



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

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**Reform and Oversight Efforts:
Los Angeles County Sheriff's
Department**

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INTRODUCTION

The Office of Inspector General is charged by the Board of Supervisors with four primary functions:

- Monitoring the Department's operations and conditions in the jail facilities, including the Department's response to prisoner and public complaints.
- Periodically reviewing data on the Department's use of force, the Department's investigations of force incidents and allegations of misconduct and the Department's disciplinary decisions.
- Conducting periodic audits and inspections of Department operations and reviewing the quality of the Department's audits and inspections.
- Regularly communicating with the public, the Board of Supervisors and the Sheriff's Department regarding the Department's operations.

This report is a brief summary some of the Office of Inspector General's activities through December 31 of this year toward fulfilling these functions.

ACCESS

Since the implementation of the December 15, 2015, Memorandum of Agreement to Share and Protect Confidential LASD Information and with the Sheriff's full support, the Office of Inspector General has been afforded unfettered access to Department personnel, facilities and records. The Department has placed no conditions or restrictions on access nor has any request for access been denied by the Department.

The Office of Inspector General's presence continues to be accepted at all Department deliberative processes to which the Office of Inspector General has requested access, including Executive Force Review Committee, Custody Force Review Committee, Critical Incident Review and other similar processes. The Command staff has made itself readily available to the Office of Inspector General staff for all inquiries.

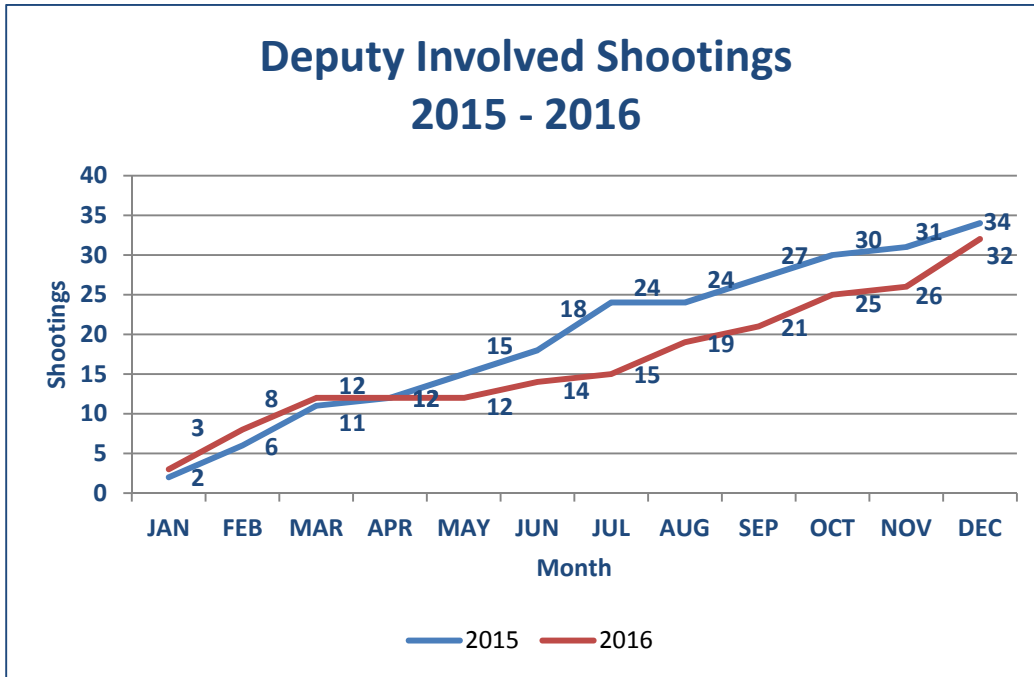
MONITORING

Monitoring of the Department's operations and the Department's operation of the Los Angeles County jail facilities is an important function of the OIG. The OIG responds to the investigations of deaths of persons which occur while in the custody of the Sheriff's Department, all deputy-involved shootings, all uses of force which are the proximate cause of a person's death or which result in significant injury and other significant Custody Division events.

In the fourth quarter of 2016 the OIG responded to the investigations of eleven deputy involved shootings. As a result of these shootings, nine civilians were injured, five of them fatally. All of the persons shot or shot at were male - six were Hispanic, three were white, one was African American and one was Asian. One of

the persons injured, a male Hispanic, may have been shot as a result of an unintentional discharge which occurred during a struggle to arrest him. This was the only person in 2016 struck due to an unintentional discharge. Other known unintentional discharges are not included in these numbers.

Three deputies were shot by suspects in these incidents - one deputy was killed, one deputy was critically injured and one deputy was hospitalized with non-life threatening injuries.



All Deputy Involved Shootings which result in injuries or death are submitted by the Sheriff’s Department to the District Attorney’s Office for review. Through December 31, 2016, the Sheriff’s Department reports that nine of the 2016 shootings have been submitted to the District Attorney’s Office for review and, to our knowledge, are still pending a letter of opinion from the District Attorney.

In the fourth quarter of 2016, the OIG responded in person to the investigation of one in custody death. There were a total of three in custody deaths for which the OIG attended the 24-hour, 7-day and 30-day Death Review meetings, which are discussed in more detail below. Of these deaths there was one suicide and one death from natural causes. The determination of the cause of death is still pending for the most recent in custody death, which occurred on December 7.

Custody Operations

The Office of Inspector General conducts regular jail inspections of Sheriff’s Department facilities to monitor compliance with the Department’s policies and

procedures, California Code of Regulations – Title 15¹ (Title 15) and to encourage the Department’s alignment with national best practices. Jail inspections are tracked and the findings are documented in order to inform the OIG’s ongoing jail monitoring, address issues with the Sheriff’s Department’s policy or procedure, or for purposes of drafting OIG reports to the Board of Supervisors and Los Angeles County.

OIG personnel conducted 75 site visits to Los Angeles County jail facilities between October 1, 2016, and December 31, 2016. During the OIG’s site visits, OIG monitors met with personnel at each rank in the Department’s chain of command, civilian staff, clergy, and volunteers. OIG personnel routinely met with prisoners in general population, administrative segregation, disciplinary and medical and mental health housing, as well as the Correctional Treatment Center. Monitors met with or received complaints from prisoners at cell front, during recreation and treatment group time, and in private interview rooms as necessary to ensure confidentiality. The following chart represents facilities visited between October 1, 2016, and December 31, 2016.

Los Angeles County Jail Site Visits

| Los Angeles County Jail Facility | Number of Site Visits |
|--|------------------------------|
| Century Regional Detention Facility | 11 |
| Inmate Reception Center | 10 |
| Men’s Central Jail | 19 |
| North County Correctional Facility | 8 |
| Pitchess Detention Center – North | 4 |
| Pitchess Detention Center – South (and East) | 4 |
| Twin Towers Correctional Facility | 17 |

Citizen’s Commission on Jail Violence Updates

For information on previously implemented recommendations, please visit the OIG’s website at oig.lacounty.gov.

The Department’s Data Systems Bureau (DSB) reports that it finished designing and testing the Performance Recording and Monitoring System (PRMS) in October of this year. Since then, the Department reports that it has been assembling training materials for new users. The DSB reports that the system will be online by January 11, 2016. (Recommendation 3.8.)

The Department had to revise its implementation schedule for body scanners due to reported delays in physical plant modifications at IRC. The Department reports that the revised construction timeline includes completion of construction at IRC’s

¹ See California Code of Regulations, Title 15, “Minimum Standards for Local Detention Facilities,” Division 1, Chapter 1, Subchapter 4.

Booking Front by mid-February 2017, with installation of two scanners beginning the last week of February. The Department reports that construction at IRC Old Side will be completed by mid-March with installation of the scanners occurring the last week of March 2017.

At NCCF, the Department reports that it intends to implement four scanners in the next two years, including three scanners in the Inmate Processing Area (IPA) and one near the vocational shops. The Department reports that the body scanner near the vocational shops will be installed in June 2017. The three scanners in the IPA will be installed in June 2018 after required construction is completed.

The Department does not currently track unclothed and visual body cavity searches, however, visual body cavity searches are regularly conducted in at least the following scenarios: (1) when conducting ad hoc searches for contraband for multiple prisoners before transport; (2) when intake flow is too high at IRC and the scanners create processing delays; and (3) upon intake in facilities without scanners, such as NCCF and North facility. Physical body cavity searches involve intrusion into a person's body cavity to discover or retrieve an object (CDM 5-08/010.00 Searches) and are typically conducted by medical personnel pursuant to court order. The Department reports that while physical cavity searches are tracked and documented, they rarely occur and none were conducted in 2016. The OIG recommends that the Department explore the feasibility of tracking visual body cavity searches of prisoners. (Recommendation 3.12.)

The Department began installation of iPads facility-wide at MCJ in October but has since returned the iPads to the Custody Innovative Technologies Unit (CITU) for reprogramming. Initially, the Department reported delays in installation due to destruction of the iPad wall mounts and casings by prisoners as well as issues with wi-fi coverage at MCJ. The Department worked to address those issues but discovered that the iPads required reprogramming to, among other technical issues, increase capacity and allow for the identification of duplicate requests.

In response, the Department reports that it is reprogramming the iPads to streamline the processing of grievances within the Custody Automated Reporting and Tracking System (CARTS). To achieve this end, the Department reports that it has temporarily halted installation of iPads in MCJ. The OIG will continue to monitor the installation of iPads at MCJ and other facilities, including testing the machines while on the floor in facilities once installed. (Recommendation 7.14.)

The Department continues to install Closed Circuit Television (CCTV) cameras at NCCF. As of December 19, 2016, the Department reports that all cameras are installed but that only cameras in the 600, 700 and some of the 800 building are recording. Once the Department concludes construction at NCCF it will begin to address CCTV issues at PDC – North facility. (Recommendation 7.15.)

Restrictive Housing

Los Angeles County jails have two types of restrictive housing populations: (1) prisoners who are isolated from others temporarily as discipline for rule violations, and (2) prisoners who are “administratively segregated” because they have been deemed permanently unsafe for housing with others. Restrictive housing significantly limits prisoners’ access to services and recreation, and they often receive only those minimally mandated by Title 15.

In efforts to respond proactively to growing national concerns regarding the over-use of restrictive housing, the Department began in the Spring of 2015 to restructure its restrictive housing policies and procedures. In the first part of this restructuring, the Department revised its security classification method for some of its administratively segregated prisoners and initiated a step-down program which allows these prisoners who demonstrate good behavior to transition into the jail general population.

Part 1: Administrative Segregation

Prisoners are administratively segregated when they are determined to be a threat to jail security because they are an escape risk, assaultive toward staff or other prisoners, in need of protection from other prisoners, or are pending a disciplinary hearing. Since March of 2015 when Department personnel and other stakeholders strategized regarding restrictive housing and administrative segregation, the Department has successfully reduced its K-10 population and the number of prisoners in isolation. The Department reports that it is continuing to evaluate its new classification method, making adjustments where necessary, and consulting with the National Institute of Corrections and other experts to ensure Department practices are consistent with national correctional best practices. The Department also implemented a program that allows administratively segregated prisoners to recreate together on the facility roof for three hours per week (see discussion of K-10 Roof Program below).

Restrictive Housing Panel, Behavior-Based Reintegration, and Reclassification

Under the previous security classification system, K-10 prisoners included those in security threat groups, high profile prisoners, incarcerated police officers and their family members, protective custody prisoners, sex-offenders and highly assaultive prisoners. Using national guidelines established by the Association of State Correctional Administrators,² the Department implemented the Behavior-Based Reintegration Program, which

² Association of State Correctional Administrators, Administrative Segregation Subcommittee, *Restrictive Status Housing Policy Guidelines*, (August 9, 2013) <http://www.asca.net/system/assets/attachments/6145/B.%20ASCA%20Restrictive%20Status%20Housing%20Policy%20Guidelines-Final%2008092013.pdf?1375723019>

rewards K-10 prisoners for good behavior by gradually reintroducing them to less restrictive environments. For those whose security risk makes them ineligible for declassification, the Department added four new classification levels, K-17 to K-20, which allows for the tailoring of services and restrictions to specific safety risks and needs.

In January 2016, the Department created a Restrictive Housing Panel which reviews prisoner administrative segregation classifications and assesses their appropriateness for behavior-based reintegration. The panel meets weekly and includes members of the Custody Investigative Services - Jail Liaison unit, Population Management Bureau, Inmate Services Unit, Jail Mental Health Services, and the captain and commander of each facility where the prisoner is assigned. The panel is led by the Division Commander over Custody Investigative Services/Men's Central Jail (MCJ), which houses the largest population of administratively segregated prisoners, and the Pitchess Detention Center Division Commander.

The Department developed a new database to aide in prisoner re-classification. The database retains and compares data across multiple categories related to each prisoner's conduct which informs an appropriate security classification. In addition to the database informed recommendation, Jail Liaison makes a separate security classification recommendation to the panel for each prisoner. Jail Liaison is a Sheriff's Department unit that investigates all requests for prisoner placement into administrative segregation to determine if the request meets the classification criteria. The Restrictive Housing Panel then uses these recommendations to assign each prisoner's security classification.

As of December 31, 2016, the Department had reclassified 492 prisoners including 439 males and 53 females. The Department reclassified 107 formerly K-10 prisoners (99 males and 8 females) out of administrative segregation and into general population housing. The OIG attends weekly meetings and monitors the reclassification process. The OIG will continue to monitor the Department's restructuring of the K-10 classification procedures and encourages the Department to continue to seek the least restrictive environment for administrative segregation.

K-10 Integrated Outdoor Recreation

In January 2016, The Sheriff's Department initiated pilot projects at Men's Central Jail (MCJ) and the Century Regional Detention Facility (CRDF) to provide additional out of cell time to K-10 prisoners in a multi-prisoner environment. Title 15 requires that all prisoners are offered a minimum of one hour of out of cell time per day and three hours of exercise distributed over a period of seven days. As part of the Department's effort to increase out of cell time, K-10 participants at MCJ and CRDF now receive additional out-of-cell time beyond Title 15 requirements. K-10 prisoners at MCJ receive an additional three hours of recreation time each week and CRDF provides its

K-10 population with six additional hours per week of educational programming.

Since the K-10 recreation program's inception it has been monitored by the OIG. Despite initial resistance of some facility personnel who expressed safety and security concerns with multi-prisoner programming, the Department remained committed to implementing correctional best practices which support additional out-of-cell time and programming as a means of reducing jail violence.

The Department reported that the pilot program was successful due to its careful selection of participants, which considered prisoner compatibility, gang affiliation and behavioral and mental health history. Despite a few problematic incidents during the pilot program, the Department has now implemented a permanent K-10 recreation program.

The OIG has spoken with program participants program who responded favorably. One female prisoner indicated that she had not received educational programming for five of her seven years in Sheriff's Department custody, and that participation in the life skills class has made her feel calmer and less isolated. The OIG will continue to monitor the Department's K-10 recreation program and encourages the Department to build on the program's success by identifying additional out-of-cell time opportunities for all prisoners.

Part 2: Disciplinary Process – Disciplinary Review Board

The second step of the Department's restructuring of its restrictive housing policies and procedures will be changes to the in-custody disciplinary process. Currently, the Department uses the Disciplinary Review Board (DRB) to administratively adjudicate prisoner discipline. The adjudication of in-custody discipline is a three-step process: 1) preliminary segregation, during which a prisoner is isolated for seventy-two hours, where prisoners can prepare a defense to the charges against them, 2) a cell-front hearing of the charges against the prisoner by personnel at the minimum rank of sergeant and the prisoner's defense to those charges, and 3) a disciplinary determination. The prisoner may appeal the determination, in which case a similar review and determination is made by a lieutenant or above. The OIG has observed this disciplinary process and supports the Department's commitment to implement changes that will result in more meaningful disciplinary determinations and improve the integrity of the prisoners' procedural rights.

The OIG has made several recommendations to the Sheriff's Department in an effort to standardize the disciplinary process across custody facilities to protect prisoners' procedural rights. The Department has been receptive to OIG input and has modified its disciplinary process consistent with OIG recommendations. For example, PDC-North command staff created a new

procedure which requires that all Disciplinary Review Board hearings be conducted during the day shift before noon, increasing consistency in the personnel conducting the hearings. Any exceptions to this procedure must be approved by the Watch Commander prior to scheduling a DRB hearing. As a result, PDC-North reports increased consistency in disciplinary determinations.

The OIG has also expressed concerns about disciplinary practices related to mentally ill prisoners, the severity and risks associated with the disciplinary environment, and the high frequency and volume of custody referrals of mentally ill prisoners for discipline. The frustration and fear custody personnel express in managing the complex and unpredictable mentally ill population highlights the need for training and a multidisciplinary team approach to patient care. A team approach involves collaboration of mental health, medical and custody personnel in disciplinary decision making. As part of its implementation of the Department of Justice settlement agreement,³ the Department is training personnel to better identify and consider needs of its mentally ill population through a 32-hour training that encompasses role-playing and scenario-based training. The OIG has observed the training and is encouraged by initial results.

The Department is also revising its policy on disciplining mentally ill prisoners. The revised policy is in draft and is scheduled to be promulgated in early 2017. Among other important revisions, the Department is committed to reducing the use of isolation in its discipline of mentally ill prisoners. In the interim, the Department instituted a process by which a mental health professional must conduct a pre-disciplinary evaluation of each mentally ill prisoner who is referred for discipline and determine whether discipline is appropriate.

In addition to a thorough pre-discipline evaluation, disciplinary dispositions should be thoughtfully designed and include behavioral management tools such as rewards and privileges. To a prisoner too ill to appreciate the consequences of his or her actions, the imposition of punishment may not be a deterrent to future misbehavior and may be harmful to the prisoner's mental health. These principles are fundamental to correctional mental health care but can be difficult to understand by custodial personnel not trained in mental health care. Custody Division Commanders are committed to these principles but are struggling to impart them to line personnel, supervisors, and some administrators. The OIG will continue to monitor and report on the Department's progress.

³ See *United States v. County of Los Angeles, et al.*, CV 15-5903, *Joint Settlement Agreement Regarding the Los Angeles County Jails; and Stipulated [Proposed] Order of Resolution*, Document No. 4-1, filed August 5, 2015.

Transgender Housing

Through collaboration with the OIG and the American Civil Liberties Union (ACLU), and in consultation with Just Detention International, the Sheriff's Department has recognized the need to explore alternatives to its current procedure for the housing of transgender prisoners in the Los Angeles County Jails. The Department has always housed prisoners according to their sex assigned at birth as identified at the time of intake. Transgender prisoners have been assigned to jail housing based on their sexual organs and not gender identity. Transgender women, who may have breasts and other female characteristics, but who have male genitalia, have typically been housed with men. Because these prisoners are unsafe in the general population, they are assigned to K-6-G (LGBTQ) housing at Men's Central Jail. The OIG regularly monitors conditions in K-6-G housing and is satisfied that these units are a generally safe environment for transgender females. Transgender males who have female genitalia are typically housed in the general population at CRDF.

Although segregation of any jail population should be used sparingly, the K-6-G dormitories in MCJ are not isolative and K-6-G prisoners have access to programming and other privileges available to the general population. Given the current violence levels in Los Angeles County Jail and the incidence of alleged sexual assault and attempts, combined with the transience of the prisoner population, the OIG cautions against the integration of transgender prisoners to the general population at this time. Although transgender prisoners are generally safe from physical harm, the OIG has expressed concerns for the mental health and emotional well-being of transgender women housed in mental health housing at TTCF or in disciplinary housing in any of the men's facilities. In these environments, transgender women are housed alone in cells inside all male pods and have complained of verbal and emotional abuse.

The OIG's concerns have been echoed by the ACLU and community organizations. In order to improve the care and safety of the jails' transgender population, on May 19, 2016, the OIG recommended that the Department: 1) continue to consult with Just Detention International in its progress toward compliance with Prison Rape Elimination Act (28 C.F.R Part 115) requirements; (2) consult with the ACLU, community organizations, the Department's constitutional policing advisors, and other stakeholders in the revision of policies on the classification and housing of transgender prisoners; (3) immediately issue unit orders that educate personnel and mandate, among other conduct, the use of appropriate gender or gender nonconforming pronouns; (4) revise policies to address the specific needs of transgender and LGBTQ prisoners housed in mental health housing; and (5) move all mentally ill "High Observation Housing" (HOH) LGBTQ and transgender prisoners to a single location in TTCF that is separate from the non-LGBTQ and transgender population. The OIG again recommended that the Department reconsider its position on transgender housing and make efforts to house, upon request, transgender women at the women's facility.

The Department has been responsive to these concerns and recommendations for improvement. The Custody Services Division—Specialized Programs Assistant

Division Director, Deputy County Counsel and program executives have worked to improve conditions for transgender and mentally ill LGBTQ prisoners in the following ways: 1) the Department is revising its policy on the classification and housing of LGBTQ and transgender prisoners; 2) the Custody Division issued informational bulletins that contain PREA definitions and appropriate language to use when referencing LGBTQ and transgender prisoners (Bulletin #2016-14) and revised procedures for the screening of transgender prisoners (Bulletin #2016-22); 3) MCJ's Administrative Captain issued unit orders that educate and direct personnel in the handling of transgender prisoners and the use of appropriate gender pronouns (Unit Order #5-5-010); 4) CRDF's Captain issued a unit order revising the investigation procedures for sexual assault allegations (Unit Order #5-1-005); 5) Specialized Programs has agreed to rehouse all LGBTQ and transgender prisoners in need of HOH housing to a single housing area; and 6) the Department has installed privacy panels in cells that house transgender women and shaded the shower windows for privacy.

The Custody Division has departed from its original position on the housing of transgender prisoners based on their sex assigned at birth and has created a Gender Identity Committee (GIC) that consists of custody, medical, and jail mental health personnel. The Committee evaluates and makes determinations about safe housing based on PREA standards and the consideration of prisoners' gender identities, individual prisoner requests and referrals from facility personnel. The OIG has encouraged the GIC to further enhance its value to the Department by increasing its caseload, improving communication between the GIC and intake personnel and by establishing criteria and procedures for early identification and proactive evaluation of prisoner needs.

The Gender Identity Committee's most notable contribution to date is its housing in the women's facility a transgender person who would normally have been housed with men. In the Fall of 2016, the Department received a request from a transgender prisoner who was housed in MCJ's K-6-G dormitory to be reassigned to the women's facility. The GIC sought consultation of transgender community advocates and decided to rehouse the prisoner in the women's facility in an administrative segregation setting. The OIG and the Department had some initial concerns for the prisoner's safety and emotional wellbeing, but the OIG staff had visited with the prisoner at CRDF and she has indicated that she is happy with her new housing assignment.

TTCF, IRC and the other facilities have not issued unit orders similar to MCJ's regarding the handling of and interaction with LGBTQ and transgender prisoners, and the OIG recommends that they do so immediately. The OIG commends the Department's tremendous efforts in this area and encourages the Department to continue on a path which the OIG is confident could lead the rest of the nation and establish new standards in this area.

Gender Responsive Programming

The Los Angeles County Sheriff's Department incarcerates an average of 1,800 women each day in Century Regional Detention Facility (CRDF), the nation's largest women's jail. The Department recognizes that in their lives these prisoners have often experienced emotional, physical and sexual abuse and often have substance abuse histories.

As a part of its rehabilitation efforts, the Department has created the Los Angeles County Gender Responsive Advisory Committee formed by order of Sheriff Jim McDonnell to identify and implement national best practices to create a system that meets the unique needs of women prisoners. The OIG attends and monitors the Gender Responsive Advisory Committee meetings.

Currently, female prisoners housed at CRDF can receive gender specific programming related to substance abuse, trauma and mental health, re-entry services, and reproductive health. The Sheriff's Department has partnered with a number of community organizations and the ACLU to provide these services. Collaboratively, the Sheriff's Department and ACLU have made notable advancements in the area of reproductive health, including prenatal and postnatal services and the creation of a lactation program for incarcerated mothers and their newborn babies. Most recently, the Sheriff's Department and ACLU have partnered to coordinate doula⁴ services to assist women during child birth.

In October 2016, the Department partnered with the Police Foundation, a Washington D.C. based nonprofit that "advances policing through innovation and science," to monitor CRDF's gender responsive programming. With the goal of advancing CRDF's program as a national best practice, the Police Foundation will monitor, identify and report on roadblocks and other organizational issues. Ultimately, the program hopes for the implementation of similar programs at other women's facilities throughout the country.

Expansion of Rehabilitative Programs and Re-entry Services

Pitchess Detention Center (PDC)–South is currently the flagship of rehabilitative services within the Los Angeles County jail system. The captain of the facility plans to improve and expand programming to make PDC–South into a re-entry facility. The facility currently houses prisoner workers and prisoners enrolled in Education-Based Incarceration (EBI), the Maximizing Education Reaching Individual Transformation Program (MERIT) and the Back-on-Track program, as well as some general population prisoners.⁵

⁴ A woman who assists women during labor and after childbirth.

⁵ Staff at PDC – South plan to remove general population prisoners from the facility before expanding programming.

Although PDC-South houses some of the Department's most successful programs, the Department also considers it a significant risk for drug and contraband introduction to the jail system. Because many PDC-South prisoners work off-site and have access to the grounds surrounding the facility, the Department reports that drugs are often smuggled into the jail through prisoner workers. This is true despite every prisoner being subject to a body scan for drugs upon return to the facility.

PDC-South executives report that prior to implementing a plan for the expansion of prisoner programs, they will complete a study currently underway of the specific pathways by which drugs enter the system. Once the contraband study is completed, PDC-South executives will determine how to best utilize weekend and evening hours to enhance programming and to increase the Community Transition Unit services at the facility. On December 12, 2016, the Sheriff's Department hosted a meeting with various stakeholders to begin discussing these expansions, create necessary partnerships in the early stages of planning and complete a "SWOT" analysis⁶ of its re-entry program. The OIG will continue to monitor the expansion of re-entry programs at all facilities.

Education Based Incarceration (EBI)

EBI was formally implemented in 2010 by former Sheriff Lee Baca to provide prisoners GED classes, educational development classes, vocational training and cognitive behavior therapy courses. EBI was initially offered at MCJ and has expanded to include TTCF, CRDF and PDC as well. The average monthly EBI enrollment from January to June 2016 was 5,560 men and 1,355 women.

Maximizing Education Reaching Individual Transformation (MERIT) Program

The MERIT program is a flagship program within EBI. The program began in 2006 at the PDC-South facility is a community-based custody model. MERIT students are housed together, away from general population prisoners and live, work and study in a "virtual residential campus."⁷ The MERIT program has three tiers: "MERIT Beginnings," "MERIT Life Skills" (which includes a course on domestic violence) and "MERIT Masters." Prisoners can enter MERIT Life Skills by graduating from MERIT Beginners but cannot enter the MERIT Master program without applying separately for the program and taking an oral examination. The Department reports that it is currently revising and enhancing the MERIT curriculum.

⁶ "SWOT" stands for Strengths, Weaknesses, Opportunities and Threats, and is a common method used to evaluate new projects.

⁷ Dr. James Austin, Dr. Jerrold D. Green, Robert Harris and Robin Allen, *Evaluation of Education-Based Incarceration Programs Los Angeles County Sheriff's Department Jail System*, JFA Institute (August 2013) http://www.jfa-associates.com/publications/jss/Evaluation%20of%20EBI_6-24-13.pdf.

PDC–South has dedicated three barracks to the MERIT program, one for each of the three MERIT tiers. On November 29, 2016, OIG monitors conducted a town hall style interview with participants in MERIT Masters, who reported that they value the MERIT program and the incentives it offers, including lower housing counts, access to their own appliances, and access to the library. Members’ suggestions for improvement included access to assist other prisoners with legal and other research, MERIT liaisons for community transition programs, and MERIT Masters as leaders/facilitators of groups in other housing locations. The Department should consider these suggestions as it revises the MERIT curriculum and expands programming at PDC – South.

Back-on-Track Program

The Back-on-Track Program began in February 2016 in partnership with Attorney General Kamala Harris and various county agencies. Funded by public and private donors, the program seeks to prevent prisoners from re-offending by offering specifically tailored programs while in custody. Upon release, the program links prisoners with resources to help them find housing, jobs and educational opportunities on the outside. For each prisoner, the Sheriff’s Department prepares a custom lesson plan based on the prisoner’s rehabilitative needs.

On November 29, 2016, Sheriff’s Department hosted a special town hall for prisoners in the Back-on-Track program to hear from former prisoners about how Back-on-Track equipped them for a new life in the community. In attendance were representatives from the Los Angeles County Child Support Services, the Los Angeles County Probation office, the Los Angeles Chamber of Commerce, the Pathways to College program, the Workforce Development Board and PeopleReady, as well as representatives from the Attorney General’s office and the Sheriff’s Department. Three former prisoners spoke about their success and the benefits of disciplines learned through the Back-on-Track program. All current Back-on-Track prisoners were engaged with the discussion and many asked questions or congratulated their peers.

The next day, an OIG monitor followed up with Back-on-Track prisoners about the previous day’s events. Although there was difference of opinion on the degree of the program’s success, all prisoners expressed appreciation for the program. Many stated that they were inspired by seeing their peers succeed on the outside, stating that they had the “intrinsic motivation” to continue with the program to create a better life. Some prisoners reported receiving insufficient sentence reducing credits for their participation. Others stated that the value of the program outweighed the need for credits. The OIG will continue to monitor the Department’s prisoner rehabilitative programs.

REVIEW AND ANALYSIS

Department Wide

Probationary Evaluations

In May 2016 the Office of Inspector General released its report "Analysis of the Deputy Sheriff Trainee Probationary Period: Recommendations for a Meaningful Assessment Opportunity."⁸ The report made four recommendations to create a more meaningful probationary assessment period for deputy sheriff trainees. The Assistant Sheriff, Custody Services Division tasked Custody Support Services with addressing each of the recommendations. In July 2016 Custody Support Services created the Probationary Training Assessment Committee comprised of custody administration personnel and training staff from each jail facility. The Committee meets regularly and is working to revise current training policies, modernize training plans, assess fiscal and staffing impacts, and formulate a timeline for implementation. The OIG attends all Probationary Training Assessment Committee meetings and continues to monitor changes to the deputy sheriff trainee probationary assessment period.

Body-Worn Cameras

In September of 2015 the Office of Inspector General issued "Body-Worn Cameras: Policy Recommendations and Review of Sheriff's Department's Pilot Program"⁹ report.

On July 12, 2016, the Board of Supervisors directed the Sheriff, in conjunction with County Counsel and the Chief Executive Officer, to present to the Board within 120 days a plan, including requisite ordinance enactments and budget, to implement body-worn cameras in the shortest time frame possible. The Board also directed the Information Systems Advisory Board (ISAB), in conjunction with other criminal justice system stakeholders, to develop an implementation strategy for a Countywide Digital Evidence Management System (DEMS) to manage all digital evidence, including that captured on body-worn camera systems.

The Office of Inspector has been working with the Department during its development of body-worn camera policies covering the issues cited in the report: when should the cameras be activated/deactivated, should persons be notified they are being recorded, whether and under what circumstances witnesses and involved persons should review of video prior to giving statements, and the release of videos to the public or for use in judicial proceedings. The policies developed to address

⁸https://oig.lacounty.gov/Portals/OIG/Reports/OPT_Analysis%20of%20the%20Deputy%20Sheriff%20Trainee%20Probationary%20Period.pdf?ver=2016-06-27-171131-467

⁹ https://oig.lacounty.gov/Portals/OIG/Reports/Body-Worn%20Cameras_OIG%20Report.pdf?ver=2015-10-28-164758-800

these issues have significant impacts on the cost of implementing body-worn cameras.

The Office of Inspector General also participated in the meetings of the committee formed by the Information Systems Advisory Board to develop a countywide digital evidence management strategy. This committee addressed the management of not only video recordings from body-worn cameras, but all other forms of digital evidence collected which would be legally relevant evidence in judicial proceedings. The ISAB committee issued its report November 8, 2016 (currently available at <http://file.lacounty.gov/SDSInter/bos/supdocs/105715.pdf>).

Implementation of body-worn cameras and the management of the evidence produced by them was evaluated by the Department and presented to the Sheriff and his command staff on November 9, 2016. The Department is preparing a proposal for submission to the Board of Supervisors for funding body-worn cameras and the cost of storage and retrieval of the digital evidence those cameras produce.

Custody Force Reviews

In 2011, the Sheriff's Department Custody Services Division (Custody Division) instituted a multi-level use of force review process for some incidents of force by Department personnel against prisoners in the Los Angeles County jail system. The process involves the initial participation in the force investigation and review process by the Department's Custody Force Response Team (CFRT) and formal review of significant force incidents by a panel of commanders at the Custody Force Review Committee (CFRC). In January 2016, the Department initiated Weekly Force Review of all force incidents in general population housing. The OIG monitors the custody force review process to evaluate whether the Department adheres to its force review policies and identifies critical issues and areas for corrective action.

Custody Force Response Team (CFRT)

The CFRT is comprised of sergeants and lieutenants who monitor force investigation inquiries and provide real time monitoring and guidance to supervisors presiding over force investigations. Their goal is to "ensure high quality force investigations through incident oversight and investigative evaluation." (Custody Division Manual, Section 4-07/005.05, "Custody Force Response Team"). When force is used in Sheriff's Department facilities which classifies as "Category 2" or meets certain other criteria (such as any force resulting in significant injury) the CFRT is notified and dispatches a team of two sergeants to the scene of the force incident. Department policy authorizes the CFRT to monitor or assume responsibility for investigations or to make requests for administrative investigations. In practice, the CFRT typically notifies the Custody Division Administrative Commander of potential policy violations who, in coordination with facility captains, determines whether administrative investigations are warranted. All uses of force that prompt CFRT rollouts are eventually reviewed at the Custody Force Review Committee (CFRC). In addition to responding to facilities to monitor force investigations, the CFRT also reviews all completed Category 2 force investigations.

Custody Force Review Committee (CFRC)

The CFRC convenes monthly to evaluate significant uses of force, the quality of force investigations and the effectiveness of supervision in Custody Division units. For each CFRC review, the unit commander and the handling facility sergeant and watch commander are required to attend and address questions about the force incident itself, their review of the incident, and any post-incident counseling of involved personnel.

The CFRC analyzes each aspect of a force incident, including force prevention efforts, tactics, as well as the quality of the force investigation and documentation. OIG personnel and representatives from Custody Division training, Jail Mental Health Services, and Medical Services Bureau attend and provide input. The OIG also attends a CFRC pre-meeting during which the commander panel is familiarized with and discusses informally the facts and issues in each case. Incidents in which department policy is determined to have been violated are referred to the Department's Internal Affairs Bureau for investigation. Incidents which are determined by the panel to have been tactically appropriate and thoroughly investigated at the unit level may be removed from a CFRC agenda. Otherwise, the CFRC panel issues corrective action recommendations and requires unit commanders to report back within 30 days on actions taken pursuant to the CFRC recommendations. (Additional information can be found in Custody Division Manual, Section 4-07/005.00, "Custody Force Review Committee.")

Prior to each CFRC meeting, the OIG reviews relevant personnel records of deputies involved in uses of force. This review provides additional context regarding an involved deputy's use of force history, conduct, complaints or treatment of prisoners which may inform the committee's corrective action directives. The OIG has recommended that the CFRC panel review on a systematic basis the use of force and personnel histories of involved deputies prior to the CFRC meeting.

The OIG began monitoring the custody force review process in May 2014 and has typically observed rich discussion at meetings between the CFRC panel and involved facility personnel about report writing and tactical and training issues. In addition to analyzing force tactics, training, and the quality of force investigations, the CFRC panel is generally attentive to special needs of involved prisoners, including mental health and medical treatment needs. As Custody Division personnel receive training in De-escalation and Verbal Resolution Training (DeVRT) pursuant to the *Rosas* settlement agreement,¹⁰ the CFRC would be wise to increase discussion of de-escalation and force prevention measures both in its analysis of force incidents and in its corrective action plans. Similarly, the commander panel should invite more active involvement of mental health personnel, perhaps in a co-chair capacity when

¹⁰ *Rosas, et al. v. Baca* (Case No. CV 12-00428 DDP)

force is used on mentally ill prisoners. Mental health providers can identify behavior that is symptomatic of mental illness or consistent with medication side effects or noncompliance, and they should opine consistently on force prevention/de-escalation efforts.

On October 26, 2016, the OIG met with the Chief and Administrative Commander of the Custody Services Division-General Population to make 17 recommendations for improvement of the Custody Division's force review process. The OIG's recommendations focused on the quality of the CFRC analysis and recommendations, expanding the CFRT's role, improving force investigations, communication between the CFRT and facility personnel, data tracking, analysis, and corrective action follow-up, and the need for greater emphasis on force prevention principles like de-escalation, identification of special needs, and assessment of alternatives.

The OIG requested and received an initial written response from the Department to its recommendations. The Department agreed to implement, or explore the possibilities for implementation of, approximately one half of the OIG's recommendations. The OIG will continue to monitor these issues going forward and will incorporate into a future report any response(s) to the OIG's recommendations.

Weekly Force Review, General Population

In response to efforts to promptly identify and address institutional force training and policy issues, the Chief, Custody Services Division-General Population, instituted a Weekly Force Review during which the Chief, facility captains, and management teams from Inmate Reception Centers, Men's Central Jail, Pitchess Detention Center-South, Pitchess Detention Center-North, and North County Correctional Facility review video for all uses of force which occurred in the previous week. Issues and trends at each facility are identified, Corrective Action Plans are issued and facilities are required to report back the following week.

The OIG has attended each Weekly Force Review meeting since the first review on January 19, 2016. The Custody Division-General Population Chief and his staff have requested OIG input and have been responsive to OIG recommendations regarding such issues as the proper use and application of spit masks, the availability of gurneys for transport, the policy on the treatment of intoxicated prisoners, force prevention issues, and attention to prisoner special needs. The OIG will continue to monitor Weekly Force Review and report on its progress.

Complex Case Committee (CCC)

The Complex Case Committee is a bi-weekly meeting which convenes to "seek solutions for high-risk, high-needs prisoners who have an extensive history of behavioral and/or mental health concerns" (Custody Division Manual, Section 3-19/000.00, "Complex Case Committee"). The initial focus of the CCC included strategies for how best to move these prisoners quickly through the courts and out of Sheriff's Department custody. The focus evaluates behavioral, housing and

treatment issues of prisoners who do not respond to traditional methods of discipline, therapies, or interventions. The CCC Chair implemented the OIG's recommendation to invite as co-chair the Jail Mental Health Services Chief Psychiatrist. The co-chairs are joined by representatives from Medical Services Bureau (MSB), Jail Mental Health Evaluation Team, Jail Mental Health Services and Custody Investigative Services unit.

The OIG attends CCC meetings and monitors complex case prisoners. The OIG regularly interviews prisoners subject to review by the CCC to ensure their safety and welfare. The CCC regularly welcomes OIG feedback and incorporates OIG recommendations into its action plans. In an effort to implement more incentive based behavior modification approaches to managing complex prisoners, the Department began the use of a (one) comfort dog. The dog's visit for fifteen minutes per week, combined with other thoughtful interventions developed by the CCC, has resulted in prisoners' significantly improved behavior. In one instance, the Department offered one highly problematic and assaultive prisoner such successful behavioral incentives that the prisoner was removed from months of disciplinary isolation to a general population mental health module. The Department continues to use this comfort dog to treat behaviorally-problematic prisoners on the Complex Case Committee.

Death Review

The Death Review process is initiated following in-custody death or death of a prisoner in the Community Based Alternatives to Custody (CBAC) program. Pursuant to Department policy, (Custody Division Manual, Section 4-10/050.00 "Inmate Death – Reporting and Review Process"), Sheriff's Department must hold a death review for each in-custody or CBAC death. As part of the review process, the Custody Compliance and Sustainability Bureau collects all relevant documentation concerning a prisoner's death and prepares a written review which is presented over the course of three separate meetings which occur 24-hours, 7-days and 30-days following a prisoner death. The Department identifies areas for improvement and issues corrective action plans to improve safety.

Death reviews include, but are not limited to discussion of witness interviews, training, policy and procedural issues, and identification of any problematic medical and mental health issues. The OIG attends and monitors Death Review meetings and, where appropriate, provides feedback. The Department was again receptive to the OIG's recommendation for co-chaired Death Review meetings. Since September, Death Review meetings have been co-chaired by the Custody Services Division Chiefs and the Los Angeles County Department of Health Services Correctional Health Director.

The OIG has observed increasingly thoughtful analysis and collaboration between Medical Services Bureau, Jail Mental Health Services, and Custody Services Division participants.

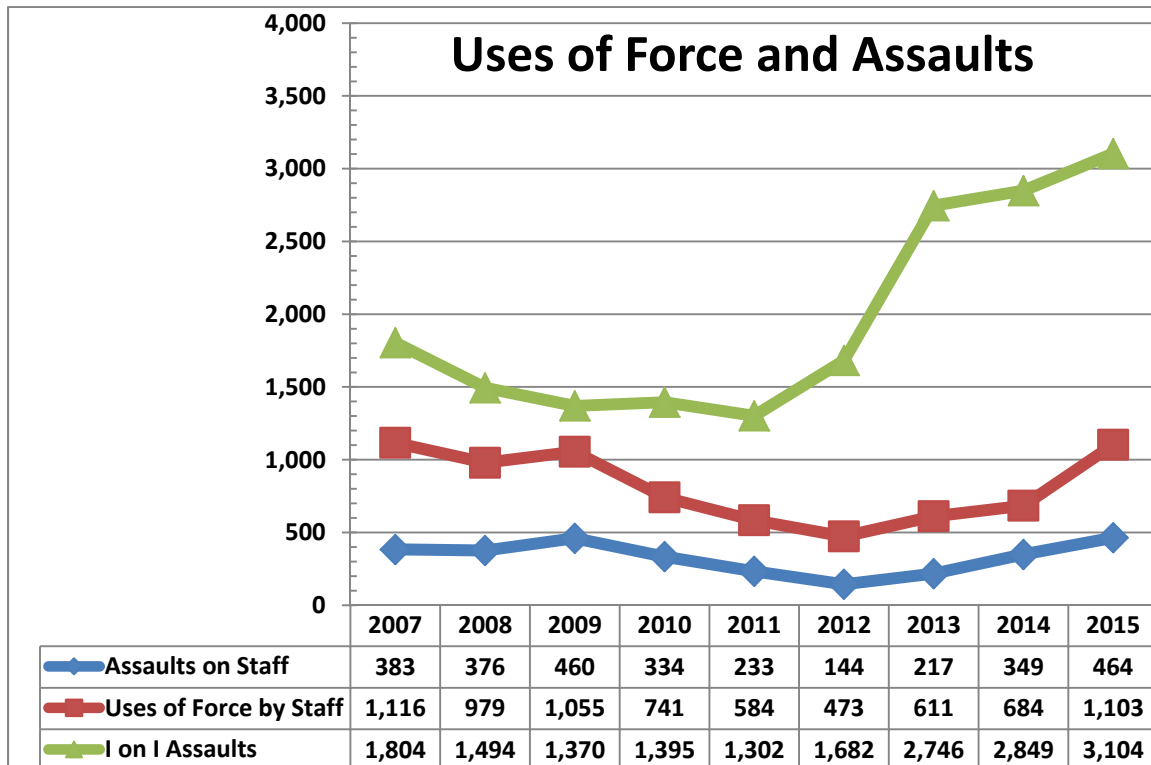
Audits and Communications with the Public, the Board, and the Sheriff

Uses of Force

The OIG reviews the Department's Custody Services Division data on use of force incidents, prisoner-on-prisoner violence and assaults on Department personnel. The Department was only able to provide the OIG this data through October 31. The table below reflects the totals reported by the Department.

| Type | 2016 (through 10/31) |
|------------------------|-------------------------|
| Assaults on Staff | 471 |
| Uses of Force by Staff | 1,544 |
| I on I Assaults | 3,199 |

The chart below reflects trends in use of force incidents, prisoner-on-prisoner violence and assaults on Department personnel over a ten year period between 2007 and 2015.



Outreach

The OIG regularly communicates with the public, the Board of Supervisors, and the Sheriff regarding the work of the OIG and the Department's operations.

OIG staff regularly attends meetings with concerned community members, including the meetings of the Public Safety & Justice Committee of the Empowerment Congress and the monthly meetings of the National Association of Equal Justice in America in Compton. The OIG also attended monthly standing meetings with the Youth Justice Coalition to address concerns regarding the conditions of confinement in the Los Angeles County jails and facilitated a meeting between coalition members and the Department's Custody Division command staff.

The Inspector General meets personally with the Sheriff on a weekly basis and apprises the Sheriff of the OIG's observations. The Assistant Inspector General who directs the work of the OIG's jail monitors also meets personally with the Sheriff regularly to share her observations.

The Inspector General and his staff attend all Board proceedings which effect or touch on the Department's operation.

Handling of Comments Regarding Department Operations and Jails

The OIG received three hundred and fifty new complaints in 2016 from members of the public, prisoners, prisoners' family members and friends and community organizations. Each complaint was reviewed by OIG staff. Three hundred and five of these complaints were related to the conditions of confinement within the Department's custody facilities, as shown below. The classification totals do not equal the number of complaints because many of the complaints address multiple issues.

| Complaint/Incident Classification | Totals |
|-----------------------------------|------------|
| Personnel Issue | |
| <i>Use of Force</i> | 13 |
| <i>Rude/Abusive Behavior</i> | 18 |
| <i>Discrimination</i> | 11 |
| <i>Other subjects</i> | 12 |
| <i>No discernible subject</i> | 5 |
| Medical/Dental Services | 73 |
| Disability Accommodation | 44 |
| Mental Health Services | 16 |
| Housing | 19 |
| Dietary | 15 |
| Hygiene | 3 |
| Physical Plant | 5 |
| Other Service Issue | 36 |
| No Discernible Issue | 35 |
| TOTAL | 305 |

Thirty-one complaints were related to civilian contacts with Department personnel by persons who were not in custody. The classification totals do not equal the number of complaints because some of the complaints address multiple issues.

| Complaint/Incident Classification | Totals |
|-----------------------------------|-----------|
| Personnel Issue | |
| <i>Rude/Abusive Behavior</i> | 6 |
| <i>Unlawful Conduct</i> | 8 |
| <i>Failed to Take Action</i> | 4 |
| <i>Discrimination</i> | 2 |
| <i>Excessive Force</i> | 2 |
| Other Service Issue | 16 |
| TOTAL | 38 |

Twenty-five complaints were not about the Department or Department personnel and were referred to the appropriate agency or the complainant was directed to seek counsel. Thirty-eight of the complaints did not complain about conduct by the Department or Department personnel and did not describe the complaint with sufficient detail to refer to another agency or counsel.

Conclusion

The Inspector General and his staff have been pleased with the Department's efforts to identify issues and reform its Custody Services and Patrol Division policies, practices, and operations. The Sheriff has consistently displayed his commitment to collaboration with the Office of Inspector General. He and his staff actively seek and are receptive to OIG recommendations and suggestions. The OIG will continue to monitor, track and report on critical incidents, Department policies and operations and its reform efforts and progress.