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JOHN F. KRATTLI  
County Counsel

October 23, 2012

Agenda No. 20  
10/23/12

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

**Re: Report on Legal Issues Relating to Recommendations Made by  
the Citizens' Commission on Jail Violence**

Dear Supervisors:

On October 2, 2012, your Board instructed County Counsel to analyze the legal ramifications of the recommendations made by the Citizens' Commission on Jail Violence ("CCJV") regarding the Los Angeles County Jails. This report addresses the overarching legal principles applicable to the recommendations.

**I. Authority of the Board of Supervisors and the Sheriff**

The threshold issue affecting the implementation of the CCJV's recommendations is the scope of your Board's authority and the scope of the Sheriff's authority over law enforcement operations.

**A. Sheriff's Authority**

The California Constitution provides that the Legislature shall provide for an elected sheriff in each county. State law confers upon the sheriff the primary responsibility for investigating public offenses and for arresting and taking before a magistrate all persons who have committed an offense. The sheriff is also responsible for the policies, procedures and administration of the county jail.

A sheriff is functionally independent from the control of county boards of supervisors in performing these law enforcement functions. The courts have indicated that a board of supervisors cannot use its budgetary power to control the operation of the sheriff's office or county jail operations.

**B. Board of Supervisors' Authority**

**1. Budgetary/Fiscal Power**

A sheriff does not have unfettered discretion, however, when it comes to the jail or other law enforcement functions. For example, the Board controls the Sheriff's budget. The adoption of a budget is a legislative function exclusively assigned to a board of supervisors.

The respective powers of a board of supervisors to determine a sheriff's budget and a sheriff's mandate to perform his assigned law enforcement functions have created conflicts between sheriffs and boards of supervisors across California. The Attorney General has opined that while a county board of supervisors has the power to set the budgets for the sheriff and district attorney, a board lacks the authority, directly or indirectly, to control the manner in which a sheriff (or district attorney) expends appropriated funds or the manner in which personnel are assigned, as such control would unlawfully impair the exercise of their constitutional and statutory powers.

The distinction between a board of supervisors' legislative role in appropriating resources for an elected official, and that elected official's authority in allocating those resources has been addressed by the courts. In one case, the Orange County Board of Supervisors eliminated the district attorney's investigative staff and transferred "overlapping" investigative services from the district attorney's office to the sheriff. The Court of Appeal held that the board's action was an unlawful interference with the district attorney's duties. The Court of Appeal found that the board's action was not budgetary in nature, and because it interfered with the performance of the district attorney's investigative and prosecutorial duties, it was beyond the board's lawful authority.

In contrast, in another case, a court held that the Butte County Board of Supervisors acted within its constitutional authority in ordering layoffs of sheriff's deputies. The court held that the adoption of the budget was a legislative act vested by law in the county board of supervisors and was not an exercise of the sheriff's law enforcement function, and that the Butte County Board of Supervisors did not reduce the sheriff's positions in a way that would obstruct the manner in which the sheriff was to perform his duties. A board of supervisors is not required to fund at a level the sheriff deems appropriate. The courts have held that a board can reduce the number of employees in a sheriff's department in response to legitimate fiscal concerns.

## 2. Oversight

While a board of supervisors cannot direct the manner in which the sheriff performs his assigned law enforcement functions, each board has a clear statutory duty to supervise the conduct of all county officers, including the sheriff. The California courts have held that the operations of the sheriff and the conduct of his or her employees are a legitimate concern of each board of supervisors, and that as part of a board's duty to supervise the conduct of the sheriff it may establish an advisory citizens commission to study, report and make recommendations to the sheriff and the board on the sheriff's operations.

Government Code section 25303 provides that boards of supervisors shall supervise the official conduct of all county officers:

The board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

This section shall not be construed to affect the independent and constitutionally and statutorily designed investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county.

Nothing contained herein shall be construed to limit the budgetary authority of the board of supervisors over the district attorney or sheriff.

As set forth above, a board's oversight authority does not extend to actions that would obstruct the investigative functions of the sheriff. Notwithstanding that limitation, section 25303 reflects your Board's authority to determine whether an elected officer, such as the Sheriff, has faithfully performed his or her duties, even though your Board cannot control, either directly or indirectly, the manner in which those duties are performed.

As part of your Board's oversight function, your Board can take steps to ensure that the Sheriff is faithfully performing his duties, including the creation of commissions to report on matters within your Board's interest.

### **C. CCJV's Recommendations**

Applying these principles to the CCJV's recommendations, your Board could create an independent oversight entity to look into the Sheriff's management of the jails. As envisioned by the Jail Commission, such an entity would oversee and monitor conditions in County jails, review use of force investigations and the disciplinary process, conduct its own investigations, and review and conduct its own audits and inspections, all with the goal of ensuring that the Board and the public are kept informed of jails conditions, that problems are promptly and publicly identified, and that needed reforms are implemented in a timely and most importantly transparent manner. For the reasons set forth above, this entity would need the cooperation of the Sheriff and would be most effective only if it had the full cooperation of the Sheriff. Your Board could also adjust the number of budgeted custody positions in response to budgetary considerations.

To the extent that the remainder of the CCJV's recommendations encompass operational changes within the Sheriff's Department, it is the Sheriff who would have the ultimate authority to decide whether and exactly how to implement the recommendations. Significantly, the Sheriff has already publicly indicated that he intends to implement all the recommendations that are within his authority, and that he welcomes the public accountability that an independent oversight entity would provide.

## **II. Office of Inspector General or Oversight Commission**

With regard to the creation of an OIG and/or an independent oversight commission to oversee and monitor the Sheriff's Department and the jails, it is within the Board's authority to create such an entity. The Sheriff would continue to have responsibility for law enforcement operations, with the OIG or the commission advising the Sheriff and providing public accountability. As the CCJV points out, through its independent and public reports, the OIG would

ensure that problems come to light and needed reforms are publicly presented and discussed in a timely manner.

**A. Confidentiality, Privileges, and the Brown Act**

Whether your Board creates an OIG or an oversight commission, the confidentiality of Sheriff's Department investigative reports, conclusions, and personnel records will have to be taken into account. Generally, peace officer personnel records, including certain investigative reports, are considered confidential and the Penal Code limits access to such records. Inmates maintain certain privacy interests regarding their incarceration. An inmate's medical and psychiatric records are generally considered to be confidential.

After your Board determines whether it will create an OIG or a citizens oversight commission, we can better assess and address issues relating to the confidentiality of Sheriff Department records.

A citizens oversight commission would be subject to the notice and operational mandates of the Brown Act as the Brown Act applies to all local legislative bodies, including commissions created by formal action of a legislative body.

**III. Labor Issues Related to the CCJV's Recommendations**

Many of the CCJV's recommendations touch upon issues that have been negotiated between the Association for Los Angeles Deputy Sheriffs ("ALADS") and the County. Implementation of some of those recommendations may require negotiation with ALADS.

Very truly yours,

  
JOHN F. KRATTLI  
County Counsel

JFK:jb

c: Leroy D. Baca, Sheriff

William T Fujioka, Chief Executive Officer

Sachi A. Hamai, Executive Officer, Board of Supervisors



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

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WILLIAM T FUJIOKA  
Chief Executive Officer

December 14, 2012

To: Supervisor Mark Ridley-Thomas, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

**REPORT BACK ON THE FEASIBILITY OF CREATING AN OFFICE OF INSPECTOR GENERAL AND FISCAL ANALYSIS OF THE CITIZENS' COMMISSION ON JAIL VIOLENCE RECOMMENDATIONS (ITEM 43-A, AGENDA OF OCTOBER 2, 2012)**

On October 2, 2012, the Board of Supervisors (Board) requested that County Counsel and the Chief Executive Office (CEO):

- 1) Evaluate the feasibility of creating an Office of Inspector General (OIG) to assist in safeguarding the integrity of the Sheriff's Department (Department). The feasibility study should include a staffing plan, costs, funding sources and mechanism to act as the eyes and ears of the public, as well as to oversee internal affairs investigations and discipline, and review medical care delivery. The study should also include a review of legal constraints or limitations that would be imposed on an Inspector General pursuant to existing State law or constitution;
- 2) Determine the legal constraints or limitations imposed by State law or the constitution in implementing any of the Citizens' Commission on Jail Violence (CCJV) recommendations. If legislative constraints exist, identify the action steps the Board must take to obtain the necessary authority to execute the CCJV recommendations; and
- 3) Provide a fiscal analysis of the CCJV's 63 recommendations.

County Counsel issued two separate confidential memorandums on October 19, 2012 and November 6, 2012, analyzing the legal ramifications of the recommendations made by the CCJV including the feasibility of creating an OIG and the action steps the Board must take, if any, to obtain the authority to execute the recommendations. County Counsel has responded to items 1 and 2 of the Board's motion.

This report will focus on the fiscal analysis of the recommendations (item 3 of the Board's motion), including a preliminary staffing plan, cost estimate, and framework for the OIG.

## **BACKGROUND**

In October 2011, following the release of a series of inmate affidavits alleging deputy misconduct and abuse by the American Civil Liberties Union, the Board authorized the creation of the CCJV. The CCJV, consisting of five members appointed by the Board, was charged with the responsibility of conducting a review of the nature, depth, and cause of inappropriate deputy use of force in the jails and to recommend corrective action as necessary.

On September 28, 2012, the CCJV released its findings regarding excessive and unnecessary use of force in the County jails. The report outlined 63 recommendations for implementation by the Department.

## **FISCAL ANALYSIS**

After review of the CCJV report and the Department's October 15, 2012, implementation proposal, CEO initially identified 18 recommendations with a potential fiscal impact. Upon consultation with the Board appointed independent implementation monitor (Monitor), that number has been revised to 14 due to an overlap of several recommendations.

Although all 63 CCJV recommendations are interrelated and should be considered collectively by the Department (Attachment I), the remaining 49 recommendations primarily reflect changes in the Department's practices, policies and procedures, or organizational structure. These recommendations will be addressed by the Monitor in conjunction with the Department. However, as refinements are made to the implementation plan, additional recommendations may be identified that have a fiscal impact.

CEO has consulted with the Monitor and subject matter experts on developing a three phase fiscal strategic plan for implementation of the CCJV recommendations (Attachment II):

- Phase I: completion within 0 to 6 months (5 recommendations)
- Phase II: completion within 6 to 12 months (8 recommendations)
- Phase III: completion will require more than 12 months (1 recommendation)

The objective for this approach is to: a) identify and complete those recommendations that are the foundation for other reforms (e.g., recruitment of the Assistant Sheriff); and b) provide the Monitor and subject matter experts with the time to conduct the necessary review/analysis of the Department's operational changes and corresponding staffing and resource requests.

As each recommendation moves toward a Monitor approved implementation strategy, CEO will review the corresponding staffing and resource requests. CEO funding recommendations will then be submitted to the Board to coincide with the next earliest phase of the County budget process: mid-year budget adjustment (February 2013); Recommended Budget (April 2013); year-end budget adjustment or Adopted Budget (June 2013); and Supplemental Budget (October 2013).

The remainder of this report outlines the estimated completion timeframes for the 14 recommendations within the three phase approach.

## **PHASE I**

CEO has identified five recommendations that are proposed for implementation within the first six months.

### **1. Recommendation 3.12**

**The Board should provide funding so the Department can purchase additional body scanners.**

#### **Sheriff Response**

The Department has conducted a national survey of other correctional agencies on the effectiveness of body scanners, product analysis, and equipment pricing. The Department is currently in the procurement process with the Internal Services Department to purchase 20 units. The estimated cost per unit is \$175,000 with an estimated maintenance cost of 12 percent. The proposed scanners will be deployed as follows:

Facility	No. Body Scanners
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
Pitchess Detention Center - North	1
Pitchess Detention Center - South	1
Pitchess Detention Center - East	1
<b>Total</b>	<b>20</b>

#### CEO Analysis and Recommendation

On May 29, 2012, the Board approved the purchase of 17 strip/body cavity scanners for installation at the Department's Inmate Reception Center and various custody facilities at an estimated cost of \$3,578,000. The cost of the scanners was fully offset with funds from an "over detention" lawsuit settlement, which included inmate search procedures. The Department has advised that, due to price reductions, the available funds can actually purchase 20 scanners that will meet all facility needs.

The Department will be requested to provide a 90-day status report on the procurement and installation of the scanners, including their estimate for the useful life and replacement cycle for the scanners.

No additional funding is required.

Related recommendations: 3.12, 7.15

## **2. Recommendation 4.4**

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

#### Sheriff Response

The Department has current authorization for a third Assistant Sheriff position, but requires additional funding from the Board. Additionally, the Department merged Correctional Services and Custody Operations into a consolidated command under Custody Division.

On November 1, 2012, the Department submitted a funding request to the CEO for this recommendation. The Department is working with the Department of Human Resources (DHR) on the hiring process. A recruitment announcement has been approved by the Department and is posted on DHR's website. The Department anticipates the selection process to be completed by the end of the year.

#### CEO Analysis and Recommendation

The number of Assistant Sheriffs in the Department is specified in Section 33(e) of the County Charter. On March 5, 2002, the Department received voter approval to expand the number of unclassified Assistant Sheriffs from 2 to 3, provide the Sheriff with flexibility to choose between sworn or civilian candidates, and recruit from outside the Department for this position. The initial target date to complete the Assistant Sheriff recruitment was January 1, 2013. However, in consultation with the Monitor and subject matter experts, a thorough executive recruitment for this sensitive position would take several months to complete, including a nationwide search, interviews, and background checks.

The Department has ordinance authority to hire the third Assistant Sheriff, but will also require the CEO's interim ordinance authority to create two support staff positions (a lieutenant and secretary). The Department's annual cost estimate for all three positions is \$732,000. The CEO will work with the Department to identify existing resources that can be utilized to fund these positions; otherwise, a funding proposal will be presented in the CEO's mid-year or year-end budget adjustment.

Related recommendations: 4.3, 4.4, 4.5, 4.6, 4.7

### **3. Recommendation 7.5**

**Internal Affairs Bureau and Internal Criminal Investigations Bureau should be part of an Investigations Division under a Chief who would report directly to the Sheriff.**

#### Sheriff Response

The Department is proposing the creation of a new Internal Investigations Division tasked with the responsibilities of Internal Affairs Bureau (IAB) and Internal Criminal Investigations Bureau (ICIB). This division would be headed by a Chief position that would report directly to the Sheriff; thereby, sending 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, the Department agrees with the recommendation and, as a result, is considering the appointment of either a sworn or non-sworn Chief of Investigations from outside the Department. The Department is seeking candidates with expertise as a prosecutor or an investigator.

#### CEO Analysis and Recommendation

The Department has an existing vacant budgeted Chief position that will be reassigned to lead the new Internal Investigations Division. CEO will be working with the Department, Monitor, and subject matter experts on a timeframe for the recruitment of the Chief.

It should be noted that the aforementioned Chief position is on loan to the Education Based Incarceration program and is filled by a Captain position. CEO will work with the Department to identify other existing resources that can be utilized to fund this Captain position. If necessary, a new ordinance Captain position and corresponding funding proposal will be presented in the CEO's mid-year or year-end budget adjustment.

Per CCJV Report (Page 172):

*"The CCJV encourages the Sheriff to consider appointing a sworn or non-sworn Chief of Investigations from outside the Department and with expertise in prosecutions or investigatory work. Other systems, including New York's Department of Corrections, have found it useful to have civilian and/or permanent specialized staff that can bring qualified dispassionate and unbiased eye to this process with new approaches to the investigation of these matters."*

Related recommendations: 7.1, 7.3, 7.4, 7.5, 7.9, 7.10, 7.11, 7.14

#### **4. Recommendation 7.12**

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

#### Sheriff Response

The Department is currently implementing a database known as Operations Information Management (OIM). OIM will enable custody managers to assign and track force reviews and investigations. OIM is in use within other units of the Department and it is anticipated that implementation within the Custody Division will

be during the first week of April 2013. Because the OIM database is already in use, the Department will incur only licensing fees of approximately \$30,000.

OIM is only considered a temporary solution to capture data until a more reliable and comprehensive system 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.

#### CEO Analysis and Recommendation

CEO recommends the Department continue the process of implementing the proposed OIM database to create a more robust, but temporary, force tracking and investigations system. Funding at this time is not recommended as the Department should have sufficient funding within existing accounts to cover the initial cost of \$30,000. CEO will review the Department's budget at year-end to ensure that there will not be a shortfall in their accounts as a result of this project.

The Department's proposed long-term use of force tracking database solution is further discussed in Phase III of this report.

Related recommendations: 3.8, 3.9, 7.12, 7.13

### **5. Recommendation 7.15**

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

#### Sheriff 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.

#### CEO Analysis and Recommendation

CEO recommends that the Department move forward with the implementation of a pilot program to use the PVRDs during high-risk escorts, significant incidents, and as

needed. During the pilot program phase, the Department should be able to absorb these costs within their existing budget and report back to the Board with their findings after 90 days. CEO will review the Department's budget at year-end to ensure that there will not be a shortfall in their accounts as a result of this project.

Related recommendations: 3.12, 7.15

## **PHASE II**

CEO has identified eight fiscal recommendations that are proposed for implementation within the next six to twelve months. This implementation timeframe reflects the extensive scope of the CCJV report and the complexities with implementing comprehensive jail reforms. These eight CCJV recommendations present significant changes to the Department's staffing and operational models and directly affect deputy and inmate safety, employee relations, and risk management.

The Department, Monitor, subject matter experts, and CEO will take the following approach to develop an effective and fiscally sustainable implementation plan for each Phase II recommendation:

1. Subject matter experts will evaluate each proposal;
2. Monitor will share his expertise and ensure that each implementation plan is consistent with the intent of the corresponding CCJV recommendation;
3. CEO will provide analysis regarding fiscal, staffing, and employee relation issues; and
4. A funding request, as necessary, will be submitted to the Board for consideration during the Recommended, Adopted, or Supplemental Budget phase or year-end budget adjustment.

With exception of the OIG discussion, the following section summarizes the Department's current proposals for staffing, operational, and organizational changes. As previously noted, implementation of the Phase II recommendations may take up to 12 months; wherein, the CEO's comprehensive fiscal analysis and recommendation(s) will only be conducted upon the Monitor's determination that a proposal is ready for final review.

### **1. Recommendation 4.11**

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

### Sheriff 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.

Related recommendations: 4.9, 4.11, 6.5, 7.8

## **2. Recommendation 4.12**

### **LASD should create an internal Audit and Inspections Division.**

#### Sheriff Response

The Department's Commanders Management Task Force has met with the CCJV and the Los Angeles Police Department (LAPD) to explore the creation of an Internal Audit and Inspections Division. The Department has also consulted with the Auditor-Controller's Office for additional guidance.

The Department is proposing the creation of an Internal Audit and Inspections Division that will be tasked with quality assurance through the inspection and audit of the various units within the Department. In contrast, the proposed Internal Investigations Division (Recommendation 7.5) will be tasked with investigating specific complaints and allegations of personnel misconduct.

The organization of the new Internal Audit and Inspections Division will follow LAPD's model in which all investigators and inspections are centralized and standardized. This is in contrast to the current inspections which are conducted by individuals throughout the Department as a collateral assignment. Therefore, the Department estimates the creation of a new Internal Audit and Inspections Division will require the addition of 41 positions at an estimated annual cost of \$6.7 million.

The creation of an Inspectional Services Command (ISC) is also proposed to oversee the new Internal Audit and Inspections Division. 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 ISC's scope will encompass four main areas: Internal Command Inspections; Independent Audits, Inspections, and Review; Disciplinary Review; and Accountability and Maintenance.

The Department is discussing the 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.

Related recommendations: 3.10, 3.11, 4.12, 7.2

### 3. Recommendation 6.3

**Deputies and supervisors should receive significantly more Custody specific training overseen by the Department's Leadership and Training Division.**

#### Sheriff Response

The Department will enhance the custody training for new deputies to a total of 20 weeks as follows:

Custody Specific Training	Current	Proposed
<b>Deputies</b>		
Jail Operations Class	2 weeks	4 weeks
Training Officer Supervision	12 weeks	12 weeks
Facility-specific Training		4 weeks
Total Deputy Training	14 weeks	20 weeks
<b>Supervisors</b>		
	8 hours	40 hours

The Department will also provide existing deputies and supervisors additional custody training.

Furthermore, it is the Department's 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. The Department's initial proposal was for an additional 75 positions with an estimated annual cost of \$15.9 million.

Related recommendations: 3.3, 5.2, 6.2, 6.3, 6.4

#### 4. Recommendation 6.5

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

##### Sheriff Response

The current number of supervisors in Custody Division is critically low. Administrative burdens on the current supervisors diminish their ability to actively supervise 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.

The Department's initial proposal requested an additional 103 positions with an estimated cost of \$21.4 million. The new positions would be deployed directly to frontline 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
Pitchess Detention Center - East	0	6
Pitchess Detention Center - South	0	9
Pitchess Detention Center - North	0	5
Inmate Reception Center	0	10
Mira Loma Detention Center	0	6
Transportation Services	0	3
<b>Total New Positions</b>	<b>2</b>	<b>101</b>

Increasing the number of supervisors will have a significant impact on curbing the number of incidents of jail violence; nevertheless, the funding request does not provide Custody Division with an ideal supervisory staffing model.

Related recommendations: 4.9, 4.11, 6.5, 7.8

#### 5. Recommendation 6.7

**The Department should utilize more Custody Assistants.**

Sheriff Response

The Department's current Custody Division personnel staffing model is comprised of 68 percent Deputy Sheriffs and 32 percent Custody Assistants.

A completed assessment of all positions in Custody Division showed the Division was understaffed. Captains 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 Captains requested a total of 173 positions.

After a review of the personnel request and duty statements, the Department proposed the additional positions could be filled with 160 Custody Assistant items. If the Department maintained its current complement 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 complement of Custody Assistants, as agreed upon in the Memorandum of Understanding (MOU) with the Association for Los Angeles Deputy Sheriffs.

Facility	Deputy	CA	NEW POSITIONS	
			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
Pitchess Detention Center - East	129	59	14	14
Pitchess Detention Center - South	164	78	19	19
Pitchess Detention Center - North	144	67	5	5
Inmate Reception Center	251	186	55	45
<b>Total</b>	<b>2,226</b>	<b>1,061</b>	<b>173</b>	<b>160</b>

The Department is also 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.

The Department's initial proposal for an additional 160 Custody Assistant positions has an estimated total cost of \$14.9 million annually.

Related recommendations: 5.4, 6.1, 6.6, 6.7, 6.10

## 6. Recommendation 7.1

**The investigative and disciplinary system should be revamped.**

### Sheriff Response

The Department will need to expand the number of IAB investigators. The Commanders Management Task Force has already met with CCJV to explore comparable systemic changes implemented by 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 CCJV 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 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 OIG if approved by your Board; and
4. 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 would also be asked to document that information in their own records.

The Department proposes enhancing IAB with the addition of an initial 36 positions with an estimated cost of \$6.4 million annually. The Department will continue to work with the Monitor and subject matter experts to ensure compliance with the intent of the recommendation.

Related recommendations: 7.1, 7.3, 7.4, 7.5, 7.9, 7.10, 7.11, 7.14

## 7. Recommendation 7.8

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

### Sheriff Response

Currently, most units must create a designated Risk Manager from existing personnel in order to track and monitor use of force investigations, for thoroughness, timeliness, quality control, patterns, potential liabilities, and other

factors. However, Risk Management positions are sometimes not filled in order to fill essential frontline posts. This is made more difficult with mandatory budget reductions.

The Department has determined that eight Lieutenant positions would be needed to function as facility Risk Managers with an annual cost of \$1.8 million. These Risk Manager Lieutenants would ensure the quality control of use of force investigations, inmate complaints, civil claims, lawsuits, and other risk management concerns; thereby, ensuring proper accountability while minimizing civil liability exposure. With the exception of Men's Central Jail and Twin Towers Correctional Facility which already have Risk Manager Lieutenants in place, the Risk Manager Lieutenants will be assigned to each of the remaining custody facilities.

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

Related recommendations: 4.9, 4.11, 6.5, 7.8

## **8. Recommendation 8.1**

**The Board of Supervisors should create an independent Inspector General's Office to provide comprehensive oversight and monitoring of the Department and its jails.**

### Sheriff Response

The Department agrees and also 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 OIG.

### CEO Analysis and Recommendation

In response to the Board's directive, the CEO surveyed various counties and cities in California and the nation to determine the role and responsibilities of Public Safety Commissions/Boards or Inspector General Offices (Attachment III), as summarized below:

### County and Cities

The CEO conducted a survey of five urban counties and five metropolitan cities in the United States. In addition to reviewing available online documents regarding law enforcement oversight structure, we contacted each agency to confirm the authority the oversight entity possessed.

For those counties that have established an independent oversight agency for their elected Sheriff, the agency's recommendations are strictly advisory encompassing a wide spectrum of investigatory capabilities and access to personnel files. For the police departments, city's whose oversight entity is codified in their city charter have direct authority over the police department; whereas, others are primarily advisory and report directly to the mayor and/or police chief.

### State of California

Pursuant to California Penal Code 6125, the State created the OIG to review departmental policy and procedures, conduct audits of investigatory practices, and conduct investigations of the California Department of Corrections and Rehabilitation as requested by the Governor. The Inspector General has the authority to access and examine records of the entities under the Inspector General's jurisdiction for any audit or investigation.

### Public Safety Commission/Boards

Based on a preliminary review of Inspector General Offices or similar Boards/Commissions in other jurisdictions, we have determined that the primary function of an OIG is to enhance the integrity of law enforcement with civilian oversight and participation in the following:

- Reviews of departmental policy and procedures;
- Monitors, oversees, and advises the departments in its handling of critical incidents, as well as conducts investigations of the department;
- Audits of the department's internal investigatory practices/processes;
- Receives and investigates citizens' complaints regarding police officer misconduct; and
- Makes advisory recommendations on employee disciplinary matters.

### County of Los Angeles Oversight of the Sheriff's Department

Currently, the County has three separate entities (Attachment IV – Organizational Chart) responsible for the aforementioned functions: OIR, Special Counsel, and the Ombudsman. Any recommendations generated by these County oversight entities are strictly advisory.

#### Office of Independent Review

The mission of OIR is to monitor and provide legal advice to ensure that allegations of officer misconduct are investigated in thorough, fair, and effective ways.

To accomplish the aforementioned, OIR has complete access to departmental records, information technology systems, and personnel, as well as regularly attending departmental meetings regarding employee misconduct and related issues. In addition, OIR meets weekly with the Sheriff and is involved in all phases of investigations.

OIR also works closely with and is currently co-located with: 1) the investigators who conduct criminal and administrative investigations of Department employees (IAB and ICIB); 2) Homicide Bureau which investigates officer-involved shootings; 3) Civil Litigation Unit which investigates allegations of civil liability; and 4) Advocacy Unit which defends the Department's administrative determinations in subsequent hearings. Thus, the appropriate documents, staff, meetings, and information are easily accessible to OIR.

#### Staff:

OIR is staffed with a Chief Attorney, two Deputy Chief Attorneys, and five full-time attorneys with backgrounds in civil rights and criminal law issues. In addition, OIR has support staff and other resources which are provided by the Department. OIR attorneys are not County employees.

#### Costs:

The annual cost for OIR services in Fiscal Year (FY) 2011-12 was \$1.264 million. OIR services are fully funded by the Department.

#### Special Counsel

Special Counsel prepares semiannual audit reports to the Board of Supervisors regarding the Department. These reports reflect the Board's desire for ongoing monitoring and review of the Department's performance. The initial agreement

with Special Counsel, entered into in 1993, was for the purpose of monitoring the implementation of the Kolts Report.

Special Counsel to the Board has access, on an attorney-client basis, to confidential records of the County, its departments, and officers.

**Staff:**

The contract between Special Counsel and the County is for legal services rendered, and at his discretion, the services of employees from his law firm.

**Costs:**

Special Counsel is paid at a contractual rate of \$223 per hour, not to exceed 1,500 hours per year or \$334,500 annually.

*Office of Ombudsman*

The mission of the Ombudsman is to address citizens' issues and concerns regarding civilian and sworn personnel of the Department and other County departments and agencies as directed by the Board of Supervisors. The Ombudsman provides a neutral and impartial forum for residents to seek resolutions to their issues and complaints. Los Angeles County ordinance 2.37 states the Ombudsman shall perform the following specific duties:

- Communicate with the complainant on the progress of an investigation and its results, to the extent permitted by law;
- Review unfounded or unresolved complaint investigations conducted by the Department upon request of the complainant; and
- Select a judge from the approved panel of judges to review unfounded or unresolved complaint investigations conducted by the Department involving excessive force resulting in hospital examination or treatment, upon the request of the complainant.

**Staff:**

In FY 2011-12, the Ombudsman was staffed with six positions as follows: one Ombudsman, one Executive Secretary, three Ombudsman positions, and one support staff.

**Costs:**

In FY 2012-13, the operating budget for the Office of Ombudsman is \$1 million. The Office of the Ombudsman merged with the Department of Community and Senior Services in FY 2009-10.

### City of Los Angeles – Office of Inspector General

The City's OIG was established in 1995 in response to a recommendation of the 1991 Christopher Commission report and is responsible for monitoring the internal discipline system of the LAPD. The mission of the City OIG is to audit, investigate, and oversee the LAPD's handling of complaints of misconduct by police officers and civilian employees and perform other duties as assigned by the Police Commission. The City's Charter was amended in 2000, and the City OIG now has the following additional responsibilities:

- Authority to initiate any audit or investigation pertaining to LAPD without the approval of the Police Commission;
- Access to all information and documents of LAPD to the same extent as the Police Commission;
- Power to subpoena witnesses; and
- Authority to hire, discipline, and transfer employees of the City OIG.

The City's OIG has three sections: Complaint; Audit; and Use of Force (Attachment V - Organizational Chart).

#### Complaint Section

- Assists members of the public in filing complaints of misconduct involving LAPD employees;
- Assists LAPD employees in matters involving allegations of retaliation and other workplace concerns, as well as monitors LAPD's investigation into such matters;
- Ensures that other complaints of misconduct are properly handled and thoroughly and objectively investigated; and
- Conducts independent investigations into sensitive and/or high profile matters involving LAPD, either at the request of the Commission or Professional Standards Bureau.

#### Audit Section

- Reviews LAPD audits, assessing their completeness, quality and findings; and
- Audits higher-risk complaint investigations and non-categorical use of force investigations.

Use of Force Section

- Involved throughout the investigative and adjudicative process of every Categorical Use of Force (CUOF) incident (e.g., an officer-involved shooting, a head strike with an impact weapon, an in-custody death, etc.);
- Immediately notified by LAPD Command Post of a CUOF;
- Present at the scene of a CUOF to observe the investigation in progress;
- Review Force Investigation Division's investigation of the CUOF;
- Attend LAPD's Use of Force Review Board;
- Review and assess the Chief of Police memorandum to the Board of Police Commissioners regarding the CUOF; and
- Prepare an evaluation and assessment for the Commission's investigation as well as provide recommendations to the Commission regarding adjudication of the CUOF incident.

Staff: 34 positions

- 1 - Inspector General
- 4 - Assistant Inspector General
- 1 - Executive Administrative Assistant II
- 4 - Senior Clerk Typist
- 1 - Systems Analyst II
- 1 - Sergeant II
- 2 - Police Performance Auditor IV
- 7 - Police Performance Auditor III
- 13 - Special Investigators II

Costs:

The total annual operating cost of the City's OIG is approximately \$5.364 million.

**CEO Recommendation**

Upon consultation with the City's OIG, County Counsel, and the Monitor, CEO proposes the OIG be established organizationally within the Board's Executive Office and report directly to the Board. An experienced lawyer with significant knowledge of law enforcement should be appointed to head the office. The OIG would then:

- Select three subordinate attorneys (Assistant OIG) to oversee the three major divisions of the organization: Complaints, Audits, and Use of Force. These divisions would be further broken down into custody and patrol.
- Select an additional attorney (Assistant OIG) to serve as the Chief Deputy.

- Assume responsibility for all tasks currently performed by OIR and Special Counsel, as well as those performed by the Ombudsman, but only as it relates to the Sheriff's Department. The Ombudsman's responsibilities for other County agencies would remain intact.
- Hire administrative support staff.

The Inspector General, Assistant OIGs, and support staff of the newly created OIG would be County employees.

The CEO has drafted an OIG organizational framework, including duties and responsibilities (Attachment VI). The necessary classification, compensation, and funding structure for the OIG will be included as part of the Recommended Budget.

It is recommended that a quality nationwide recruitment for the OIG begin as soon as possible. Upon appointment, the Inspector General along with CEO and the Monitor will work together to further develop/refine the structure and investigation model, including the corresponding staffing level. At which point, CEO will return to the Board with a more detailed organizational chart and estimated operational costs.

Related Recommendations: 8.1, 8.3, and 8.4.

### **PHASE III**

This consists of the development of a data tracking system.

#### **1. Recommendation 3.8**

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

#### **Sheriff Response**

The Department plans to upgrade the current Personnel Performance Index (PPI) to a comprehensive single solution for tracking all aspects of Department personnel performance regardless of assignment. It is estimated the PPI upgrade 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 Facilities Automated Statistical Tracking System (FAST), OIM, and Custody Automated Reporting and Tracking Systems

(CARTS). PPI was made solely to compile and report statistics regarding 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 has forwarded the proposed system upgrades to the County's Chief Information Officer for his review.

#### CEO Analysis and Recommendation

This recommendation will require consultation with the Chief Information Office, the Monitor, and subject matter experts for a comprehensive analysis of the reporting criteria, system requirements, and staffing needs.

Related recommendations: 3.8, 3.9, 7.12, 7.13

#### **CONCLUSION**

The CEO will be working with the Sheriff's Department and the Monitor to track the progress and resources required by the Department to implement CCJV's recommendations.

During Phase I, this Office anticipates preparing the following recommendations during the mid-year budget adjustment:

1. The appointment of an Assistant Sheriff, overseeing the Custody Division, and two corresponding staff. FY 2012-13 cost for the three positions will be prorated and not to exceed \$192,750.
2. Provide ordinance authority for a Captain, Sheriff. FY 2012-13 cost will be absorbed by the Department for the remainder of the year.

The Department will also be requested to report on the status of the body scanners procurement and installation, implementation of the OIM system, and lapel camera pilot program within the jails.

Each Supervisor  
December 14, 2012  
Page 22

With respect to Phase II, as the Monitor approves each recommendation, CEO will submit a corresponding funding request to the Board for consideration. It is anticipated that funding for the Inspector General and support staff will be submitted during the Recommend Budget phase. A recommendation for Phase III will be submitted following a comprehensive assessment by the Monitor, Special Consultants, and CEO staff.

Should you or your staff have any questions, please contact Ms. Georgia Mattera, Public Safety, at (213) 893-2374.

WTF:GAM:SW  
DT:ilm

#### Attachments

c: Executive Office, Board of Supervisors  
County Counsel  
Sheriff  
Chief Information Office  
Internal Services

# Citizens Commission on Jail Violence

## CEO MATRIX

CEO Reform Category	Rec #	Short Title
<b>Board Oversight</b>	<b>8.01</b>	Creation of Office of Inspector General
	<b>8.02</b>	Sheriff should brief the Board of Supervisors
	<b>8.03</b>	OIR responsibilities
	<b>8.04</b>	OIG responsibilities
<b>Custody: Assistant Sheriff</b>	<b>4.03</b>	Undersheriff responsibilities
	<b>4.04</b>	Creation of Assistant Sheriff of Custody
	<b>4.05</b>	Assistant Sheriff recruitment
	<b>4.06</b>	Assistant Sheriff as a direct report to Sheriff
	<b>4.07</b>	Assistant Sheriff assume Task Force role
<b>Custody: Career Track</b>	<b>5.04</b>	Creation of Dual Career Track
	<b>6.01</b>	Recruitment of qualified Custody workforce
	<b>6.06</b>	Dual Career Track transition
	<b>6.07</b>	Expand use of Custody Assistants
	<b>6.10</b>	Create separate Custody Division
<b>Custody: Management</b>	<b>4.09</b>	Custody supervisor accountability
	<b>4.11</b>	Facility Administration staffing
	<b>6.05</b>	Supervisor to Staff ratio
	<b>7.08</b>	Custody Facility Risk Managers
<b>Custody: Training</b>	<b>3.03</b>	Custody training of Use of Force Policy
	<b>5.02</b>	Use of Force Policy (academy/continuing education)
	<b>6.02</b>	Strategic recruitment plan
	<b>6.03</b>	Increase Custody specific training
	<b>6.04</b>	Rigorous probationary period assessments
<b>Use of Force: Investigations</b>	<b>7.01</b>	Restructure investigation/disciplinary system
	<b>7.03</b>	Use of Force incident protocol (timeliness)
	<b>7.04</b>	Use of Force incident protocol (separate deputies)
	<b>7.05</b>	Create Investigations Division (recruit external Chief)
	<b>7.09</b>	Independent Use of Force incident investigation
	<b>7.10</b>	Restrict Captain's ability to reduce charges/penalties
	<b>7.11</b>	Off-Duty incident investigations/discipline
	<b>7.14</b>	Improve inmate grievance process
<b>Use of Force: IT Systems</b>	<b>3.08</b>	Information System overhaul (2 phases)
	<b>3.09</b>	Complaint tracking (by Deputy involved)
	<b>7.12</b>	Use of Force Tracking System
	<b>7.13</b>	Complaint tracking (by Deputy involved)
<b>Use of Force: Quality Assurance</b>	<b>3.10</b>	Analysis of Use of Force complaints
	<b>3.11</b>	Sheriff/Executive monitor Custody complaint statistics
	<b>4.12</b>	Create Internal Audit and Inspections Division
	<b>7.02</b>	Reevaluate role of Custody Force Review Committee
<b>Equipment</b>	<b>3.12</b>	Body Scanners
	<b>7.15</b>	Lapel Cameras

# Citizens Commission on Jail Violence

## CEO MATRIX

CEO Reform Category	Rec #	Short Title
<b>Sheriff Oversight</b>	4.01	Sheriff and Executive's presence jails
	4.02	Sheriff accountability of his Executives
	4.08	Sheriff must be briefed on jail operations
	4.10	Sheriff and Executive's presence jails
	4.14	Identify national best practices
	5.05	Executives should be engage in custody
	6.09	Department Mission Statement (include Custody)
<b>Use of Force: Policy</b>	3.01	Consolidated Use of Force Policy
	3.02	Deputy acknowledgement of Use of Force Policy
	3.04	Use of Force Policy (force prevention principles)
	3.05	Use of Force Policy (objective standards)
	3.06	Use of Force Policy (structure use of force)
	3.07	Use of Force Policy (special needs population)
	<b>Culture: Ethics</b>	4.13
5.03		Ethics training (academy/continuing education)
5.06		Ethics (zero tolerance for dishonesty)
7.07		Penalties for ethics violations
<b>Culture: Respect</b>	5.01	Inmate respect policy/practices
	5.08	Department discourage Deputy cliques
	7.06	Respect of Internal Affairs Bureau
<b>Custody: Rotations</b>	5.07	Custody Deputy assignment rotations (cliques)
	6.08	Custody rotations (build experience/prevent cliques)
Board - Non-fiscal recommendation		
Board - Fiscal recommendation		
Sheriff - Non-fiscal recommendation		
Sheriff - Fiscal recommendation		

Citizens Commission on Jail Violence  
3 PHASE FISCAL IMPLEMENTATION PLAN

		Rec No.	Recommendation (Short Title)	LASD Staffing Request (as of 12/4/12)	LASD Estimate (as of 10/15/12)	LASD Estimate (as of 12/4/12)	CEO Recommendation
<b>PHASE I</b>							
0-6 months)	1	3.12	Body Scanners	NA	TBD	TBD	\$0
	2	4.04	Creation of Assistant Sheriff of Custody	3	\$732,000	\$771,000	TBD
	3	7.05	Create Investigations Division (recruit Chief)	1	\$1,223,000	\$313,000	\$0
	4	7.12	Use of Force Tracking System	TBD	TBD	TBD	\$0
	5	7.15	Lapel Cameras	NA	TBD	TBD	TBD
<i>PHASE 1 Total</i>				4	\$1,955,000	\$1,084,000	\$0
<b>PHASE II</b>							
6-12 months)	1	4.11	Facility Administration Staffing	TBD	TBD	TBD	TBD
	2	4.12	Create Internal Audit & Inspections Division	41	\$6,702,000	\$8,464,000	TBD
	3	6.03	Increase Custody Specific Training	75	\$15,867,000	\$12,097,000	TBD
	4	6.05	Supervisor to Staff Ratio	103	\$21,431,000	\$19,647,000	TBD
	5	6.07	Expand Use of Custody Assistants	160	\$14,875,000	\$14,875,000	TBD
	6	7.01	Restructure Investigation/Disciplinary System	36	\$6,373,000	TBD	TBD
	7	7.08	Custody Facility Risk Managers	8	\$1,784,000	\$1,718,000	TBD
	8	8.01	Establish Office of the Inspector General	TBD	TBD	TBD	TBD
<i>PHASE 2 Total</i>				423	\$67,032,000	\$56,801,000	\$0
<b>PHASE III</b>							
>12 months)	1	3.08	Information System overhaul	TBD	TBD	\$3,000,000	TBD
	<i>PHASE 3 Total</i>				0	\$0	\$3,000,000
<b>TOTAL IMPLEMENTATION</b>				<b>427</b>	<b>\$68,987,000</b>	<b>\$60,885,000</b>	<b>\$0</b>

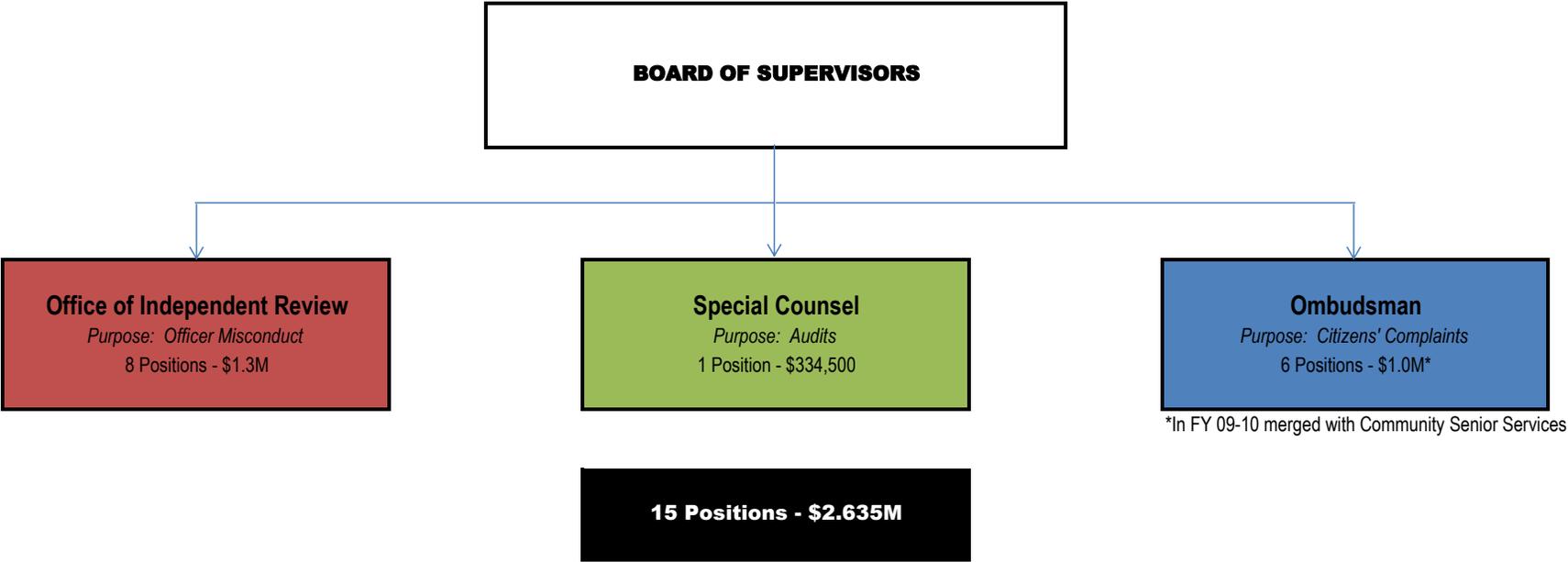
<b>PUBLIC SAFETY ADVISORY BOARDS</b>			
<b>State</b>	<b>Name</b>	<b>Authority</b>	<b>Appointed By</b>
<b>California</b>	Office of the Inspector General	Responsibility for reviewing departmental policy and procedures, conducting audits of investigatory practices, and conducting investigations of CDCR as requested by the Governor. Inspector General with access to and authority to examine records of the entities under the Inspector General's jurisdiction for any audit or investigation.	California Penal Code section <a href="#">6125</a> establishes the Office of the Inspector General as an independent governmental entity and provides for the Inspector General to be appointed by the Governor, subject to Senate confirmation.
<b>County</b>	<b>Name</b>	<b>Authority</b>	<b>Appointed By</b>
<b>Orange</b>	Office of Independent Review	Responsible for monitoring, assisting, overseeing and advising the Orange County Sheriff-Coroner Department (OCSO) in its handling of critical incidents and allegations of employee misconduct. The fundamental responsibility of the OIR is to ensure that the OCSO response to these matters is thorough, fair, and effective.	Office established by the Board of Supervisors consisting of one director supervising a team of investigators and administrative staff.
<b>San Diego</b>	Citizens' Law Enforcement Review Board	Advisory committee that receives and investigates complaints about the conduct of peace officers	11 Volunteer community members not affiliated with the Sheriff Department apply to the County CAO and are appointed by the Board of Supervisors
<b>Miami-Dade</b>	Citizen Advisory Committee	Makes strictly advisory recommendations on disciplinary matters	15 members per unincorporated district
<b>Sacramento</b>	Office of the Inspector General	Monitor investigations of citizens' complaints	By County Ordinance, enters a personal services

		concerning misconduct by Sheriff employees.	contract with Sacramento County and will serve as a contractor in order to maintain independence.
<b>Dallas</b>	Criminal Justice Advisory Board	Makes strictly advisory recommendations on disciplinary matters	30 Ex-officios (County, Cities, State, local Feds)
<b>City</b>	<b>Name</b>	<b>Authority</b>	<b>Appointed By</b>
<b>Los Angeles</b>	Police Commission	Sets policies for the Police department and overseeing its operations. The Commission works in conjunction with the Chief of Police who acts as a chief executive officer and reports to the Board. By charter, the City's Office of the Inspector General reports to the Police Commission, but only serves in an advisory capacity.	Under the City Charter, the Board of Police Commissioners is the head of the Police Department. The Board sets overall policy while the Chief of Police manages the daily operations of the Department and implements the Board's policies or policy direction and goals.
<b>New York</b>	Civilian Complaint Review Board	By charter, the CCRB is empowered to receive, investigate, mediate, hear, make findings and recommend action on complaints against New York City police officers which allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language.	The board is made up of 13 members of the public. Five members, one from each borough, are designated by the city council, three members with law enforcement experience are designated by the police commissioner, and the remaining five members are selected by the mayor. The mayor appoints all 13 members and selects the chair.
<b>Houston</b>	Independent Police Oversight Board	Makes strictly advisory recommendations on disciplinary matters	20 members appointed by Mayor
<b>Detroit</b>	Board of Police Commissioners	Final disciplinary authority on all disciplinary matters	4 members appointed by the Mayor but subject to City Council approval

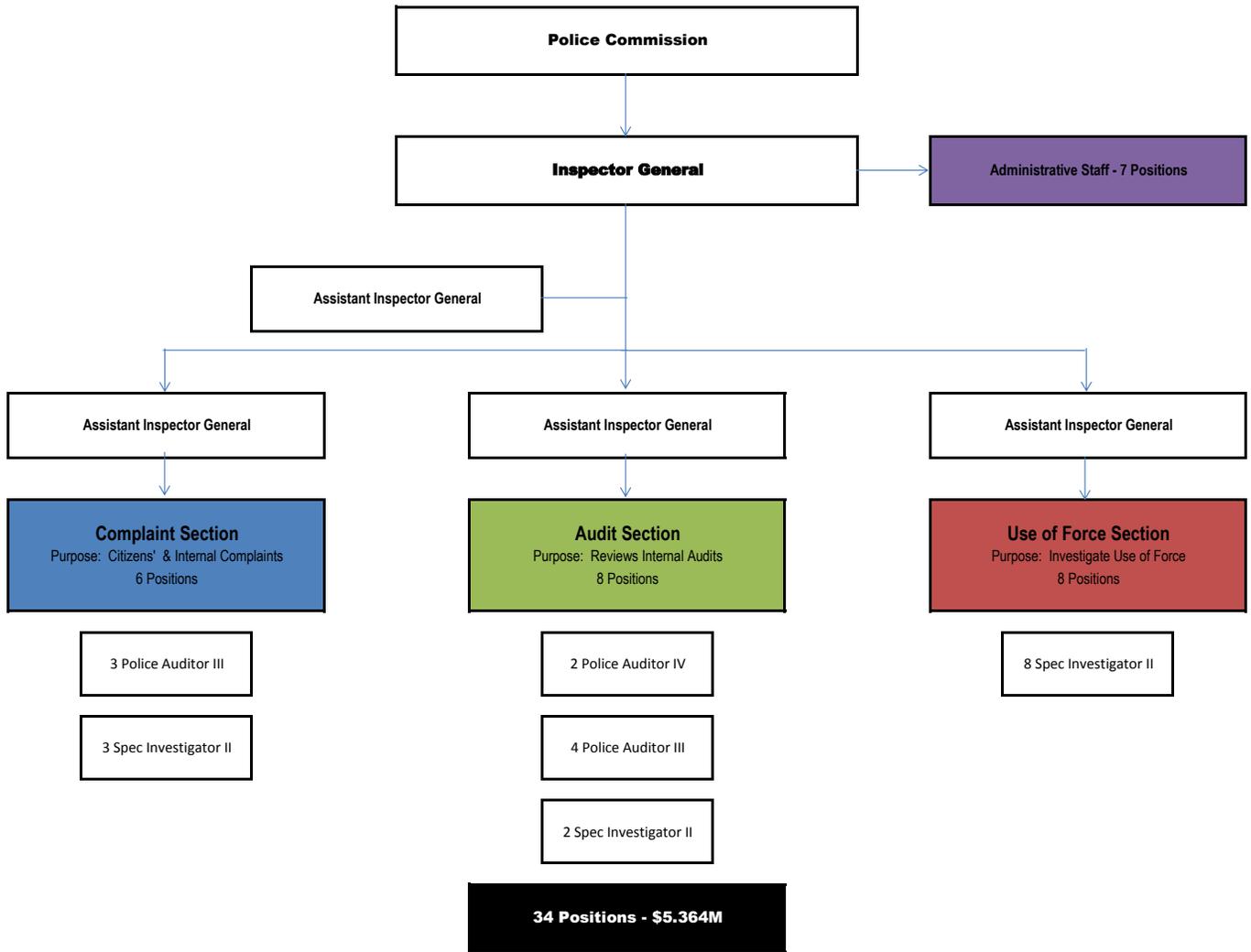
<b>Denver</b>	Independent Monitor	Monitor and Advisory authority to participate in the investigation of sworn personnel. Recommendations are made to the Manager of Safety for possible discipline	By ordinance, the Independent Monitor is appointed by the Mayor and confirmed by the Counsel
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**EXISTING STRUCTURE**

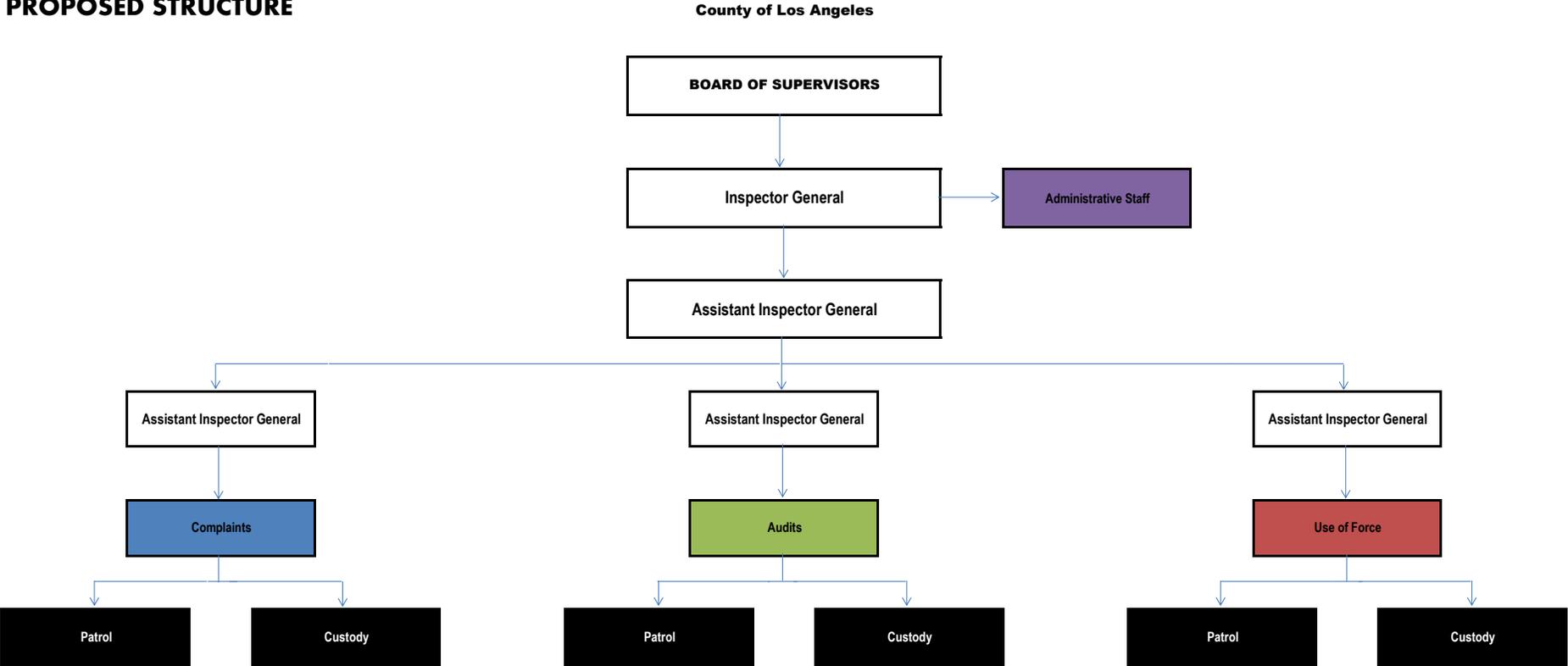
**County of Los Angeles**



**City of Los Angeles**



**PROPOSED STRUCTURE**





# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

**WILLIAM T FUJIOKA**  
Chief Executive Officer

July 22, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## **CHIEF EXECUTIVE OFFICE RECOMMENDATIONS FOR FUNDING TO IMPLEMENT THE CITIZEN'S COMMISSION ON JAIL VIOLENCE RECOMMENDATIONS: 6.03 - CUSTODY TRAINING; 6.05 - SUPERVISORS; AND 7.08 - RISK MANAGERS**

On October 2, 2012, the Board of Supervisor (Board) requested that the Chief Executive Office (CEO) provide a fiscal analysis of the Citizen's Commission on Jail Violence recommendations and report back on as needed basis once the recommendations have been reviewed and are ready for implementation.

### **BACKGROUND**

On October 18, 2011, the Board authorized the creation of the Citizen's Commission on Jail Violence (CCJV) directing the Commission to "conduct a review of the nature, depth and cause of the problem of inappropriate deputy use of force in the jails and to recommend corrective action as necessary." On September 28, 2012, CCJV released its report and findings outlining 63 recommendations for implementation by the Sheriff's Department.

On October 2, 2012, the Board requested that County Counsel and CEO: (1) evaluate the feasibility of creating an Office of Inspector General to assist in safeguarding the integrity of the Sheriff's Department; (2) Determine the legal constraints or limitations imposed by State law or constitution in implementing any of the CCJV recommendations; and (3) provide a fiscal analysis of the CCJV 63 recommendations.

*"To Enrich Lives Through Effective And Caring Service"*

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Intra-County Correspondence Sent Electronically Only**

On October 15, 2012, the Sheriff's Department submitted a memo to the Board requesting approximately \$68,987,000 in additional funding and 462 positions to implement recommendations contained in the CCJV report.

On October 18, 2012, the CEO requested additional information from the Department in order to assist our office in completing the fiscal analysis and preparing final recommendations for consideration by the Board. In addition, the CEO identified only 14 recommendations with a potential financial impact.

On December 14, 2012, the CEO issued a report providing a preliminary fiscal analysis of the CCJV recommendations. In addition, in consultation with the Monitor and subject matter experts, the CEO developed a three phase fiscal strategy for implementation and funding of those recommendations. As each proposal is approved by the Monitor and subject matter experts, it is then forwarded to the CEO for a fiscal review/analysis. CEO funding recommendations would then be submitted to the Board for consideration.

On March 5, 2013, as part of the CEO's Mid-Year Budget Adjustment, funding for the new Assistant Sheriff for the Custody Division and support positions, as well as a new Chief to oversee the Internal Affairs Bureau and Internal Criminal Investigative Bureau, was approved by the Board.

Beginning in April 2013, the CEO, in conjunction with County Counsel and the Monitor began drafting an initial scope of authority and responsibilities, budget, staffing levels, and organization chart for the OIG.

On June 17, 2013, the CEO received information from the Sheriff that its proposal for CCJV recommendation 7.15 was being revised from personal video recording devices (lapel cameras) to an expansion of the closed circuit television system. On July 9, 2013, the Sheriff submitted an implementation update memo to the Board with a request to increase CCJV implementation funding to \$88,470,000. Subsequently, the CEO was informed by the Chief Information Office that it was working with the Sheriff to reevaluate the information technology system enhancements cited in CCJV recommendation 3.08.

## **FISCAL ANALYSIS**

The Chief Executive Office has been working with the Sheriff and Monitor on 14 recommendations that require additional staff and resources, see Attachment I. The CEO is recommending funding and personnel for the following three proposals:

1. CCJV Recommendation 6.03: Custody Training and Standards Bureau

(Full Implementation)

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

The Sheriff requested \$11,870,000 and 72 positions to create the Custody Training and Standards Bureau (CTSB). The CEO, Sheriff, and Monitor discussed how potential resources from the other CCJV recommendations could be leveraged to reduce staffing and costs.

Following our review and in consultation with the Monitor and Assistant Sheriff McDonald, the CEO recommends \$5,888,000 and 33 new positions. The CTSB will provide enhanced training and risk management oversight, as follows:

- The Custody Division’s annual training hours for deputies, custody assistants, and supervisors will increase from 75,000 (which is equivalent to meeting the minimum mandatory Standards and Training for Corrections) to 119,000 training hours. The additional training hours will ensure deputies and supervisors fully understand and are proficient in the policies, procedures, and techniques required for a safe and secure custody operation.
- The curriculum for deputies, custody assistants, and supervisors will be enhanced to include ongoing training on the use of force policy, techniques for handling mentally ill inmates, use of force investigations and documentation, communication tactics to mitigate potential deputy-inmate conflict, and defensive techniques to minimize injury to deputies and inmates.
- A new permanent Custody Force Response Team (CFRT) will be established to assist and monitor Category 2 (identifiable injury) use of force incidents. The CFRT will provide on-site quality assurance of investigations, reinforce supervisor’s knowledge and implementation of the use of force policy and documentation, and facilitate curriculum development by incorporating problems and lessons learned from use of force investigations.

- A new risk management lieutenant will be assigned to compile and analyze reports from the CFRT, facility Compliance Lieutenants, and inmate grievances to identify problematic trends, personnel, and other issues related to the use of force. The risk management lieutenant's findings will be reported directly to each facility's commander for corrective action, if any, and it will also be used to improve the training curriculum.

The Sheriff's proposal meets the objectives of CCJV recommendation 6.03 by establishing a robust and ongoing training program for deputies, custody assistants, and supervisors. The CTSB will also actively monitor the facilities to ensure Department standards are upheld which will in turn mitigate potential liabilities arising from the use of force.

2. CCJV Recommendation 6.05: Supervision of Deputies (Partial Implementation)

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

The Sheriff originally requested \$21,431,000 and 2 lieutenants and 101 sergeants in order to improve the supervisor to staff ratio within the Custody Division. The Sheriff and Monitor are conducting a study of the supervisory needs of each jail facility.

The direct supervision by sergeants was identified by the CCJV as critical to ensuring deputies and custody assistants adhere to policies and procedures. Sergeants are also valuable assets for the practical training of staff by providing guidance and feedback in the real world setting. The CEO concurs with CCJV and Sheriff that additional supervisory staff is needed. Although the facility study is still in progress, the Sheriff and Monitor indicate there is a critical and immediate need to address this request. Men's Central Jail, Century Regional Detention Facility, and the Custody Investigations Services Unit (responsible for criminal and gang activity) have been identified as having the highest immediate need for additional sergeants. To address the immediate need, the Assistant Sheriff requested 34 additional sergeants. The CEO supports this request; however, to stay within the \$10 million set aside in the Provisional Finance Uses Budget to address CCJV recommendations, at this time, we are recommending funding for only 25 sergeants. We will consider the additional nine positions in the Supplemental phase of the budget along with other requests. The Sheriff is expected to request additional sergeant positions at the conclusion of the facility study.

3. CCJV Recommendation 7.08: Custody Facility Risk Managers (Full Implementation)

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

The Sheriff requested \$1,784,000 and 8.0 Compliance Lieutenants. Each lieutenant would function as the risk manager for a jail facility. The Sheriff has revised the proposal to \$1,352,000 and 6.0 Compliance Lieutenants taking into consideration the recent closure of Pitchess Detention Center (PDC) East and that a single lieutenant would be able to monitor PDC North and South.

The CEO concurs with the Sheriff's current proposal to add 6.0 Compliance Lieutenants who will have responsibility for all aspects of use of force investigations, including:

- Monitoring the quality of Category 1 (no visible injury) use of force investigations conducted by the watch commander and line sergeant;
- Conducting administrative use of force investigations if the Category 1 investigation identifies a potential policy violation;
- Monitoring Category 1 and 2 use of force investigation packages are progressing within set deadlines and Department standards;
- Tracking and monitoring investigations arising from inmate grievances, civil claims, and lawsuits to ensure the facility is in compliance with Department policy;
- Analyzing use of force incidents and inmate grievances to identify problematic trends, personnel, and other issues that will be reported to the facility commander and the Division's risk management lieutenant.

The Sheriff's proposal meets the objectives of CCJV recommendation 7.08 by assigning a Compliance Lieutenant who will monitor all use of force incidents within each facility and collaborate with the Division's risk management lieutenant to identify systemic issues which will mitigate potential liabilities arising from the use of force.

Each Supervisor  
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### **CEO RECOMMENDATION**

The CEO recommends allocating \$9,661,000 to provide nine months of funding for 64 positions and operational costs needed to comply with the aforementioned CCJV recommendations. Full-year funding of \$12,881,000 will be requested as part of the Department's Fiscal Year 2014-15 Recommended Budget.

To ensure funds are expended as directed by your Board, the CEO will work with the Auditor-Controller and the Department to develop the appropriate accounting and monitoring tools that will track the budget and costs of the CCJV recommendations. Once that mechanism has been identified and agreed to, the CEO will report back accordingly.

### **CONCLUSION**

The Sheriff's proposal for CTSB, additional sergeants, and Compliance Lieutenants will improve the professional development of staff, enhance the effectiveness of custody operations, and establish an oversight structure that will ensure that thorough and timely use of force investigations are conducted.

Should you or your staff have any questions, please contact Georgia Mattera, Public Safety, at (213) 893-2374.

WTF:GAM:SW  
DT:llm:cc

Attachment

c: Executive Office, Board of Supervisors  
County Counsel  
Sheriff

**IMPLEMENTATION STATUS  
OF THE  
CITIZEN'S COMMISSION ON JAIL VIOLENCE RECOMMENDATIONS**  
(as of 7/22/13)

Rec No.	CCJV Recommendation (Short Title)	No. Staff	FY 2013-14 Funding Amount	Review Status				In Progress	Implemented
				Sheriff	Monitor	CEO	Board of Supervisors		
1	4.04 Creation of Assistant Sheriff of Custody	3	\$739,000	X	X	X	Approved	X	X
2	7.05 Create Investigations Division (recruit Chief)	1	\$271,000	X	X	X	Approved	X	X
3	7.12 Use of Force Tracking System (use existing resources)		\$0	X	X	NA	NA	X	X
4	3.12 Body Scanners		\$0	X	X	X	Approved	X	
<b>Funded Ongoing Costs</b>		<b>4</b>	<b>\$1,010,000</b>						
5	6.03 Increase Custody Specific Training*	33	\$4,416,000	X	X	X	7/23/2013		
6	6.05 Supervision of Deputies*	25	\$4,231,000	X	X	X	7/23/2013		
7	7.08 Custody Facility Risk Managers*	6	\$1,014,000	X	X	X	7/23/2013		
<b>FUNDING REQUESTED</b>		<b>64</b>	<b>\$9,661,000</b>						
8	3.08 Information System Overhaul		TBD	X					
9	4.11 Facility Administration Staffing		TBD	X					
10	4.12 Create Internal Audit & Inspections Division		TBD	X	X	X			
11	6.07 Expand Use of Custody Assistants**		TBD	X	X			X	
12	7.01 Restructure Investigation/Disciplinary System		TBD	X	X	X			
13	7.15 Lapel Cameras		TBD	X	X				
14	8.01 Establish Office of the Inspector General***		TBD	X	X	X	TBD		
<b>TOTAL CCJV COST</b>		<b>68</b>	<b>\$10,671,000</b>						

\* Funding reflects implementation by October 2013 corresponding to 9 months of costs during FY 2013-14.

\*\* The Sheriff has frozen 75 deputy positions to create 75 custody assistant positions. The Sheriff continues to evaluate staffing needs.

\*\*\* The Sheriff is not involved in the development of the OIG. CEO recommendation is under separate cover.