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October 21, 2014

TO: SUPERVISOR DON KNABE, Chairman
SUPERVISOR GLORIA MOLINA
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FROM: MAX HUNTSMAN
Inspector General

RE: First Status Report: The Los Angeles Sheriff's Department
Implementation of The Citizens' Commission on Jail Violence
Recommendations; Monitoring Plan

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CHIEF EXECUTIVE OFFICE

Enclosed please find the first report by the Office of Inspector General on the implementation by the Los Angeles County Sheriff's Department of the recommendations by the Citizens' Commission on Jail Violence. Included within this report is the Office of Inspector General's plan for the continued monitoring of the Department's implementation of these recommendations. If you have any questions concerning this report, please contact me at (213) 974-6100.

Enclosure: First Status Report: The Los Angeles Sheriff's Department Implementation of The Citizens' Commission on Jail Violence Recommendations and Monitoring Plan

c: John Scott, Sheriff

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Chief Executive Officer

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County Counsel (Acting)

**Los Angeles County
Office of Inspector General's**

FIRST STATUS REPORT:

The Los Angeles Sheriff's Department Implementation of

The Citizens' Commission on Jail Violence

Recommendations

and

MONITORING PLAN

October 21, 2014

**FIRST STATUS REPORT AND MONITORING PLAN
OCTOBER 21, 2014**

On July 1, 2014, the Office of Inspector General (OIG) assumed responsibility for the external monitoring of the Los Angeles County Sheriff's Department's (Department) implementation of the Citizens' Commission on Jail Violence (Commission) recommendations. Building on the work of Implementation Monitor Richard Drooyan (Monitor Drooyan), the OIG sets forth the comprehensive monitoring plan outlined below in order to assess the Department's continued success in implementing the Commission's recommendations, its adherence to policy and procedure revisions, and its incorporation of the underlying principles behind the Commission's recommended reforms into Department practice. The OIG respectfully submits to the Board of Supervisors its First Status Report and Monitoring Plan.

As of Monitor Drooyan's July 8, 2014 report, the Department had implemented 45 of the Commission's 60 recommendations.¹ Of the remaining 15 recommendations, Monitor Drooyan identified 10 as "partially implemented" and 5 as "in progress."² Of the 15 items that are in progress or partially implemented, funding has been approved for 14 of them and a funding request for 1 item is anticipated.

For each implemented recommendation, the OIG has identified items that are appropriate for auditing and/or ongoing monitoring and the audit/monitoring criteria for each. The OIG is working with Custody Operations and the Department's newly establishing Internal Monitoring, Performance Audits and Accountability Command (IMPAAC) (see Recommendation 4.12) to

¹ Fourteenth Report of the Implementation Monitor Richard E. Drooyan, July 8, 2014.

² Monitor Drooyan has defined "Implemented" as: "The Department's implementation of the recommendation has been reviewed and approved by the Monitor, and incorporated into jail operations"; "Partially Implemented" as: "The Department has implemented the recommendation, but some additional steps are required to complete the implementation"; and "In Progress" as: "The Department is assessing the policy, procedural and operation needs and/or is in the process of implementing the recommendation." (Drooyan, July 8, 2014, p.3). For methodological consistency, the OIG will utilize the same implementation progress definitions as Monitor Drooyan.

identify the Department's current data collection and proof-of-practice tracking mechanisms. The OIG will evaluate current tracking mechanisms for any deficiencies and work with the Department to improve upon them and to ensure their compatibility with OIG's auditing and monitoring methodology. For each recommendation that is partially implemented, in progress, or for which funding is approved, the OIG and IMPAAC will identify action items that the Department will complete, proof of practice and other documentation that it will provide and completion timelines for achieving full implementation.

The Department has been forthcoming and transparent in providing Department policies, directives, memoranda and training bulletins. With the exception of items that contain identifying personnel information, the Department has also provided the OIG with copies of, or access to, internal reports and communications.³ The OIG has been included in many executive and command level meetings and incident and death reviews. From deputy sheriffs to Sheriff John Scott and Assistant Sheriff for Custody Operations Terri McDonald, Department personnel have made themselves available for meetings, phone calls, follow-ups, jail inspections and briefings. The Sheriff has granted the OIG unannounced, unescorted access to all jail facilities and administrative offices. In those instances when Custody Operations personnel have been uncertain about the OIG's frequent presence or access to information or documentation, Assistant Sheriff McDonald has acted swiftly to clarify directives and facilitate access. In some cases this access has been complicated or limited by the decision to withhold "personnel" information.

³ The issue of OIG access to personnel information remains outstanding and limits significantly the OIG's ability to meaningfully analyze and properly assess implementation of an important one-third of the Commission's recommendations. We hope that this issue will be resolved by the Department when implementing the OIG ordinance fully.

In preparation for this report, the OIG met with Sheriff John Scott and Executive Officer Neal Tyler and has met regularly with Assistant Sheriff McDonald. The OIG has met with the Chiefs of Custody Services Division General Population and Specialized Programs, and all Custody Operations commanders as well as the commander, the captain, and lieutenants and sergeants from the Internal Affairs Bureau.

The OIG has inspected Twin Towers Correctional Facility (TTCF), Men's Central Jail (MCJ), Century Regional Detention Facility (CRDF), North County Correctional Facility (NCCF), Pitchess Detention Center North (PDC North), Pitchess Detention Center South (PDC South), Pitchess Detention Center East (PDC East) and the Inmate Reception Center (IRC).⁴ The OIG has met with each facility's captain and operations lieutenant and interviewed deputies, custody assistants and civilian staff assigned to Medical Services Bureau, Education Based Incarceration, the Work Conservation and Fire Camp programs, Custody Investigative Services and Court Services Transportation Bureau.

The OIG has also met with sworn and civilian staff from Custody Training and Standards Bureau, Custody Support Services, Correctional Innovative Technology Unit, Mental Health Services Task Force, Custody Training and Standards Bureau, Population Management Bureau and IMPAAC.

The OIG has attended meetings of the Executive Planning Committee, Division Commanders, and the Custody Force Review Committee, as well as meetings involving Strategic Planning and Over Detention and Erroneous Release. The OIG has also attended a Sheriff's Critical Incident Forum and several Critical Incident Reviews. In July, the OIG also attended the most recent Southern California Jail Managers Association Quarterly Meeting.

⁴ The OIG has not yet inspected station jails.

As part of each jail inspection and subsequent visit, the OIG conducted face-to-face, confidential interviews with prisoners in each jail facility. The OIG has met with Michael Gennaco, Chief Attorney, Office of Independent Review, local civil rights attorneys, community members and activists and parents and family members of current and former Los Angeles County Jail prisoners. The OIG has attended town hall meetings, forums and regular meetings of the National Association for Equal Justice in America, the Empowerment Congress, and the Coalition to End Sheriff Violence in LA Jails. On October 3rd, the OIG, the Department and the Coalition to End Sheriff Violence in LA Jails jointly hosted a town hall meeting to discuss the Department's Custody Operations.

Lastly, the OIG has consulted with Monitor Drooyan both in his capacity as the Commission's Implementation Monitor and in his capacity as court appointed monitor for *Rosas v. Baca* (C.D. Cal. January 18, 2012, CV-12-00428) (*Rosas*). Monitor Drooyan and the other *Rosas* monitors are preparing a series of recommendations that will be incorporated into a settlement agreement in the *Rosas* case and will mandate Department reform in several areas that overlap with the Commission's recommendations.

Areas of overlap include: use of force policies, practices, protocol and training; use of force and mentally ill prisoners; force data tracking and reporting; management review of force incidents; review and investigations of force incidents; disposition of force reviews; criminal referrals; documentation and recording of force incidents; health care assessments and documentation following uses of force; use of restraints; prisoner grievances; prisoner and staff relations and communications with prisoners; retaliation against prisoners; security practices; leadership and management; management presence in housing units; staff rotations; and early warning systems for the identification of problematic deputy conduct.

The *Rosas* monitors submitted their recommendations to the court on October 6, 2014, and Monitor Drooyan anticipates that the final *Rosas* settlement agreement will be presented to the Board of Supervisors for approval by late October 2014. The OIG will continue to consult with the *Rosas* monitors regarding areas of overlap in order to maximize efficiency in the monitoring of those areas and to avoid duplication of efforts and undue burden on the Department and the County.

The overall status of the Department's implementation of the Commission's recommendations is largely unchanged since Monitor Drooyan's final quarterly report, however, the Department continues to make progress in several areas consistent with its projected completion timelines. Implementation of the monitoring recommendations in this plan requires full staffing of the OIG and complete access to peace officer personnel records, as provided for in the OIG ordinance and complete staffing as provided for in the OIG budget. Some shortfalls in OIG staffing levels may be offset by IMPAAC executing some auditing goals.

USE OF FORCE

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

Status: *Implemented*

On July 22, 2013, the Department's use of force policy was published in a single Use of Force Manual that is divided into three sections: "Manual of Policy and Procedures," "Custody Division Manual," and "Court Services Manual." The Department reports that, consistent with Monitor Drooyan's recommendation, it has approved additional policy revisions that reflect the California Supreme Court's decision in *Hayes v. County of San Diego* (2013) 57 Cal. 4th 622.

The policy proposals are currently being reviewed for approval by the deputy sheriffs' and custody assistants' unions and revisions are forthcoming. The Department reports that in response to the *Rosas* litigation, it anticipates more revisions to the Use of Force Manual, including the division of the manual into separate policies for the patrol and custody divisions.

Monitoring of Use of Force Manual revisions:

- Evaluate Use of Force Manual finalized *Hayes* revisions for clarity and consistency with the *Hayes* court's "totality of circumstances" definition of "unreasonable force" under California tort law.
- Evaluate subsequent Use of Force Manual revisions and the manual as a whole for clarity and ease in understanding.
- Audit the effectiveness of the Use of Force Manual to learn if deputies understand and implement it correctly and whether the Department successfully enforces it fairly.

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.

Status: *Implemented*

On December 7, 2012, the Sheriff issued to all sworn staff and custody assistants Sheriff's Bulletin #591, "Significant Changes to Use of Force Policy." The bulletin details the use of force policy revisions that became effective January 1, 2013, and the requirement that personnel acknowledge in writing that they have read and understand the policy. The bulletin directs unit commanders (facility captains) to place into each employee's personnel file a signed "Use of Force Policy Acknowledgement and Agreement" Form.

In signing acknowledgement forms, staff certified: (1) "I have read and understand the Department's Use of Force Policy and the 'objectively reasonable' standard;" (2) "I recognize and understand the force prevention policy DOES NOT conflict with the execution of my lawful duties, or my ability to protect myself and/or others;" and (3) "I understand that I have a duty to

comply fully with *Our Core Values*.⁵ The Department reports that hard copies of the bulletin and acknowledgement forms were distributed to personnel. Those who were on leave or otherwise unavailable to receive the bulletin and acknowledgement forms in person received them via US mail.

The Department reports that each unit commander was responsible for tracking and collecting acknowledgement forms which were signed by employees and then placed in the employees' personnel files. The Custody Division Administration Commander reports that in early 2013, Department compliance with Bulletin # 591 was tracked and that 98 percent of personnel were reported to have signed the acknowledgement and agreement form.

The Department is uncertain whether all unit commanders distributed policy revisions and retrieved signed acknowledgement forms in the same manner and, therefore, whether personnel signed forms prior to or following their review of the policy revisions. The IMPAAC unit, in consultation with the OIG, is auditing Department personnel records for compliance with Sheriff's Bulletin #591.

The Department reports that personnel are not typically required to formally acknowledge in writing that they have read and understand use of force and other policy revisions. The standard mechanism for dissemination to Department personnel of policy information and updates, and the procedure that will be utilized for future policy revisions, is department-wide teletype that notifies personnel of changes and lists the corresponding section numbers for each policy change. Personnel are not required to acknowledge receipt of the teletype or that they have reviewed policy changes. However, all personnel are held accountable for the policy changes as of the policy's effective date.

⁵ "Use of Force Policy Acknowledgement and Agreement" form.

Monitoring of personnel acknowledgement and compliance with Sheriff's Bulletin #591:

- Evaluate IMPAAC's audit methodology for the appropriateness of the sampling frame(s), sample size(s) and replicability, and evaluate findings;
- If necessary, replicate IMPAAC's audit or initiate independent OIG audit.

Monitoring of Department personnel receipt, review and understanding of subsequent policy revisions:

- Evaluate Custody Support and Field Operations Support Services, Risk Management and Justice Data Interface Controller teletypes and policy revision procedures.
- Interview Department personnel for qualitative assessment of information dissemination and distribution.

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

Status: *Implemented*

Sheriff's Bulletin #591 requires that all unit commanders provide training in the use of force policy revisions for all assigned sworn personnel, custody assistants, security assistants, and security officers and submit attendance rosters to division chiefs by December 31, 2012.

The Department reports that 98 percent of required personnel completed the training.

Monitoring of 2012 training on use of force policy revisions and on-going use of force training:

- Audit 2012 and then biannually the Department's Automated Personnel In-Service rosters and other training documentation for attendance.
- Review training curriculum for the Department's Use of Force training including force prevention and force/ethics training.
- Attend and evaluate biannually the Department's complete Use of Force training including force prevention principles and force/ethics components.

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.

Status: *Implemented*

The Department's force prevention principles are set forth in its Use of Force Manual, section 3-10/005.00, which states:

Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible. When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation.

The Commission's emphasis on force prevention principles followed its analysis of all use of force incidents in the jails for 2011. The analysis revealed that 57 percent of the 581 uses of force were directed at non-assaultive prisoners, suggesting that more efforts should have been made to mitigate or prevent force events.⁶ The Commission cited poor deputy communication skills and failure to engage supervisors as precipitating factors in unnecessary force incidents.⁷

The Department reports and the OIG's initial observations suggest improvement in the area of deputy communication and commitment to force prevention principles. The OIG observed one incident that demonstrates this improvement as part of the OIG's rollouts to Category 2 and Category 3 force events (see discussion of rollouts with Custody Force Response Team, Recommendation 7.2). A description follows.

On August 28, 2014, the OIG arrived at TTCF to monitor the extraction of a mentally ill prisoner who refused to leave his cell to be processed for discharge. The prisoner was sitting on his bunk, staring straight ahead, unresponsive. The OIG observed two deputies posted outside the prisoner's cell door talking to him for nearly one hour in efforts to persuade him to voluntarily exit his cell.

The deputies were creative, offering him phone calls, showers and special meals. They attempted to engage him with identifying questions, "Where did you go to high school, man?" "I went to Wilson High School, isn't that a few blocks away?" They showed patience and compassion, promising, "If you come out, no one else will touch you," and, "We really want to help you. We can help you if you just tell us what the issue is." Although the deputies were ultimately unsuccessful in avoiding the

⁶ Report of the Citizens' Commission on Jail Violence, September 28, 2012, p. 39.

⁷ *Id.*, at p. 40.

extraction, they displayed a sound understanding of the Department's force prevention principles.⁸

While the deputies' conduct may not represent the skill level of all custody personnel, these deputies have the skills needed to improve outcomes when supported by effective policies, supervision and monitoring.

The Department's Anti-retaliation Policy, set forth in section 5-12/005.05 of the Custody Division Manual prohibits retaliation "for any reason." Though the policy does not address prisoner "harassment" specifically, it states, "Inmates shall not be threatened, mistreated, abused, denied privileges, denied access to programs or services or disciplined in retaliation. . ."⁹

In its September 2012 "Report of the Citizens' Commission on Jail Violence," the Commission cited numerous witness accounts of deputy retaliation against and harassment of prisoners.¹⁰ The Department reports substantial progress in disciplining and deterring the retaliatory and harassing conduct detailed in the Commission's report and states it is now neither frequent nor widespread. The Department does recognize that misconduct remains an issue and has been proactive in reporting it to the OIG.

In August, Assistant Sheriff McDonald personally and timely notified the OIG of a problematic custody use of force that occurred at TTCF during which a prisoner was strip searched, hand and leg restrained, and left tethered in a jail holding area in excess of one hour, open to the view of at least three jail visitors during that time. The Department reports that some involved personnel were relieved or transferred pending the outcome of the investigation which was referred to the Department's Internal Affairs Bureau. The OIG was permitted to view video footage and review redacted copies of the initial use of force package. Meaningful evaluation

⁸ A Department of Mental Health clinician, who was present throughout pre-extraction events, made minimal efforts to engage with the prisoner.

⁹ Anti-retaliation Policy, Use of Force Manual section 5-12/005.05 at Custody Division Manual, p.47.

¹⁰ Citizens' Commission on Jail Violence, September 28, 2012, pp. 42-43, 48.

and monitoring of this and other incidents of personnel misconduct requires OIG access to Department personnel and disciplinary records. Such access is essential to a complete and effective overall monitoring program.

Monitoring of adherence to Force Prevention Principles, the Anti-retaliation Policy and anti-harassment principles:

- Audit annually and analyze quarterly use of force documentation and packages including "Deputy's Use of Force Report[s]," "Supervisor's Report[s] on Use of Force," "Watch Commander's Use of Force Review and Incident Analysis Memo[s]," "Unit Commander's Use of Force Review and Incident Analysis Memo[s]," and "Commander's Use of Force Review and Incident Analysis[es]" to verify documentation/discussion of force prevention principles/use of force prevention tactics.
- Monitor Custody Force Review Committees and Custody Force Response Team rollouts to verify identification and discussion of force prevention tactics and latent retaliatory or harassing conduct.
- Audit Department Personnel Performance Index (PPI) and other personnel records to evaluate staff discipline resulting from prisoner retaliation, harassment and premature, unnecessary, or inappropriate uses of force.
- Audit and evaluate quarterly Department PPI and other personnel records to evaluate staff discipline resulting from prisoner retaliation, harassment and premature, unnecessary, or inappropriate uses of force.
- Audit and evaluate quarterly prisoner grievances and public complaints that allege prisoner retaliation, harassment or uses of force that were premature, unnecessary, inappropriate or disproportionate to the threat posed.
- Evaluate training curriculum and observe biannually training seminars regarding force prevention principles (see monitoring of Recommendation 3.3 above), retaliation against and harassment of prisoners.
- Regularly interview Department personnel to assess their understanding of and commitment to the Force Prevention Principles, the Anti-retaliation Policy and anti-harassment principles.
- Regularly interview prisoners to assess the Department's force prevention, anti-retaliation and anti-harassment practices.

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.

Status: *Implemented*

Monitor Drooyan reports:

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* (1992) 503 U.S. 1, relating to the use of force in a custody setting.¹¹

The Department's Situational Use of Force Options Chart is criticized by the Commission as, "Ill-suited to the dynamic and rapidly changing nature of deputy-inmate interactions and confrontations, and it does not reflect the principles of the Force Prevention Policy."¹² It is also criticized as a rigid matrix that absolves personnel from the duty of articulating reasons for their uses of force and instead encourages them after-the-fact to "fit their actions within the proper box" and risk false characterizations.¹³ The Department reports that while it strongly emphasizes the objectively reasonable standard in its training curriculum, it continues to utilize and provide trainees with the Situational Use of Force Options Chart as a tool in determining the appropriate type(s) of force to employ.¹⁴ Monitoring of this recommendation requires OIG access to Department personnel records.

Monitoring of the Department's Use of Force training and its use of the Situational Use of Force Options Chart:

- Evaluate training curriculum and attend biannually training seminars related to the objectively reasonable standard and the Situational Use of Force Options Chart.
- Audit and evaluate quarterly Department's use of force packages for appropriate articulation of pre-force events.
- Interview staff and review video footage regularly for comparison with documented descriptions of pre-force events.

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

Status: *Implemented*

¹¹ Drooyan, 2014, p. 8.

¹² Citizens' Commission on Jail Violence, September 28, 2012, at p. 57.

¹³ *Id.*, at p. 54.

¹⁴ The Department consulted with Monitor Drooyan in its decision to utilize the Situational Use of Force Options Chart for training purposes.

Monitor Drooyan reports:

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.”¹⁵

In addition to policy changes, the Custody Training and Standards Bureau has revised Department protocols for administrative review of custody uses of force. Under the new protocols, “The responsibilities of supervisors and managers are fixed and expectations clarified for everyone involved in this process – from the investigating supervisor through the command staff responsible for conducting the final review.”¹⁶

In consultation with the Board of Supervisors’ experts Joseph McGrath and Joseph Brann, the Custody Force Response Team has redesigned the Department’s “Supervisor’s Use of Force Report—Form 438,” which now requires the inclusion of use of force narratives and analyses, memoranda and the completion of a detailed checklist as part of the supervisors’ use of force review. The force documentation is compiled and maintained in a single, organized packet that documents review by each supervisor in a deputy’s chain of command up to the division commander. The Department initiated a 90-day pilot of the revised Form 438 at MCJ in July and, with positive preliminary results, plans to begin a second pilot at TTCF. Monitoring of this recommendation requires OIG access to Department personnel records.

Monitoring of the Department’s adherence to its preference for planned, supervised, and directed force:

- See monitoring Use of Force Prevention Principles, Recommendation 3.4 above.
- Audit and evaluate quarterly Department’s use of force packages for documentation of force supervision and direction.

¹⁵ Drooyan, 2014, pp. 8-9.

¹⁶ *Id.*, at 16-17.

- Review regularly video footage of planned and immediate use of force events for presence/evidence of force supervision and direction.

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

Status: *Implemented*

The Commission recommended that the Department incorporate into its use of force policy specific instructions for deputies when handling prisoners with special needs.¹⁷ The Commission's intention was to offer deputies "tools" to mitigate or avoid use of force events with special needs prisoners. The Commission offered an example of an instruction for managing mentally ill prisoners which the Department incorporated into its Use of Force Manual.¹⁸

The Use of Force Manual section 3-02/035.15 now reads, "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." The Department mandates for all custody personnel an eight hour training seminar in working with mentally ill prisoners.¹⁹ Use of Force Manual section 5-03/110.00 addresses California Penal Code section 3407 and the handling of pregnant prisoners. These policy revisions are consistent with the Commission's and Monitor Drooyan's recommendations.

The Use of Force Manual does not address other special needs prisoners for whom unique force prevention tactics are appropriate, such as: the developmentally or sensory disabled; the terminally ill and those with communicable diseases; drug or alcohol addicted prisoners;

¹⁷ Citizens' Commission on Jail Violence, 2012, at pp. 51, 57.

¹⁸ *Id.*, at p. 57.

¹⁹ District Attorney Jackie Lacey has advocated the adoption of the Memphis Crisis Intervention Team approach to contact with mentally ill persons as part of an effort to divert appropriate offenders from the jail system. Experts recommend such a program include forty hours of training for every peace officer.

elderly prisoners; lesbian, gay, bisexual, transgender, intersex and questioning prisoners; and foreign nationals and non-English speaking prisoners.²⁰

The Department recognizes, for example, that there have been use of force incidents on non-English speaking prisoners which began as failures to comply with English language communicated orders. The OIG should monitor the Department's use of force practices, use of force prevention tactics and staff training in special needs populations and assist the Department in determining whether additional policy revisions or training are appropriate. Monitoring of this recommendation requires OIG access to Department personnel records.

Monitoring of the Department's force prevention practices with special needs prisoners:

- Evaluate Department training curriculum and attend eight-hour mentally ill prisoner and other training seminars regarding special needs populations.
- Attend biannually Department eight-hour mentally ill prisoner and other training seminars regarding special needs populations.
- Audit biannually documentation of force events involving special needs populations.
- Review regularly Department use of force video footage, reports, and investigations of force events involving special needs populations.
- Interview regularly prisoners with special needs to assess the Department's pre-force practices.

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

Status: *In progress (funding approved)*

To date the Board has approved \$2.4 million (of the \$3.4 million requested by the Department) for funding the Department's proposed Information System Overall over a three-year-period.²¹ The Department reports that it is on schedule to complete the upgrade, including the deployment of the Performance Recording and Monitoring System, by the December 2016

²⁰ Special needs prisoners as defined by the American Bar Association Criminal Justice Standards on Treatment of Prisoners section 23-7.2, and United Nations Office on Drugs and Crime, Criminal Justice Handbook Series, Prisoners With Special Needs.

²¹ Drooyan, July 2014, at p. 9.

target date. Monitoring of this recommendation requires OIG access to Department personnel records.

Monitoring of the Department's data collection, tracking and reporting systems:

- Receive demonstrations of each of the Department's personnel data collection and tracking databases.
- Track implementation of the Department's Information System Overall.
- Evaluate the Department's Information System Overall, including PPI modifications and PRMS, its systems for monitoring personnel performance and its uniformity in use of force tracking to verify that it will meet the Department's needs.

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

Status: *Implemented*

The Department reports that it has been using PPI to track prisoner grievances by names of personnel since October 2013 and that it is manually transferring to PPI earlier complaints (going back five years) from its Facility Automated Statistical Tracking (FAST) database. The Department reports that it is on track to complete the manual transfer by December 2014.

At this time, the Department reports that it is able to query PPI by names of personnel and identify prisoner grievances against them. It is also developing an early warning system that will allow supervisors to query PPI for a list of a facility's or a division's potentially problematic personnel across multiple variables. Monitoring of this recommendation requires OIG access to Department personnel records.

Monitoring of the Department's system for tracking prisoner grievances by names of Department personnel:

- Audit the Department's manual transfer of prisoner grievances to PPI.
- Evaluate the Department's current prisoner grievance collection and tracking mechanisms from receipt of prisoner grievance through input to Custody Automated Reporting and Tracking System (CARTS) and data and information transfer to PPI by personnel name.
- Audit biannually and evaluate quarterly the Department's current prisoner grievance collection and tracking mechanisms from receipt of prisoner grievance through input to

Custody Automated Reporting and Tracking System (CARTS) and data and information transfer to PPI by personnel name.

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

Status: *Implemented*

The Department reports progress in its tracking and review of prisoner allegations of force. It has assigned a risk management lieutenant in the Custody Training and Standards Bureau who is tasked with analyzing allegations by prisoners of use of force.²² Each facility also has a compliance lieutenant to “review and analyze inmate grievances” at the unit level and “identify potential at-risk employees as it relates to force, conduct, and inmate grievances.”²³

The MPP section 3-10/100.00, “Responsibilities for Reporting Use of Force,” requires that all closed force allegations be reviewed by a division chief. Current data tracking mechanisms and force inquiry protocols may not allow for the systematic review of all prisoner use of force allegations by the risk management lieutenant or division level commanders or chiefs. Currently, prisoner allegations of force that are submitted in writing on the Department’s prisoner complaint forms are logged and tracked in CARTS. The Department reports that all allegations that are logged in CARTS are being reviewed initially by facility sergeants and again by unit commanders. If a unit commander determines that an allegation has merit, it is sent for further review. If, however, the unit commander determines that the allegation is without merit, the force inquiry is closed and the allegation receives no further review. It may be that some unit commanders use alternative means to forward closed force allegation inquiries for division level review, however, this is not done systematically across facilities.

Force allegations that are communicated to the Department by means other than prisoner complaint forms (such as in person to a deputy’s supervisor) generate paper files, all of which

²² Drooyan, July 2014, at p. 10.

²³ *Ibid.*

receive division level review. For now, however, prisoner force allegations that are processed through CARTS are not systematically reviewed at the division level. It is unclear how many force allegations are not receiving division level review and, as a result, data on force allegations may be incomplete.

Every complaint submitted with identifying personnel information is logged and can be identified by deputy name (see discussion of Recommendation 3.9 above). However, there is currently no available PPI query for force allegations. Identifying prisoner force allegations in PPI requires the review of individual complaints to determine if there is a force component.

Lastly, the Department reports that when prisoner force allegations warrant administrative investigations by the Internal Affairs Bureau, they are logged and tracked by the name of the referring unit commander, reference number, deputy name and unit assignment with no cross reference to a prisoner's name or booking number. As such, there is currently no summary data available on how many prisoner force allegations result in Internal Affairs Bureau investigations or how many of those investigations originated as prisoner force allegations.

The Department reports that it is evaluating next steps to ensure that every force allegation is reviewed by the risk management lieutenant and custody division commanders. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

Monitoring of the Department's investigation of force allegations:

- Audit and analyze quarterly Internal Affairs Bureau administrative investigations of force allegations to determine their origins.
- Interview quarterly risk management lieutenant, all facility compliance lieutenants and inmate grievance coordinators to assess appropriateness of assigned workload, sufficiency of scanning and other grievance processing equipment, procedure for review of grievances and force allegations, data tracking and data reporting mechanisms and protocol for force allegation inquiry and investigation.
- Determine auditability of CARTS unit level force allegations.

- Audit and analyze quarterly CARTS force allegations, interview prisoner complainants, and review available video footage to verify:
 - Number of force allegations received.
 - Number of force allegations that received division level review.
 - Number of force allegations that were closed at the unit level.
 - Quality of unit level reviews. Considerations:
 - Follow-up on information provided by the prisoner complainant (witness interviews, evidence collection).
 - Documentation of evidence collection and witness statements/interviews.
 - Photographs of injuries and location of incident, if appropriate.
 - Review of medical records/prisoner injury reports.
 - Review of video recordings, if available.
- Audit and analyze quarterly responses to prisoner complainants to verify timeliness and adherence to policy.

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.

Status: *Implemented*

Based on the OIG's initial observations, senior Custody Operations management vigilantly tracks and analyzes statistical force data, actively engages in critical analysis of force policy and procedure and is closely familiar with daily use of force events in all custody facilities. Since May, the Department has provided the OIG with daily, weekly and monthly custody force statistics and synopses that are updated and distributed daily by the Custody Support Services Data Team.

Each force incident is tracked and logged by reference number, date, time and location of incident. Force synopses indicate for each incident whether there is available video footage, if the Internal Affairs Bureau or Custody Force Response Team was notified, rolled to and/or handled the inquiry, and provide a narrative with basic incident details. The Department reports that force synopses and statistics are reviewed daily by facility compliance lieutenants, unit commanders, the Risk Management Lieutenant, all division commanders, both division chiefs, Assistant Sheriff McDonald, Executive Officer Neal Tyler and Sheriff John Scott.

The Department reports that senior managers receive daily force briefings during which they review video footage of force incidents to identify issues and evaluate policy and procedure and Assistant Sheriff McDonald meets weekly with the Custody Force Response Team.

Monitoring senior management tracking of custody use of force:

- Interview facility compliance lieutenants, unit commanders, Risk Management Lieutenant, all division commanders, division chiefs, Assistant Sheriff Custody Operations quarterly and biannually to assess frequency and quality of use of force tracking and analyzing protocols.
- Attend quarterly commander and custody division chief weekly use of force briefings.
- Attend quarterly Assistant Sheriff Custody Operations/Custody Force Response Team weekly use of force briefings.

3.12. Department should purchase additional body scanners.

Status: *In progress*

Monitor Drooyan reports:

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 I, the Department installed two body scanners in IRC, confirmed that "the scanners are working as specified in the contract," and started 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 women's facility, during the pilot program.

The Department has completed its 90-day body scanner pilot program at IRC and is preparing a report of the results. The Department reports that the scanners functioned well and were effective in detecting contraband. However, the staffing (five deputies and one supervisor per scanner) and training to operate the scanners is costly and not currently budgeted for. Also, personnel participation in the pilot was voluntary pursuant to an agreement with the peace officer unions. Lastly, a large number of prisoners refused to voluntarily process through the scanners,

which caused delays. Consequently, the scanners at IRC are not currently in use, other than as needed for custody investigations.

The Department reports that one body scanner was installed at CRDF on October 6, 2014, and that implementation of the second and third phases of scanner installation at the remaining facilities is in the planning stages.

Monitoring the Department's use of body scanners:

- Track the Department's progress toward implementation and adherence to the three-phase implementation schedule.
- Track and evaluate the Department's current and on-going use of existing scanners at Inmate Reception Center and future use at Century Regional Detention Center and other facilities consistent with its implementation schedule.

MANAGEMENT

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

Status: *Implemented*

Sheriff Scott reports that he closely monitors custody operations through frequent communication with Assistant Sheriff McDonald. He holds weekly Executive Planning Council meetings attended by the assistant sheriffs and the custody division chiefs, during which prominent custody division issues are addressed. Sheriff Scott also holds weekly meetings with Assistant Sheriff McDonald to address more complex custody issues.

As of the OIG's September meeting with Sheriff Scott, he was personally monitoring issues related to custody uses of force, developments in custody suicide/mental health care and the *Rosas* litigation. He is engaged in PPI modifications and, in August, made personal visits to CRDF and MCJ. Lastly, the Sheriff has filled one of two Senior Deputy Counsel positions (approved in the Department's FY 2014/15 budget). One attorney will be assigned to custody

and the other to patrol operations and both will serve as the Sheriff's Constitutional Policing Advisors.

Monitoring of the Sheriff's personal engagement in custody oversight:

- Interview quarterly Sheriff and Assistant Sheriff Custody Operations to assess the Sheriff's personal engagement in jail oversight.
- Review duty statement and interview biannually Constitutional Policing Advisor(s).

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

Status: *Implemented*

Monitor Drooyan reports that the Department held responsible managers sufficiently accountable for custody use of force problems and that those managers are no longer employed by the Department. The OIG should continue to monitor the Sheriff's protocols to ensure that high level managers remain accountable for and continue to address issues related to custody use of force.

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

Status: *Implemented*

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.

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.

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

Status: *Implemented*

Terri McDonald assumed her duties as Assistant Sheriff Custody Operations on March 18, 2013. She is a corrections expert with extensive management experience. Assistant Sheriff McDonald's sole responsibility is the management and oversight of the jails. Under Sheriff Scott's reorganization of the Department, Assistant Sheriff McDonald reports to the Sheriff through the Executive Officer.

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

Status: *Implemented*

The Commander Management Task Force no longer exists on the Department's organization chart and task force personnel have been reassigned to other Custody Operations commands.

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

Status: *Implemented*

Sheriff Scott has extensive law enforcement and custody operations management experience as Undersheriff, Orange County Sheriff's Department and as Chief, Los Angeles County Sheriff's Department. Sheriff Scott reports that he reviews regularly the daily, weekly and monthly custody force statistics and synopses and communicates often with Assistant Sheriff McDonald.

Monitoring the Sheriff's tracking of and engagement in custody use of force data:

- Interview the Sheriff quarterly to assess the Sheriff's monitoring of custody use of force events.

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

Status: *Implemented*

The OIG attended the SCIF that was held on May 22, 2014. The forum was led by Assistant Sheriff McDonald and Custody Division Chiefs David Fender and Eric Parra who analyzed the following data for the first quarter of 2014 and comparison data for previous quarters: (1) custody division population data including, prisoner average daily population and prisoner average lengths of stay; (2) summary use of force data and use of force data by category of force used for each facility (Categories 1-3); (3) status of force investigations; (4) use of force allegations and findings by facility; (5) prisoner extractions; (6) use of force on mentally ill prisoners; (7) use of force resulting in prisoner injuries; (8) use of force incidents by facility, day of the week and shift; (9) summary Custody Force Response Team and Internal Affairs Bureau statistics; (10) minor and major prisoner disturbances by facility; (11) violence data, including prisoner-on-prisoner and prisoner-on-staff assaults; (12) active lawsuits and civil claims; (13) prisoner grievances by type and facility; (14) prisoner suicides and attempts; (15) administrative investigations by type and unit; (16) facility town hall meetings; and (17) prisoner participation in Education-Based Incarceration.

The next SCIF is scheduled for November 2014.

Monitoring of Sheriff's Critical Issues Forum:

- Evaluate ongoing each of the Department's SCIF data tracking and reporting mechanisms for accuracy and utility of information generated and attend SCIFs regularly to assess participation and value.

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

Status: *Implemented*

The Custody Division Manual requires all custody division managers to maintain a visible presence in the jails. In March 2014, Assistant Sheriff McDonald instituted a "Weekend Duty Facility Visitation" rotation which requires custody division managers to be on site at one or more jail facilities every weekend. The rotation includes Assistant Sheriff McDonald, both custody division chiefs and all seven custody division commanders. The OIG was provided with the Weekend Duty Facility Visitation schedule and copies of two "Weekend Duty Facility Visitation Reports" prepared by custody division commanders during their weekend rotations.²⁴ Facility visits are unannounced and typically involve a combination of activities that range from conducting training drills or holding impromptu town hall meetings to observing and mentoring facility personnel.

Based on facility visitation reports, on August 21, 2014, one custody division Commander visited three facilities including PDC North, PDC South and NCCF. He met with staff and talked with prisoners and their families about visiting, physical plant issues and facility cleanliness, prisoner programs and recreation time and staff training. The weekend of September 6-7, 2014, another custody division commander spent the entire weekend visiting TTCF, MCJ, IRC and all three North County facilities. The commander conducted emergency response drills at three facilities and discovered an issue with medical clinic wait times, which he promptly addressed. The OIG has observed on multiple occasions the custody division commander over MCJ walking through the facility, monitoring the availability of prisoner complaint forms and engaging custody personnel and prisoners.

²⁴ Weekend Duty Facility Visitation Schedule, March-August 2014; and Weekend Duty Facility Visitation Reports, August 24, 2014, and September 6-7, 2014.

Monitoring senior management engagement and visibility in jail facilities:

- Accompany quarterly each senior manager facility visitation and review regularly Weekend Duty Facility Visitation Reports to assess level of engagement and quality of visitation.
- Interview regularly facility staff to verify senior manager visibility and engagement.

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

Status: *In progress (funding approved)*

On September 30, 2014, the Board of Supervisors approved \$1,670,000 in ongoing funding of the Department's Phase II proposed Custody Division Staff Assessment, which authorizes the Department to reassign 10 deputy sheriffs and 9 custody assistants and replace them with clerical staff.

Monitoring of the Department's staffing allocations and assignments:

- Evaluate, on an on-going basis, the Department's staffing assessments.

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

Status: *In progress (funding approved)*

The Commission recommended the creation of a department wide or custody specific internal audit and investigation division that would:

. . . conduct regularly planned audits, monitor policy compliance, and engage in both periodic and unannounced inspections of the jails. For custody, these audits and inspections should be developed by the Chief in charge of the Internal Audit and Inspections Division in consultation with the Assistant Sheriff for Custody and the Chief of custody operations. The internal Audit and Inspections Chief would provide reports on the results of the audits and inspections to the Assistant Sheriffs as well as the Sheriff.

On October 8, 2013, the Board approved the Department's funding request for the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC). IMPAAC is being phased in over three fiscal years. In Phase I of the implementation, the Department

received funding for 23 positions including 1 unit commander, 1 operations lieutenant, 1 operations sergeant, 2 audit/inspection team lieutenants, 12 audit/inspection team sergeants and 6 administrative positions. According to the Department's draft IMPAAC organizational chart, all but 2 of the audit/inspection team sergeant positions are filled.

In Phase II, which began July 1, the Department is authorized to fill 28 additional positions which will complete the staffing of three of IMPAAC's four audit/inspection teams. One each of the three teams that will be staffed in Phase II will be assigned to Custody Operations, Patrol Operations and Countywide Services. The fourth team, "Administrative and Technical Services," will be staffed in Phase III during FY 2015-16. Thus far in Phase II, the Sheriff has assigned IMPAAC's commander (who reports to the Sheriff directly) and one additional lieutenant. The Department has hired the Los Angeles Police Department's Head Compliance Auditor as an auditor consultant to assist in developing protocols for the auditors to be hired in Phases II and III. The OIG believes that to be successful IMPAAC must be fully staffed. Re-purposing IMPAAC staff will diminish IMPAAC's effectiveness.

IMPAAC's mission is to identify areas of deficiency through audits, inspection and oversight, strengthen the Department's provision of services, reduce its exposure to liability and enhance public trust in the Department.²⁵ The OIG has met several times with IMPAAC's commander, captain and other staff and is encouraged by IMPAAC's commitment to auditing standards that are fact-based, transparent, unbiased and replicable. The OIG has discussed with the Department -- and IMPAAC's managers are in agreement -- that systemic reform must also be measured against qualitative outcomes which will best capture the Department's success in reforming its values, culture and philosophy.

²⁵ Draft Department policy, and email, IMPAAC, August 28, 2014.

The OIG anticipates working closely with IMPAAC in its initial staffing phase and in the development of its auditing and monitoring methodologies. IMPAAC should consult with the OIG in the early planning phases of its projects, audits and inspections so that the OIG can work collaboratively with the Department to achieve methodological consistency and compatibility. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records in some cases.

Monitoring of IMPAAC:

- Meet bimonthly with IMPAAC commander, captain and/or personnel to assess and evaluate current projects, audits and inspections.
- Evaluate regularly IMPAAC's auditing and monitoring methods.
- Replicate periodically, randomly and selectively IMPAAC projects, audits, and inspections.
- Attend quarterly IMPAAC's Sheriff briefings.
- Monitor on going progress toward IMPAAC's full implementation and staffing.

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

Status: *Implemented*

On January 31, 2013, the Department issued revisions to its Manual of Policy and Procedures section 3-01/070.05, "Political Activity" and section 3-01/070.07, "Prohibited Political Activity and Other Conflicts of Interest."

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.

Status: *Implemented*

See discussion of Recommendation 6.10 below.

CULTURE

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

Status: *Implemented*

It appears to the OIG that the Department's entire command staff is committed to reforms that emphasize respect for, engagement of and communication with prisoners. In addition to progress the Department is making toward implementation of the Commission's recommendations, the Department reports steady progress in its Education-Based Incarceration and Town Hall Meeting programs. Schedules indicate that Town Hall Meetings are being held regularly in each custody facility.

Custody Operations command staff are committed to evidence-based correctional best practices that reduce deputy-prisoner tension and enhance mutual respect and communication. The OIG attended a meeting in September during which division commanders briefed one another on conferences and trainings they had attended on cutting edge correctional initiatives such as The Sanctuary Model's Trauma Informed Care.

The Department is considering a program that brings comfort dogs into the jails to therapeutically engage with isolative mentally ill prisoners. Deputies assigned to CRDF are receiving gender responsive training in working with female prisoners. Custody Operations is also piloting a Community Oriented Policing program at MCJ which incorporates Restorative Justice principles into deputy-prisoner communications.

Department leaders recognize that some Department personnel continue to hold troubling attitudes and beliefs which are reflected in their conduct toward prisoners and colleagues. These attitudes and beliefs may be deeply embedded, and changing them is a slow and difficult process.

The Department reports that it is taking a multi-pronged approach that involves monitoring and oversight by custody managers, training through mentorship of custody personnel and consistent imposition of discipline for personnel misconduct. (See discussions of Recommendations 4.10, 4.12, 7.2 and 7.7).

The OIG has received information from Department records and personnel, prisoners, their families, and members of the community that suggests on-going problems with the fear based, “us-versus-them” mentality identified by the Commission.²⁶ Department leaders have expressed their commitment to address these problems in creative and proactive ways. They have also expressed their commitment to identifying and disciplining such misconduct and have allowed the OIG access to the Department’s jail facilities for the OIG’s monitoring of the Department’s on-going “culture” related reforms. Monitoring of this recommendation also requires OIG access to Department personnel and disciplinary records.

Monitoring the Department’s emphasis on respect for, engagement of and communication with prisoners:

- Meet quarterly with Custody Operations commanders to evaluate all community-based, best practice initiatives and pilot programs that enhance respect for, engagement of and communication with prisoners.
- Meet quarterly with facility personnel assigned to implementation of each initiative/program to verify successful implementation of each program.
- Interview personnel to assess staff attitudes and beliefs about each reform-related initiative/program.
- Interview prisoner participants to assess participant reception of each initiative/program.
- Audit and analyze quarterly prisoner grievances, administrative investigations and disciplinary records and review video footage for patterns or trends.

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

Status: *Partially implemented (funding approved)*

²⁶ Citizens’ Commission on Jail Violence, 2012, at p. 99.

The Department reports that all new personnel and 98 percent of existing personnel have received training in the Use of Force policy including its Force Prevention Principles (see discussion of Recommendation 3.3 above). The Department reports that additional training has been incorporated into the annual training plan developed by the Custody Training and Standards Bureau (see discussion of Recommendations 5.3 and 6.1).

Monitoring the Department's use of force training:

- (See monitoring of Recommendation 3.3 above).

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

Status: *Partially implemented (funding approved)*

As of Monitor Drooyan's final report:

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." The Department has rolled out an eight-hour block of force/ethics training for all existing custody personnel and as part of the Jail Operations training for new deputies. Ethics training for the existing staff also will be part of the Custody Training & Standards Bureau annual training plan.

The Department reports that it has further commenced a new program of ethics training for supervisors which is currently in progress.

Monitoring the Department's academy and custody division ethics training:

- Meet with Custody Training and Standards Bureau personnel to receive an orientation to the Annual Training Plan.
- Collect and evaluate the Department's training curriculum and attend biannually training seminars in the following areas:
 - Department Ethics and Standards (see monitoring of Recommendation 3.3).
 - Core Values.
 - Critical Decision Making.
 - Valued Communications.
 - Value Based Decision Making.

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

Status: *Implemented*

The Department's Dual Track Career Path was established in February 2013 pursuant to Sheriff's Bulletin #594.²⁷ It allows sworn personnel, "the opportunity to select, remain, and promote within their career path of choice: Custody Division, Field Operations, or both." It also allows deputy sheriffs and supervisors to promote up the chain of command to the position of Custody Services Division Chief without a required patrol assignment.

As of July 13, 2014, the Department has promoted or assigned 80 Dual Track Sergeants: 18 at CRDF, 26 at TTCF, 1 at PDC North, 4 at NCCF, 16 at IRC and 15 at MCJ. On August 2, 2014, the Department offered a Lieutenant written exam and reports that a total of 359 sergeants took both the custody and patrol exam, 126 took the patrol exam only and 23 took the custody exam only.

Conversations with Department personnel reveal mixed opinions of the Dual Track Career Path. Some suggest that the Dual Track requirements are too rigid in prohibiting any cross-operational assignments. Others suggest that promoting directly up a single operational chain of command does not offer personnel sufficiently diversifying professional experience to be effective managers (currently, personnel are permitted to test for promotions after five years in custody, without completing a patrol assignment). Others believe that this opposition to Dual Track reflects vestiges of antiquated Department sentiment that fails to acknowledge custody as a respected career path.

The OIG has observed, and the Department reports, that some of the Department's most skilled and dedicated professionals are assigned to Custody Operations.

²⁷ Sheriff's Bulletin #594: Dual Track Career Path, February 1, 2013.

Monitoring the Department's expansion of the Dual Track Career Path:

- Obtain additional details regarding the Department's implementation of the Dual Track Career Path.
- Evaluate structure of Dual Track promotions and track the promotion of Dual Track personnel.
- Interview Dual Track personnel to identify motivations for Dual Track participation and shifts in department values regarding custody careers.

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

Status: *Implemented*

See discussion of Recommendation 4.11.

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

Status: *Implemented*

New disciplinary guidelines were published on February 17, 2013, which enhance the penalties for dishonesty. The Department's "Quarterly Administrative Discipline Report[s]" for the first and second quarters of 2014, which provide one-sentence summaries of personnel conduct that resulted in discipline, show that in at least 14 instances, deputies were disciplined for conduct that involves some measure of dishonesty. In these instances the discipline imposed was consistent with the Department's enhanced penalties for acts of dishonesty (see Recommendation 7.7). Meaningful analysis and monitoring of the Department's disciplinary practices and adherence to its zero tolerance policy requires OIG access to personnel and disciplinary records.

Monitoring of Department's enforcement of policy on acts of dishonesty:

- Audit biannually the Department's Administrative Investigations for disciplinary referrals.
- Audit biannually Department's disciplinary records to evaluate discipline imposed.

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

Status: *Implemented*

On March 26, 2013, Custody Operations unit commanders issued the directive to rotate personnel assignments within their facilities pursuant to Custody Division Manual section 3-01/020.05, "Mandatory Rotation of Line Personnel in Custody." The Department's internal audit showed that each facility had achieved at least 94 percent compliance and most had achieved 100 percent compliance. The last facility rotation was completed in September. IMPAAC reports that it is planning to conduct another audit this quarter. The Department reports that unit orders have been issued and implemented, but that some modifications may be appropriate in order to optimize the policy's benefits.

In addition to rotations within facilities, the Commission recommended implementing a rotation policy between proximate facilities.²⁸ The Department reports that it will not seek to impose inter-facility rotations at this time due to adamant union opposition and scheduling impracticality.

Not all Department personnel believe that rotation will protect against the development of cliques. Some personnel believe that training, mentorship and community-based policing approaches are more effective than staff rotations in safeguarding against the formation of destructive cliques. Frequent staff rotations, they believe, prohibit supervisor-subordinate continuity and impede team building, which is imperative to maintaining tactical rhythm in law enforcement. Some argue that rotations prevent deputy-prisoner relationship building that contributes to a community-oriented correctional culture. Lastly, some argue that rotating

²⁸ Citizens' Commission on Jail Violence, 2012 at p. 138.

problematic staff without correcting problematic conduct merely redistributes rather than resolves the problem.

Monitoring of the Department's rotation policy:

- Evaluate current policy, unit directives and proposed changes against correctional best practices.
- Interview Custody Operations command staff and facility personnel at the ranks of custody assistant, deputy, senior deputy, sergeant, lieutenant and unit commander to assess policy impact.

5.8. LASD should discourage participation in destructive cliques.

Status: *Partially implemented (funding approved)*

The Department reports that all custody personnel will receive training in destructive cliques -- new deputies through the Jail Operations Continuum and existing personnel through the Custody Training and Standards Bureau. The Department instituted its Mandatory Rotation of Line Personnel in Custody (Recommendation 5.7).

The Department reports having fired several deputies in 2013 for participating in cliques and taking swift action when issues emerge. On September 15, 2014, the Department provided the OIG details of a pending investigation into what it described as the "beginning of a clique formation." Meaningful evaluation and monitoring of this and other investigations of destructive cliques will require OIG access to personnel and disciplinary records.

The Department is also actively considering policy modifications regarding cliques and tattoos, which have been related to cliques. The OIG has been invited to, and present at, meetings to discuss potential changes in tattoo policy. The meetings have been led by Executive Officer Neal Tyler and have demonstrated commitment to finding a solution and creativity in seeking input from all levels of the department.

Monitoring of the Department's safeguards against participation in destructive cliques:

- Evaluate curriculum of both Jail Operations Continuum and Custody Training and Standards Bureau training on destructive cliques.
- Attend biannually training seminars in destructive cliques.
- Audit Department disciplinary records.
- Interview custody personnel and prisoners for their observations of and/or the presence of deputy cliques.

PERSONNEL AND TRAINING

- 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.**

Status: *Partially Implemented (funding approved)*

In addition to implementing the Dual Track Career Path (see Recommendation 5.4), the Department has expanded its custody training through the Jail Operations Continuum and the Custody Training and Standards Bureau has completed its development of an annual training plan for custody personnel which is scheduled for implementation in January 2015.

Monitoring of the Department's custody training:

- See monitoring of Recommendations 3.3 and 5.3 above; auditing of APIS rosters for Jail Operations Continuum and Annual Training Plan and monitoring of Annual Training Plan and ethics training.
- Meet with Custody Training and Standards Bureau personnel for orientation to Jail Operations Continuum.
- Collect and evaluate the Department's training curriculum and attend biannually training seminars.

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

Status: *Implemented*

Monitor Drooyan reports:

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.”

Monitoring of the Department’s attrition, hiring and long-range hiring plan:

- Review October 2012 Sworn Vacancy Projection and November 2013 Sworn Hiring Projection.
- Meet with Personnel Administration for orientation to Department’s anticipated personnel forecasting.
- Monitor the hiring process for compliance with policies regarding inappropriate candidates.

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

Status: *Partially implemented (funding approved)*

See monitoring of Recommendations 3.3, 5.3, and 6.).

6.4. There should be a meaningful probationary period for new deputies in Custody.

Status: *Implemented*

Currently, the Custody Division requires that the shift lieutenant conduct a “thorough inquiry” of the employee’s personnel performance following an employee’s sixth month of employment.²⁹ As an employee approaches the completion of his/her first year of employment, the unit commander is required to conduct a second evaluation of the employee’s performance and draft a memorandum confirming that the employee has successfully completed probation. The Department reports that evaluation protocols for probationary employees are not being implemented consistently across facilities, however, because the matter involves personnel records, meaningful evaluation by the OIG of the issue is impossible. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

²⁹ Drooyan, July 2014; and Custody Division Directive 12-005, January 11, 2013.

Monitoring of the Department's probationary employee evaluation protocols:

- Evaluate Department policies and directives regarding probationary employees, including Manual of Policies and Procedures 3-02/090.07, "Probationary Employees-Unit Commander's Responsibilities" and Custody Division Directive 12-005.
- Audit Department personnel records for 2013 and then biannually to verify adherence to Department protocols.
- Audit Department personnel records for 2013 and then biannually to evaluate quality of probationary evaluations including consideration and documentation of issues including:
 - Prisoner Complaints
 - Administrative Investigations
 - Civil Claims
 - Lawsuits
 - Off-Duty and On-Duty Conduct
 - Watch Commander Service Comment Reports
 - Commendations
 - Force Incidents
 - Prisoner Force Allegations
 - Formal Counseling
- Review unit commander face-to-face documentation for presence of topics discussed including:
 - Core Values
 - Mission Statement
 - Constitutional Jailing
 - Procedural Justice
 - Probationary Evaluation

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

Status: *Partially implemented (funding requested)*

As of Monitor Drooyan's final report, in Phase I, the Department assigned 44 additional positions (42 sergeants and 2 lieutenants) to custody operations. The Department has received funding for an additional 47 sergeant positions. Twenty-four of the positions were assigned in July and the remaining 23 will be assigned in December. The OIG has scheduled a meeting to review current staffing allocations.

Monitoring of the Department's probationary employee evaluation protocols:

- Evaluate, on an on-going basis, staffing and supervision levels in custody facilities.

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.

Status: *Implemented*

See monitoring of Recommendation 5.4.

6.7. The Department should utilize more Custody Assistants.

Status: *Partially implemented*

The Department is now operating at a Deputy Sheriff/Custody Assistant (CA) ratio of 65/35. Sheriff Scott has decided not to pursue a decrease in the current ratio, which the Department reports was confirmed in the most recent deputy sheriff's union contract as negotiated by the county.

Monitoring of the Department's Deputy Sheriff/Custody Assistant Ratio

- Evaluate the current Deputy/CA ratio for effectiveness and efficiency in meeting Custody Operational needs

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

Status: *Implemented (within facilities, recommendation among facilities was not adopted)*

See discussion and monitoring of Recommendation 5.7.

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

Status: *Implemented*

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

Status: *In progress*

Monitor Drooyan reports that the Department's implementation of the Dual Track Career Path and its hiring of Assistant Sheriff McDonald to oversee Custody Operations were steps toward implementation of this "long term goal."³⁰ The Department has also shown significant improvement in the professional development of its Custody Operations managers. In the last year, Custody Operations command staff have toured custody facilities across the country, consulted with corrections experts and attended conventions, professional meetings, trainings, forums and panels on topics ranging from the provision of medical, mental health care and the creation of a therapeutic milieu to staff scheduling and general correctional best practices. Some of the events that Custody Operations managers have attended and professional organizations they have joined in recent months include:

- Association of State Correctional Administrators meetings
- National Institute of Corrections
 - Large Jail Network Meeting
 - Health Care Administrator Conference
 - Women's Executive Leadership Conference
- American Jail Association
 - National Training Conference
- Southern California Jail Managers Association
- American Correctional Association Conferences, Winter and Summer
- Association of Women Executives In Corrections (AWEC)
 - AWEC 2014 Annual Membership Training Institute
- Justice Center – CIT International 2014 Annual Conference
- Trainings and Jail/Prison tours:
 - National Institute of Corrections
 - Gender Responsive Programming
 - Crisis Intervention Team
 - Conducting Jail Audits
 - Staff Scheduling
 - ASCA Performance Based Measures System
 - Rikers Island Correctional Facility, Dallas County Jail, Cook County Jail, and California Department of Corrections and Rehabilitation facilities

³⁰ Drooyan, July 2014 at p. 34.

The OIG will continue to track and report on the Department's progress in creating a professional custody workforce.

DISCIPLINE

7.1. The investigative and disciplinary system should be revamped.

Status: *Implemented*

The Department reports that it has now assigned all but three of its authorized sworn positions for Phases I and II to its Internal Affairs and Internal Criminal Investigations bureaus. It also reports that the Internal Affairs Bureau has conducted all Category 2 custody use of force Administrative Investigations in 2014 and that facility compliance lieutenants are now conducting all Category 1 custody use of force Administrative Investigations. With the added staffing resources, the Department reports that it continues to reduce its average caseload per investigator and its average case investigation/completion time. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

Monitoring of Department's disciplinary and investigative system:

- Audit and analyze quarterly unit level use of force investigations to verify adherence to policy and appropriateness of unit commander dispositions (case closure or referral for Administrative Investigation), including documentation of the following where appropriate:
 - Required reporting of the force event up the chain of command.
 - Compliance with mandatory reporting requirements (unit commander, CFRT, IAB).
 - Assignment of use of force investigation to appropriate personnel.
 - Supervisor's response to use of force scene.
 - Review of available video recordings.
 - Physical examination and photograph(s) of personnel injuries.
 - Physical examination of prisoner and (if appropriate, photos of prisoner injuries, interview of prisoner and recording of prisoner interview).
 - Interview of treating physician if prisoner sustained injuries.
 - Conclusions regarding use of force tactics, training, pre-force tactics, force prevention tactics, lessons learned.

- Interview all facility compliance lieutenants (see monitoring of Recommendation 3.10).
- Evaluate policy on Administrative Investigations.
- Audit and analyze quarterly compliance lieutenant Category 1 use of force Administrative Investigations.
- Audit and analyze quarterly Internal Affairs Bureau Category 2 and 3 custody use of force Administrative Investigations.
- Audit and analyze biannually IAB and ICIB case loads and case investigation/completion timelines.
 - IAB stated goals: Approximately 10 cases per investigator, completion within 8.5 months.
 - ICIB stated goals: Approximately 10.2 cases per investigator, completion within 4.8 months.

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

Status: *Implemented*

The Custody Division Manual section 4-07/005.00 “Custody Force Review Committee” mandates that CFRC review of “all Category 2 uses of force incidents subject to oversight by the Custody Force Response Team [CFRT].” The CFRC consists of three Custody Operations commanders. A monitoring role was filled by an attorney from the Office of Independent Review which will now likely be filled by an attorney from the Department’s Office of Constitutional Policing. The Department has asked the OIG to attend CFRC and provide input.

The OIG attended CFRC meetings in June, August and September. The Department has agreed to provide the OIG with full details of the cases reviewed at future CFRC meetings, which will allow for OIG monitoring, analysis and input. In addition to attending CFRC meetings, the OIG is notified of all CFRT rollouts to facility use of force incidents. The OIG has accompanied the CFRT on four such rollouts: one prisoner tasing, one large prisoner disturbance, one strip search and take down and one cell extraction.

Based on the OIG’s initial observations, the CFRC process is imperative to the Department’s proper investigation, monitoring and analysis of its Custody Operations use of

force events. The CFRT sergeants who respond to facilities provide invaluable oversight and input and the commanders' panels at CFRC meetings provide jail personnel with analysis, feedback and mentorship that is critical, direct, and candid. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

Monitoring of the CFRC and CFRT processes:

- Attend and evaluate quarterly CFRT rollouts to verify the provision of adequate oversight and investigative evaluation.
- Meet quarterly with Custody Operations Administration Commander, Custody Training and Standards Bureau CFRT Lieutenants and Sergeants to discuss issues identified during rollouts and investigation of custody use of force events.
- Attend all CFRC meetings to monitor thoroughness of commander panel analysis and quality of feedback.
- Evaluate quarterly CFRC follow-up memoranda to verify discussion of tactical, training and/or policy issues or recommendations.

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

Status: *Implemented*

The Department's Use of Force Manual, "Manual of Policies and Procedures," sections 3-10/100.00, "Use of Force Reporting Procedures" and 3-10/115.00, "Video Review and Admonishment" sets forth these requirements. Monitoring of this item requires OIG access to Department personnel records.

Monitoring of the Department's adherence to MPP section 3-10/100.00, "Use of Force Reporting Procedures":

- Audit and analyze quarterly Department use of force documentation to verify documentation of:
 - Timely supervisor notification.
 - Completion of deputy's "written first report" of the use of force event prior to going off duty.
 - Completion of supplemental reports by assisting members who used force prior to going off duty.
 - Advisement of supervisor by witnessing personnel.

Monitoring adherence to MPP section 3-10/115.00:

- Audit and analyze quarterly Department use of force packages to verify:
 - Completion of initial use of force reports *prior* to personnel review of any available video recordings.
 - Presence of signed Video Admonishment Form(s).
- Audit and analyze quarterly supplemental/amended use of force reports that are completed *following* personnel review of available video recordings to verify qualitative changes in personnel recollection of events.
- Audit and analyze quarterly division commander review of post-video admonishment and review amendments to use of force reports to evaluate the appropriateness of any adverse inference that is drawn from those amendments.

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.

Status: *Implemented*

The Department's Use of Force Manual, "Manual of Policies and Procedures," section 3-10/110.00, "Responsibilities for Reporting the Use of Force" sets forth this requirement.

Monitoring the Department's adherence to the policy against personnel "huddling" during force investigations:

- Rollout to significant use of force events to verify that personnel adhere to the Department's no-huddling policy.

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

Status: *Implemented*

The Department's Internal Affairs Bureau is part of the Professional Standards Division under a division chief who reports to the Department's Executive Officer and Internal Criminal Investigations Bureau is a standalone bureau under a captain who also reports to the Executive Officer.

Monitor Drooyan reports,

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.

Status: *Partially implemented (funding approved)*

See monitoring of Recommendation 7.1.

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

Status: *Implemented*

The Department has established new disciplinary guidelines for excessive force and dishonesty effective February 17, 2013. Previously, discipline for uses of unreasonable force (Use of Force Manual, "Manual of Policy and Procedure," section 3-10/030.00, "Unreasonable Force") ranged between 15 days suspension (without pay) to personnel discharge. Current discipline for Category 1 and 2 uses of unreasonable force ranges between 15 to 30 days suspension, and Category 3 uses of unreasonable force ranges between 30 days suspension to

discharge. Previously, discipline for acts of dishonesty ranged between 10 to 15 days suspension to personnel discharge. Current guidelines range between 20 to 25 days suspension to discharge. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

Monitoring the Department's disciplinary records for adherence to enhanced discipline guidelines for excessive force and dishonesty:

- Audit and analyze quarterly Department disciplinary records to verify imposition of appropriate discipline for excessive force and acts of dishonesty.

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

Status: *Implemented*

The Department has assigned a risk management lieutenant and facility compliance lieutenants to each custody facility to conduct Administrative Investigations, analyze prisoner force allegations and track use of force investigations.

See monitoring of Recommendations 3.10 and 3.11.

7.9. Force investigations should not be conducted by deputies' supervisors.

Status: *Implemented*

Following every use of force incident, an inquiry is conducted and the incident is referred to the unit commander for review. If the unit commander believes that a policy may have been violated, the incident is then referred for investigation to either the facility's compliance lieutenant (for Category 1 incidents) or Internal Affairs Bureau (for Category 2 incidents). In these instances, Administrative Investigations are conducted by personnel other than the involved deputies' supervisors.

See monitoring of Recommendations 3.10 and 3.11 and 7.1.

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

Status: *Implemented*

As of Monitor Drooyan's July report:

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.

Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

Monitoring of the Department's disciplinary practices:

- Audit and analyze quarterly the Department's disciplinary records to verify that the Department is adhering to the enhanced discipline guidelines and that modifications of discipline are in accordance with Department management protocol.

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

Status: *Implemented*

The Department's Quarterly Administrative Discipline Reports for the second and third quarters of 2014 show that personnel were disciplined in at least 22 incidents of off-duty misconduct in the six month time period.

It is impossible to speak meaningfully about this recommendation without full access Department personnel and disciplinary records. For instance, the OIG has questions about the Department's response to an incident of off-duty misconduct during which a probationary employee was arrested for alcohol related domestic violence with a prior history of alcohol-related misconduct. The employee was not discharged and was retained by the Department

under conditional employment. The Department maintains that its handling of this issue was appropriate. Monitoring of this recommendation requires OIG access to Department personnel and disciplinary records.

Monitoring the Department's discipline of off-duty misconduct:

- Audit and analyze quarterly the Department's Administrative Investigations and disciplinary records to verify that it is appropriately disciplining off-duty misconduct.

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

Status: *Implemented*

Monitor Drooyan reports that the Department's Electronic Line Operations Tracking System (e-LOTS) is being utilized and is sufficient to track all force reviews and investigations.

E-Lots, he reports, will eventually be replaced by CARTS.

Monitoring of the Department's use of force review tracking mechanisms

- Receive comprehensive demonstrations and evaluate e-LOTS and CARTS to verify sufficiency of the Department's use of force tracking mechanisms.

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

Status: *Implemented*

Monitoring of the Department's implementation of tracking inmate complaints by deputies' names in PPI:

- (See monitoring of Recommendation 3.9).

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

Status: *Partially Implemented*

The Commission recommended that the OIG become a "co-recipient" of all prisoner complaints in order to independently track complaints and monitor the Department's responses. The OIG is working with personnel from the Department's Data Systems Bureau to determine the feasibility of implementing this recommendation.

The Department recognizes that its prisoner grievance system is inadequate and reports that it is allocating substantial resources to its improvement including its assignment in June of a unit commander to begin the task of analyzing problems with the current system. The special projects grievance captain reports that he has met with every Department unit commander, consulted with national experts and toured and analyzed grievance systems in San Diego, Riverside, San Bernardino, Orange County, Santa Barbara, Santa Clara and Mendocino and that he meets regularly with Assistant Sheriff McDonald to brief her on updates and to plan next steps. In assessing the problems with the current grievance system, the OIG has met with the special projects grievance captain, the custody operations administration commander, facility unit commanders and line personnel, Data Systems Bureau personnel and prisoner complainants.

Since February, the OIG has received more than 100 complaints against the Department, many of which were filed by prisoners who allege that they have filed complaints with facility personnel with no response.³¹ The Department's current policy, Custody Division Manual section 5-12/000.00, "Inmate Requests for Service and Complaints (non-medical/non-mental)," requires that the Department respond in writing within five calendar days to prisoner complaints that are deemed "emergency," (defined as "immediate risk of death or injury to the inmate") and within fifteen calendar days to "non-emergency" complaints. The Department reports that it is unable to adhere to its 5 and 15-day requirements due to staffing and other issues outlined below.

³¹ The OIG will monitor the Department's responses to prisoner and other complaints (see monitoring of recommendations 3.10, 7.13 and 7.14).

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Currently, prisoners are required to submit complaints in writing (or verbally and complaints are then transcribed) onto an "Inmate Request/Complaint Form," SH-J-420. Complaints are deposited by prisoners themselves, for those in dormitory housing, or by personnel upon request, into grievance boxes that are located throughout the facilities. Both personnel and prisoner complainants report problems with the grievance box system when prisoners must rely upon other prisoner trustees or staff, at times against whom they are complaining, to deposit complaint forms on their behalf. There is also no mechanism in place to identify which staff person received a complaint or when a complaint was received. This is problematic for complainants who may never know if their complaint was received and for the Department when prisoners falsely claim that they have filed complaints with no responses.

Each shift, sergeants retrieve the grievances and classify them based on the nature of the request or complaint. Non-emergency grievances and requests are scanned and input to CARTS. The Department reports that facilities do not have a consistent method by which grievances are scanned and input to CARTS. This, combined with other issues, including workload and staffing, equipment and technical difficulties, and insufficient personnel training, results in consistent delays that range by facility from five days to three weeks. The delay in logging prisoner grievances exacerbates the struggle to meet the 15-day response requirement and some prisoners may not receive responses for weeks or months, if at all. Complaints that are received through the OIG, the Board of Supervisors or other outside agencies tend to be given priority status by unit personnel regardless of the type of complaint or request, which may delay Department responses to potentially more serious complaints that are processed through the Department's internal protocols.

The frequent unavailability of complaint forms in jail facilities is another problem with the current grievance system. Unit commanders report having to regularly remind personnel to re-stock complaint forms so that they are readily available to prisoners. Another problem is non-receipt of some grievances if personnel discard rather than deposit them into complaint boxes for retrieval by facility sergeants.

In April, the Department completed its pilot program that allows prisoners to make requests and file complaints via iPad. The Department reports that the pilot program's results are promising. In February, the Department deployed 17 iPads in two housing locations each at MCJ and CRDF.

When complaints are input to the iPads (currently, in English or Spanish languages), rather than being retrieved and manually sorted, scanned and logged into CARTS, complaints are processed and logged electronically. The iPads allow prisoners immediate access to such information as: prisoner custody account balances; court date(s) and other procedural case history; release dates; prisoners' scheduled visits, including names of approved visitors; state prison status (for those being transported to state prison); and the status of their previously-filed requests and complaints. The Department reports that of the 3,500 requests and complaints received through the iPads weekly at each facility, between 3,000 and 3,200 receive immediate, automated resolutions requiring no staff intervention. For a Department this size, iPads are proving vastly more efficient than the current system—since January 2014, the Department has received more than 47,000 paper requests, all of which have required some measure of staff intervention.

The iPad pilot was not without technical difficulties. In several instances, the iPads “crashed” and had to be manually rebooted. The Department's Data Systems Bureau is

conducting an analysis of the reasons for the crashes and is optimistic that they can be corrected. Criticisms of the iPad complaint system include concerns for prisoners who are not technologically inclined or who cannot read. The Department responds that iPads will not replace entirely the current paper system, that prisoners will still be able to utilize complaint forms (and be provided with assistance in completing forms for those who cannot write) if they so choose. Many prisoners reported to the OIG that iPads are user friendly and easy to navigate. One prisoner stated that she initially knew "little about computers" but that she "figured it out" quickly.

Implementation of the iPad complaint process Department-wide would require the purchase of a data network that is independent from the Department's confidential network (a safeguard against hacking) at an estimated cost of \$2,000,000. The Department estimates the cost of the iPads themselves at another \$250,000. The Department is moving forward with the iPad complaint system and anticipates that it will be able to provide a projected rollout/implementation schedule in the third quarter of this year if funding can be established.

Monitoring the Department's processing of prisoner grievances:

- Track Department progress toward implementation of the iPad prisoner grievance system.
- See monitoring of Recommendation 3.10 and 7.12.
- Interview unit commanders, grievance sergeants, line personnel, compliance lieutenants and administrative staff to determine prisoner complaint processing method utilized by each facility.
- Audit and analyze quarterly prisoner grievances to determine/verify proper classification of complaints, response times and quality of responses.

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

Status: *In progress (Alternative Implementation)*

The Department reports that it will not pursue implementation of this recommendation in the custody setting and has instead received \$4,965,395 in funding for the installation of

additional fixed cameras. It has also directed supervisors to equip themselves with handheld cameras when responding to use of force events in order to capture on audio and video as much of the events as possible.

The current implementation schedule for Phase I of the Department's Proposed Budget Implementation Timeframe remains as reported by Monitor Drooyan below:

Facility	Number of cameras ³²	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

The OIG will continue to track the Department's implementation of additional CCTV cameras. Body worn cameras are currently being tested in a patrol setting, where fixed cameras are obviously impractical.

³² The number of cameras for each facility, and in particular CRDF, may change as the Department determines the specific camera placements.