liberties Union (ACLU) who concurred with this configuration.

The Department's view is shared by experts cited in the CCJV report that "corrections is its own separate profession" and, "Patrol and jail work are two very different disciplines." The command structure of Custody Operations Division, overseen by the Custody assistant sheriff will ensure that custody is not unnecessarily influenced by field operations.

The State of California utilizes two separate and unrelated entities to oversee law enforcement training; the California "Commission on Peace Officer Standards and Training" (POST) is responsible for the certification and recurrent training of police officers, while the "California Department of Corrections and Rehabilitation - Standards and Training for Corrections" oversee the training of local and State correctional officers throughout the State.

With respect to "significantly more custody specific training" - new deputies will receive an additional two weeks of custody training, specific to the correctional environment. The

curriculum is in addition to the two-week Jail Operations class. Under the Department's current training mandates, following this classroom curriculum, deputies must complete an additional 12 week training course under the supervision of an experienced and well respected custody training officer at their respective facilities. Therefore, the custody training for new deputies total 16 weeks.

Recently, the Department has increased specific facility training from 12 weeks to 16 weeks. This has expanded the actual custody training for new deputies to a total of 20 weeks, which exceeds regional sheriff's departments in Southern California.

The following Southern California sheriff's departments were surveyed. The listed agencies each utilize a specific custody training bureau, under the command of their respective correctional operation divisions, which instruct custody orientation and mandated recurrent training.

Sheriff's Department	Custody Training for New Deputies
Los Angeles County	20 Weeks
Imperial County	12 Weeks
Kern County	6 Weeks
Orange County	4 Weeks
San Bernardino County	6 Weeks

The following agencies' field and custody training units are combined with subject matter experts assigned respectively to field and custody operations.

Sheriff's Department	Custody Training for New Deputies
Riverside County	8 Weeks
Santa Barbara County	16 Weeks
Ventura County	4 Weeks

POST mandates two hours of custody specific training in the Basic POST Certified Academy. The table below shows the current custody specific academy training and academy attrition rates for Southern California agencies.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Sheriff's Department	Basic Academy Custody Training	Academy Attrition Rates
Los Angeles County	18 Week Academy – 4 Hours Custody	18%
Imperial County	9 Week Correctional Academy	33%
Kern County	14 Week Correctional Academy	15%
Orange County	26 Week Academy – 4 Hours Custody	17%
Riverside County	9 Week Correctional Academy	20%
San Bernardino County	23 Week Academy – 4 Hours Custody	10%
Santa Barbara County	4 Week Correctional Academy	0%
Ventura County	3 Week Correctional Academy	30%

Custody supervisor training has increased from 24 hours to 40 hours, effective October 2012.

See recommendation 5.2 for status updates in regards to training for mentally ill inmates

The Department is working with the CEO to identify funding for the proposed CTB.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 6.4 (IMPLEMENTED)
There should be a meaningful probationary period for new deputies in Custody.
Chief Yim / Commander Fennell

10/15/12 Response:
All custody facility Unit Commanders are required to schedule face-to-face meetings with custody personnel prior to the end of their probationary period. Outlined in this meeting, Unit Commanders are mandated to discuss the following topics; Department's Core Values, Department's Mission Statement, Constitutional Jailing, Procedural Justice, and their probationary evaluation to ensure personnel fully grasp the importance of their career responsibilities. A checklist form outlining the respective topics will be included in the probationary training packet.

12/04/12 Response:
On October 15, 2012, the Department implemented a new Custody Division Directive, 12-005, to address the concerns of the CCJV. The directive established procedures regarding the documentation of the probationary period with all new custody personnel.

Custody Division unit commanders are required to schedule face-to-face meetings with custody personnel prior to the end of their probationary period. Outlined in this meeting, unit commanders are mandated to discuss the following topics; Department's Core Values, Department's Mission Statement, Constitutional Jailing, Procedural Justice, and their probationary evaluation to ensure personnel fully grasp the importance of their career responsibilities.

A checklist outlining the respective topics will be included in the probationary training packet. A copy of the directive is attached with this status update.

The CCJV expressed concern the Department was not adequately vetting probationary personnel during the probationary period who may present disciplinary problems to the Department in the future. The CCJV stated the industry standard probationary employee attrition rate was between 10 and 25 percent. The Department contacted the below indicated agencies to capture their probationary period attrition rate from 2010 to 2012.

Sheriff's Department	Probationary Attrition Rate
Los Angeles County	5%
Imperial County	0%
Kern County	5%
Orange County	0%
San Bernardino	10%
Santa Barbara	0%
Riverside County	0%
Ventura County	0%

See recommendation 6.3 for the academy attrition rate for the aforementioned sheriff's departments.

The Department believes the CCJV most likely merged the academy and probationary attrition rates of the law enforcement agencies they contacted to formulate their conclusion.

Update 01/15/13:
The Department has revised the newly implemented Custody Division Directive 12-005, to address concerns of the Implementation Monitor. A shift lieutenant shall conduct an assessment of the employee's overall career performance, which will be documented in a memorandum, upon completion of the employee's sixth month. If the employee's performance is substandard, the lieutenant will request remediation with the approval of the Unit Commander. Upon successful completion of the remediation, the lieutenant shall document the essential information in a memorandum.

Three to four weeks prior to the employee's one-year anniversary, the Unit Commander or designee shall conduct another personnel performance review and schedule a face-to-face meeting to discuss several training topics.

OIR has reviewed this directive and concurs with its contents. See attached Custody Division Directive 12-005, Probationary Evaluation Checklist, and Probationary Assessment Exemplar.

Los Angeles County Sheriff's Department

CUSTODY DIVISION DIRECTIVE

Custody Support Services

CUSTODY DIRECTIVE: 12-005 DATE: OCTOBER 15, 2012

ISSUED FOR: CUSTODY DIVISION

PROBATIONARY PERIOD FOR CUSTODY PERSONNEL

PURPOSE

The purpose of this directive is to establish procedures regarding documenting the probationary period of custody personnel.

POLICY AND PROCEDURES

The Commander Management Task Force (CMTF) researched the protocol for newly assigned custody personnel who successfully complete the probationary period. Currently, the respective training sergeant from each facility meets with probationary personnel and provides a detailed assessment of the employee's performance. This is memorialized in a probationary evaluation, which signifies the end of the probationary period.

The Citizens' Commission on Jail Violence (CCJV) recommended the Department implement a meaningful probationary period for custody personnel. The Department agrees with the recommendation. The CMTF recommended altering the current procedures and implementing a consequential probationary period. The facility training protocol will remain in-tact; however, at the completion of the employee's sixth month, the shift lieutenant shall conduct an assessment of the employee's overall career performance, which will be documented in a memorandum (see attached exemplar). The lieutenant should conduct a thorough inquiry of the employee's personnel performance which includes, but is not limited to the following:

- Inmate Complaints
- Administrative Investigations
- Civil Claims/Lawsuits
- Off-Duty and On-Duty conduct issues
- Watch Commander Services Comment Reports
- Employee Commendations/Awards
- Training Evaluation
- Force Incidents
- Allegations of Force Incidents
- Formal Counseling sessions

If the employee's performance is substandard, the lieutenant will request remediation with the approval of the Unit Commander. The lieutenant will outline a detailed remediation plan to address the specific issues. If the employee successfully completes remediation, the lieutenant shall document the essential information in a memorandum.
If at any time during an employee's probationary period, he or she becomes the subject of a criminal or administrative investigation, the Unit Commander shall contact Employee Relations or Advocacy and ensure that the employee's probationary period is extended pending final disposition of that investigation.

Three to four weeks prior to the employee's one year anniversary the Unit Commander or designee shall conduct another personnel performance review and schedule a face-to-face meeting. In addition to the previously mentioned information the following topics shall be discussed:

- Core Values
- Mission Statement
- Constitutional Jailing
- Procedural Justice
- Probationary Evaluation

If the Unit Command or designee deems further remediation is necessary the Unit Commander shall invoke their authority to extend the employee's probationary period to an appropriate time frame. If the Unit Commander determines that the employee's performance is not satisfactory, then normal protocols to address their failure to complete the probationary period will be followed.

A checklist form outlining the respective topics must be included in the probationary training packet. If the Unit Commander or the designee is satisfied with the employee's responses, the Unit Commander shall draft a memorandum to memorialize the employee's successful completion of the probationary period.

RETENTION

The policies and procedures outlined in this directive shall remain in effect until the Custody Division Manual is revised and/or this directive is rescinded.

Questions regarding this directive should be directed by email or phone to Custody Support Services, Lt. Vincent E. Callier at (213) 893-5102.

APPROVED: Alexander Yim
ALEXANDER R. YIM, CHIEF
CUSTODY DIVISION

Originally Issued: 01/18/2012
Revised: 01/11/2013
Latest Revision:

Probationary Evaluation Checklist

Area of Evaluation	Date Instructed	Trainee Initials	Sergeant Initials	Lieutenant Initials
Core Values				
Mission Statement				
Constitutional Jailing				
Procedural Justice				
Probationary Evaluation				

Unit Commander Comments: _____

_____

_____

_____

Trainee	(Print)	Signature	Date
Captain	(Print)	Signature	Date

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE: January 9, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOHN CITIZEN, LIEUTENANT
MEN'S CENTRAL JAIL

TO: JANE CITIZEN, CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **PROBATIONARY ASSESSMENT EXEMPLAR**

During this review period, Deputy Doe, #123456 has been assigned to Men's Central Jail. Her Personnel Performance Index (PPI) indicates (1) Inmate Complaint, (3) Use of Force Incidents, and (1) Formal Counseling session.

ASSSESSMENT OF EMPLOYEE'S PERFORMANCE

Deputy Doe is currently assigned to 5000 floor, where she is viewed by her supervisors and peers as a hard-working, mature employee. She works well with her fellow deputies and custody assistants and is proving to be an effective team player. She has been open to constructive criticism from both supervisors and peers.

Deputy Doe 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 Department's Mission and Core Values with respect to the treatment of inmates.

INMATE COMPLAINTS

On December 14, 2012, Deputy Doe received an Inmate complaint during a dormitory search. The complainant claimed that his vending card which had a market value of $32 was lost or stolen during the deputies' search of his living area. The investigation is currently pending.

ADMINISTRATIVE INVESTIGATION

None

CIVIL CLAIMS/LAWSUITS

None

ON-DUTY/OFF-DUTY CONDUCT

None

WATCH COMMANDER SERVICE COMMENT REPORTS

None

EMPLOYEE COMMENDATIONS/AWARDS

None

TRAINING EVALUATION

On August 4, 2012, Deputy Doe successfully completed the required 16-week training program. Her training packet was reviewed and approved by the facility training sergeant, Michael Smith, #222222.

USE OF FORCE INCIDENTS

Deputy Doe has been involved in three Use of Force incidents during this review period. Two of these incidents were directed by the floor sergeant and the other incident was initiated due to a combative inmate. The following is a brief synopsis of the incidents: On July 21, 2012, Deputy Doe assisted another deputy as he attempted to control a resistive inmate. As the inmate struggled, Deputy Doe utilized control holds techniques to restrict the inmate's movements. Her actions enabled the inmate to be handcuffed without further incident. This incident was directed by the floor sergeant.

On September 13, 2012, Deputy Doe and five (5) other deputies, as part of a response team, were involved in a significant use of force. Deputy Doe utilized control hold techniques to control the inmate. This incident was directed by the floor sergeant.

On October 31, 2012, Deputy Doe was involved in a less-significant Use of Force. She deployed pepper-spray to an inmate who took a combative stance during a clinic escort.

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

ALLEGATIONS OF FORCE INCIDENTS

None

FORMAL COUNSELING SESSIONS

November 13, 2012, Deputy Doe was counseled for negligence to report to her work assignment on time. Sergeant Citizen #333333, completed a Performance Log Entry to memorialize the incident. Deputy Doe was receptive

to the counseling session and no further situations have occurred.

ATTENDANCE

Except for the timeliness concern noted above, Deputy Doe's attendance record is satisfactory.

RECOMMENDATION

A follow-up will be conducted regarding the Inmate Complaint filed against Deputy Doe. I recommend Deputy Doe continue her probationary period.

JFF:ALT:alt

Recommendation 6.5 (FUNDING REQUIRED)
The number of supervisors to deputies should be increased and the administrative burdens on Custody supervisors should be minimized.

Chief Yim / Commander Fennell

10/15/12 Response:
The Department has submitted a request to the Chief Executive Officer (CEO) for 10 lieutenants and 101 sergeants to be added to Custody Division.

12/04/12 Response:
The current number of supervisors in Custody Division is critically low. Administrative burdens on the current supervisors diminish their ability to actively supervise the line staff. Custody Division unit commanders were requested to conduct a supervisory assessment of their respective facility and provide a suitable number of lieutenants and sergeants that they deemed critically necessary, in order to fulfill the obligations of their responsibilities. These additionally requested items would be deployed directly to the line positions, covering a 24-hour operation, throughout Custody Division as follows:

Facility	Lieutenant	Sergeant
Men's Central Jail	1	20
Twin Towers Correctional Facility	1	21
Century Regional Detention Facility	0	7
North County Correctional Facility	0	14
PDC East Facility	0	6
PDC South Facility	0	9
PDC North Facility	0	5
Inmate Reception Center	0	10
Mira Loma Detention Center	0	6
Transportation Services	0	3
Totals	**2**	**101**

In order to accomplish this goal, the Department has submitted an appropriate funding request to the CEO for 2 lieutenants and 101 sergeants to be added to Custody Division.

The Department's original response requested ten lieutenants. That response included funding for eight additional Risk Management lieutenants, at each custody facility to relieve line lieutenants of the administrative burden caused by the overload of paperwork. The request for those eight items is now covered solely in Recommendation 7.8.

The number of supervisors requested is critically necessary; nevertheless, the funding request does not provide Custody Division with an ideal supervisory staffing model. Active supervision, in the appropriate ratios, can make a significant impact on incidents of jail violence.

See the tables below for Department supervisory staffing levels Department wide, in Custody Division, and proposed for Custody Division.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Department Wide Deployment

	Captain	Lieutenant	Sergeant	Deputy
Department Wide	68	379	1316	8466

Captain to Lieutenant	1:6
Lieutenant to Sergeant	1:3
Sergeant to Deputy	1:6

Current Custody Deployment

	Captain	Lieutenant	Sergeant	Deputy	CA
Custody Facilities	8	57	191	2,226	1,061

Captain to Lieutenant	1:7
Lieutenant to Sergeant	1:3
Sergeant to Deputy	1:12
Sergeant to Deputy / CA	1:17

Proposed Custody Deployment

	Captain	Lieutenant	Sergeant	Deputy	CA
Custody Facilities	8	57	191	2,226	1,061
Requested Items	0	10*	101	0	0
Total	**8**	**67**	**292**	**2,226**	**1,061**

* Includes Risk Management Supervisors in recommendation 7.8

Captain to Lieutenant	1:8
Lieutenant to Sergeant	1:4
Sergeant to Deputy	1:8
Sergeant to Deputy / CA	1:11

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Yim / Fennell

10/15/12 Response:
The Department has changed its procedures which previously mandated that deputies transfer to patrol, by currently allowing unlimited annual extensions in Custody Division. Deputy personnel who do not desire to transfer to patrol are afforded the option to submit annual extensions to Custody Division Headquarters. Upon approval of their request, deputies are permitted to remain in Custody Division. In time, this policy change will significantly reduce the length of time in Custody Division for sworn personnel who desire to transfer to Patrol.

If the Dual Track Career Path (DTCP) is approved by the Board, deputies who do not have an interest in patrol will be excluded from submitting patrol transfer requests.

The Department is in the final stages of conducting an assessment and evaluation of duty statements from each position at every custody facility to determine which job classification (sworn personnel or custody assistant) is best suited to handle the functional operation of that particular position.

Update 01/15/13:
As of January 2, 2013, PPOA has entered a tentative agreement with the Department for implementation of the DTCP proposal. Members of the CMTF will present the DTCP plan throughout Custody Division, Court Services Division, and Field Operations Divisions over the next several weeks. The Department anticipates an implementation process of the DTCP plan by February 1, 2013.

Recommendation 6.7 (IN PROGRESS)
The Department should utilize more Custody Assistants
Chief Yim / Commander Fennell

10/15/12 Response:
As stated in the response section of recommendation 6.6, the Department is conducting an assessment of positions within Custody Division. Preliminary information has shown that the line personnel positions in Custody Division are substantially understaffed. If the Department can maintain its current compliment of sworn personnel and increase its compliment of custody assistants by approximately 160 positions, this would enhance the level of service in our jail facilities and afford the Department the resources to provide our inmates with the opportunity for additional programming. It has been documented through the Rehabilitation surveys, which are issued at every Town Hall meeting, that our inmate's second highest request is additional inmate programming.

12/04/12 Response:
The Department is in the final stages of conducting an assessment and evaluation of duty statements from each position at every custody facility to determine which job classifications (sworn personnel or custody assistant) are best suited to handle the functional operation of that particular position.

The Department's current Custody Division personnel staffing model is comprised of 68 percent deputy sheriffs and 32 percent custody assistants. An assessment of all positions in Custody Division was completed, which showed that the Division was understaffed. Unit commanders were requested to provide an efficient personnel staffing model to manage the various responsibilities encumbered by their respective facilities. As depicted in the table below, the unit commanders requested a total of 173 additional personnel items (130 deputy sheriffs and 43 custody assistants).

After a review of the personnel request and duty statements, the Department proposed the additional personnel items be filled with 160 custody assistant items. If the Department maintained its current compliment of sworn personnel and increased its compliment of custody assistants by approximately 160 positions, the staffing model would reflect 65 percent deputy sheriffs and 35 percent custody assistants. This is the maximum compliment of custody assistants as agreed upon in a Memorandum of Understanding (MOU) with the Association for Los Angeles Deputy Sheriffs (ALADS).

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

The table below depicts the Department's current staffing levels for deputy sheriffs and custody assistants, and the deployment of the proposed 160 custody assistants.

Facility	Deputy	CA	Captain's Request	Proposed CA
Men's Central Jail	568	164	10	15
Twin Towers Correctional Facility	466	277	30	25
Century Regional Detention Facility	233	151	23	20
North County Correctional Facility	271	79	17	17
PDC East Facility	129	59	14	14
PDC South Facility	164	78	19	19
PDC North Facility	144	67	5	5
Inmate Reception Center	251	186	55	45
Total:	**2,226**	**1,061**	**173**	**160**

The Department has submitted the appropriate funding request for 160 custody assistant positions to the Chief Executive Officer (CEO).

The Department is currently assessing if the percentage of custody assistants could be increased without jeopardizing jail security and safety. If this assessment indicates an increased percentage of custody assistants is feasible, then the Department would confer with the unions about possible changes to the MOU.

Update 01/15/13:
The Department's original response was designed to address staffing shortages in Custody Division, as well as to increase the custody assistant staffing ratios to 65 percent sworn and 35 percent custody assistants. The Department has had subsequent discussions with the CEO and the Implementation Monitor. In an effort to comply with the spirit of the recommendation, the Department has revised its response to the CEO. The Department has assessed alternative methods, without the necessity to increase personnel staffing, by requesting the CEO's approval to freeze 81 deputy positions and supplant them with 81 custody assistants. This will allow Custody Division to achieve the maximum custody assistant staffing ratios, in accord with the ALADS MOU, at a cost savings of approximately $4.67 million.

Recommendation 6.8 (IN PROGRESS)
Rotations within and among proximate facilities should be implemented.
Chief Yim

10/15/12 Response:
Pursuant to Special Counsel Merrick Bobb's recommendation, the Department recently implemented mandatory rotations in Custody Division within each facility. The Department is evaluating the recommendation of implementing a sensible, but steadfast policy of rotations of personnel among proximate facilities. The Department is assessing the probability of employee union issues, the impact on affected personnel, and the best practices for the overall health of the Department.

12/04/12 Response:
The Sheriff's Department will work with the Implementation Monitor to assemble a working group of personnel to pilot rotations within and among proximate facilities to assess the viability of implementing such a policy. In order to ensure cooperation from the employee unions, participation in the pilot program will be voluntary.

Update 01/15/13:
The Department is developing a working group to analyze permanent plans for rotations and the pilot program.

Recommendation 6.9 (IMPLEMENTED)
The Department's Mission Statement should be changed to reflect the importance of Custody.

Sheriff

10/15/12 Response:
The Department is reviewing the Mission Statement and will make the appropriate changes to reflect the importance of Custody Division.

12/04/12 Response:
The Department has developed a working group to review the current Mission Statement. The focus of the working group is to make appropriate changes to reflect the importance of Custody Division and a custody career path.

Update 01/15/13:
The revised Mission Statement was disseminated to all Department Personnel on January 7, 2013. See attached Mission Statement.

Our Mission

***Lead** the fight to prevent crime and injustice.*

*Enforce the law **fairly** and defend the rights of all, including the incarcerated.*

***Partner** with the people we serve to secure and promote safety in our communities.*

Los Angeles County
Sheriff's Department

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 6.10 (IN PROGRESS)
The Department should create a separate Custody Division with a professional jail workforce.

Chief Yim / Commander Fennell

10/15/12 Response:
As previously mentioned, if approved by your Board, the implementation of the Dual Track Career Path (DTCP) will fulfill this recommendation.

12/04/12 Response:
The CCJV illustrated a program similar to the San Diego County Sheriff's Department's (SDSD) two-tier system with a custody specific 16 week training academy and specific custody deputy designation as a recommended alternative to the Department's current personnel model. During the Department's assessment of the SDSD personnel structure, members of their department provided candid opinions regarding shortcomings of their model:

- The two academy model created a caste system at the onset of a deputy's career.
- Shortly after the creation of the "specific deputy designation," detention deputies initiated a class-action lawsuit for pay parity and attempted to separate from the deputy union, a situation that was settled in arbitration.
- As a result of the parity arbitration, a 5-10 percent pay differential was established, which nullified operational cost savings, one of the main reasons for the two-tier system.
- Due to the established caste system, hostilities often occur between patrol and detention deputies.
- During the recent San Diego County wildfires, their department was unable to address field force deployment needs. Their department took the risk of liability assigning detention deputies to handle patrol posts, even though they were not patrol certified.

During the Department's DTCP feasibility assessment, the prior Modified Deputy Program (MDP) was reevaluated. The MDP was previously terminated because it was ineffective and detrimental to the employee and the overall Department. The operation of the "Modified Deputy Academy" created a third job classification within the Custody Operations Division and increased operational costs over time.

Concerns with the MDP included:

- Two separate academies created a caste system.
- Operational costs to add a modified academy would double the current Academy budget.
- It was anticipated that custody assistants would initiate a lawsuit for pay parity as occurred in San Diego, minimizing any potential cost savings.
- Field force deployment would be unsustainable.

- A survey of "Modified Deputies" indicated that the overwhelming majority found the program to be detrimental to their career. They felt it created a caste system in which they were openly disparaged.

The DTCP analysis proved it to be a more advantageous option that will enhance the careers of sworn personnel with additional career freedom, flexibility, and promotional opportunities. The DTCP attributes, when fully implemented, include:

- Recruitment, hiring and training will remain unchanged.
- Sworn personnel are provided the flexibility to select a career in custody without transferring to Field Operations Division.
- Personnel can promote within Custody Division up to the rank of division chief.
- The custody environment will experience an increase in its value.
- The program is cost neutral.
- In the long term the DTCP is projected to provide a cost savings, as non-patrol supervisors will receive five percent less in salary.
- The paradigm shift in the Department's culture will not create a caste system.

If approved by the Board and the CEO, the implementation of the DTCP will fulfill this recommendation.

Update 01/15/13:
As of January 2, 2013, PPOA has entered a tentative agreement with the Department for implementation of the DTCP proposal. Members of the CMTF will present the DTCP plan throughout Custody Division, Court Services Division, and Field Operations Divisions over the next several weeks. The Department anticipates an implementation process of the DTCP plan by February 1, 2013.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.1 (FUNDING REQUIRED)
The investigative and disciplinary system should be revamped.

Chief Abner

10/15/12 Response:
The Department will need to expand the number of Internal Affairs Bureau (IAB) investigators. The Commanders Management Task Force has already met with Commission members to explore comparable systemic changes implemented by the Los Angeles Police Department (LAPD) in response to a 2001 Federal consent decree. Based on knowledge gained from our research, the Department is prepared to take the following steps consistent with the Commission's recommendations:

1. Seek funding to expand the number of IAB investigators.
2. Ensure that all uses of force that result in injuries more than "redness, swelling or bruising," or complaints of pain regarding the "head, neck, or spine" would be reviewed and, if necessary, investigated by IAB or Internal Criminal Investigations Bureau (ICIB).
3. Ensure all other uses of force investigated at the unit level come under the oversight and review of IAB and the Office of Independent Review (OIR), or the new Office of Inspector General (OIG) if approved by the Board.

Require all supervisors investigating cases involving injuries to seek out evidence from medical staff, including medical records, statement from personnel who witnessed injuries and photographs of injuries. (Medical personnel should also be asked to document that information in their own records).

12/04/12 Response:
Many of the changes regarding the criteria for IAB investigations are contingent upon the amount of funding provided by the Board. The Department will continue to work with the Implementation Monitor to ensure compliance with the intent of the recommendation.

Recommendation 7.2 (IMPLEMENTED)
Department should monitor Force Packages for trends and concerns and the performance of supervisors.

Chief Yim

10/15/12 Response:
The Department agrees the Custody Force Review Committee (CFRC) should continue to monitor Force Packages for trends, concerns, and the performance of supervisors. The CFRC exhaustively reviews and scrutinizes significant force cases not rising to the level of an IAB investigation. If the Department is able to expand staffing for IAB investigators, more of these significant force cases will be scrutinized during Executive Force Review Committee (EFRC) as recommended by the Commission. In the interim, CFRC will continue to scrutinize these force cases, and monitor for trends, concerns, and the performance of supervisors.

12/04/12 Response:
The commanders who comprise the CFRC, along with the Custody Training Bureau and representatives from the Office of Independent Review, thoroughly examine the quality of each force package, focusing on the application of force, tactics, actions of supervision, and the overall quality of the investigation. Corrective action is routinely sought via directed training or formal administrative investigation. During a CFRC session, handling supervisors of each force incident are present to respond directly to questions regarding their decision making and performance. Recommendations are tracked for trends in performance or behavior.

Update 01/15/13:
The Custody Training Bureau is developing its own protocols to analyze and identify trends and training issues. Once this Bureau is fully funded, the CFRC will become part of Custody Training Bureau.

Recommendation 7.3 (IMPLEMENTED)
Deputies should be required to provide a timely written report of force incidents and not be allowed to review video tape footage prior to completion of that report or any interviews.

Chief Abner

10/15/12 Response:
The Department has incorporated a policy consistent with the Commission's recommendation. The restructured Use of Force policy specifies that personnel are required to provide a timely written report of force incidents prior to reviewing video footage. Since the new Use of Force policy will not be effective until January 1, 2013, Custody Division immediately implemented a Division Directive requiring compliance with the same standards regarding the review of video footage (effective September 27, 2012).

12/04/12 Response:
This recommendation will be completed upon implementation of the new Use of Force Policy, effective January 1, 2013.

Update 01/15/13:
The policy was formally implemented Department wide on January 1, 2013.

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

Chief Abner

10/15/12 Response:
The Department will revise its policy to expand its "no huddling" practice for all significant force. The Department will monitor and review significant force incidents to ensure compliance with the policy.

12/04/12 Response:
The new force policy will require that for force incidents handled by Internal Affairs Bureau, deputies who use force and those who witness force will not be allowed to communicate with each other until they have prepared their report or have been interviewed by investigators. The policy will be effective January 1, 2013.

Update 01/15/13:
The policy was formally implemented on January 1, 2013. See attached 3-10/100.00, Use of Force Reporting and Review Procedures.

3-10/100.00 USE OF FORCE REPORTING AND REVIEW PROCEDURES

The Sheriff's Department recognizes each use of force by its members as a matter worthy of thorough, fair, and objective review.

Any use of force which is greater than that required for un-resisted Department-approved 1) searching or handcuffing, 2) control holds or come-alongs, or 3) hobbling must be reported. Additionally, any use of force which results in an injury or a complaint of pain must be reported.

NOTE: Throughout this section, the term "suspect" is used to refer to any individual upon whom force has been used.

Reportable Force Categories

Force shall be statistically captured as **Category 1, Category 2, or Category 3.**

Reportable Force is:

Category 1 when it is limited to any of the following and there is no injury:

- Searching and handcuffing techniques resisted by a suspect,
- Hobbling resisted by a suspect,
- Control holds or come-alongs resisted by a suspect,
- Take downs,
- Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.

For purposes of this section, a complaint of pain will constitute an injury only when subsequent medical evaluation determines that the complaint of pain is attributable to an identifiable injury, rather than mere temporary discomfort. If so determined, then the force is Category 2. If not, then the force is Category 1.

Category 2 when it results in any identifiable injury or involves any application of force other than those defined in Category 1, but does not rise to the level of Category 3 Force.

Category 3 when it involves any use of the following force:

- All shootings in which a shot was intentionally fired at a person by a Department member,
- Any type of shooting by a Department member which results in a person being hit,
- Force resulting in admittance to a hospital,
- Any death following a use of force by any Department member,

- All head strikes with impact weapons,
- Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor,
- Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object,
- Deliberately or recklessly striking an individual's head against a hard, fixed object,
- Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member,

or any force which results in a response from the IAB Force/Shooting Response Team, as defined in MPP section 3-10/130.00. All instances of Category 3 Force **shall** be investigated by IAB and reviewed by the Executive Force Review Committee, with an additional level of oversight conducted by the Office of Independent Review and monitoring by Special Counsel.

IAB will be notified of all canine bites requiring medical treatment. Due to the specialized nature of these investigations, canine bites will initially be investigated by the SEB/CSD Sergeant, unless the incident meets the criteria for an IAB Force/Shooting Response Team response. All canine bites shall also be reviewed by the Executive Force Review Committee, with an additional level of oversight conducted by the Office of Independent Review and monitoring by Special Counsel.

Responsibilities for Reporting the Use of Force

As soon as safely possible, members shall make a verbal notification to their immediate supervisor (in this section, "supervisor" refers to a minimum rank of Sergeant) in all cases in which they use reportable force. Members witnessing reportable force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor, who will determine whether a separate report/memorandum by the witness(es) is required. Members witnessing reportable force (as defined in this section) used by employees of another law enforcement agency shall, as soon as safely possible, advise their supervisor and write a memorandum documenting their presence or, if applicable, provide a copy of their patrol log.

NOTE: Refer to MPP section 3-10/300.00 through 3-10/600 and 3-10/120.00 through 3-10/140.00 for the use of force reporting and review procedures involving shootings by Department members.

Whenever an incident involving reportable force requires a first report, the details regarding the use of force shall be included in that report.

When feasible, force reports shall be reviewed and approved by the supervisor to whom the force incident was initially reported. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report. Each assisting member who used force, including partners, shall submit a separate

supplementary report detailing their actions. When practical, reports relating to the use of force incident shall also be submitted to the supervisor to whom the initial incident was reported.

Each member reporting force in a report or memorandum shall describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda.

When force is used during crowd control situations and an arrest cannot be made, or the person(s) cannot be identified, Department members shall report their individual uses of force, directed or otherwise, to an on-scene supervisor as soon as safely possible. The application of force applied to a group, or members of a group who are not arrested or cannot be identified, shall be documented on a single use of force memorandum by the on-scene supervisor and approved by the Incident Commander.

Reporting of force used in crowd control situations in which individuals are arrested, or who can be identified, shall be reported as an individual use of force consistent with this policy.

All reports or memorandums required by this section shall be completed prior to the member going off duty, unless otherwise specifically directed by the Watch Commander/Supervising Lieutenant.

Force Allegations

Allegations of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g., interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.). The Department member to whom the force allegation was reported shall report the allegation to their immediate supervisor (supervisor refers to a minimum rank of Sergeant). That supervisor shall immediately conduct an inquiry in order to determine whether the allegation has validity (i.e., whether it is corroborated by statements and/or evidence). However, if that supervisor was alleged to have been involved in, or a witness to, the incident, the inquiry shall be assigned to another supervisor.

The supervisor conducting the inquiry shall adhere to the following guidelines:

- follow up on information provided by the individual making the allegation (i.e., interview person(s) whom the individual said were present and/or witnessed the incident, look for and collect evidence that the individual mentions);
- collect evidence and take statements;
- take photographs of the location, if appropriate;
- review any medical records (in cases of an inmate, review the inmate injury report). If an inmate injury report was not prepared for an inmate, ensure that one is prepared and the inmate is medically treated;
- photograph all visible injuries (if applicable); and, thoroughly document/describe all statements taken and evidence collected;
- determine if the force incident was recorded and secure any such recordings of the incident.

An inquiry into a force allegation shall be documented in a memorandum from the supervisor to the Unit Commander and shall include the reason(s) why the supervisor conducting the inquiry determined there is or is not validity to the allegation. The Unit Commander shall take one of the three following actions: 1) close the inquiry if there is no validity to the allegation; 2) initiate an administrative investigation if the inquiry reveals possible misconduct that could result in discipline, such as unreported use of force; or, 3) initiate a criminal investigation if the inquiry reveals reasonable suspicion that a crime occurred (e.g., assault under the color of authority).

In cases wherein the inquiry revealed that a use of force occurred, and the involved Deputy admitted to participating in the incident but did not realize that the circumstances constituted reportable force and, therefore, did not report the incident, use of force protocols shall be followed.

Closed force allegation inquires shall be forwarded to the concerned Division Chief for review/concurrence and subsequently forwarded to the Discovery Unit for retention.

Transporting Suspects

Whenever a suspect upon whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transporting Deputy shall immediately advise the Field Sergeant or immediate supervisor. Except in the most compelling of circumstances, personnel involved in a Category 2 or 3 use of force, including participants, witnesses, and supervisors directing force, shall not transport the prisoner. If compelling circumstances require that the prisoner be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports. The Sergeant shall immediately advise the Watch Commander or Supervising Lieutenant that the suspect is being treated or examined following a Deputy's use of force.

When a suspect must be transported from the field directly to County-USC Medical Center, IRC, CRDF or Twin Towers for booking, the Watch Commander or Supervising Lieutenant shall arrange to conduct the prisoner interview at the booking site, according to the procedures outlined in the Watch Commander/Supervising Lieutenant's Responsibilities subsection.

Medical Treatment

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:

- Strikes their head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a Deputy, regardless of how minor any injury to the head/face may appear. The Deputy transporting the suspect shall inform the doctor that the suspect was struck on the head or struck their head,
- Is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not they are rendered unconscious. The Deputy transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not they were rendered unconscious,
- Is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, Pepperball projectile, etc.),
- Is subjected to a Taser used in the drive stun mode,
- Sustains a canine bite resulting in any bleeding or penetration of the skin,
- Has injuries that appear to require medical treatment,
- Alleges any injury and requests medical treatment, whether or not they have any apparent injuries,
- Alleges that substantial force was used against them, whether or not they have any apparent injuries or requests medical treatment,
- Was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field),
- Has the Total Appendage Restraint Procedure (TARP) applied on them (unless qualified medical clearance is obtained in the field). Refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure, for additional information.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If the suspect refuses medical treatment in any of the cases previously described, they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment. The Deputy transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated their refusal and the name of the medical staff member authorizing booking at the Station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

If the medical staff indicates that the suspect should be treated despite their refusal, the suspect shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

Immediate Supervisor's Responsibilities

The Field Sergeant or immediate supervisor shall respond without unnecessary delay to any incident involving reportable force, and shall immediately advise the Watch Commander or Supervising Lieutenant of any reportable force incident.

In instances of Category 1 or Category 2 Force, the Field Sergeant or immediate supervisor shall do the following:

- Locate and interview all potential witnesses, including Department personnel and, in custody force cases, medical staff, chaplains, and any other civilians who may have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident. In situations involving very large numbers of potential witnesses, the Watch Commander or Supervising Lieutenant, or in the case of a Force/Shooting Response Team rollout, the Team Lieutenant, shall determine the appropriate scope of the witness canvass necessary to sufficiently document the force incident,
- Photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate,
- Determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so,
- Ensure that Department members who used force or witnessed force prepare required reports in a timely manner,
- Review first reports and separate supplemental reports or memorandums to ensure that, consistent with this section, they describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions,
- In cases where a recording has been secured, if the supervisor determines, after their initial review of the video and incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the Watch Commander or Supervising Lieutenant before proceeding further (refer to Watch Commander/Supervising Lieutenant's Responsibilities subsection),
- After first reports and separate supplemental reports have been reviewed by the supervisor, and where there is no such evidence of apparent misconduct, or a failure to properly notify, afford Department members an opportunity to review the recording of the force incident to facilitate recollection of additional details,
- If an involved employee is not allowed to view video of an incident due to possible misconduct, the Watch Commander/Supervising Lieutenant shall notify the member he may be subject to an investigation,

NOTE: ***The Sheriff's Department and its personnel have a duty to accurately account for the facts of every incident through normal reporting procedures. This includes amendments and supplemental reports when additional information or clarification is available. Since the Department is requiring personnel to provide a written account of their actions prior to viewing video recordings, the Department shall not be unduly prejudiced, nor assume any adverse inference, when personnel amend or supplement their reports if a video review prompts further recollection of incident details.***

- Prior to a recording being reviewed by a Department member, provide the video admonishment contained in MPP section 3-10/110.00, Video Review Admonition,
- Ensure that any initial review of a recording by a Department member for this purpose be undertaken individually and documented in their reports. This review should not be undertaken in the presence of another Department member who was either involved in, or a witness to, the force incident,
- Should the review enable a Department member to provide greater clarity to any incident based upon additional recollection, perception of specific actions, etc., afford the Department member the opportunity to either continue their initial report, or to prepare a separate supplemental report. Any additional information should be added with transitional language such as, "After reviewing video of the incident, additional details are noted as follows:",
- Complete a "Supervisor's Report, Use of Force" (SH-R-438 P) documenting each member who used force, or witnessed force,
- Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported. If the suspect is subsequently admitted to a medical facility or requires further medical treatment, it is the supervisor's responsibility to follow up with medical staff to ascertain if the injury was more serious than initially believed and make any necessary notifications in a timely manner,
- Photograph and/or record the Deputies' injuries, if appropriate,
- In incidents involving the Total Appendage Restraint Procedure (TARP), the supervisor shall ascertain the following, if possible, and this information shall be placed in the Incident Details section of the SH-R-438P:
    - How long the subject was restrained with the TARP,
    - The emergency medical services agency that responded to the scene of the TARPing,
    - How the subject was transported and in what body position(s) they were placed during the transport,
    - The length of time of the transport phase,
    - The observations of the subject's psychological/physical condition while TARPed and during the transport phase,

- Any alleged recent drug usage by the subject or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

For additional information, refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure.

If the force results in a response from the IAB Force/Shooting Response Team (Category 3 force), the Sergeant's or immediate supervisor's function shall be limited to notifying the Watch Commander or Supervising Lieutenant, identifying and interviewing witnesses, ensuring that the members who used force or witnessed force do not communicate with each other until they have prepared their report or have been interviewed by investigators, and preserving the scene and evidence as appropriate.

Watch Commander/Supervising Lieutenant's Responsibilities

The Watch Commander or Supervising Lieutenant shall, with extreme priority, personally examine any suspect upon whom force has been used and, except in Category 3 force incidents, interview them regarding the incident. Except in the most compelling of circumstances, personnel involved in a use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports. When interviewing suspects regarding use of force incidents, the Watch Commander/Supervising Lieutenant shall ask the person if they have any injuries, the nature of the injuries, and if they want medical treatment. These questions must be asked whether or not the suspect has any apparent injuries. (Refer to the section entitled "Medical Treatment" for required treatment.) If the suspect is taken to a medical facility for examination or treatment, the Watch Commander/Supervising Lieutenant shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported.

The Watch Commander/Supervising Lieutenant shall ensure that the interview of the suspect is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain suspect consent for photographing injuries hidden by clothing). Where practical, the suspect should not be interviewed during actual medical treatment. Prior to beginning the interview, the time, date, and location of the interview shall be clearly stated, along with the names, ranks, and employee numbers of all persons present.

After interviewing a suspect in incidents involving Directed Force, the Watch Commander/Supervising Lieutenant shall determine who should complete the initial investigation. When a supervisor is available at the unit who did not direct the force, a non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available at the Unit, the Watch Commander/Supervising Lieutenant

should consider the totality of the initial factors, including the severity of the force and the suspect's interview in determining whether the supervisor who directed the force should complete the initial investigation. In instances in which another Sergeant is assigned to complete the initial investigation, the Sergeant directing the force shall prepare a supplemental report, or memo, detailing their actions for inclusion with the force review package.

In cases where a supervisor has reviewed video of an incident and determined that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the Watch Commander/Supervising Lieutenant shall determine the nature and seriousness of the matter. The Watch Commander/Supervising Lieutenant shall then contact the Unit Commander, who shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or ICIB. If an administrative or criminal investigation is initiated, then the force investigation will be conducted as part of that investigation. If it is determined that an administrative or criminal investigation is not warranted, then the force investigation shall be completed by the Watch Commander/Supervising Lieutenant.

The Watch Commander/Supervising Lieutenant shall submit a force review package (refer to Force Review Package subsection) to the Unit Commander as soon as possible, but no later than 21 days after the incident, unless otherwise directed. They are responsible for detailing the results of their review and their recommendation as to whether further action or investigation is warranted in the appropriate section of the SH-R-438P.

Requesting a Force/Shooting Response Team

The Watch Commander/Supervising Lieutenant is responsible for making an immediate verbal notification to the on-call Internal Affairs Bureau Lieutenant in any of the following situations:

- All shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals,
- All incidents in which Deputy personnel are shot,
- Hospitalizations due to injuries caused by any Department member,
- Skeletal fractures caused by any Department member,
- Category 2 or 3 force used by any Department member during or following a vehicular or foot pursuit,
- All large party situations where Category 2 or 3 force is used,
- Injury or complaint of injury to a person's head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Pepperball projectile powder),
- All head strikes with impact weapons,
- Kick(s) to an individual's head with a shod foot,

- Knee strike(s) to an individual's head,
- Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g. roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.),
- Canine bites resulting in medical treatment,
- Any death following a contact with any Department member,
- All inmate deaths,
- Any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel,
- At any scene where the Sheriff's Response Team (SRT) is deployed.

The Internal Affairs Bureau Lieutenant shall determine whether the response of a Force/Shooting Response Team is appropriate. If a response team is to be sent, the Internal Affairs Bureau Lieutenant shall direct the Watch Commander/Supervising Lieutenant as to whether to conduct a suspect interview.

The Watch Commander/Supervising Lieutenant shall make an immediate verbal notification to the Unit Commander of any incident requiring a Force/Shooting Response Team response. (Refer to MPP section 3-10/130.00 Activation of Force/Shooting Response Teams.) The Watch Commander shall respond to the location when an employee discharges a firearm, whether intentional or unintentional. The involved employee's Unit Commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The involved employee's Division Commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's Division Chief.

In any situation in which a Force/Shooting Response Team responds to conduct a force review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the Watch Commander/Supervising Lieutenant nor the Sergeant shall conduct a suspect interview unless directed to do so by the Internal Affairs Bureau Lieutenant. A Unit-level force review package shall not be submitted on any force incident which is documented by Force/Shooting Response Team personnel who have responded to the scene.

Watch Sergeant/Line Sergeant's Responsibilities

Sergeants approving reports or memos shall ensure that all pertinent information is contained in them. Particular attention should be given to the description of the use of force and the suspect's actions compelling the use of force.

After approving reports and memos involving the use of force, the Sergeant shall ensure that copies are forwarded to the concerned Watch Commander/Supervising Lieutenant for inclusion in the force review package.

Force Review Package

The Watch Commander/Supervising Lieutenant shall prepare and submit a force review package to the Unit Commander for all reviews of force not conducted by a Force/Shooting Response Team. The force review package shall include the following items:

- "Supervisor's Report, Use of Force" (SH-R-438P),
- Copy of SH-R 49 and related supplemental reports and/or memos,
- Copy of in-service rosters for the concerned shift(s),
- Documentation such to show suitable treatment from qualified medical personnel was sought and/or received,
- Photographs and/or video recordings of suspect's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation),
- Copies of any recorded interviews conducted by supervisors during the investigation,
- Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.

Unit Commander's Responsibilities

The Unit Commander shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of the force incident, or as soon as possible thereafter.

The Unit Commander shall evaluate all force review packages and the Watch Commander/Supervising Lieutenant's findings concerning the use of force. The Unit Commander shall determine if further action or investigation is necessary. If further investigation is warranted, they may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau, or both. The Unit Commander shall ensure that the member(s) who used force are notified as soon as possible in any case requiring further investigation.

Unit Commanders shall hold supervisors accountable for the quality and timeliness of their investigations.

The Unit Commander shall ensure that unit-level force reviews are completed, reviewed/approved, and processed in a timely manner. The Unit Commander shall ensure that Unit personnel utilize a tracking system in order to track force packages.

The Unit Commander shall ensure that completed/approved force packages are either submitted to the Discovery Unit, or forwarded to Division, as required below. Force packages not submitted to the Discovery Unit within 60 days will be considered overdue.

In all use of force incidents wherein the on-call IAB Lieutenant was notified, or when a suspect was transported to a hospital for medical treatment, the Unit Commander shall forward the force review package to the Division Chief for their review.

Any force package requiring Division review shall be forwarded within 35 days of the incident, unless otherwise directed by the Chief.

Involved employees are entitled to a copy of the completed SH-R-438P. The Unit Commander shall ensure that the involved employee(s) receive a copy, if so requested.

Use of Force Analysis

It is imperative that leaders of the Los Angeles County Sheriff's Department be personally informed about issues involving the use of force.

Whenever a Department supervisor or manager prepares or receives an analysis on systemic issues regarding use of force investigations or use of force trends, the concerned unit commander shall ensure a copy of the analysis is delivered to the Office of the Sheriff and the Office of the Assistant Sheriffs.

To honor the Department's commitment to transparency, the concerned Unit Commander shall ensure a copy of the analysis also is delivered to the Office of Independent Review (OIR), and the Law Enforcement Division Chief in the Office of the Los Angeles County Counsel.

Division Chief's Responsibilities

The Division Chief shall, review all use of force incidents in which the on-call IAB Lieutenant was notified or in which a suspect was transported to a medical facility for treatment. The Division Chief shall note their concurrence with the Unit-level force review on the documents and forward the approved force package to the Discovery Unit. In the event that the Division Chief does not concur, they may specify to the Unit Commander the additional steps necessary to satisfactorily complete the package or notify Unit Commander of IAB or ICIB and request an administrative and/or criminal investigation.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.5 (FUNDING REQUIRED)
IAB and ICIB should be part of an Investigations Division under a Chief who would report directly to the Sheriff.

Sheriff

10/15/12 Response:
I have restructured the Leadership and Training Division to have operational command of Internal Affairs Bureau (IAB) and Internal Criminal Investigations Bureau (ICIB).

In order to move IAB and ICIB under a separate and independent Investigations Division, the Department requires funding for an additional chief position. Consistent with the Commission's remarks, the Sheriff is not opposed to considering the appointment of a sworn or non-sworn Chief of Investigations from outside the Department, if the person possesses the knowledge, expertise, and skills required. The Sheriff would consider a former judge, judicial commissioner, or retired professional experienced in evaluating facts and evidence.

12/04/12 Response:
Currently, one chief oversees the Leadership and Training Division which consists of IAB, ICIB, Risk Management Bureau, Training Bureau, The Success Through Awareness Resistance (STAR) Unit, Employees Support Service Bureau, and the Bureau of Labor Relations and Compliance.

Under the proposed recommendation, this Division would be bifurcated. A new Division named Internal Investigations Division would be created. A proposed chief position would direct the new Division which would be tasked with the responsibilities of IAB and ICIB. The remaining units would remain within the Leadership and Training Division. The Internal Investigations Division chief would report directly to the Sheriff. This would send a clear message that disciplinary investigations and allegations of misconduct investigations are a top priority for the Department.

Consistent with the remarks of the CCJV, I agree with the recommendations and am considering the appointment of either a sworn or non-sworn Chief of Investigations from outside the Department. I am seeking a candidate with expertise as a prosecutor or an investigator.

The Department is working with the Chief Executive Officer (CEO) to identify funding for this recommendation.

See recommendation 4.6 status update for organizational charts related to all CCJV recommendations.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner

10/15/12 Response:
The Department will continue to make it clear that Internal Affairs Bureau (IAB) personnel are valued investigators. This will be accomplished through continuing to promote qualified personnel from the ranks of IAB. Captain Alicia Ault is an example of many experienced IAB investigators recently promoted. The Sheriff's Department also recognizes that promotion is only one method of developing a cadre of quality investigators, since the promotional process must follow strict Civil Service rules.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.7 (IN PROGRESS)
The Discipline Guidelines should be revised to establish increased penalties for excessive force and dishonesty.

Chief Abner

10/15/12 Response:
The Department will increase penalties for proven acts of excessive force and dishonesty. The increases will be reflected in the revised Discipline Guidelines to show "zero tolerance," including termination and possible prosecution.

12/04/12 Response:
The Discipline Guidelines have been revised and submitted for approval. Employee unions will be notified and provided an opportunity to respond.

Update 01/15/13:
I have approved The Discipline Guideline changes. Employee unions are in the process of being notified.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.8 (FUNDING REQUIRED)
Each jail should have a Risk Manager to track and monitor use of force investigations.
Chief Yim / Commander Fennell

10/15/12 Response:
Most units currently must create a designated Risk Manager from existing personnel in order to vigilantly track and monitor use of force investigations, for thoroughness, timeliness, quality control, patterns, potential liabilities, and other factors.

Risk Management positions are sometimes not filled in order to fill essential front line posts. This is made more difficult with mandatory budget reductions.

12/04/12 Response:
The Department has requested eight additional lieutenants to assist in relieving further administrative burdens of existing line lieutenants. These lieutenants would be assigned to the following facilities: Century Regional Detention Facility, North County Correctional Facility, PDC East facility, PDC South Facility, PDC North Facility, Inmate Reception Center, Mira Loma Detention Center, and Transportation Services. Men's Central Jail and Twin Towers Correctional Facility already have Risk Management Lieutenants in place.

The Risk Management lieutenant would ensure the quality control of use of force investigations, inmate complaints, civil claims, lawsuits, and other risk management concerns determined by the Unit Commander. The timeliness and thoroughness of investigations is necessary to ensure proper accountability and reduce civil liability.

The qualifications of the Risk Management lieutenant require law enforcement experience as well as extensive institutional knowledge of the Sheriff's Department, policies, tactics, judicial procedures, and administrative investigations. In addition, this position would be almost exclusively interacting with various line lieutenants and sergeants, thus requiring the level of responsibility associated with the rank of lieutenant.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.9 (IMPLEMENTED)
Force investigations should not be conducted by deputies' supervisors.
Chief Abner / Commander Hellmold

10/15/12 Response:
The Department agrees that force investigations should not be conducted by deputies' immediate supervisors, particularly when the leadership or involvement of the supervisor could be in question.

The Department has worked with the Office of Independent Review (OIR), and Special Counsel Merrick Bobb to develop policy to ensure that supervisors involved in a use of force incident shall not conduct the investigation. Additionally, any case where supervision is in question will be reviewed by both the watch commander and unit commander.

12/04/12 Response:
Strict compliance with the recommendation would require significant funding to ensure force investigations are not conducted by deputies' immediate supervisors. The Department will continue to work with the Implementation Monitor to develop viable solutions, and ensure compliance with the intent of the recommendation.

Update 01/15/13:
The new Use of Force Policy implemented on January 1, 2013, requires that any incident which involves a major application of force, and/or which results in serious injury, be investigated by a Force/Shooting Response Team assigned to Internal Affairs Bureau (IAB).

For all other use of force incidents, not handled by IAB, the new policy prohibits immediate supervisors who are present at a force incident from conducting, or even being present during, any investigative interview of an involved suspect. Additionally, immediate supervisors who direct force will be restricted from conducting any part of the investigation, unless extenuating circumstances exist and approval is granted by a Watch Commander or Supervising Lieutenant overseeing the investigation.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

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

Chief Abner

10/15/12 Response:
The Department will develop procedures to prohibit Captains from changing charges, reducing discipline, or holding penalties in abeyance for discipline involving use of force, dishonesty, or failure to report force incidents. Such changes will require consultation with the employee associations (ALADS and PPOA). The Department will keep the Board updated about the status of this recommendation.

12/04/12 Response:
The Department is consulting with County Counsel on this recommendation.

Update 01/15/13:
County Counsel has been consulted on this recommendation. A Unit Commander's Letter is being drafted and will provide guidance to captains regarding making changes to discipline during the Step I grievance process.

Recommendation 7.11 (IMPLEMENTED)
The Department should vigorously investigate and discipline off-duty misconduct.
Chief Abner

10/15/12 Response:
The Department agrees that off-duty misconduct should be vigorously investigated and disciplined when founded. The Department will ensure oversight and review through the new inspectional process and Case Review, where applicable.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.12 (IN PROGRESS)
The Department should implement an enhanced and comprehensive system to track force reviews and investigations.

Chief Betkey

10/15/12 Response:
The Commission accurately reports that current Department policies require the completion of force reviews and administrative investigations in an appropriate time frame. In order to do a better job at enforcing those policies, the Sheriff's Department has implemented captain and commander duty statements, specifically identifying their duty to ensure objective and timely review of force investigations.

This policy provides the clarity of specific job functions to hold deficient performers accountable for their failures, without excuse or claim of ignorance. This clarity in expectations is not only reinforced through the chain of command, but at the annual "Captain's College" and "Commander's College" training seminar conducted by Department senior management.

12/04/12 Response:
The Department is currently implementing a database known as Operations Information Management (OIM) within Custody Division. OIM is in use within other units of the Department and it is anticipated the implementation phase, barring any unforeseen circumstances, will be the first week of April 2013. OIM will enable custody managers to assign and track force reviews and investigations. Concurrently, the Custody Automation Reporting and Tracking System (CARTS) is being built which will, once implemented, replace all functionality of Facilities Automated Statistical Tracking (FAST) and OIM. Because the OIM database is already in use, the Department will incur only licensing fees in order to implement OIM. The implementation of CARTS will be completed by June 2014.

OIM is only considered a temporary solution to capture data until a more reliable and comprehensive system, (CARTS) can be developed. OIM is not based on enterprise level architecture and is not suitable for the quantity of data to be used as a long term solution. Licensing fees for OIM is approximately $30,000.

Recommendation 7.13 (IN PROGRESS)
Inmate complaints should be tracked by deputies' names in PPI.
Chief Betkey

10/15/12 Response:
The Department's long-term plan is to create a new module in the updated Personnel Performance Index (PPI) database. In order to comply immediately, the Department is currently tracking inmate grievances, by the names of Department personnel, in the Facilities Automated Statistical Tracking (FAST) database.

Consistent with the Commission's recommendations, the information can be used to identify potential patterns of conduct by personnel. The process has been incorporated into the regular duties of each jail captain in order to ensure oversight and early warning to potential problems.

12/04/12 Response:
See recommendation 3.8 for status updates on PPI.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 7.14 (IN PROGRESS)
The inmate grievance process should be improved and include added checks and oversight.

Chief Yim

10/15/12 Response:
The Department agrees that the inmate grievance process should be improved, with added checks and oversights. The Department has worked with the American Civil Liberties Union (ACLU), Office of Independent Review (OIR), and Special Counsel Merrick Bobb to create an inmate grievance form and policies acceptable to all parties. The process was presented in Federal court and the Department has been utilizing the established form and procedures.

The Department also implemented its own "Anti-Retaliation Policy" (Custody Division Manual Section 5-12/005.05) to ensure inmates were not discouraged from filing inmate grievances.

12/04/12 Response:
This recommendation includes several components:

- Each complaint form should be serialized and should be placed into two separate boxes – one for the Department and one for an outside oversight entity (e.g. ACLU or Inspector General)
- The complaint should not be investigated by the involved deputy's supervising sergeant
- Internal Affairs Bureau (IAB) should investigate any cases in which there is retaliation against an inmate.

Complaint Forms and Separate Boxes
This recommendation would require the department to reprint the current Inmate Complaint Forms as well as change the design procedure to address how to include sequential numbers for tracking on the forms.

Preliminary cost estimates to add an additional fourth page (outside oversight entity copy), and create envelopes for inmates to place in our existing lockboxes or to mail directly to the outside entity, replicating the new medical complaint process format, is $164,000 to produce 1 million new forms and envelopes. It is anticipated that this supply would last approximately six to eight months.

In addition, the Department would be required to install about 450 additional lock boxes throughout the jail system for the outside entity copies of the forms. The Department estimates the cost of the additional lock boxes to be approximately $22,500. This would be the least expensive option, but it comes with some undesirable consequences.

The new proposed sequential forms would require accountability by each facility. Accountability would require personnel to pass out forms only when requested by an

inmate. Personnel would also have to log each form and serial number in order to track and maintain a record. The Department would no longer be able to leave the Inmate Complaint/Request forms unsecured for inmates to retrieve at their leisure as the serialized forms would require tracking. This contradicts requests by inmate advocate groups that have requested that inmates have easy access to forms without having to ask a deputy for them.

The additional lock boxes would require the outside oversight entity to go inside security at each of the facilities, on a daily basis, to service the 450 lock boxes.

A viable alternative solution would be to implement an automated inmate complaint program utilizing iPad kiosks. This would be an automated system which does not require any type of paper forms. It would no longer require sergeants to collect the forms each shift. All complaints would be sent electronically to the appropriate unit or person in real time. The electronic complaints would be serialized and traceable.

A pilot program for Twin Towers is estimated to cost the department approximately $493,469 and will take about six months to develop. The cost for this type of system is higher initially, but it comes with some tremendous advantages.

The inmate's complaint is sent immediately, in real time, to the outside oversight entity and to the appropriate custody personnel for investigation and resolution. The complaint is logged and tracked without any involvement by security deputies. The outside oversight entity does not need to physically walk throughout each custody facility on a daily basis to collect inmate complaints from lock boxes.

The Department has consulted with Merrick Bobb, the ACLU, and OIR. All of them support the use of electronic forms as long as inmates have easy access to the kiosks from their living quarters. The Department will discuss this option with the implementation monitor.

Complaint Investigations

The Department, when feasible, will have a sergeant from another part of the facility investigate a complaint. There are times, however, when this in not feasible. The Department has instituted mandatory job rotations at all Custody facilities. This means, as time goes on, every sergeant will have supervised every deputy at some point or another. Also, there are some instances, at some facilities, in which there is no other sergeant on-duty to investigate the complaint other than the supervising sergeant or the watch sergeant, who effectively supervises the entire shift.

Anti-Retaliation

The Department has implemented an Anti-Retaliation policy that requires the complaint to be documented and sent to IAB. The captain of IAB is responsible for determining who will conduct the investigation of the complaint.

Recommendation 7.15 (FUNDING REQUIRED)
The use of lapel cameras as an investigative tool should be broadened.

Chief Betkey

10/15/12 Response:
The Department agrees that the use of lapel cameras, more commonly known as a Personal Video Recording Device (PVRD), should be broadened.

The Department is in its final phase of piloting and evaluating PVRDs for use in the jails. There are some technical limitations of the devices, but the Department is working with several vendors to address these limitations in order to deploy the PVRDs. Since the Department is expanding high definition fixed video surveillance throughout its jail facilities, PVRDs will be utilized during high-risk escorts, significant incidents, or other notable duties with the need for a video record of the incident.

12/04/12 Response:
The Department completed a comprehensive study that was delivered to the Board on November 2, 2012. The Department is working with the Chief Executive Officer to identify funding for this recommendation.

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 8.1 (FUNDING REQUIRED)
The Board of Supervisors should create an independent Inspector General's Office to provide comprehensive oversight and monitoring of the Department and its jails.

10/15/12 Response:
I agree and proposed a similar concept to your Board in 1999. The Department will support the Board's efforts to increase oversight and accountability in the jails through the Office of Inspector General (OIG).

STATUS OF RECOMMENDATIONS REGARDING THE JAIL SYSTEM

Recommendation 8.2 (IMPLEMENTED)
The Department should report regularly to the Board of Supervisors on use of force and the status of Custody reform recommendations.

Sheriff

10/15/12 Response:
The Department agrees to report regularly to your Board on use of force and the status of Custody reform recommendations. I respect the Board's role of ensuring proper oversight of all County Departments, and will continue to provide reports showing use of force statistics, or any other data the Board feels helpful to ensure proper oversight and review.

I will continue to make myself available to the Board to present the ongoing status of jail reforms, and anything relating to the Department. I, along with the assistant sheriff for Custody, will continue to update the Board regarding jail reforms with support documentation reflecting implementation steps and status.

The Department appreciates the Commission's recognition that the Board should use its budgetary and oversight authority to ensure that any funds allocated by the Board to the Department to implement recommendations and reforms are used for their intended purposes.

Recommendation 8.3 (FUNDING REQUIRED)
OIR should review unit level investigations for fairness and accuracy.

10/15/12 Response:
The Department agrees that the Office of Independent Review (OIR) should be given the resources necessary to add a staff position to ensure that the procedures and dispositions of all force incidents handled at the unit level are fair and thorough.

The Department will work with OIR to facilitate such oversight should the Board decide to fund the recommendation.

Recommendation 8.4 (FUNDING REQUIRED)
The OIG should review the Department's data for trends, spikes, and patterns in the jails.

10/15/12 Response:
The Department agrees that the Office of Inspector General (OIG), if created by your Board, should review the Department's data for trends, spikes, and patterns in the jails. The Department will fully cooperate and work directly with the OIG to provide all that is needed to facilitate such analysis.