



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

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**FIRST QUARTERLY REPORT BACK ON
IMPLEMENTATION OF THE
FAMILY ASSISTANCE PROGRAM**

October 2019

Introduction

In 2016, the Sheriff Civilian Oversight Commission (COC) began exploring how Los Angeles County communicates with a family following the death of an individual in custody or following a fatal use of force by law enforcement. The COC formed the Family Assistance and Communication Ad Hoc Committee, which researched effective models for post-incident communication and family assistance. In the fall of 2018, The COC issued a report to the Los Angeles County Board of Supervisors (Board) and offered seven recommendations to improve communication with grieving families and offer County-provided services, including funeral or burial stipends.¹

On October 9, 2018, the Board of Supervisors directed the Chief Executive Officer (CEO) to report back to the Board regarding an implementation plan for the Family Assistance Program, including establishing any necessary County infrastructure, staffing, trainings, protocols and services, and if relevant, identifying necessary costs and funding sources. The motion asked the CEO to consult with the COC, the Los Angeles County Sheriff's Department (LASD), the Department of Mental Health (DMH), the Office of Inspector General (OIG), County Counsel, the Medical Examiner-Coroner (ME-C), and any other relevant Los Angeles County (County) departments or stakeholders.

The CEO reported back to the Board on June 19, 2019, with *Supporting Families Impacted by the Sheriff's Department* (Item No. 9, Agenda of October 9, 2018), providing the Board with a proposal and framework for the Family Assistance Program model that improves existing next of kin notification processes and establishes a multi-disciplinary team that provides support, basic resources, and more transparent communication to families of the deceased.²

On July 9, 2019, the Board established a groundbreaking Family Assistance Program that ensures trauma-informed communication and support for families who lose a relative following a use of force by an LASD employee or while in LASD custody. The Board instructed OIG to report back quarterly in the first year and semi-annually thereafter, on Family Assistance Program implementation, including

¹ The report and the recommendations can be found at http://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1044945_FamilyAssistanceandCommunicationRecommendations-9-27-2018.pdf.

² This report back may be found at <http://file.lacounty.gov/SDSInter/bos/supdocs/137710.pdf>.

operational activities, metrics, successes and areas of improvement, an assessment of the funding plan, and potential areas for program expansion, if recommended.³

Initial Family Assistance Program Implementation

The Board directed multiple county departments to partner with LASD to create and implement the Family Assistance Program. Representatives from the COC, DMH, LASD, the Department of Public Health (DPH), CEO, ME-C, OIG, and County Counsel met and began to address program components, from job classifications and staffing plans to budget proposals and communication chains following an in-custody death or fatal use of force.

The CEO has identified initial funds that will be allocated to DMH's supplemental budget to initially hire two full-time positions, pay overtime for clinicians, and fund associated services and supplies for the Family Assistance Advocates (FAAs) pending full implementation. The Board directed that these advocates must be informed by and aligned with violence prevention and trauma sensitivity and must be resources for families. FAA's will respond to fatal uses of force when family members may be present and following in-custody deaths. They will also liaise with involved departments, including ME-C and LASD, and serve as points of contact for grieving families in gathering and sharing information about a range of issues, from death investigations to accessing available County resources.

A development group of representatives from the Board and eight county departments meet regularly and have developed interim protocols for immediate program implementation. DMH personnel, acting as interim FAAs, began responding to tragedies and offering services to surviving family members in August 2019.

Seven in-custody deaths and two deputy-involved shooting deaths have occurred since the July 9, 2019 motion was adopted. Of the nine total deaths that occurred during this reporting period, two individuals died under circumstances which do not fit within the categorical definition of in-custody death used by LASD but who were under the care and custody of LASD when the condition which resulted in their deaths first became apparent.⁴ Three of the in-custody deaths occurred before there was a notification process in place between the LASD's Custody Division and DMH. DMH responded, however, to two in-custody deaths in this reporting period and two deputy-involved shootings.

³ This action by the Board may be found at <http://file.lacounty.gov/SDSInter/bos/supdocs/137723.pdf>.

⁴ In the future, FAAs will respond to this category of death.

Policy Development

With each tragedy and subsequent communication with surviving family members, the multi-disciplinary team learns more about what grieving families need and how best to support them. Although involved departments maintain unique processes and protocols that serve their respective missions, each department has expressed a commitment to the common goal of addressing a family's needs, giving timely and compassionate notifications, sharing as much information as possible, and facilitating a family's access to all available services. Discussed in more detail below, the development group is currently drafting county policies for FAA response protocols, next-of-kin notifications, eligibility criteria, funds disbursement and other Family Assistance Program components. Draft policies are being shared with others in the development group to ensure inter-departmental consistency.

When Homicide responds to initiate an in-custody death investigation, Homicide personnel notify ME-C and DMH.⁵ Members of the multi-disciplinary team will then respond to take custody of the remains (ME-C), to make initial contact with the next-of-kin (DMH, ME-C), and to offer crisis intervention services (DMH, DPH).

Homicide takes two different approaches in the case of apparently natural in-custody deaths depending on where the deaths take place. If a death in a jail setting occurs, Homicide will respond and make the notification to DMH and ME-C. If the in-custody death takes place in a hospital setting, Homicide does not respond (but will notify ME-C) and custody supervisors will notify DMH. In cases where LASD Homicide is involved, ME-C coordinates with LASD Homicide as appropriate to locate and notify the decedent's next of kin. Currently, both Homicide and ME-C personnel make next of kin notifications and immediately thereafter refer families to DMH. ME-C personnel then inform families of next steps, including release of remains and production of death certificates. Though the next of kin notification process is complex and subject to statutory limitations, OIG recommends that next of kin notifications include FAAs, who are present during each notification and immediately available to assist families, whenever possible. OIG will continue to work with involved departments to develop policy that is consistent with the Family Assistance Program goals and always involves DMH and DPH personnel in order to maximize focus on trauma-informed practices.

LASD is currently developing unit orders to ensure immediate communication with FAAs/DMH, ME-C, and other involved departments both before and after next of kin

⁵ Previously, LASD Homicide notified only the ME-C.

notifications are made. The unit orders are being developed in consultation with ME-C, DMH, and OIG.

Burial costs have not yet been provided to any family during this reporting period. The mechanism for applying for and receiving this County benefit has not yet been settled. Various County entities have systems in place to provide individuals with stipends or reimbursements for housing, transportation and food as a result of having been, for example, a crime victim or a percipient witness whose testimony is needed in a court proceeding. DHS also has a Communication and Apology Program in place that provides funding for some families whose relatives die in county medical facilities. DMH is reviewing these systems in order to determine whether one might be replicated for this program and with the Auditor Controller determining the most appropriate County department to hold and disburse Family Assistance Program funds.

The Family Assistance Program will operate on a "no-fault" basis. A payment under this program is not an admission of liability on the part of the County and cannot be used to support liability against any party. Initial funding for burial costs provided by the County will be up to \$7,500.00 following each qualifying death. County Counsel has drafted eligibility criteria for review. DMH is drafting an application form with the goal of making disbursement as easy as possible once eligibility is verified. CEO will continue to assess the ongoing operational costs and work with involved departments to explore potential funding sources allowing for recommendations to be made within the context of the overall budget. All parties agree that refinement to the processes of this program will be continuous and ongoing.

Leadership from DPH's Office of Violence Prevention will meet with LASD's Homicide Bureau to educate personnel about the array of resources available to County residents who suffer traumatic events. Following one of the deaths in this reporting period, DPH made crisis response and intervention workers available through its Community Healing and Trauma Prevention Center. DPH is still developing its plans to provide trauma-informed responses and services to the larger community following a death, including support and counseling for any witnesses to the incident.

DMH and DPH are working with ME-C to develop and implement a curriculum that will provide traumatic grief-informed service training for any LASD and ME-C personnel who may need to interact with grieving families. ME-C already provides a one-year training program to its employees that involves shadowing more experienced employees, observing and then performing in-person and telephonic

death notifications,⁶ rotations through ME-C's Notifications Unit, lessons in cultural and linguistic competency, burial options, forensic science, and more; aspects of the training may be transferrable to the Family Assistance Program and will be incorporated as appropriate. Similarly, experienced LASD Homicide detectives mentor newly-assigned sergeants and deputies to model how best to communicate with family, friends, and community members, as well as the media. ME-C and LASD will provide input to curriculum development.

The CEO has allocated funds to the Chief Information Officer (CIO) for web design and portal development. CIO and DMH will work with other departments to gather requirements, policies, and procedures to be placed on a stand-alone web page and construct internal department links. A prototype may be made available as soon as 2020. CIO personnel will be available for governance meetings to ensure the project's progress, quality, and that county standards are met. DMH will be responsible for on-going website management.

The involved county departments are demonstrating a creative and enthusiastic approach to developing the Family Assistance Program. Substantial efforts thus far by DMH staff have revealed the need for many processes to be developed or modified and formalized in policy and practice across departments. Indeed, implementation of an multi-department program, the first of its kind, in the most populous county in the country is a complex endeavor. Though much work remains, including identification and allocation of all necessary program resources, the county's commitment to supporting families through times of tremendous grief following the loss of a loved one will ensure the program's success. OIG will continue to closely monitor and report on all aspects of Family Assistance Program policy development and implementation.

⁶ Telephonic death notifications are not the preferred method for trauma informed contact but can result in more timely notification.