

MOTION BY SUPERVISOR GLORIA MOLINA

October 18, 2011

The American Civil Liberty Union’s (ACLU) October 3, 2011 report on the pervasive use of violence, intimidation and excessive force by deputies in our jails—either directly or to instigate inmate on inmate violence—is truly disturbing. While we recognize that not all of our jail deputies engage in this inappropriate behavior, there is no question that the horrible examples of deputy behavior presented in the ACLU report and in recent media accounts, if true, harm the Department as a whole and compromise the critical work that our deputies are carrying out in each and every community in the County

But more important than the harm to the Department’s stature and credibility is the very real physical and mental harm inflicted on the inmates in the County’s custody and care. There are consequences to this behavior—both for the inmates themselves who may suffer grievous injuries and to the County as a whole. For example, in the last three years alone the County has paid over \$8.4 million in liability and an additional \$4 million in attorney fees and costs solely to resolve excessive force and failure to protect cases in our jails. This behavior must stop.

But what can be done? The Board of Supervisors contracts with Special Counsel Merrick Bobb and the Office of Independent Review (OIR) to provide oversight and independent

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Ridley-Thomas _____

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Antonovich _____

review of the Los Angeles County Sheriff's Department, including the jail system. Both have extensive experience in working with and investigating use of force incidents within the Sheriff's department, and each has written regular reports with specific recommendations on this topic for many years.

Not all of these recommendations have been readily accepted or fully implemented by the Department. This, too, must stop.

The specific recommendations of these two independent advisors must be taken seriously and implemented immediately.

One important investigative tool that can help curtail the amount of use of force in our custody facilities is the use of surveillance cameras. Over the years, advancements in technology have made video camera equipment more portable and affordable. Many law enforcement agencies across the nation, including the Oakland Police Department, the San Francisco BART Police and the Phoenix Police Department, are now issuing Officer Worn Video Cameras to provide a record of their police officers' interactions with the public. These cameras also provide more transparency to the public, more security to officers, and have reduced the number of misconduct complaints and lawsuits. In many cases, the wearable video cameras have both identified officer misconduct and exonerated some of false allegations of excessive force or misconduct during an Internal Affairs Investigation process.

I, THEREFORE, MOVE the Board of Supervisors request that the Sheriff immediately implement the following recommendations previously made by Special Counsel Merrick Bobb and the Office of Independent Review and report back to the Board in two weeks, and thereafter every 30 days on progress:

- 1) Install surveillance cameras at Men's Central Jail, the Inmate Reception Center and Twin Towers within 30 days and develop a plan to purchase and install surveillance cameras at the remaining jail facilities.

- 2) Eliminate the use of heavy flashlights as batons to subdue inmates; illumination can be achieved with smaller and lighter flashlights. If use of an impact weapon is necessary, the Sheriff could consider allowing deputies to carry a baton in addition to the tasers, pepper spray and handcuffs already carried by deputies in the jails.
- 3) Eliminate the use of steel-toed shoes which can cause significant injury.
- 4) Revise the Policy on Head Strikes with Impact Weapons to forbid all head strikes, including, but not limited to, head strikes against fixed objects such as floors, walls or jail bars, unless the standard for lethal force has been met.
- 5) Rotate Jail Deputies between floors at Men's Central Jail and to other jail facilities at no less than six-month intervals.
- 6) Enforce the Anti-Retaliation Policy to prevent sheriff deputies from retaliating against inmates speaking with legal representatives or inmate advocacy groups or for expressing dissatisfaction with jails conditions.
- 7) Interviews of inmates who make claims of excessive force should not be conducted by, or in the presence of, the deputies or their supervising sergeant involved in the alleged use of force.
- 8) Interviews of inmates alleging use of force and any witnesses must occur as soon as feasibly possible, but no later than within 48 hours of the incident.
- 9) Develop a prioritization process for Use of Force Investigations to ensure that the most severe incidents are completed within 30 days and that all others are completed within 60 to 90 days.
- 10) Develop a plan for more intense supervision that requires jail sergeants to directly supervise jail deputies, including walking the row of jail cells and floors and responding as soon as possible to any notification of interaction where force is being used on an inmate.

- 11) Immediately mandate that all custody medical personnel report all suspicious injuries of inmates to the Internal Affairs Unit or the Captain of the jail facility where the inmate is housed.
- 12) Report back on the role of the new Jail Commanders and how they will be used to reduce jail violence.

I. FURTHER, MOVE that the Director of Health Services immediately mandate that all medical staff report all suspicious injuries of inmates to the Internal Affairs Unit or the Captain of the jail facility where the inmate is housed.

FINALLY, I MOVE that the Chief Executive Office work with the Sheriff's Department to immediately study the feasibility of purchasing Officer Worn Video cameras for all custody personnel to use, to identify potential funding for this purpose, and to report back in two weeks. In the interim, the Sheriff and his staff should develop appropriate policies and procedures for the use of these cameras. Policies should include a requirement that custody personnel record all interactions with inmates, including Title 15 checks, any movement throughout the jail facilities and any use of force. Each failure to record or immediately report any use of force against inmates must be appropriately disciplined.

MJ/jp