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

JIM McDONNELL, SHERIFF

April 9, 2015

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

Dear Supervisors:

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
REPORT BACK ON GREGORY A. LYONS' RECOMMENDATIONS

This report back letter is in response to the statements made by former inmate, Gregory A. Lyons, Booking Number 3375784, at the Board meeting of February 3, 2015. Mr. Lyons was incarcerated for a period of 636 days and was housed in several locations throughout the Los Angeles County (County) Sheriff's Department's (Department) Men's Central Jail (MCJ) and Twin Towers Correctional Facility (TTCF). The Department takes all allegations seriously and carefully evaluates every allegation to ensure the Department is in compliance with all state and federal laws.

Allegation Related to Free Items

Mr. Lyons alleged employees of the Department receive free food and drinks from a 7-Eleven store in the city of Carson. He recommended the Sheriff put a stop to such behavior.

Department Response:

As a result of the letter sent to the Board, the Department's South Patrol Division captains have been directed to attend all shift briefings and personally discuss professional conduct, bribes, rewards, loans, gifts, and favors with personnel. The captains were also directed to discuss the public's perceptions and expectations regarding law enforcement officers accepting gratuities. Station captains will ensure this practice does not occur within their station service area.

Statement Related to Drug Dogs in Custody Facilities

"I would suggest that the Sheriff make the following change. From Friday night through Sunday night I would shut the entire jail down, and I would bring in a team of drug dogs, and I would search from top to bottom, floor by floor, dorm by dorm, and station a dog at the employee entrance. I would do this for a period of 45 days."

Department Response:

Controlling narcotics within the County jails is a very serious issue the Department continuously strives to address. The Department's Custody Investigative Services Unit uses canines that are certified to detect methamphetamine, heroin, opiates, marijuana, cocaine, and jail-made alcoholic beverages (pruno). Searches are done on a regular basis in accordance with Custody Division Manual (CDM) Section 5-08/010.00, Searches.

Statement Related to the Closure of the MCJ 5th Floor Library

Mr. Lyons stated he would shut down the 5th floor library, convert it to an office and assign to it, personnel from County Counsel, Public Defender, American Civil Liberties Union (ACLU), and District Attorney's Office.

Mr. Lyons suggests having these representatives inside the jail would allow them to take preemptive action against any potential misconduct and protect the interests of both the inmates and the Department, affecting independent oversight of the jail's operations.

Department Response:

Closure of the Department's MCJ law library would violate California Code of Regulations Title 15, Article 6, Section 1064, Library Service, and Section 1068, Access to the Courts and Counsel. It would also violate the Los Angeles Superior Court Propria Persona (Pro Per) Policy Memorandum, and would deprive Pro Per inmates housed at the Department's MCJ and TTCF use of the law library.

Representatives from County Counsel, the District Attorney, and the Public Defender currently have a presence in the County jails. Additionally, current policy, CDM Section 5-12/035.00, Responsiveness to Independent Oversight, addresses some of these issues. The Department ensures the Office of the Inspector General (OIG) and the ACLU have fair access to the County jail facilities, and have direct communication with designated Department personnel.

Statement Related to Operation Safe Jails (OSJ)

Mr. Lyons recommended removing each member of OSJ and re-staff OSJ with fresh members. Mr. Lyons also stated that a policy should be in place that says the Department will not trade information/bodies in order to get a lighter sentence.

Department Response:

The primary responsibility of the Department's Operation Safe Jails (OSJ) is to gather gang-related intelligence that impacts the safety and security of the County jails. This is accomplished by deputies who have used their time and resources to develop rapport with street gang members housed within the County jails. To remove and replace each member of OSJ would severely impact the safety and security of the facility.

The use of informants is a widely used and accepted practice in law enforcement and is done in compliance with the Manual of Policy and Procedures (MPP) Section 3-01/110.60, Use of Informants. The Department constantly evaluates OSJ personnel to ensure they demonstrate professionalism and commitment to the Department's Core Values and expectations. Any deviation from those expectations does, and will, result in removal from OSJ.

Statements Related to Drug Testing of Department Personnel

Mr. Lyons recommended ordering random drug test of staff members/deputies inside the jails.

Department Response:

Risk Management Bureau currently conducts random drug tests of employees.

Members shall not use any controlled substances, narcotics, or hallucinogens except when prescribed by a physician for an illness or injury. Members shall not report to work or be on duty while under the influence of any such drugs. Whether on/off duty, members found under the influence of the mentioned drugs in a public place shall be subject to immediate relief of duty pending an investigation.

Statements Related to Legal Mail/ U.S. Mail

Recommendation:

"All legal and U.S. Mail should be collected at 3 p.m."

Department Response:

Mail is collected daily in accordance with MPP Section 5-03/190.25, Requirements of the Outgoing Mail Inspection Officer, ensuring all outgoing mail is inspected and deposited with the United States Postal Service without undue delay.

Statements Related to Labor Cost

"Sworn peace officers... are assigned to walk with the nurse for 8 hours, while the nurse gives out medication. A custody assistant could handle this job."

Department Response:

Mr. Lyons' recommendation would require custody assistants to work outside the scope of their job classification.

Legal Forms Civil/Legal

"I would suggest that... policy be changed so that when an inmate shows proof that he is in Pro Per in a civil case, that he be allowed access to the law library. I also suggest that the jail provide an inmate with the legal forms that he/she needs."

Department's Response:

The Department's current policies are consistent with the most current Los Angeles Superior Court Pro Per Policy Memorandum. CDM Section 5-13/160.05, Law Library, states access to the law library is limited to Pro Per Inmates, or others with a justifiable need to have ongoing access to the law library. Legal forms may be requested by any inmate by completing the "Inmate's Request to Use Law Library" form. Inmates may file an unlimited number of these forms. The Department continues to monitor the inmate complaints to ensure relevant policies are adhered to.

Psychological Counseling

Mr. Lyons requested psychological counseling be provided for inmates upon request, regardless of a lack of prior history of mental health issues, to satisfy sentencing requirements while in custody.

Department Response:

Currently, any inmate can request to speak to a mental health professional. This recommendation will be referred to the Department of Mental Health for additional input and or review.

Statements Related to Improper Conduct

"I watched when as many as 7 to 10 deputies who would show up on F (Row) when people such as Mr. Chris Brown and Redmond O'Neil were in jail. Often I watched as Mr. Brown was taken from his cell so that he could sing happy birthday over the phone to a deputy's wife. Drugs and booze were an everyday occurrence on "Celebrity Row." Inmates in 1750 were allowed to watch first run movies. This type of conduct should be stopped at once."

Mr. Lyons indicated incidents of this type involving Mr. Brown occurred eight times between March 19, 2014, and April 22, 2014.

Department Response:

An inquiry was conducted regarding the dates and times Mr. Lyons provided regarding staff interactions with Mr. Brown. Closed Circuit Television Video (CCTV) surveillance of Module 1750 refutes Mr. Lyons claims. Additionally, jail records and video indicate Mr. Brown was not housed at MCJ during the month of April.

Fraternization with County jail inmates is strictly prohibited in accordance with MPP Section 3-01/050.85, Fraternization and Prohibited Associations. It states "Members shall not knowingly fraternize with, engage in the services of, accept services from, do favors for, or maintain a business or personal relationship or association with persons who are in the custody of any federal, state, or County law enforcement agency."

Drugs and alcohol are considered contraband in accordance with CDM Section 5-07/010.00, Contraband Defined. Additionally, possession of drugs or alcohol in a jail facility is a violation of California Penal Code Sections 4573, 4573.5, and 4573.6 "Bringing Drugs or Alcohol into a Jail Facility." These policies have been rebriefed with personnel.

Burning of the Koran

Mr. Lyons stated he observed deputy personnel with images of black (Muslim) inmates praying while inside large cages on his computer.

Department Response:

An inquiry into this allegation was conducted. The Department's Data System's Bureau conducted an audit of deputy personnel's computers and network files and found no pictures matching those described by Mr. Lyons, or that could be construed as similar in nature to the allegations made. These concerns were discussed with deputy personnel who denied this allegation and stated they were aware of the Policies of Equality and use of computers.

Recycle Program

"On an average week, more than 3,000 plastic bottles are thrown into the trash, this most often takes place just after the inmates get store each week. The trash can be separate and the money can be put in the inmates' welfare fund."

Department Response:

Several of the Department's custody facilities currently have a recycling program in place. However, as a result of this suggestion, the Assistant Division Director over inmate programs has been tasked with evaluating the possibility of expanding the programs to all facilities.

Food Cost

"On an average day more than 8,500 bags of carrots are thrown in the trash each day. The carrots should be replaced with celery."

Department Response:

Inmate meals are prepared by the Department's Food Services Bureau, and are done in accordance with CCR Title 15 Sections 1241, Minimum Diet, and 1242, Menus. Menus are planned by a registered dietician and evaluated annually. There is little evidence inmates would prefer celery over carrots.

Access to the Courts Law Library

Mr. Lyons stated inmates who are involved in a state or federal civil case and are Pro Per should be allowed unrestricted access to both the courts and to the law library.

Department Response:

The Department already complies with access to the courts. The policies and procedures implemented for inmates proceeding Pro Per are consistent with the most current Los Angeles Superior Court Pro Per Policy Memorandum and CDM Section 5-13/160.15, Inmate Pro Per Privileges.

Access to the law library and access to the courts is afforded to all inmates in compliance with CCR Title 15 Sections 1064, Library Service, and 1068, Access to the Courts and Counsel.

Statements Related to Inmate Request/Complaint Forms

"When an inmate fills out an inmate request/complaint form, the turnaround time should be no less than 10 working days, and 6 hours if it is an emergency. The current form provided to an inmate should be re-written. In some cases, I had to wait 3 months to get a response... A reporting system should be put in place, and each inmate request form should be logged into a computer, with a report being prepared such as a spreadsheet."

Department Response:

Inmate complaints are logged into the Custody Automated Report Tracking System (CARTS), which is a means of consistently and accurately collecting management information to identify deficiencies and trends that increase the Department's exposure to criminal and civil liability. CARTS is capable of generating a variety of reports that aid in improving our inmate request/complaint process.

The Department recognizes there is room for improvement in this area. The Department is currently exploring methods and measures to improve the inmate request/complaint process, and is currently working to revise Department policies and procedures to better meet the needs of the County's inmate population. Improvements to the inmate grievance system will occur and be monitored for compliance as part of the Alex Rosas, et al. vs. Jim McDonnell Settlement Agreement. The Department strives to continually improve the inmate request/complaint process and ensure all requests and complaints are given our utmost attention.

Psychological Care

Mr. Lyons stated psychologists should be staffed at Men's Central Jail to take preventative measures and decrease the risk of suicide amongst the inmate population.

Department Response:

The Department already addresses this issue through the Department's Jail Mental Health Evaluation Team (JMET). The primary responsibility of JMET is to identify mentally ill inmates who may be in need of attention, and to address their special needs. All inmates at MCJ have access to mental health services through JMET, and can request access to a mental health professional at any time.

Tobacco Within Custody Facilities

Mr. Lyons stated inmates are able to obtain tobacco which is brought in by deputies (for their personal use).

Department Response:

CDM Section 5-11/010.00, Use of Tobacco Products, prohibits Department members from bringing any tobacco product into the secured area of the jail facility. The entire custody environment is tobacco and smoke-free. To ensure compliance with this policy, random searches of personal property are conducted within the secured area of custody facilities.

This policy will be rebriefed to personnel. A contraband committee chaired by a commander, has recently been developed to further address issues of this nature; however, there was no information related to staff, locations, or inmates provided relative to this issue, which would allow for further investigation into these specific allegations.

Cell Phones

"...certain deputies use their cell phones to allow high-profile inmates to send messages from inside MCJ."

Department Response:

The use of cellular phones is prohibited in the secured area of the jail per California Penal Code Section 4575(a). Authorization for use of a cellular phone in a secured area of the jail requires approval from the Assistant Sheriff of Custody Operations.

This policy will be rebriefed to personnel. No information related to staff, locations, or inmates was provided relative to this issue, which would allow for further investigation into these specific allegations.

Store – Men's Central Jail

The Sheriff should take a look at the current store list and eliminate "any" and "all" candies, cookies, pastries, and drinks (other than water) to reduce dental care costs and promote healthy living amongst the inmate population.

Department Response:

Most dental care issues experienced by inmates in custody are preexisting conditions brought on prior to their confinement. The store lists are provided by the contracted vendor. Elimination of the items described above would likely have a detrimental impact on the Inmate Welfare Fund, and would require a reduction in the availability of programs and services to the inmate population. Inmates in jails have few privileges and the reduction of this privilege has the potential of creating unnecessary unrest.

Rotation of Deputies – Men's Central Jail

The Sheriff needs to rotate the deputies inside MCJ. The purpose of this rotation is to prevent/discourage corrupt behavior.

Department Response:

The Department already has a policy in place to achieve this. CDM Section, 3-01/020.05, Mandatory Rotation of Line Personnel In Custody, states all unit commanders are directed to ensure line personnel are rotated between job assignments no less than every six months. Compliance with this policy is monitored by the OIG.

Inmate Medication

"When medication is dispersed by the nurse each day, the inmate should be required to swallow the medication in front of the nurse."

Department Response:

Pill call is the process through which medical staff dispenses prescribed medication on a daily basis to inmates. The Department's Medical Services Bureau implements an inmate medication disbursement schedule (pill call) for each custody facility, which includes a Self-Medication Program.

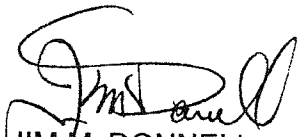
The Self-Medication Program allows inmates to carry a limited supply of approved medications dispensed by the Department's pharmacies in compliance with applicable pharmacy laws. Per Title 15 for Correctional Institutions, psychotropic, narcotic medications and other mind-altering drugs do not qualify for self-medication by the inmates.

Refills for medications are provided on a routine basis. Medical Services Bureau's staff monitors inmate patients for compliance with the Self-Medication Program. If an inmate abuses the program or declines to participate in the program any longer, self-medications shall be confiscated and Medical Services Bureau's nurses shall administer each dose individually.

Conclusion

Should you have any questions, please contact Chief Eric G. Parra, Custody Services Division, General Population, at (213) 893-5017.

Sincerely,



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