



Office of Inspector General County of Los Angeles

SECOND QUARTERLY REPORT BACK ON IMPLEMENTATION OF THE FAMILY ASSISTANCE PROGRAM

January 2020

Introduction

In July 2019, the Board established the Family Assistance Program (Family Assistance), aimed at improving compassionate communication and providing trauma-informed support to families who lose a loved one following a fatal use of force or 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 second quarterly report.

The Family Assistance implementation team, consisting of eight county departments, continues to meet regularly and develop protocols. The Department of Public Health (DPH), Office of Violence Prevention (OVP), is analyzing data collected by the Family Assistance Advocates in order to provide metrics as requested in the Board motion. From October 1 to December 31, 2019, Family Assistance Advocates have responded following twelve in-custody deaths and four deputy-involved shootings. To date, Family Assistance Advocates have not been present for next of kin notifications. LASD and the Department of Medical Examiner (DME) (formerly the Department of Medical Examiner-Coroner) are currently finalizing procedures for next of kin notifications, which state that Family Assistance Advocates will be present during next of kin notifications whenever possible.

DMH reports that Family Assistance Advocates followed up after every death, and in every case, offered services. Advocates use a trauma-informed approach in their work with bereaved families. The DPH has also created a program to respond to communities affected by deputy-involved shootings. The program is housed within the OVP. OVP will work with its County Leadership Committee and its Community Partnership Council to develop recommendations for service delivery. The recommendations will identify service providers that can offer culturally and linguistically specific counseling to community members impacted by an incident. Two critical aspects of the program remain in development. The program lacks mechanisms for disbursing funds for burial costs and for maximizing the information that families receive in the days, weeks, and months following a death.

Payment for Burial Expenses

As reported previously, a total of \$180,000 has been allocated during the initial year of the Family Assistance Program for disbursement to families to cover burial expenses of up to \$7,500 per incident. However, because disbursement protocols have not been finalized, no disbursements have been made. Following significant discussion about which county department would be responsible for disbursing the funds, the Department of Mental Health (DMH) will remain the designated

department that will effectuate the disbursement of these funds, as it makes all eligibility determinations and maintains accounting of the funds. The county Auditor-Controller may facilitate and review payment policy and procedures to ensure necessary compliance with County fiscal guidelines.

DMH reports that it is developing an application form to be used by families to request burial costs. The Chief Information Officer (CIO) and DMH report that they will be developing a website where the application for reimbursement will be housed. County Counsel is finalizing no-fault eligibility requirements for burial cost reimbursement that allow the County to account for the spending of public funds. County Counsel and the Auditor-Controller report that paying money directly to families will create a taxable event, so parties are working to develop a model that avoids this undesirable financial consequence. If \$7,500 disbursements are made on behalf of twenty-five families who have lost loved ones since the Board's July 9, 2019 motion, there will be no remaining Family Assistance funds. Therefore, the County will need to allocate annual funding if it wishes the program to continue. Alternative funding options continue to be explored, such as Mental Health Services Act, Public/Private Partnerships and AB109.

Information-Sharing

Family Assistance Advocates often possess only minimal information at the time of their initial contact with families. Of course, during death notifications and in the days and weeks following, families seek information about the circumstances surrounding their loved one's death. LASD has historically restricted much of the information that families seek in efforts to maintain investigative integrity.

In order to balance the needs of families with the investigative needs of DME and LASD, guidelines need to be established (consistent with amendments to Penal Code section 832.7 in those cases in which the death is the result of a fatal use of force) to determine how much information can be shared, initially and on-going throughout investigations, as well as how often factual updates can be conveyed to families by Family Assistance Advocates. Both LASD and DME acknowledge that grieving families have not always received sufficient or timely information related to the death of a loved one and recognize the importance of sharing as much information with families as possible. Both departments also have long-standing protocols for information sharing, and specific decisions about how much and which information may be shared with families is evaluated on case-by-case bases. The Sheriff and Chief Medical Examiner have demonstrated their commitment to the Family Assistance Program and have dedicated high-level personnel to its implementation. They will also need to set the tone for their respective

departments in shifting practices toward sharing more and as much information with families as possible as a matter of course.

DME reports that it is currently reviewing its practices for sharing information and identifying ways to improve transparency. At the November 19, 2019, meeting of the Los Angeles County Sheriff Civilian Oversight Commission (COC), commissioners and community members expressed concerns that information from DME is at times limited or incomplete. The Chief Medical Examiner outlined the types of public reports issued by his office and identified the kinds of information whose immediate disclosure may be limited by Government Code section 6254. Referred to as a "law enforcement" or "security" hold, requests for confidentiality can be made by agencies such as the District Attorney's Office or the Sheriff's Department. Requests such as these are permissible by law if public disclosure of information contained in what would otherwise be a public report might jeopardize an ongoing criminal investigation or endanger the life of someone referenced in the report.

The COC chair asked the Chief Medical Examiner to report back on the number of deputy-involved shootings that were accompanied by security holds and for how long the holds were in place. County Counsel has been asked to provide advice on whether the Chief Medical Examiner is required to withhold information upon request of law enforcement or has an independent duty to determine whether to provide information pursuant to Penal Code section 832.7. The assistance of County Counsel is critical as the County currently does not appear to be complying with Penal Code section 832.7's requirement of a written statement of reasons for withholding information beyond sixty days. In efforts to address concerns raised by community members, LASD has implemented a process whereby all security holds requested by LASD will be reviewed every sixty days. For holds which do not require the authorization of the District Attorney's Office for release, LASD will ensure that they are released as soon as possible.

During the COC meeting, the community also expressed concerns about DME's retention of body parts. The Chief Medical Examiner admitted that the department does not proactively notify families that their loved one's body parts have been retained for further analysis. DME reports that it is working to correct both of these issues.

OIG will continue to monitor Family Assistance Program implementation and report on progress in the next quarter.