



Office of Inspector General County of Los Angeles

THIRD QUARTERLY REPORT BACK ON IMPLEMENTATION OF THE FAMILY ASSISTANCE PROGRAM

April 2020

Introduction

In July 2019, the Board established the Family Assistance Program aimed at improving compassionate communication and providing trauma-informed support to families who lose a loved one following a fatal use of force or a death while in custody of the Los Angeles County Sheriff's Department (LASD). The Board instructed the Office of Inspector General (OIG) to report back quarterly in the first year on the progress of the program. This is OIG's third quarterly report.

Between January 1 and March 31, 2020, thirteen (13) in-custody deaths and one deputy-involved shooting death have occurred. Of the fourteen (14) total deaths that occurred this quarter, three individuals died under circumstances that do not fit within the categorical definition of in-custody death used by the Los Angeles Sheriff's Department (LASD) but were under the care and custody of LASD when they died.

Although substantial progress has been made unresolved structural issues persist that have prevented full implementation of the Family Assistance Program. A mechanism for applying for and receiving burial costs has not been created and no funds have been disbursed. Additional remaining program impediments include ensuring a multi-disciplinary presence at next-of-kin notifications and transparent communication with families of the deceased.

Financial Assistance

Burial costs have not yet been provided to any family since the inception of the Family Assistance Program. A total of \$180,000 was set aside during the initial year of the Family Assistance Program for disbursement to families to cover burial expenses of up to \$7,500 per incident. No mechanism for applying for and receiving this County benefit has been established. After numerous discussions between the Department of Mental Health (DMH), County Counsel, the Chief Executive Office (CEO), the Auditor Controller, and OIG, and based on the Board's motion, the current tentative plan is that DMH will be the designated department to make eligibility determinations and disburse funds.

The Auditor Controller has agreed to issue checks on behalf of DMH, but the operating budget will remain with DMH.

The Auditor-Controller and County Counsel have evaluated tax implications for families who may be eligible for reimbursements for burial expenses and determined that families who receive reimbursements will receive 1099 forms. The current funding is limited and will only support payments of \$7,500 to (or on behalf of) twenty-four (24) of the thirty-nine (39) families who have lost loved ones since the program's inception.

The CEO reports that the County anticipates significant decreases in revenue sources because of reduced spending in the local economy due to the current public health crisis. The decrease in spending will not only impact the current fiscal year but subsequent years as well. The CEO reports that recommending additional funding for this program is therefore not viable at this time. Alternative funding sources should continue to be pursued if this program is expected to continue and/or expand. Finally, the CEO reports that it is in contact with the Center for Strategic Partnerships to request assistance in pursuing possible philanthropic partnerships to support the program. Additional funds must be identified if all families, assuming they are eligible and request support, are to receive assistance. This is particularly important given the current public health crisis.

Family Assistance Advocates within DMH have reported that they have stopped notifying families of the potential for financial assistance. Until funding issues are resolved, and application procedures finalized, DMH thought it would be best not to leave families anticipating support which may not be forthcoming or timely. The Office of Inspector General agrees.

County Counsel reports that it has finalized the no-fault eligibility requirements for burial cost reimbursement and assisted DMH in drafting necessary policies and procedures with the goal of making disbursement of funds as easy as possible once eligibility is verified. Auditor-Controller will review the criteria to finalize the process.

Next-of-Kin Notifications and Communication with Grieving Families

From January 1 to March 31, 2020, the Department of Mental Health (DMH) has been present during three next-of-kin notifications. Of the fourteen deaths that have occurred this quarter, five involved prisoners who had been receiving long term treatment at Los Angeles County-USC Medical Center. In those cases, hospital social workers provided notifications to next-of-kin that death was imminent before LASD or family assistance advocates became involved, and family members were at their loved ones' bedsides for some of the deaths. In other cases, next-of-kin were unable to be identified or located.

The Department of Medical Examiner (DME) has finalized procedures for next-of-kin notifications, which state that family assistance advocates will be present during next-of-kin notifications whenever possible. Although designated family assistance advocates have not yet been hired, DMH representatives report that they followed up after every death and have offered services to bereaved families, whenever possible. DMH is committed to offering crisis intervention, facilitating a family's access to all available resources, and providing trauma-informed compassionate communication to families.

Because many of the affected families have been monolingual in a language other than English, DMH has identified linguistically competent individuals to staff their team. DMH and LASD have expressed a commitment to allowing DMH to act as a conduit for information between LASD and families, however, it does not yet appear to be happening in a manner consistent with Family Assistance Program goals.

Leadership at LASD has also expressed a general commitment to the Family Assistance Program that will impact the ultimate success of the program. The Homicide Bureau and Custody Compliance and Sustainability Bureau have finalized policies to include DMH in next-of-kin notifications whenever possible. The Custody Compliance and Sustainability Bureau is working on a list of information for personnel to go over with families who may have questions about what happens after an in-custody death. This will ensure continuity of service

through regular cycles of hiring, retirement, and promotion in the Sheriff's Department. Families will receive information about LASD's Death Review Meeting process, LASD's commitment to review and address systemic deficiencies, and referrals for available County services.

The Homicide, Custody Compliance and Sustainability bureaus and DMH should continue to meet regularly to identify and remedy issues, strengthen working relationships, and begin to allow family assistance advocates to act as true liaisons between families and LASD. This step is critical to the success of the program and to building public trust in LASD.

The OIG will continue to closely monitor and report on all aspects of Family Assistance Program implementation.