

**CITIZENS' COMMISSION ON  
JAIL VIOLENCE**

**THIRTEENTH REPORT  
OF THE IMPLEMENTATION MONITOR**

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**APRIL 8, 2014**

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I am pleased to submit to the Board of Supervisors my Thirteenth Report regarding the implementation of the recommendations in the September 28, 2012 Report of the Citizens' Commission on Jail Violence (the "Commission").

**BACKGROUND**

Since submitting my Twelfth Report on February 10, 2014, regarding the implementation of the Commission's recommendations by the Los Angeles Sheriff's Department (the "Department"), I met with Sheriff John Scott and with Assistant Sheriff for Custody Operations Terri McDonald to discuss the status of the Department's implementation of the recommendations and the management of the Department's Custody Operations. I also met with representatives of the Department and the Office of Independent Review (the "OIR"), the Inspector General, and attorneys who represent the Department in use of force cases to discuss the Department's Use of Force Policy in light of the California Supreme Court's decision in *Hayes v. County of San Diego*. I also attended meetings with the Department and Chief Executive's Office to discuss the classification of auditor positions, reviewed the Department's use of force statistics, and spoke with the County Counsel and the Inspector General regarding the ordinance to create and the responsibilities of the Office of Inspector General (the "OIG").

The status of the Department's implementation of the Commission's recommendations is unchanged since my last Report. This is because, subject to the Board's authorization of funding, the Department plans to implement most of the Commission's remaining recommendations over the next two fiscal years in accordance

with the Department’s Proposed Budget Timeline submitted to the Board last October 1, 2013. Some of the Commission’s recommendations for training (Recommendations 5.2, 5.3, 5.8, 6.1 and 6.3) supervisory (6.5), investigative (7.6) , and auditing (4.12) will not be fully implemented until fiscal year 2014 or 2015, and the recommendation to upgrade the computer system (3.8) will not be implemented until 2015.

As reflected in the chart below, to date, the Department has implemented 45 of the Commission’s 60 recommendations directed to the Department. It has partially implemented another 10 and is in the process of implementing another five.

<b>Category</b>	<b>Implemented<sup>1</sup></b>	<b>Partially Implemented<sup>2</sup></b>	<b>In progress<sup>3</sup></b>	<b>Total</b>	<b>Funding Approved<sup>4</sup></b>
Use of Force	10	0	2	12	2
Management	12	0	2	14	1
Culture	5	3	0	8	3
Personnel/ Training	5	5	0	10	3
Discipline	12	2	1	15	5
Oversight	1	0	0	1	0
<b>Total</b>	<b>45</b>	<b>10</b>	<b>5</b>	<b>60</b>	<b>14</b>

<sup>1</sup> “Implemented” means that the Department’s implementation of the recommendation has been reviewed and approved by the Monitor, and incorporated into jail operations.

<sup>2</sup> “Partially Implemented” means that the Department has implemented the recommendation, but some additional steps are required to complete the implementation.

<sup>3</sup> “In progress” means that the Department is assessing the policy, procedural and operation needs and/or is in the process of implementing the recommendation.

<sup>4</sup> “Funding Approved” refers to the approval of the Board of Supervisors on October 8, 2013, of the Department’s funding request to implement additional Commission recommendations.

The Department has completed its assessment of the operational needs of its jail facilities (Recommendation 4.11), and it is in the process of reviewing the duty statements for clerical staff to handle administrative responsibilities that sworn deputies and Custody Assistants now handle. The Department has assigned personnel to the newly created internal audit command, which has been renamed the Internal Monitoring, Performance Audits and Accountability Command (“IMPAAC”), and it is still seeking from the Chief Executive’s Office a classification for auditor positions with the necessary skill set to conduct performance audits and inspections of a law enforcement agency. (Recommendation 4.12.) The Department has also installed two body scanners in the Inmate Reception Center (“IRC”), but it has not started the 90-day pilot program because of concerns raised by the deputies’ union. (Recommendation 3.12).

Sheriff John Scott has now implemented a reorganization that differs in some respects from the Commission’s recommendations implemented by Sheriff Baca. The Assistant Sheriffs, the Chief of the Professional Standards Division (which was formerly the Internal Investigation Division and includes the Internal Affairs Bureau (“IAB”)), and the Captain of the Internal Criminal Investigations Bureau (“ICIB”) report to an Executive Officer, who reports to the Sheriff. The Commander of IMPAAC, the Chief of Staff, and the Legal Advisor report directly to the Sheriff in the reorganized Department.

## **IMPLEMENTATION STATUS**

### **CHAPTER 3: USE OF FORCE**

On January 1, 2013, the Department promulgated a new Use of Force Policy. Pursuant to the Commission’s recommendations, the Department distributed to each Deputy Sheriff and Custody Assistant a Use of Force Manual (the “Force Manual”)

containing the Department's policies, procedures and provisions relating to the use and reporting of force. The Department's revised Force Manual was published on July 22, 2013. It is available in electronic form and Department personnel will be notified electronically whenever there is an update or revision of the Force Manual.

The Department's Use of Force policy in the revised Force Manual is based upon the standard set by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), and provides as follows: "Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the totality of the circumstances presented to Department members *at the time* the force is applied. Unreasonable force is prohibited." Manual of Policies & Procedures, Section 3-10/030.00 (emphasis added).<sup>5</sup>

On August 19, 2013, the California Supreme Court broadened the definition of "unreasonable force" under California law. In *Hayes v. County of San Diego*, 57 Cal. 4th 622 (2013), the Court held that negligence liability under California law "can arise if the tactical conduct and decisions leading up to the use of deadly force show, as part of the totality of circumstances, that the use of deadly force was unreasonable." As explained by the Court, "state negligence law, which considers the totality of circumstances surrounding any use of deadly force. . . is broader than federal Fourth Amendment law, which tends to focus more narrowly on the moment when deadly force is used[.]"

During this last reporting period, the Board's Consultants and I recommended that the Department revise its Use of Force Policy to bring the Department in line with the *Hayes* standard. In particular, we recommended a change to the definition of

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<sup>5</sup> This standard did not change in the new Use of Force Policy promulgated on January 1, 2013.

“unreasonable force” in Section 3-10/030.00 and to the duties of supervisory personnel in reviewing and analyzing use of force incidents.

One of the Consultants and I met with the Department personnel to discuss our recommendations. Also in attendance at the meeting were the Inspector General, representatives of OIR, and attorneys who represent Department personnel in lawsuits involving allegations of excessive force. After an extensive discussion, a consensus was reached to recommend that Section 3-10/030.00 be revised in light of the *Hayes* decision. There was also a consensus that the sections pertaining to the duties of supervisory personnel should also be revised. The Department is now in the process of revising the applicable provisions of the Manual of Policies and Procedures in accordance with the consensus that was reached at the meeting, which will be presented to the Sheriff for his final approval.

The Department has now assigned Compliance Lieutenants to each facility to, among other things, analyze inmate grievances about use of force. The Department also is now able to track inmate grievances by deputies’ names in the Personnel Performance Index (PPI), and it is in the processing of further upgrading the Department’s data tracking system now that the Board has funded the first phase of this project.

The following summarizes the status of the Department’s implementation of each of the Commission’s specific Use of Force recommendations:

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

*Implemented*

The Department's Use of Force Policy is set forth in a single, revised Force Manual that reflects (1) overall principles, including force prevention principles and an anti-harassment policy; (2) provisions providing guidance regarding use of force; (3) lists of approved weapons; and (4) requirements for the reporting of uses of force. The Manual is available electronically and Department personnel will be notified electronically whenever there is a revision to the Manual.

As noted above, the Consultants and I recommended the Department revise its definition of unreasonable force in light of the Court's decision in the *Hayes* case. A consensus was reached among representatives of the Department and OIR, the Inspector General, and Department attorneys that the definition of "unreasonable force" should be revised. The Department is in the process of revising the Manual, which will require approval by the Department's management and notifying the unions.

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

*Implemented*

The Department has created an Acknowledgement and Agreement Form that each Deputy Sheriff and Custody Assistant is required to sign.

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

*Implemented*

The Department reports that over 98% of sworn personnel have received training in the new Force Policy. Additional training will be provided to Department personnel

through the Custody Training & Standards Bureau. (See Recommendation 5.2.). Future training on Department's Use of Force policy in both the Academy and the Custody Training & Standards Bureau should reflect the "totality of circumstances" standard articulated by the California Supreme Court in *Hayes*.

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

*Implemented*

The MPP and the Custody Division Manual set forth the principles of the Force Prevention Policy, and the Custody Division Manual prohibits retaliation against, or harassment of, inmates. These sections are included in the Force Manual.

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

*Implemented*

Sections 3-10/020.00 and 3-10/030.00 of the MPP reflect the objectively reasonable standard, and references to the Situational Use of Force have been deleted in the revised Force Manual. Pursuant to the Consultants' recommendation, Section 3-02/035.05 of the Custody Division Manual includes references to the factors set forth by the United States Supreme Court in *Hudson v. McMillan*, 503 U.S. 1 (1992) relating to the use of force in a custody setting.

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

*Implemented*

The Force Prevention Policy set forth in the MPP and the Custody Division Manual generally reflects a preference for planned, supervised, and directed force. In

addition, the Department has added Section 3.02/035.10 to the Custody Division Manual, which reads as follows: “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.”

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

*Implemented*

The Department has added Section 3-02/035.15 to the Custody Division Manual, which reads as follows: “If a situation arises involving a special needs inmate, the appropriate mental health staff should be consulted, whenever possible, prior to the planned use of force.” In addition, there are provisions in the Force Manual relating to pregnant inmates and the Jail Mental Evaluation Team that further implement this recommendation.

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

*In progress (funding approved)*

On October 8, 2013, the Board approved \$1.4 million (of the \$3.4 million requested by the Department) for the initial funding in fiscal year 2013-14 of the Department’s proposed Information System Overall over a three year-period. The Department reports that it is now in the process of developing the system upgrade recommended by the Commission.

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

*Implemented*

The Department is now able to track inmate grievances in PPI by the name of the Deputy Sheriff or Custody Assistant. This will enable the Discovery Unit to timely respond to Pitchess motions and Court orders for inmate complaints against Department personnel. It will also enable the command staff in Custody Operations and in the jail facilities to track the Department's investigations of inmate complaints and identify Department personnel with problematic complaints or histories.

The Department has been using the new module in PPI for inmate grievances since October 27, 2013. The Department is still using the FAST database for inmate complaints prior to that date and is in the process of manually transferring prior complaints (going back five years) from FAST to PPI. The Department anticipates that it will take approximately six months to input manually these prior complaints into PPI, and the Inmate Grievance Coordinator will monitor the progress of this work.

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

*Implemented*

The Department has a Risk Management Lieutenant in the Custody Training & Standards Bureau who analyzes inmate grievances about the use of force at the Custody Operations level. The Department also has an Inmate Grievance Coordinator who analyzes all inmate grievances at the Operations level. (*See Recommendation 7.14.*)

On October 8, 2013, the Board approved the Department's funding request for six Compliance Lieutenants. The Department has now assigned a Compliance Lieutenant to each of the jail facilities (with one to North and South) to, among other things, "review

and analyze inmate grievances” at the Unit level and “identify potential at-risk employees as it relates to force, conduct, and inmate grievances.”

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

*Implemented*

At the beginning of last year, Department personnel provided me with daily and monthly statistical reports and monthly force analysis used by Department managers to track and analyze use of force incidents in the jails. I have reconfirmed with senior management their continued use of these reports to track and analyze force incidents and force trends, often on a daily basis. Senior managers get daily force briefings and look at videotapes of incidents to proactively identify issues and trends, and critically evaluate policies and procedures.

**3.12. Department should purchase additional body scanners.**

*In progress*

Although funding for the scanners was approved by the Board in 2012, and the Department initially reported a June 1, 2013 “target” date for implementation of this recommendation, the purchase and installation of the scanners has been repeatedly delayed. The Department now plans to install the scanners in three phases. In phase one, two body scanners have been installed in IRC and the Department has confirmed that “the scanners are working as specified in the contract.” The next step is a 90-day pilot program to “review,” among other things, “inmate flow,” “user station placement and staffing issues.” The Department is also in the process of ordering at least one additional scanner (and possibly two) for Century Regional Detention Facility (“CRDF”), the woman’s facility, during the pilot program.

In phase two, two additional scanners will be installed in IRC and two at Men's Central Jail ("MCJ"). During that period, the Department will "assess the need for additional scanners at MCJ [and CRDF.]" Phase three will involve the installation of scanners at Twin Towers, NCCF, North and South. The number of additional machines will be determined at a later date based upon the Department's experience in the first two phases of the roll-out.

On February 6, 2014, I observed a demonstration of one of the body scanners at IRC. It appears that the body scanners will be a significant enhancement to security in the jail facilities. Unfortunately, the pilot program, which was scheduled to start on March 31, 2014, has been delayed as a result of an objection by the Association of Los Angeles Deputy Sheriffs ("ALADS").

#### **CHAPTER 4: MANAGEMENT**

Sheriff Baca extensively reorganized the management of the Department with the four Assistant Sheriffs for Custody Operations, Patrol Operations, Countywide Services, and Administration & Professional Standards reporting directly to him. In addition, Sheriff Baca appointed a Chief of Staff and a Chief of a new Internal Investigations Division, who also reported directly to him.

Sheriff Scott has now reorganized the Department so that the four Assistant Sheriffs report to the Sheriff through the Executive Officer, who reports to the Sheriff. The Chief of Staff, the Legal Advisory Unit, and IMPAAC report directly to the Sheriff, while the Professional Standards Division, ICIB, and the Sheriff's Headquarters Bureau report to the Executive Officer.<sup>6</sup>

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<sup>6</sup> The reorganizations of the senior management and the Internal Investigations Division are discussed in more detail below. (See Recommendations 4.6 and 7.5.)

Sheriff Baca appointed Terri McDonald, who had extensive corrections experience, to be the Assistant Sheriff responsible for the Department's Custody Operations. She has reorganized the Custody Division into a Custody Services Division – General Population and a Custody Services Division – Specialized Programs under Chiefs who report directly to her. The Administrative Commander who has been responsible for the implementation of the Commission's recommendations also reports directly to the Assistant Sheriff for Custody Operations.

The four high level managers who directly or indirectly had supervision over the jails during the periods reviewed by the Commission have now all left the Department and there is an entirely new team running Custody Operations.

Although the Board approved funding for 23 of the 64 new positions requested by the Department to staff an Inspectional Services Command ("ISC") on October 8, 2013, the Department is still in the process of establishing this internal audit and inspections unit, which is now the Internal Monitoring, Performance, Audits and Accountability Command ("IMPAAC") The Department has assigned a Commander, a Captain, a lieutenant, and seven sergeants to IMPAAC and anticipates that an additional lieutenant and six more sergeants will be assigned to the command within the next 30 to 60 days.

The Department also has not been able to obtain from the Chief Executive's Office a classification for the auditor positions that will require the necessary skill sets to conduct audits and inspections of a law enforcement agency and, accordingly, the process for selecting civilian auditors for ISC has been delayed. Further, there has been a formal grievance filed by the unsuccessful bidder for the Auditor Consultant position, which

needs to be resolved by the Internal Services' Department and which has delayed the hiring of an the Auditor Consultant.

Set forth below are summaries of the Department's implementation of each of the Commission's Management recommendations.

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

*Implemented*

With the formation of the Commander Management Task Force in October 2011, Sheriff Baca personally directed the reform of the jails. Sheriff Scott has assured me that he intends to be engaged in the oversight of the jails through regular communications with the Assistant Sheriff for Custody Operations. He regularly meets with all of his Assistant Sheriffs on Monday mornings and with his Assistant Sheriffs and Chiefs in the Executive Planning Council meetings on Wednesday mornings. Both Sheriff Scott and Assistant Sheriff McDonald also advised me that they talk by telephone several times a week.

Sheriff Scott also intends to seek authorization for the Department to hire two of the attorneys from the Office of Independent Review (OIR), one for patrol and one for custody, to conduct "spot checks" and for advise with respect to "high level investigations." Sheriff Scott envisions that these attorneys will provide proactive (and presumably privileged) assessments that will allow for a "real time fix" when necessary. If authorized by the Board, this will enable the Department to retain the internal advisory function of OIR while the Office of Inspector General (OIG) provides the independent assessments and public reporting under the transparency model envisioned by the Commission.

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

*Implemented*

Based upon Sheriff Baca's management changes (both in terms of structure and personnel), the results of the Administrative Investigations, and the timing of the retirements of the four managers who had oversight responsibility over the jails, it is generally perceived in the Department that these managers retired due, at least in part, to their failures to address adequately the use of force problems in the jails. At this point there is nothing further for the Department to do to hold these managers accountable.

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

*Implemented*

In January 2013, Sheriff Baca issued "Sheriff's Bulletin #593" entitled "Executive Reporting Procedures" to implement this recommendation. Under Sheriff Baca's reorganization, the Assistant Sheriff for Custody Operations reported directly to the Sheriff, and IAB and ICIB reported to the Sheriff through the Chief of the Internal Investigations Division. Further, the Undersheriff retired on August 1, 2013.

As noted above, Sheriff Scott has now reorganized the Department and appointed an Executive Officer who has some of the same duties as an Undersheriff. In addition, the four Assistant Sheriffs, the Chief of the Professional Standards Division (formerly the Internal Investigations Division), which includes the Internal Affairs Bureau (IAB), and the Captain of the Internal Criminal Investigations Bureau (ICIB) now report to the Executive Officer, not the Sheriff.

It was not the Commission's intention to recommend a specific management structure for the Department or Custody Operations, and a new Sheriff may reasonably conclude that he or she wants to have an Undersheriff as part of the management team. It is essential, however, that the Department continue to have an Assistant Sheriff with a background and expertise in corrections whose sole responsibility is the management and oversight of the jails. It is also imperative that the Assistant Sheriff for Custody Operation have direct access to the Sheriff and that the Sheriff remain personally engaged in overseeing the Department's operation of the jails. (*See* Recommendations 4.4, 4.5 and 4.6.)

**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.**

*Implemented*

Sheriff Baca appointed Terri McDonald to be the Assistant Sheriff for Custody Operations. She assumed her duties on March 18, 2013. Effective July 1, 2013, she reorganized the Custody Division into two Custody Services Divisions, one for General Population and one for Specialized Programs. Each of the Divisions is headed by a Chief who reports directly to the Assistant Sheriff for Custody Operations. By having an Assistant Sheriff focused only on Custody Operations housed in close proximity to her executive team, there is greater communication and more focus on proactively identifying issues in the jail facilities and ensuring the necessary follow-up to resolve these issues. The Assistant Sheriff meets weekly with the Chief and Commanders in Custody Operations and the Chiefs, in turn, meet weekly with the Commanders, Captain and Operations Lieutenants. At the request of the Assistant Sheriff for Custody Operations, Sheriff Baca promoted or transferred a number of supervisors and commanders in

Custody Operations to ensure that the most capable managers are running the Department's jail facilities. As discussed below, the Assistant Sheriff for Custody Operation is proactively managing the Department's operations of the County's jail facilities.

As noted in my last report, the Assistant Sheriff for Custody Operations asked the Board's Consultants to evaluate the investigation and administrative reviews of force incidents in the jails "to assess whether there are specific areas where supervisory management accountability should be improved." The Consultants are developing protocols for Custody Operations that will encompass pre-force tactics, the application of force, and the post-review of force under the standards set forth by the United States Supreme Court in *Graham v. Connor* and *Hudson v. McMillan*, 503 U.S. 1 (1992) and the California Supreme Court in *Hayes v. County of San Diego*. In particular, the protocols will set forth in detail what is expected of sergeants who conduct the investigations and the lieutenants and captains who review the investigations in order to enhance accountability for force reviews. These new protocols will set standards and establish expectations for what will be routinely addressed in these investigations as well as what will be examined in the post-incident review process. The responsibilities of supervisors and managers will be fixed and expectations clarified for everyone who is involved in this process – from the investigating supervisor through the command staff responsible for conducting the final review. These protocols will need to be reviewed and approved by senior management in Custody Operations, and the Consultants that also recommend they be considered by the Sheriff for adoption Department-wide.

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

*Implemented*

Sheriff Baca appointed an Assistant Sheriff for Custody Operations who has extensive experience in running a corrections department. From my many conversations with Assistant Sheriff Terri McDonald, it is apparent that she is a hands-on manager who now has a detailed knowledge of the Department's Custody Operations, holds Captains and Commanders accountable for the operations of the County jails, and is firmly in charge of the management of Custody Operations.

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

*Implemented*

"Sheriff's Bulletin #593" entitled "Executive Reporting Procedures" issued by Sheriff Baca in response to the Commission's recommendations provides that each of the Assistant Sheriffs, including the Assistant Sheriff for Custody Operations, reports directly to the Sheriff. Sheriff Scott's reorganization of the Department has the four Assistant Sheriff's reporting to him through the Executive Officer. As noted above, the Commission's recommendations reflected flaws in the management of the Department under Sheriff Baca and his Undersheriff, and they were not intended as a blueprint for the organization of the Department under future Sheriffs. It is essential, however, that the Assistant Sheriff for Custody Operations continue to have direct access to the Sheriff, that he holds her directly accountable for management Custody Operations and running the Department's jail facilities, and that he remains engaged in the oversight of the Department's Custody Operations.

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

*Implemented*

The Sheriff's Bulletin #593 and Sheriff Scott's new organization chart do not include a role for the Commander Management Task Force in Custody management.

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

*Implemented*

Since at least the formation of the Commander Management Task Force in October 2011, Sheriff Baca monitored the level of force in the jails and was engaged in oversight of the jails through regular communications with the new Assistant Sheriff for Custody Operations. Sheriff Scott has extensive experience in the oversight and management of Custody operations both as the Undersheriff in the Orange County Sheriff's Department and as a Chief in the Los Angeles County Sheriff's Department. The Department provides Sheriff Scott with a weekly update of its use of force statistics in Custody Operations. He advised me that while he reviews these statistics weekly, the Assistant Sheriff for Custody Operations looks at them daily, and they regularly meet or talk throughout the week.

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

*Implemented*

This recommendation has been implemented pursuant to a Custody Division Directive, dated December 13, 2012, issued by the then Chief of the Custody Division. A Custody Division SCIF took place on February 12, 2013, to review statistics relating to

Custody Operations. The next SCIF for Custody Operations took place on February 20, 2014, which I attended at the Twin Towers Correctional Facility.

Virtually the entire leadership team from lieutenants up to Commanders and Chiefs attended the February 20, 2014 SCIF. Assistant Sheriff McDonald chaired the meeting, and Sheriff Scott attended part of the meeting. The SCIF was a thorough and comprehensive review of all aspects of Custody Operations, including force incidents (by units, nature of force, mental health); reviews and investigations of force incidents and the status of force packages; Internal Affairs and Custody Force Response Team roll-outs; inmate assaults (on staff or inmates), suicides (attempts, methods, units), and complaints (by unit, nature of complaints; source); audits of rotations by deputies; town hall meetings with inmates; and Education-Based Incarceration.

The Assistant Sheriff for Custody Operations has advised me that she intends to hold the SCIF each quarter to monitor trends in the Department's jail facilities.

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

##### *Implemented*

The Department has amended the job descriptions in the Custody Division Manual so that they now require the Assistant Sheriff - Custody Division, the Custody Division Chiefs, the Area Commanders, and the Jail Captains to “maintain a visible presence within the [assigned] jail facilities to help ensure proper adherence to policy and the application of the Department's Core Values.” The Assistant Sheriff for Custody Operations advised me that she and her Division Chiefs and Commanders regularly walk through the jail facilities. Similarly, the Chiefs have advised me that they regularly walk through the facilities and set their expectations for their Unit Commanders to know their

facilities and inmate populations, which require them to maintain a visible presence in their facilities.

Sheriff Scott advised me that that he is a firm believer in “management by walking around” and that he has talked to the Assistant Sheriffs and the Chiefs about making sure that supervisory personnel throughout the Department, patrol as well as custody operations, walk around their commands to identify both systemic and individual problems.

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

*In progress (funding request anticipated)*

The Department has analyzed the operations staff of each of the jail facilities and completed a Custody Division Staff Assessment (Proposed) that would reassign 10 Deputy Sheriffs and nine Custody Assistants and replace them with clerical staff (Operations Assistant I, Senior Typist Clerk and Intermediate Typist Clerk). Should the proposal be accepted by the Chief Executive’s Office and the new clerical staff approved, the Department plans to assign the 19 Deputy Sheriffs and Custody Assistants to positions that would reduce CARP assignments and overtime in Custody Operations.

The duty statements for the Operations Assistant “items” the Department is requesting are under review by the Department’s Classifications Unit. The Department anticipates that it will take some time to complete this internal review process before it will be in a position to seek the approval of the Chief Executive’s Office.

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

*In progress (funding approved)*

On October 8, 2013, the Board approved the Department's funding request for the creation of what is now called IMPAAC, to be phased in over a three-year period, with 23 positions in this first fiscal year. Sheriff Scott has expanded the scope of IMPAAC to coordinate and provide standardized reports for crime management forums as well as risk management forums. With respect to risk management, IMPAAC will receive information about claims and lawsuits from the Department's Risk Management Bureau and liaison with designated risk officers in each bureau.

Sheriff Baca appointed a Commander and Captain to ISC and the Department has now assigned sworn personnel and professional staff to the Command. Effective April 13, 2014, the Command will have two lieutenants, 13 sergeants, and four professional staff.

The Department is, however, still encountering problems in obtaining classifications from the Chief Executive's Office that it has requested for the non-sworn auditor positions to ensure that the auditors will have the necessary skill sets to audit and inspect the operations of a law enforcement agency. This is the initial step in an extended process to get the auditors on board. The Department anticipates that, after approval of the new positions by the Chief Executive's Office, it will take a period of time to conduct a job analysis, post the job bulletin, review applications, administer examinations, and post a qualified list before the Department can actually hire outside auditors.

The Department met with representatives of the Chief Executive's Office again last week to discuss the classifications, but they were unable to reach an agreement. The

Chief Executive's Office is reluctant to create new classifications and wants to use existing classifications for the IMPAAC auditor positions. The Department does not believe, however, that the existing classifications adequately encompass the duties of law enforcement performance auditors. Moreover, it does not believe that that it will be able to recruit qualified auditors with the salary ranges for these classifications. The Department remains of the view that appropriate auditor classifications is "crucial" to ensure that the IMPAAC has the personnel it needs to carry out its "critical" function, which has been expanded by Sheriff Scott to encompass crime management as well as risk management.

The Department also was prepared to award a contract for an Auditor Consultant, but the unsuccessful bidder filed a formal grievance, which is under review by the Internal Services' Department. The hiring of a Consultant is less pressing because of the delays in hiring the non-sworn auditors discussed above.

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

*Implemented*

On January 31, 2013, the Department issued revised Section 3-01/070.05 (Political Activity) and Section 3-01/070.07 (Prohibited Political Activity and Other Conflicts of Interest) of the MPP.

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

*Implemented*

The Department has joined the Large Jail Network. Members of the Custody Division attended the American Jail Association National Training Conference in May

and the Southern California Jail Managers earlier this year. One of the Chiefs attended the Large Jail Network conference in September and several managers attended the statewide realignment conference in October. In addition, the Assistant Sheriff for Custody Operations, one of the Chiefs, and one of the Commanders attended the American Correctional Association conference earlier this month.

## **CHAPTER 5: CULTURE**

As noted in my earlier reports, under Sheriff Baca, the Department emphasized respect for and communications with inmates through the Force Prevention Policy, the Education Based Incarceration program, and Town Hall meetings. It enhanced the training of new Custody Division personnel in the principles of the Force Prevention Policy, ethics, and destructive cliques, and it is now in the process of establishing a Custody Training & Standards Bureau that will provide additional training to current Custody deputies and Custody Assistants. It also established a Dual Track Career Path to provide deputies with an opportunity for a career in Custody Operations. It recently administered a sergeants examination to deputies in Custody as well as Patrol and promoted several deputies in Custody to be sergeants in Custody. The Department has also enhanced the disciplinary guidelines for dishonesty to further address the culture problems identified by the Commission. Finally, each facility has developed a rotation policy taking into consideration its size, configuration, and inmate population.

Set forth below are summaries of the Department's implementation of each of the Commission's recommendations regarding the culture in Custody Operations.

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

*Implemented*

Based upon my meetings with Sheriff Baca, Sheriff Scott, and Assistant Sheriff McDonald; my conversations with members of the Command staff and Unit Commanders; my review of policies, directives, and reports; my tours of jail facilities; and input from the Consultants and outside observers, it is apparent that the Department is committed to implementing the reforms recommended by the Commission, enhancing respect for and communications with inmates, and changing the culture in the Custody Division. In the Commanders meeting I attended, the Chiefs of the Custody Divisions emphasized the Education Based Incarceration program and Force Prevention Principles. In the recent SCIF, the management of Custody Operations reviewed the statistics on both Town Hall meetings and Education Based Incarceration attendance in 2013. The changes in the culture are reflected in the principles set forth in the Force Prevention Policy, the Anti-harassment Policy, the Education Based Incarceration program, the numerous Town Hall meetings with inmates, the Department's responses to inmate grievances, and its progress in implementing the Commission's recommendations.

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

*Partially implemented (funding approved)*

This recommendation has been implemented for new deputies, and 98% of the existing staff has received training in the Use of Force Policy promulgated at the beginning of last year, which incorporates the Force Prevention Principles.<sup>7</sup> As discussed

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<sup>7</sup> Nothing in the California Supreme Court's decision in *Hayes* or the anticipated revisions to the Use of Force policy have any bearing on the Force Prevention Principles.

below, the Board has now approved funding for a Custody Training & Standards Bureau, which will be phased in over a three-year period. (*See Recommendation 6.3.*) Additional training in the Force Prevention Policy will be a regular part of the curriculum, and the Department has begun to roll-out a one-time, initial eight-hour block of Use of Force and ethics training for all Custody deputies.

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

*Partially implemented (funding approved)*

Academy training covers “Department Ethics and Standards,” including “Core Values” and “Critical Decision Making” and the Jail Operations Continuum covers “Valued Communications” and “Value Based Decision Making.” Additional ethics training for the existing staff will be part of the Custody Training & Standards Bureau curriculum once it is staffed. The Department expects to train 20% of the line staff in a newly developed ethics curriculum in the first year.

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

*Implemented*

Sheriff’s Bulletin #594, dated February 1, 2013, announced that the Department has established a Dual Track Career Path that allows new recruits to select a career in Custody and allows Deputy Sheriffs currently assigned to Custody to remain in Custody assignments. It also allows Deputy Sheriffs and supervisors to promote up to the position of Chief of Custody without going out to a patrol assignment. Under the Dual Track Career Path program, custody personnel are eligible to take, and are taking, the sergeant and lieutenant exams currently being administered by the Department. One of the senior

leaders in Custody Operations advised me that “quality personnel are being asked to come to custody.” The Department recently promoted several deputies in Custody Operations to be sergeants in Custody, and list of Custody sergeants eligible for promotion to lieutenant under the dual track program is expected in the near future.

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

*Implemented*

The Department has amended the job descriptions in the Custody Division Manual so that they now require the Assistant Sheriff - Custody Division, the Custody Division Chief, the Area Commanders, and the Jail Captains to “maintain a visible presence within the [assigned] jail facilities to help ensure proper adherence to policy and the application of the Department’s Core Values.” Further, Sheriff Scott has emphasized “management by walking around” in conversations with his Assistant Sheriffs and Chiefs. (See Recommendation 4.11 above.)

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

*Implemented*

New disciplinary guidelines were published on February 17, 2013, that enhance the penalties for dishonesty.

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

*Implemented*

As a result of my meetings with a Working Group formed by the Department, it was decided that the Unit Commanders would develop their own rotation policies for

each of the facilities. Following these meetings each of the Unit Commanders issued a unit directive rotating deputies among job assignments in each facility.

As a result of the Assistant Sheriff's reorganization of Custody Operations, some of the jail facilities have new Unit Commanders. On July 25, 2013, I met with the Unit Commanders and asked them to review the rotation policies for their facilities and either reaffirm the policy or make adjustments as appropriate. I have now received updated or re-confirmed policies for each of the facilities.

The Department has also conducted audits to ensure compliance with the rotation policies, and it reports the following percentages of compliance: IRC (100%), NCCF (100%), MCJ (100%), CRDF (99.7%), TTCF (94.2%), North (100%), and South (100%).

**5.8. LASD should discourage participation in destructive cliques.**

*Partially implemented (funding approved)*

The subject of destructive cliques is covered for new Deputy Sheriffs in the Jail Operations Continuum. Additional training will be provided to other Custody personnel through the Custody Training & Standards Bureau once it is staffed. Further, each of the jail facilities has a rotation policy that is intended to discourage participation in destructive cliques. Finally, the Department fired a number of deputies last year for participating in such a clique.

Allegations of hazing of trainees by an alleged deputy clique in Men's Central Jail recently came to the attention of the Assistant Sheriff for Custody Operations, who asked IAB to conduct an investigation. The Assistant Sheriff ultimately concluded that there was no resurgence of the destructive cliques that have plagued the Department and Custody Operations in the past, but trainees were not being rotated enough within MCJ.

## **CHAPTER 6: PERSONNEL AND TRAINING**

The Board has now approved the initial funding for the creation of a Custody Training & Standards Bureau that will develop a robust post-Academy training program for both new and existing Custody personnel. The Department has assigned 18 of the 19 newly authorized positions in the bureau, including all of the sworn personnel.

The Board also approved funding for 44 new supervisors in fiscal year 2013-14. The Department filled the 42 newly authorized sergeant positions by permanently assigning to MCJ 19 supervisors previously on loan to the facility, assigning 16 newly-promoted sergeants (including several from Custody) to other jail facilities, and using overtime to staff the additional seven positions. It also assigned two additional lieutenants to Custody Operations.

The Department also has frozen Deputy Sheriff positions to increase the ratio of Custody Assistants to Deputy Sheriffs to achieve the agreed upon 65/35 percent ratio. The Department conducted an analysis of what other Deputy Sheriff positions may be handled by Custody Assistants, and it concluded that only a limited number of additional positions may be handled by Custody Assistants without impairing the safety and security of the jail facilities.

The Department's implementation of the Commission's specific Personnel and Training recommendations are set forth below.

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

*Partially implemented (funding approved)*

The Dual Track Career Path was established on February 1, 2013. In addition, the Department has expanded its Custody training through the Jail Operations Continuum, and has created a Custody Training & Standards Bureau that will provide a comprehensive training program for Custody Operations as additional training personnel are phased in over the next three years.

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

*Implemented*

A Sworn Vacancy Projection submitted by Personnel Administration to the Commander Management Task Force on October 2, 2012, reflects “a strategic plan to consistently hire deputies through 2017” to fill vacancies and hire additional deputies based upon normal attrition. A Sworn Hiring Projection submitted by Personnel Administration on November 6, 2013, reflects 352 Academy graduates in 2013 (slightly more than the October 2012 projection of 320 graduates). Personnel Administration anticipates that it will “continue scheduling five academy classes a year with approximately 80 recruits per class, yielding approximately 320 new hires each year,” which are “contingent on the Department’s reduction, expansion, internal and external budgetary and fiscal considerations.”

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

*Partially implemented (funding approved)*

The Department has implemented this recommendation for new deputies and plans to enhance significantly the training of Custody personnel through the new Custody Training & Standards Bureau. On October 8, 2013, the Board approved funding in this fiscal year for 19 of the new positions for the Custody Training & Standards Bureau in fiscal year 2013-14 in addition to 24 existing positions already assigned to the bureau. The Department has now assigned 18 of the 19 new personnel to the bureau, including all of the sworn personnel.

With the assistance of the Board’s Consultants, the Custody Training & Standards Bureau has developed an initial one-time, eight-hour Use of Force and ethics block of training for everyone in Custody Operations, which the Assistant Sheriff wants to share with the Inspector General. The Bureau also worked with the Mental Health Department to develop a course that has been taught since the beginning of the year for dealing with mentally ill inmates that will be part of the annual 24 hour block of training for deputies in Custody Operations.

**6.4. There should be a meaningful probation for new deputies in Custody.**

*Implemented*

Effective January 11, 2013, Custody Division Directive 12-005 provides that “at the completion of the employee’s sixth month” of employment, the shift Lieutenant will be conducting “a thorough inquiry of the employee’s personnel performance.” Thereafter, “three or 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.” Before an employee can complete probation, the Unit Commander is supposed to “draft a memorandum to memorialize the employee’s successful completion of the probationary period.”

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

*Partially implemented (funding requested)*

On October 8, 2013, the Board approved the funding for 44 positions in this fiscal year out of the 91 positions requested by the Department over a two-year period. The Department now assigned all 42 additional sergeants and two additional lieutenants to Custody Operations.

With respect to the 47 sergeant positions that are supposed to come on line in the next fiscal year, once funding is authorized by the Board, the Department anticipates filling 24 of the positions on July 1 and the remaining 23 positions in December.

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

*Implemented*

The Dual Track Career Path established on February 1, 2013, allows deputies to have a career in Custody and to promote from within Custody Operations. Custody deputies were eligible for the sergeant examination recently administered by the Department and several were promoted to sergeants in Custody Operations. The dual track list for lieutenant positions will due to come out in the near future.

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

*Partially implemented*

The Department froze 81 identified Deputy Sheriff positions, and it reports that it has now achieved the 65/35 percent ratio provided in the Memorandum of Understandings with the Deputy Sheriffs' union and the Custody Assistants union. The Department has completed an analysis of deputy positions to determine the feasibility of moving beyond the 65/35 percent ratio and concluded that only a limited number of additional deputy positions can be handled by Custody Assistants without impairing the safety and security of the jail facilities. Any change in the 65/35 percent ratio is likely going to require a more detailed analysis and would be subject to "meet and confer" obligations with the unions.

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

*Implemented (within facilities)*

As discussed above (see Recommendation 5.7), the Department has implemented rotation policies in each of the facilities and audited compliance with those policies. It reports that it was not able to implement a voluntary rotation among the north county facilities, and that it would need the agreement of the deputies' union to implement rotations among the facilities, which the union adamantly opposes. Further, it reports that it has decided not to rotate newly assigned deputy sheriffs at the beginning of their fourth month of training to "a proximate facility" in the south or in the Pitchess Detention Center in the north.

The Custody managers believe that they should continue to evaluate the effectiveness of the rotations within facilities and other measures they have taken to

discourage cliques before trying to rotate new deputies among proximate locations because of the logistical and other problems with such rotations among facilities. As noted above, however, the Assistant Sheriff for Custody Operations recently concluded that trainees in MCJ were not being rotated enough.

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

*Implemented*

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

*In progress*

This is a long-term goal that the Department has begun to address. Sheriff Baca selected a new Assistant Sheriff for Custody Operations and implemented the Dual Track Career Path on February 1, 2013. Establishing a Custody Training & Standards Bureau and increasing the ratio of Custody Assistants to Deputy Sheriffs will further implement this recommendation, but given the number of deputies who are hired each year, it will take several years before the Custody Division could be staffed exclusively with new deputies who want careers in Custody so that new deputies who want careers in patrol can go directly to patrol.

**CHAPTER 7: DISCIPLINE**

The Department has revamped its investigative and disciplinary system to assign all Administrative Investigations of Category 1 force incidents to the new Compliance Lieutenants and the Administrative Investigations of Category 2 force incidents in Custody Operations to the Internal Affairs Bureau (“IAB”). Sheriff Baca created an

Internal Investigations Division and appointed a Chief of the Division to oversee IAB and the Internal Criminal Investigations Bureau (“ICIB”) and report directly to him.

Under Sheriff Scott’s reorganization, IAB is in a newly named Professional Standards Division under a Chief, but ICIB is a separate standalone bureau under a Captain. The Chief of the Division and the Captain in charge of ICIB both report directly to the Executive Officer. The Department also has enhanced the discipline for dishonesty and excessive force, and the Custody Force Review Committee is rigorously reviewing Use of Force Packages. In addition, the Force Manual has now been revised to clarify the policies with respect to the review of videotaped footage and the separation of deputies involved in force incidents.

On October 8, 2013, the Board approved funding for six Compliance Lieutenants, 10 of the 28 additional IAB investigators requested by the Department, 14 of 40 additional requested ICIB investigators, and seven new positions in the Internal Investigations Division. The Department has now assigned the six Compliance Lieutenants to the facilities, all of the newly authorized positions to the Internal Investigations Division, and all of the newly authorized sworn positions to IAB and ICIB.

Set forth below are summaries of the Department’s implementation of each of the Commission’s Discipline recommendations.

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

*Implemented*

Under the revamped investigative system, Compliance Lieutenants are now conducting all Administrative Investigations of Category 1 force incidents (*See* Recommendation 7.8), and IAB is conducting all Administrative Investigations of

Category 2 force incidents in Custody Operations.<sup>8</sup> All of the newly authorized sworn positions have now been assigned to IAB and ICIB.

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

*Implemented*

One of the Consultants attended two CFRC meetings and he was “impressed with the manner in which candid and direct examinations of Captains, Lieutenants, and Sergeants [who were] responsible for [the] force incidents takes place.” He further reported that “[i]n my experience, the establishment of standard and expectations by the executive management is the first step in changing a culture. The CFRC is clearly a big part of that proposition as it pertains to the use of force in the jails.” I attended a CFRC meeting on March 13, 2013, and also was impressed with CFRC’s reviews.

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

*Implemented*

The revised Force Manual (Sections 3-10/100.00 and 3-10/115.00 of the MPP) sets forth these requirements.

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

*Implemented*

The revised Force Manual (Section 3-10/110.00 of the MPP) sets forth this requirement.

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<sup>8</sup> Administrative Investigations of Non-Custody Category 2 force incidents may be conducted by IAB or at the unit level under current Department policy.

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

*Implemented*

Under Sheriff Baca, the Department implemented this recommendation on March 1, 2013, effective March 3, 2013. Sheriff Scott has reorganized the Department's internal investigations so that IAB remains in the renamed Professional Standards Division under a Chief who reports to the Department's Executive Officer, and ICIB is a standalone bureau under a Captain who also reports to the Executive Officer. Although the reorganization is somewhat different from what the Commission recommended, it is consistent with the Commission's recommendations, which reflected concerns that investigations by both IAB and ICIB should be vetted by a senior leader in the Department before being reviewed by the Sheriff and that the then Undersheriff should have no role in the investigative and disciplinary process.

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

*Partially implemented (funding approved)*

The Department has provided information showing that IAB investigators have often been promoted from IAB. All of the newly authorized sworn positions have been assigned to IAB and ICIB in accordance with the Department's Proposed Implementation Budget Timeframe, which anticipates additional positions recommended by the Board's Consultants will be phased in over the next two fiscal years.

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

*Implemented*

The Department has implemented this recommendation by enhancing discipline for excessive force and dishonesty. I have not been able to “audit” the Department’s compliance with these enhanced disciplinary guidelines since the Disciplinary Reports I have received and reviewed do not encompass incidents that post-date the February 2013 enhancement of the guidelines. I anticipate reviewing the Disciplinary Report for the third quarter 2013 later this month, although most of the discipline imposed in that period likely will be for incidents that pre-date the February 2013 disciplinary guideline enhancement.

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

*Implemented*

On October 8, 2013, the Board approved the funding for six Compliance Lieutenant positions that have now been assigned to the jail facilities (one for the North and South facilities and one for each of the other facilities). These Lieutenants will conduct Administrative Investigations of Category 1 Force Incidents, analyze inmate grievances regarding force in each facility, and monitor and track force investigations at the unit level.

**7.9. Force investigations should not be conducted by deputies’ supervisors.**

*Implemented*

Under the revamped investigative system, if the Unit Commander determines that a use of force may have violated Department policy or involved misconduct, the

Administrative Investigation of a Category 1 Force Incident (no injury) are conducted by the Compliance Lieutenants who will not be supervising any of the deputies;

Administrative Investigation of a Category 2 Force Incident (involving injuries to inmates) in Custody Operations are conducted by IAB; and all Category 3 Force Incidents throughout the Department are investigated by IAB.

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

*Implemented*

The Department's disciplinary guidelines effective February 17, 2013, require suspension days (that is, suspension without pay), and preclude Education Based Discipline (that is, holding suspension days in abeyance), for dishonesty, excessive use of force, or failure to report force. The Department implemented a new management protocol effective September 1, 2013, that requires captains hearing employee grievances to consult with senior Department officials and OIR and articulate a factual and legal basis prior to modifying any findings and/or recommended discipline for dishonesty, excessive force, or failure to report force.

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

*Implemented*

The Department has provided me with a report of the results of investigations and the discipline imposed for off-duty misconduct from the beginning of the second quarter of 2011 through the end of the second quarter of 2013, which confirms that this recommendation has been implemented.

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

*Implemented*

The Department has demonstrated that the Electronic Line Operations Tracking System (e-LOTS) is a comprehensive system that can be used to track force reviews and investigations. It has now implemented a policy that requires all custody facilities to use e-LOTS to track Use of Force packages. Each Unit Commander is required to “ensure that all necessary information about each force incident [is] entered into e-LOTS prior to the end of the shift in which the incident occurred,” and the Unit Commander or Operations Lieutenant is required to track in e-LOTS on a weekly basis all force reviews and contact the appropriate supervisor “if the preparation or review of the Force Package is overdue.” Eventually, e-LOTS will be replaced by CARTS, which will be used to track force reviews and investigations.

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

*Implemented*

The Department is now able to track inmate grievances by staff names in PPI.  
(See Recommendation 3.9.)

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

*Partially Implemented*

The Department is working to enhance the inmate grievance process, including a system for inmates to submit grievances on iPads and for tracking electronically the Department’s handling of the grievances. Sheriff Scott has acknowledged that the

Department needs to “tighten up” the complaint process with “greater engagement by captains and above” to make sure that complaints are dealt with timely.

The Department is planning to input inmate requests and grievances into the CARTS database from which it will be able to obtain more reliable data and reports about the requests and grievances. The CARTS deployment began at the North facility on November 5, 2013. The complaint module has been installed at all Custody facilities, and the “system is now operational and system acceptance has been accomplished.” The Department reports that it “is now working on the workflow and indentifying gaps in the complaint process.”

The Department has amended its policies to require Unit Commanders to review all personnel complaints of retaliation, which are forwarded to Custody Operations headquarters and OIR, reviewed by a commander at the direction of the Chief of the Division, and forwarded to the appropriate unit to handle.

The Department has appointed an Inmate Grievance Coordinator at the rank of lieutenant who will oversee the Department’s handling of inmate complaints. The Coordinator reviews monthly analyses of inmate complaints and service requests within the Custody Services Divisions. In addition, the Coordinator will be reviewing the inmate grievances that are now going to be recorded in the PPI database and also a pilot of the inmate grievance module in CARTS that began at the North Facility on November 5, 2013. The Unit Commanders will respond to any findings of irregularities and the Coordinator will report his or her findings to the Division’s Risk Management Lieutenant and senior management. The Department also intends to audit the inmate

grievance system twice a year by Custody Division Commanders and once a year as part of the Command Inspections.

The pilot program that provides inmates in trustee dorms in MCJ and CRDF with access to iPad kiosks to submit their requests for service and personnel complaints to the Department electronically was launched on February 4, 2014, and is scheduled to run through May 2014. The Department reports that it “has been well received by the inmates in the pilot housing locations,” and there have been some “enhancements to address lessons learned during the initial weeks of deployment.” If the pilot program is successful and funding is available for network upgrades, subject to procurement timeline constraints and the availability of facility resources for electrical installations, the Department intends to implement the system Division-wide possibly within 14 months after completion of the pilot program.

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

*In progress (Alternative Implementation)*

In response to the recommendation of the Board of Supervisors, and also the Commission’s encouragement, the Department “conducted a test and evaluation of representative forms of PVRDs [“Personal Video Recording Devices”] within MCJ and TTCF in order to assess the feasibility of implementing a larger scale deployment of PVRD technology at LASD.” The Department’s report “recommends a deployment of PVRDs exclusively at Men’s Central Jail due to its prominence, historically higher liability operation, hazardous inmate classifications and overall impact such a deployment would have on the entirety of the Department.” Taking into consideration the considerable potential costs, the Department’s report recommended an initial

deployment that is “manageable in size, scalable in scope and should necessitate a minimal need for additional infrastructure upgrades.” Ultimately, the Department believes that the funds for lapel cameras would be better spent on additional fixed cameras in the jails.

The Department submitted to the CEO a request for funding for additional fixed CCTV cameras to “enhance[] the system at MCJ, TTCF, and IRC, as well as to expand it to all of the other custody facilities.” This proposal was essentially in lieu of additional lapel cameras. The Consultants believe that “[e]xpanded placement of CCTV cameras is needed, irrespective of any future decision to equip Deputies with PVRDs” and “there is a definite need for more cameras with better resolution to improve coverage and the quality of video recordings.”

On October 8, 2013, the Board approved \$4,965,395 in funding for the additional fixed cameras that will be installed in the jails in Phase I of the Department’s Proposed Implementation Budget Timeframe. Assuming the Department is able to upgrade the network system to handle the additional cameras, the Department’s timeline for the installation of the additional cameras in Phase I remains the same and is as follows:

Facility	Number of cameras <sup>9</sup>	Installation Completed	Network Online and operational
MCJ	238	August 2014	December 2014
TTCF	96	November 2014	December 2014
IRC	20	December 2014	December 2014
CRDF	491	December 2015	December 2015

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<sup>9</sup> The number of cameras for each facility, and in particular CRDF, may change as the Department determines the specific camera placements.

In addition, in lieu of PVRDs, the Department intends to direct supervisors to equip themselves with handheld cameras when they respond to a force incident and capture as much of the incident on video and audio tape as possible.

## **CHAPTER 8: OVERSIGHT**

### **8.2. The Department should report regularly to the Board of Supervisors on use of force and the status of Custody recommendations.**

#### *Implemented*

Since the formation of the Commander Management Task Force in October 2011, the Sheriff and/or the Assistant Sheriff for Custody Operations have regularly reported to the Board on force incidents in the jails and the implementation of the Commission's recommendations.

## **CONCLUSION**

With the funding approved by the Board, the Department has commenced to implement fully most of the remaining recommendations for additional supervisors, additional internal investigators, a Custody Training & Standards Bureau, an internal audit command, and an upgraded computer system. Fully implementation will depend upon the approval of funding by the Board for these items in the next two fiscal years.