

*The Los Angeles County*

# **Sheriff's Department**

**6th Semiannual Report by**

**Special Counsel Merrick J. Bobb & Staff**

**September 1996**



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# 1 . I n t r o d u c t i o n

This **Sixth Semiannual Report** of Special Counsel Merrick Bobb and staff discusses the progress of the Sheriff's Department in the implementation of the 1992 Kolts recommendations, the 1993 Joint Statement of agreements between Judge Kolts and Sheriff Block, and the later recommendations of Special Counsel. These reports are prepared at the direction of the Los Angeles County Board of Supervisors pursuant to its appointment of Merrick Bobb as Special Counsel for a term currently running to December 31, 1999.

## *General Conclusions*

During the four years since the **Kolts Report**, the patrol operations of the Sheriff's Department — which provide direct police services throughout Los Angeles County to nearly three million people — have become better managed and more innovative. Arrests continue to rise — 94,631 for 1994; 98,181 for 1995. Without reducing service, assistance to the community, or other contemporary indicia of police productivity, the LASD is reshaping for the better the practice of policing in southern California, even as other police agencies continue to struggle.

Meriting attention and emulation are the LASD's continuing progress in reducing County liability and exposure; its efforts to manage excessive force and other police misconduct; its increasing use of technology and data; and its programs dealing compassionately and proactively with possible problem officers. Much more needs to be done, but the thrust of Chapters 5 to 9, which focus on patrol operations, is that, in the main, the Department is doing well.

On the other hand, the LASD jail operations — which provide custody to a daily count of more than 18,000 inmates — are seriously troubled, with major systems that are outdated and hence functioning sub par. Indeed, the criminal justice apparatus as a whole is under great strain, without adequate provision for the jails to deal with the extraordinary demands being placed upon them. The LASD's methods of receiving, sorting, classifying,

and tracking inmates is antiquated, paper-driven, haphazardly computerized, and faulty. Fail-safes and backup systems are neither adequately utilized nor always work well, and a convicted murderer was recently mistakenly released. The Department of Justice is investigating whether the Department and the County's Mental Health Services are providing constitutional and humane care to mentally ill inmates. Along with recurrent disturbances at various facilities, the loss of control of a jail has not been an idle possibility.

Chapters 2 to 4 of this Report continue a focus on the County jails commenced in the **Fifth Semiannual Report**. Chapter 2 describes how the jail population has changed since Three Strikes. Chapter 3 discusses specific data deficiencies that betoken sub par management of County jails and inadequate analytical resources. Chapter 4 discusses force review at one custody facility.

### *Summary of Principal Points*

**The Jails.** Inadequate funding of the Los Angeles County jails, insufficient attention to how to house a growing inmate population, Three Strikes, and the influx of inmates accused of violent crime are overwhelming an under-prepared and under-staffed jail system that has fallen behind technologically and is slow to respond.

Today, the Los Angeles County jails more closely resemble San Quentin or Folsom prisons than a local jail. The proportion of inmates considered a high security risk has increased from 36% in 1994 to 49% in 1996. Currently, 11,000 inmates should be housed in cells, but only 6,000 hard-lock cells are available. In a recent study of approximately 5,300 convicted inmates, more than 25% had been sentenced to state prison but remained in County Jail awaiting transfer.

Inmates awaiting trial on felonies are spending more time in jail because of Three Strikes. The jails have become the mental hospitals and homeless shelters of last resort. Demands that more jails be built have been heeded, but the funds to open them have not been provided.

The lack of jail space means that an inmate in County jail is serving only 25% of the original sentence imposed by the judge (or 35% of the judge's original sentence less state-mandated credits). There are inmates out on work release than should not be: More than half of work release participants in a recent sampling scored as high as violent and serious offenders using the jail's internal classification system. A three-month recidivism study of those on work release showed that 16% were re-arrested. This recidivism rate could equal nearly 65% if projected over a full year.

Our investigation over the last several months has been hampered by unreliable data provided by the LASD. At the beginning of this investigation, the flawed data showed that the LASD lacked a solid basis for important statistics about jail riots and other disturbances, inmate-upon-inmate assaults, inmate assaults on staff, and use of OC spray in the jails. Many of the numbers were too haphazardly gathered to be useable for either historical or current analysis. The unreliability of the data meant that the Department lacked solid, well-researched information to manage violence, risk, and liability in its custody operations.

Since our investigation began, however, the Department has responded quickly, openly, and in good faith to the data problems and has made progress in curing them, although serious problems remain.

**Litigation.** Active cases involving allegations of excessive force continue to decline — from 190 in mid-1995 to 132 in mid-1996, a 30% decline. The number of force cases has dropped about 60% from its all time high in fiscal year 1992-93. Overall exposure to County taxpayers has dropped 86% from its all time high in fiscal year 1992-93. On the whole, the LASD is managing litigation more ably and tightly since **Kolts**.

**Shootings and Serious Force.** Total shootings are down. The trend continues of more judicious use of deadly force. Typically, in cases where an LASD officer fired a weapon, the officer was confronted by a suspect with equal or superior firepower. More officers are exploring the use of less-than-lethal methods to bring a dangerous

confrontation to a halt.

**Revised Force and Pursuit Policies.** The LASD has tightened its control of headstrikes with impact weapons and limited when an officer may fire at a moving vehicle. The Department has revised and tightened its pursuit policies to provide for helicopter coverage of a pursuit if at all possible. A watch commander may call off a pursuit by patrol cars while continuing surveillance of the vehicle by helicopters, thereby reducing risks to innocent drivers and pedestrians as well as LASD officers.

**Force Tracking and Performance Plans.** The LASD is a national leader among police agencies in comprehensive computer tracking of claims, lawsuits, uses of force, shootings, citizen complaints, and other indicators of risk. It has compiled complete work histories on possible at-risk employees which a committee has reviewed to devise plans to enhance the competency of the employee through retraining, mentoring, and counseling. The LASD is making substantial progress toward fulfillment of Special Counsel's recommendation that the computerized tracking system be "a tool for inquiry, investigation, and, if necessary, for intervention; not for punishment per se."

**Investigation of Hit Shootings and Serious Force.** There is also bad news. Recently-published policies substantially limit the role of Internal Affairs in the investigation of hit shootings — a crystallizing of unwise practices that should have been changed. There is a continuing need for checks on Homicide's plenary role in the investigation of hit shootings given biased and misleading investigations by Homicide in the past. Special Counsel will focus renewed attention to the objectivity of such investigations. Also, the quality of Internal Affairs investigations of serious force incidents has deteriorated somewhat, evidencing an occasional lack of neutrality and objectivity.

**Canines.** There has been improvement in the LASD's use of police dogs. There were no unannounced deployment of canines during the last year. There is a significant drop to under 15% in the percentage of suspects who are bitten in apprehensions employing police dogs.

**Citizen Complaints.** If present trends continue, there will be fewer citizen complaints against LASD officers in 1996 than in 1995 or 1994.

**Women and minorities.** The Department has done an admirable job hiring Latinos and African-Americans but has fallen short of its goals for women and Asian-Americans. Although recent Academy classes have had more women, the Department has nearly exhausted its pipeline of qualified women to do so. The pool of women and Asian-Americans is insufficient to maintain for long the reassuring percentages achieved in recent Academy classes.

Even though women have higher attrition rates than men, the LASD has substantially narrowed the attrition rates at the Academy between men and women in the last six months. In the most recent class, the attrition rate for men was 13.7% and 18.5% for women. The 20.8% attrition rate for African-Americans continues to be higher than the 12.2% attrition rate for caucasians. The Academy is, however, doing a better job overall in eliminating candidates for failure to satisfy integrity, temperament, and academic standards.

The Field Operations Support Services Unit has begun tracking the progress of women and ethnic minorities in specialized assignments and coveted positions. The Ombudsperson/Career Resources Center continues to do first-rate work. On the other hand, the Department continues to make only slow progress in moving women into coveted or high profile positions.

The Department in recent years has taken pains to dispel an impression that it was unwelcoming to openly gay and lesbian individuals. Nonetheless, there are lingering problems. In one embarrassing error, the Department failed to make explicit in a newly revised Recruit Code of Conduct that all recruits are entitled to be treated with respect and dignity regardless of sexual orientation, marital status, age, or physical disability even though the Department did make clear that all recruits are entitled to respect and dignity regardless of race, gender, religion, or national origin.



**Training.** The Advanced Training Unit of the Department has done an excellent job in the provision of mandatory training — 83% of the sworn and civilian personnel have completed sexual harassment training and 73% have completed training in cultural awareness. Forthcoming proposals on centralization of the FTO program will make the selection process for field training officers more rigorous, objective, and fair. The LASD continues to do an excellent job training and testing new recruits in revised use of force techniques and procedures.

We now turn to a detailed explanation of the points and conclusions described above.

## 2 . T h e C o u n t y J a i l S y s t e m

It is sobering to contemplate the sharply increased burdens in recent years on the deteriorating Los Angeles County jail system. The LASD currently houses nearly 20,000 inmates in seven jails whose capacity, as rated by the California Board of Corrections, is approximately 12,000. An eighth custody facility, Twin Towers, which could house 4,200 inmates, remains empty pending funding. The ninth custody facility, the Inmate Reception Center (IRC), provides temporary housing. It is a clearinghouse that receives, sorts, classifies, tracks, and releases inmates.

The Los Angeles County jails were built on the assumption that about two-thirds of the inmates would be misdemeanants serving sentences of one year or less for non-violent crimes. The other third would be persons in trial or awaiting trial who had not made bail — in LASD parlance, “pre-adjudicated” inmates.

In recent years, the percentages have flipped. More troubling, the percentage of pre-trial inmates accused of violent felonies has increased. In January 1994, according to a recently-published report by the LASD and the Los Angeles County Probation Department entitled *Management of Criminal Offenders in Los Angeles County* (June 28, 1996) (“Block/Nidorf Report”), the pre-adjudicated population had risen to approximately 57%. By January 1996, it had jumped to nearly 70%.

As a result, the number of inmates considered high security risks has also substantially increased, according to LASD statistics. Inmates are classified based upon the seriousness of the crime charged, perceived escape risk, gang affiliation, and other issues relating to jail security. Whereas in March 1994, 36% of the inmates were high security, on January 15, 1996 (the date a census was taken for the Block/Nidorf Report), 49% were high security risk, 5% were medium security risk, 34% were low security risk, and 12% were unclassified. Eighty-seven percent of the inmate population was male and 13% was female. Block/Nidorf Report, p. 142.

Not all high security inmates are second- or third-strikers, however. As of December 31, 1995, second-strikers were approximately 8% of the inmate population and third-strikers were approximately 6%, according to Department figures.

The current mix of available housing constrains the LASD's ability to place each inmate in an environment that balances security risk, risk to the inmate, risk to custody personnel, and risk to other inmates. The availability of hard-lock cells has not kept pace with the changing population mix. As of March 26, 1996, according to LASD statistics, the LASD's housing options broke down as reflected in Table One.

Facility	Dorm	Barracks	Multi-Cell	Single-Cell
Central Jail	2120	0	3120	1560
Century Regional	128	0	990	334
Sybil Brand	1951	0	84	91
Pitchess East	1690	0	0	96
North County	3540	0	0	0
Pitchess North	1600	0	0	56
Pitchess South	0	1600	0	0
<b>Totals</b>	<b>11029</b>	<b>1600</b>	<b>4194</b>	<b>2137</b>

If nearly half of the population is high security risk, nearly half the beds should be in single- or multi-inmate cells. Table One suggests that less than a third of

the beds are in cells. The Block/Nidorf Report states that currently, 11,000 inmates should be housed in cells, but only 6,000 hard-lock cells are available.

Some inmates are staying in County jail longer, causing a corresponding drop for other inmates. As of December 31, 1995, according to Department figures, the average length of stay ("ALOS") in the Los Angeles County jails was about 36 days. Second-strikers, however, had an ALOS of about 132 days; third-strikers, nearly 239 days. The Block/Nidorf Report concludes that pre-adjudicated inmates are overwhelming the jails since the passage of the Three Strikes Law.

Because the federal court limits the number of inmates to approximately 20,000 under current criteria, sentenced misdemeanor inmates are staying in jail a much shorter time to leave room for the second- and third-strikers and other inmates charged with felonies awaiting trial.

The Department estimates that the average daily population in the Los Angeles County jails today would approach 39,000 if every inmate sentenced to County jail served a full sentence. When a judge sentences a defendant to County jail,

state-mandated credits are deducted from the original sentence, resulting in a reduced actual sentence length. For the past two years, the Department releases inmates at 35% of the reduced actual sentence after deduction of state-mandated credits. This means that currently an inmate serves approximately 25% of the original sentence imposed by the judge. A one-year sentence equates to 83 days in jail.

Because of limited housing, the Los Angeles County Jail system will not accept all alleged offenders. For pre-trial offenders to be accepted into the jail, according to Block/Nidorf Report, they must either have a felony arrest or remand charge, on one hand, or one of fourteen particularly serious or high-profile misdemeanor charges. The vast majority of those misdemeanor bookings are for spousal battery and other domestic violence crimes. In all other instances, the person will be issued a citation and released on their written promise to appear, regardless of bail amount.

On January 15, 1996, the Los Angeles County jail system had 22,096 inmates. On that day, 17,266 of them were actually in custody; the balance were out on work release. Approximately 70% were awaiting trial and 30% were convicted. Of the nearly 5,300 convicted inmates actually in custody, 1,506 had been sentenced to state prison and were awaiting transfer. There is often a several month lag between prison sentencing and actual transfer to a state prison. Block/Nidorf, pp.145-56.

The convicted inmates not in custody were out on Work Release, Electronic Monitoring, or Work Furlough. Admission to Work Release is at the discretion of the Sheriff and is administered by work release units at IRC for male inmates and at Sybil Brand for females. Inmates sign a contract and are assigned to a work site near their homes. The sites are managed by agencies that contract with the Sheriff's Department, and the duties of work release inmates generally include grounds keeping and janitorial duties. Inmates sentenced to "weekends" in jail are not actually taken into custody to serve their time but rather are placed in work release. The inmates on work release varies from 2,000 to 5,000. On January 15, 1996, it appeared that all of the LA County jail

convicted inmates who were not in custody were on work release.

The Block/Nidorf Report at page xix noted that “[c]urrent work release requirements are inappropriately lenient relative to the risk of participants. More than half of the work release participants in a sampling scored as high as violent and serious offenders using the jail’s internal classification system. About a third were drug offenders with initial felony charges, which were reduced to a misdemeanor. A three-month recidivism study of those on work release revealed that 16% were re-arrested. This recidivism rate could equal nearly 65%, if projected over a full year.”

Under the Electronic Monitoring Program, offenders are permitted to serve their jail sentences in their homes while being monitored by an electric sensor. According to Block/Nidorf, the program is designed for low risk offenders who have not been convicted of crimes of violence or child abuse. The Work Furlough permits certain inmates to maintain their regular full-time employment or schooling while serving a jail sentence. During their non-working time, they are incarcerated in a work furlough facility not managed by the LASD.

The foregoing description of the Los Angeles County jails does not adequately convey, however, the volume of inmates moving around the system on a daily basis. A snapshot of IRC helps to make the flow of inmates in and out of the jails more understandable. During an average day, 555 inmates enter the Los Angeles County jail system at the IRC — which translates to more than 200,000 inmates per year. A similar number of inmates are released. There are 932 inmates who pass through the IRC on an average day going to and from court appearances. There are 705 inmates who are transferred each day from the IRC to other custody facilities.

This volume creates many opportunities for error, compounded by the confusing and differing paperwork that may accompany a given inmate. The Los Angeles County jails draw from ten Superior Court districts and 32 Municipal Court districts. Each court seems to have developed its own set of forms or paperwork, making it harder to track

inmates and get them to the right place at the right time, contributing to mistaken releases. These risks could be reduced if there were uniform, clear paperwork received in a timely fashion by the jails. Even better would be an automated information system that did away with much of the paperwork entirely.

The volume of inmates produces numbness or apathy at times in the LASD staff processing all of these people. It is not surprising that LASD officers refer to inmates flowing into the system as “fish” — it reflects the officers’ perception of inmates’ seeming uniformity and lack of individuality. When combined with the unjustifiably long custody rotations for young deputies, it is not surprising that there is callous treatment at times, a problem that LASD management knows about but has not acted sufficiently aggressively to resolve.

Two incidents that we reviewed highlighted the callousness. The first had to do with getting a meal. When an inmate enters IRC, he is given an opportunity to report to a nurse if he has a medical problem. In some instances, if a medical problem is reported, the inmate is then placed in a medical holding cell to await examination by a doctor or, after being examined, for assignment by the medical staff to permanent housing. It is not uncommon for an inmate to be in a holding cell for 24 hours, and some inmates stay up to 48 hours.

The incident we reviewed involved an inmate who said he had been in the holding cell adjacent to the medical clinic for over 24 hours, a fact not disputed by the deputies. The inmate apparently started to scream and to kick the door because he had not been fed for at least 24 hours and was hungry. A trusty came by to see what was happening and tried to calm the inmate down. Because the trusty was unable to offer the inmate any food, the inmate asked to see a sergeant and continued to yell. The trusty left to alert some deputies who came up to the cell, and, apparently without trying to resolve the situation, went in and scuffled with the inmate. One deputy in his written report admitted striking the inmate in the jaw with his fist.

The LASD determined that the force was reasonable and justified. It is true that the injuries appeared to be relatively slight, and it is obvious that the inmate was creating a ruckus. Nonetheless, careful review of the file suggested that the inmate's underlying complaint that he had not been fed was probably true. Our interviews at IRC bolstered that probability. We asked if, during the 24 or 48 hours they may be in the holding cell, the inmates get fed. The answer from the deputy was, "sometimes they do, sometimes they don't. It depends on how the deputies working the area are feeling." A deputy also said that "savvy" inmates, knowing about the holding cells, will not report an illness to the medical staff as they pass through IRC but will wait until they are in permanent housing.

The second incident occurred in the section of IRC where the inmates receive their jail uniforms. At the end of the bath area where inmates are given pants and a shirt, an inmate complained that the pants he was given to wear were too small. Apparently, the deputy responded, "just put on the pants." When the deputies were not looking, the inmate switched pants with a smaller inmate and started to put on the bigger pair of pants. The deputies became aware of the trade and told the inmate to stop putting on the bigger pants. He refused, and an altercation ensued in which the inmate sustained blows to the face and knees to the mouth. Again, the force was held to be justified.

Both incidents seemed to be ones where callousness, fatigue, or burnout seems to preclude a common-sense resolution of a simple problem. One inmate kicks the door and screams; another inmate fails to obey an order to stop putting on a pair of pants. Both situations escalated to ones where force was deemed necessary. And yet both incidents could likely have been resolved without violence if the inmate's apparently justifiable needs were addressed. Over the next period, we will study in detail how IRC works and why these incidents are permitted to occur.

There are other untoward consequences of the volume of people who are processed at IRC. For example, limited storage capacity at IRC for clothing means that there is no

room to store inmates' shoes along with their street clothes when they enter the jail system. Nor do the jails apparently have the money to provide sneakers to inmates upon entry. Accordingly, inmates keep the shoes they have on when they come to jail. This seemingly trivial fact has decidedly non-trivial consequences on inmate and staff safety. Street shoes often have metal shanks in them. Those shanks can be removed by the inmates, sharpened, and function as knives or jailhouse "shanks." Routine searches of cells turn up shanks. This entire category of risk to other inmates and to staff could be eliminated if there were room to store shoes and the County provided sneakers or other safe footwear.

Our work to date only skims the surface of what we intend to investigate and report upon concerning the jails. Nearly two years ago, in our **Third Semiannual Report** at page 3, we noted our concerns about the jails, stating that "[t]he entire custody side of the Sheriff's operations merits increasing scrutiny and reform. The increasingly serious problems of inmate upon inmate violence, combined with more frequent race disturbances, along with health and medical issues, means that the County jails present terribly serious problems of liability risk." **The Fourth Semiannual Report** reiterated our concern that we had yet to see the wave of reform and critical thought that was beginning to impact the patrol side of the Sheriff's operations reach the custody side and stated that in the prior six months, our concern about the jails had deepened. Pages 3, 4. In the **Fifth Semiannual Report**, we recommended that a task force be immediately deployed to think critically and make recommendations about reducing the risk issues in the jails — be it escapes, inmate rioting, inmate-upon-inmate injury, delivery of medication, other medical problems, or use of force by deputies. Page 9.

After neglect of these issues for many years, the Department is paying the price currently in terms of disturbances, mistaken releases, inmate-on-inmate violence, escapes, and the like. The opening of Twin Towers, which we strongly support, is not, however, the complete answer. For one, the part of Twin Towers that will constitute a new IRC



will not be opened for many years from now at best. The LASD and the County cannot wait for Twin Towers: The problems are too grave, the liability risks too high, and, most critically, the safety, security, and mental and physical health of inmates and staff alike are too important.

Both of the excellent Chiefs of the Custody Division — Barry King and Mark Squiers — inherited a long-neglected and, in certain ways, antiquated jail system. Although the system concededly has the best and most modern custody facilities — the Century Regional Detention Center, Twin Towers, NCCF — it also has the crumbling Sybil Brand Institute for Women, the deteriorating Central Jail, the out-moded “old maximum” dormitory jail at East Pitchess, and the creaking, paper-driven, and overloaded Inmate Reception Center. Chiefs King and Squiers face many difficult challenges. Among them is that they lack reliable data, as the next Chapter will demonstrate.

### **3 . G e t t i n g   t h e   N u m b e r s   S t r a i g h t**

In our **Fifth Semiannual Report**, we said that running the jails was a daunting task. So is getting reliable numbers from the Department in order to assess the jails, as we discovered during this current investigation. The LASD lacked a solid basis for important statistics about disturbances, assaults, and the use of OC spray in the LA County jails. Many of the numbers were haphazardly gathered and thus not useful for either historical or current analysis. The unreliability of the data has profound implications for the ability of Department executives to manage the jails.

Much as the **Kolts Report** concluded in 1992 that the LASD lacked reliable data and information systems in its patrol operations, we conclude that, as late as July 1996, the LASD lacked enough accurate data for thorough management of violence, risk, and liability in its custody operations.

**We hasten to add that the Department has responded quickly, openly, and in good faith to the data problems we have raised and has made substantial progress during August and early September in curing them. Serious problems remain, but we have every reason to believe that the Department will continue to work on them.**

#### *Data Integrity*

In May 1996, we were told and the press reported that the LASD's north Los Angeles County jail facilities were the scene of 57 violent disturbances last year and 123 the year before that. In addition, the press reported on "five days of race riots in January [1996], when 5,300 of the 8,500 prisoners went to battle. Six guards and 123 inmates were injured ..." *Los Angeles Times*, Sunday, May 19, 1996, Home Edition, Part A, Page 1.

We wanted to know if the numbers of disturbances in the jails had increased or abated since January. If they had abated, as we had hoped, we intended to report how the Department had reduced disturbances. Further, in order to judge whether the LA County jails are more violent and dangerous today than in the past, as the LASD claims they are,

we wanted to compare the number of disturbances on a historical basis.

We also wanted to understand how the LASD distinguished “riots” from “disturbances” and various other kinds of unrest that may occur in the LA County jails. We sought similar data on inmate versus inmate assaults and inmate assaults on staff. We sought to investigate if uses of force in the jails were different in quantity and quality today as compared to the recent past.

The inquiry began with statistics relating to the foregoing topics given to us and others earlier this year. We asked for the Department to provide 1996 updates to those previously-supplied statistics. Specifically, we sought for each of the County’s jails and other custody facilities: (i) the number of disturbances (divided into three LASD-defined subcategories: “riots,” “major disturbances,” and “minor disturbances”); (ii) the number of inmate-on-inmate assaults; (iii) the number of inmate on staff assaults; (iv) the number of times staff used and reported force on inmates; and (v) the number of times staff used and reported pepper or OC spray.

The LASD provided inconsistent and conflicting data. Further questions produced new data that could not be reconciled with the older data. Further research into the current and past methods of collecting and reporting data led us to conclude that the accuracy of data for the past few years could not be relied upon.

The most serious problems were tracking of inmate assaults on other inmates and inmate assaults on both sworn and civilian staff. First, the eight custodial facilities do not use the same method to count such assaults. At present, five use one method, while the remaining three jails use another method. This lack of uniformity made it impossible to compare among facilities across time. Further complicating the picture is that at least one facility did not even bother to track assaults on civilian staff.

More significantly, the “majority” method of counting assaults (i.e., the method being used by five of the eight facilities) appears to be at odds with the method advocated by the Department’s own Data Systems Bureau and, more importantly, is hard to justify

from a management perspective. These facilities use a “crime report” method of counting assaults: every report involving an assault is counted as one assault, regardless of the number of assailants and victims actually involved. In other words, even if there are a series of assaults occurring at one time involving ten assailants and ten victims, it will be counted as a single assault under this method. Given that assault charges could conceivably be brought against all ten assailants, and complaints or lawsuits could conceivably be brought by all ten victims, counting this “incident” as a single assault does not provide sufficient information from a risk management perspective.

The other three facilities use the “victim” method of counting assaults: for every victim, there is an assault. Thus, in the example cited above, there would be ten assaults because there were ten victims, rather than one assault. This tenfold increase in victims for the same hypothetical example highlights the potential for the “crime report” method to seriously under-count assaults by inmates on each other and on deputies and civilian staff.

A vivid current example is North County Correctional Facility (NCCF), one of the three jails now using the “victim” method. It used the “crime report” method of counting assaults in 1995, recording 242 inmate on inmate assaults for that year. In January 1996, it switched to the “victim” method of counting assaults, and the jail is on pace to record over **2,000** inmate on inmate assaults for 1996 — ten times the number of such assaults recorded for 1995.

Because the previous method did not focus on the numbers of individuals involved, we cannot conclude whether the “increase” in assaults is due merely to the change in counting methods or whether it also reflects an actual increase in assaults at the jail. This difficulty highlights yet another serious shortcoming in the data on assaults: Because individual jails in the LA County system have changed methods over time — indeed, it appears that the counting method changed depending upon the individual chosen to do the counting — it is virtually impossible to do any rigorous trend analysis of

assaults at a particular jail or among jails.

Further hampering an ability to perform trend analyses are inexplicable inconsistencies between the assault totals compiled by Custody's Planning and Research Unit and the assault totals reflected in monthly management reports prepared by each jail facility and forwarded to Custody headquarters. These inconsistencies are particularly disturbing because the Planning and Research Unit and the jails purport to be deriving these totals from the same source.

The inability to do rigorous trend analysis is not trivial. If a jail commander cannot track trends, there is no reliable way to determine whether the assaults on inmates by inmates and assaults by inmates on the staff are increasing or decreasing. A commander who implements measures to decrease the number of assaults in a given jail will have no reliable way of demonstrating whether the measures are working.

Other statistics about jailhouse violence were also flawed. For example, we were given disturbance totals that turned out to seriously under-count the number of disturbances during the past five years. Just a few months ago, Custody reported a total of 338 such disturbances. A later investigation, prompted by our inquiry, determined that there were 458 disturbances during that period. In other words, Custody previously under-reported the number of disturbances by 26%.

This occurred because: (i) documentation evidencing disturbances was haphazard; (ii) IRC believed that it did not have to track disturbances because it did not "house" inmates; and (iii) Sybil Brand, which does house inmates, believed that it had never experienced a "disturbance" between 1991 and 1995, even though recent research prompted by our investigation determined that it had in fact experienced **64** disturbances.

Notwithstanding that flaws in the data resulted in under-reporting both assaults and disturbances — and notwithstanding that we question the "integrity" of the data — we should not be interpreted to mean that the **personnel** collecting and analyzing the data lack integrity. Rather, the flaws in the data resulted from carelessness or a haphazard

approach. The lack of precision may be understandable — the LASD is more intently focused on the daily struggle with the seemingly intractable problems of LA County's jails than in producing numbers that withstand a social scientist's scrutiny.

Nonetheless, the unreliability of the data is a serious problem, precisely because accurate data could help the LASD to better understand those seemingly intractable problems.

By emphasizing deficiencies in data, we are not contending that the Sheriff's Department is completely in the dark or lacks a realistic "feel" for trends within particular jails or the jail system as a whole. However, as we made clear in the **Kolts Report**, anecdotal reports are a poor substitute for hard data. Consistent tracking of relevant data will benefit managers who are just trying to "hold down the fort" by giving them the means to anticipate potential problems on the horizon and reliable data with which to hold subordinates accountable for running the jails in the best way possible.

In response to our findings about flawed data, the Department has taken steps in recent weeks to improve the reliability of the statistics. For example, with respect to disturbances, Custody's Planning and Research Unit has compiled much more reliable statistics regarding disturbances for 1991-96, receiving copies of the supporting documentation for each such disturbance. Planning and Research has also done much to ferret out the problems in the previously released statistics for use of force and OC spray. Finally, a meeting has been scheduled of the top managers in Custody to discuss how to collect assault statistics and improve data integrity in general.

In connection with improving data collection, we make the following recommendations:

**(1) As a general matter, the collection and analysis of data from Custody — as well as from the other sectors of the LASD — should be centralized and a new Department-wide Planning and Research Division should be created. The current Custody Planning Unit should be phased out, and appropriate personnel from it should be transferred to the new Division. That Division should convene**

a task force to thoroughly review how data should be collected and reported throughout Custody and in the rest of the Department. The Division should perform trend analyses and report its findings to the LASD's managers and executives on a regular basis.

(2) With respect to statistics on assaults, all facilities currently using the "crime report" method immediately should begin to use the "victim" method, and all facilities currently not counting inmate assaults on civilian staff should immediately begin to track such assaults. In addition, Custody should, by using the "victim" method, attempt as best it can to reconstruct accurate assault totals per custody facility for the last five years.

(3) There should be a separate Custody Risk Management Unit created within the Professional Standards and Training Division (PSTD) devoted to custody liability issues. As the current Custody Planning and Research Unit is phased out, appropriate personnel from it should be transferred to it.

The absence of reliable or clear data makes it difficult for us (or the LASD) to state conclusively whether the jails are demonstrably more violent and dangerous today. Neither we nor the Department can comment with assurance on whether the number of inmates riots and other disturbances have increased or decreased in recent months. Neither we nor the Department can state with assurance whether the highly-publicized disturbances at the North County Correctional Facility and the East Pitchess facility in January 1996 were anomalies or not. **Over the course of the next reports, we will pursue these matters. Once we have reliable data, we intend to provide an analysis and answers to questions about violence, force, and liability risk in the jails.**

### *Possible Trends at One Custody Facility*

We want to alert the Department, based upon what we have seen to date, that we have particular concerns about one particular custody facility, the Inmate Reception

Center (IRC). Obviously, given the overall data integrity problems, we approach Department data about the IRC with great caution.

Nonetheless, the numbers are provocative, particularly with respect to increased use of force. Because force reporting has been standardized, previously audited, and found in the main to be accurate, we believe the data on force at IRC is reliable. For force not involving OC spray and not specifically ordered by a supervisor, the IRC recorded 68 uses of force in 1994, 78 in 1995, and 61 through the first six months of 1996. Thus, the IRC is on pace to almost double the number of force incidents as between 1994 and 1996. This is not to say that force is being used inappropriately; there may be legitimate reasons for the increase. Nonetheless, the numbers are disturbing, particularly when combined with increases in the use of OC spray.

The use of OC spray at IRC also appears to have increased dramatically between 1994 and 1995 from 80 to 135, an increase of 69%. While a lag in the input of data makes it impossible to determine if this trend is continuing in 1996, the 1994-95 statistics are worrisome, especially in light of the apparent increase in uses of force other than OC spray, as discussed above. In at least one other police agency we have examined, we found — albeit in the patrol context — an inverse relationship between use of OC spray and use of other force: as use of OC spray went up, the use of batons, for example, went down, presumably because OC spray replaced other forms of force.

We do not necessarily conclude that the inverse relationship we observed in a patrol setting in another police agency is applicable to the custody setting in the LASD. Nonetheless, we would expect less use of OC spray in the jails than on the streets. The spray is best deployed outdoors: In a jail, it can be as noxious to the deputies deploying it and to bystanders as to the target inmates. That both OC spray and other force appear to be increasing at IRC is worth further exploration, as it suggests a dramatic surge in uses of force.

Finally, it **appears** that the IRC may also be experiencing a steady increase in



inmate assaults on staff: There were 19 in 1993, 23 in 1994, 35 in 1995, and 30 through the first six months of 1996 (again, due to a lag in inputting the data, the total for 1996 may understate the number of assaults through June 20, 1996). As explained above, however, the statistics on assault are highly problematical, as the increase may merely reflect haphazard changes in the method of counting assaults.

Nonetheless, the numbers preliminarily suggest that deputies at IRC may be increasingly using force on inmates and inmates may be increasingly using force on staff. This is in accord with subjective observations by IRC personnel that the inmates there have become increasingly violent and less easily controlled. Custody workers suggest that this trend began years ago, and is attributable to a number of factors, including the passage of the Three Strikes law, overcrowding, and the release of the least dangerous inmates, producing a higher concentration of more violent inmates. It also accords with our perception, based upon our review of Force Review Packages, that deputies may unnecessarily escalate verbal exchanges into violent confrontations.

**In future reports, we intend to delve deeper into these preliminary impressions and to study IRC with particular care.** We are convinced that IRC is the linchpin of the entire LA County jail system for male inmates. It is the first stop for inmates entering the system, the last stop for inmates leaving the County jail system, and the place that most inmates pass through on their way to and from every court appearance. IRC is where inmates are first processed and classified as either a high, medium, or low security risk and are assigned to the general jail population or to one of 41 current special housing categories.

Only if the current IRC methods of classifying and tracking inmates can be improved, as we are convinced they have to be, can the LASD reduce jail riots, inmate-on-inmate violence, mistaken releases, inmate on staff violence, lapses in inmate protection and care, and errors in the delivery of mental health and medical services. Our goal over the next several reports will be to help inform the Department's efforts in these regards.

## **4. Audit of Force Review Packages**

For our **Fourth Semiannual Report**, we audited three patrol stations and one jail to evaluate whether the Department's newly-announced procedures for documenting serious, high-risk uses of force were being followed. We concluded that although many lieutenants and sergeants were doing an excellent job, the documentation in certain instances was incomplete or possibly misleading.

The quality of force documentation and review at patrol stations or jails is important because the LASD does not have the resources to assign an investigator from Internal Affairs to each serious force incident. Nor is the Professional Standards and Training Division (PSTD) able to dispatch a Response Team to each high-risk, serious force incident. Accordingly, the Department must rely upon personnel at a given station or jail to perform the investigation and prepare a Force Review Package (FRP). Whether the FRP is thorough, complete, and objective is then a significant measure of the efficacy of the Department's liability management efforts and the integrity of the disciplinary system.

We decided therefore to again audit Force Review Packages, choosing the Inmate Reception Center (IRC), which, as described in the previous chapter, is a particularly critical jail facility. Although we found the FRPs to be complete, we caution against inferring that FRPs at other jails are as complete as those at IRC. Because we did not have the resources to audit FRPs at other jail facilities, we cannot state with confidence that our findings at IRC are typical.

We evaluated the completeness of FRPs at IRC for the period of January 1, 1996 through June 30, 1996 arising from force incidents where PSTD notification was required but PSTD exercised its discretion not to dispatch a Response Team. We also reviewed a sampling of other force reviews. The form of the FRPs was good — required documentation was in the file, but the analysis was occasionally deficient.

In the first six months of 1996, IRC reported 104 force incidents, 48 of which involved significant force and 22 of which merited a PSTD notification. On the whole, the completeness of the files was impressive. Without fail, each of the FRP files we

reviewed included:

- *a watch commander's memorandum to the captain;*
- *a supervisor's report, use of force;*
- *a videotaped interview of the inmate involved, including a close-up of area of (alleged) injury;*
- *a written record of interviews with witnesses (if any) and, in most cases, videotaped interviews with witnesses;*
- *written accounts of the incident by each deputy involved;*
- *copies of medical reports of inmates and deputies;*
- *an in-service roster for the involved shift.*

In addition, many FRP files also included OC spray reports (where applicable) as well as a memorandum from the sergeant to the watch commander summarizing the incident. It is impressive that IRC keeps such complete files on force incidents. It will undoubtedly prove fruitful in minimizing litigation and its attendant expenses.

The contents of a few FRPs, however, could have been improved. On the whole, the quality of the videotapes was very good, but at least one videotaped interview of an inmate was absolutely inaudible. Another place for improvement is the medical reports. True to stereotypes about the handwriting of doctors, a majority of the medical personnel's comments were illegible. Furthermore, except for one file, none of the medical personnel were interviewed (on videotape or otherwise). Although the medical staff at times may not grant interviews, if the staff is willing to cooperate, such interviews would surely be of value in shedding light on the alleged injuries.

In addition, only two of the files we reviewed had videotape of the entire physical area in IRC where the incident occurred. Upon review of those two files, it is readily apparent that a video depiction of the wider area surrounding an incident is beneficial in documenting the use of force. It gives the viewer a greater appreciation of the narrow confines in which deputies must operate, the large numbers of inmates in the immediate

vicinity, and the limited options available to quell the problem.

There is also room for improvement in notification of PSTD. There were instances of injury to an inmate's face or head — even where the injuries were admittedly slight — that were sufficiently close to the line that they should have triggered a PSTD notification under current Department policy.

In addition, the content of some of the FRP files proved somewhat worrisome if the testimony of inmate witnesses is believed. In two unrelated incidents, witnesses described on videotape how deputies demanded that they “look away” while other deputies used force on another inmate. Needless to say, if true, this is inappropriate and intolerable behavior by deputies.

Also troubling were allegations about the teasing or taunting of inmates. Several inmate witnesses alleged during videotaped interviews that it is common practice for deputies to taunt inmates both before and after force incidents. Other inmates claimed that deputies escalate verbal altercations to provoke an inmate to act out, causing force by a deputy. Alleged escalating taunts by the deputies include, “Do you want a piece of me?,” “You think you're bad, don't you?” and “What are you looking at?” In several instances, the inmate witnesses conceded that the taunts were a reaction to something an inmate had said or done. In other cases, the inmate witnesses alleged that the deputies starting taunting “out of the blue.” Although it is difficult to assess the credibility of inmates in all these circumstances, the allegations appeared often enough and in some discrete cases seemed credible enough that the issue of taunting should be further investigated.

In addition, several inmates alleged that certain deputies have a tendency to tease an inmate after use of force has been applied. For example, one inmate alleged that after being hog-tied by three deputies, they made noises like a squealing pig, shouted “Yee-Haw,” and laughed riotously in the inmate's face. If true, this conduct is in contravention of Department policy which mandates that deputies act in ways that de-escalate a confrontation.

Of the 40 or so FRP files we reviewed, less than five involved deputies entering the cell where the inmate was housed. This is not surprising in that IRC is not a permanent housing facility. Nonetheless, each such incident we did review appeared to involve unnecessary force even if the deputy's version of events were accepted as true. In each of these cases, the inmate was making a lot of noise or banging on the cell, but even the deputy did not allege that the inmate was violent. It seemed that the deputies' first course of action was to manhandle the inmate to get him to cease the noisy behavior. One such incident involved deputies' extracting an inmate from an isolation cell only to hog-tie him and put him back in the cell. We question the prudence of this course of action.

We also found that the officers' descriptions and analyses of the incidents at times lacked objectivity and seemed to be straining unnecessarily to justify the force employed. We do not mean to imply that the incidents were falsely described or the force unjustified. Rather, at times the explanations were unnecessarily defensive. This defect appeared in many different kinds of reports we saw during this review period and may relate to new instructions on report writing that need clarification.

We now turn to data collection at IRC. In 1992, the Kolts Report praised certain sergeants and lieutenants in patrol stations who, in the absence of a Department-wide force tracking system, developed their own personal computer systems. In 1996, we find that the same thing is happening in at least one custody facility.

At IRC, Sergeant Gregory Adams developed his own Unit Management Information system ("UMI") which breaks down uses of force at IRC by location of incident, level of force, whether or not there was a PSTD notification, whether there was a roll-out, and by the type of force used. **Sergeant Adams deserves commendation for his ingenuity and foresight in creating a useful management tool.** He keeps a monthly tally of uses of force, assaults and deputy injuries (compiled on a UMI tally sheet). He not only tracks such incidents by types of force used (e.g., OC spray), but

also tracks force by the time of day (early morning, day and night) and location within IRC (e.g., Booking Front). Starting in January 1996, Adams began meeting with watch commanders and sharing the results of his tally to alert them to where force is being used (and by whom) during each shift. The watch commanders then can use this information to adjust staffing during their shift. Although we found some discrepancies between the UMI data and Internal Affairs data, the fact that Sergeant Adams had gone forward to create this system is praiseworthy.

We also want to point out in passing that we heard some criticism from deputies in custody that the force training in the Academy is not teaching an adequate array of options for the custody setting. One deputy concluded that force training currently focuses too extensively on OC spray and not enough on physical holds: "OC spray is a great tool for patrol because you are outside, but it is often useless in custody because everyone is cramped in a small space indoors. The new deputies don't know how to physically restrain inmates. All they know is to use the spray. When there is a need for physical contact, the new deputies are unprepared and afraid. . . ."

In future reports, we will explore whether there should be a different mix of force options taught for custody than for patrol. In general, there seems to be greater recourse to physical confrontation in custody than on patrol. New methods to control inmates without injury may be needed.



## **5. Force Tracking & Performance Plans**

At the conclusion of negotiations in 1992 between Special Counsel and the LASD on implementation of the **Kolts** recommendations, the Department committed to develop a sophisticated computer tracking system as the centerpiece of LASD efforts to identify and manage those officers whose history presented a risk of excessive force:

*In order to manage its affairs and personnel in the most effective way possible, the Sheriff's Department will in 1993 complete and fully implement an early warning and tracking system that records, integrates, and reports data regarding use of force, citizen's complaints, administrative investigations, criminal investigations or prosecutions, civil claims, civil lawsuits, and disciplinary history. It will be the policy of the Department that such information shall be given its proper weight and be considered as part of the mix, along with all other relevant data and input, in connection with personnel evaluations and management decisions.*

Special Counsel had found that the Department lacked an adequate system for identifying such officers and for devising strategies to deal with them before a serious problem occurred.

Since that commitment was made, the LASD has substantially revised the way force is reported, documented, and investigated. In so doing, the Sheriff's Department has become a national leader among police agencies for the sophistication and comprehensiveness of its risk management efforts in its patrol operations. Although the computer system known as the Personnel Performance Index, or PPI, was not completed in 1993 and will not be fully operational until later this year according to current Department estimates, an interim computerized system has proved to be a useful stopgap.

More importantly, the Department has begun to use the interim system to develop detailed work histories for employees who appeared at first blush to present unusual risk. To date, over 100 employees of the Department have been profiled in this manner.

Beginning in late 1995 and continuing into 1996, under the direction of the Assistant Sheriff, lists were compiled of officers who merited a further look from a risk



management perspective. They were identified through two avenues. The first was the computer tracking system. It was culled for those officers who had significant entries in one or more categories, including administrative investigations, unsafe operation of vehicles, claims, lawsuits, uses of force, force rollouts, shootings, and citizen complaints. The number and the nature of the entries served only as a beginning — as a pointer to determine where to look further into the facts behind the specific entries. The second avenue consisted of detailed questioning of unit commanders at all the units within the Department, including the patrol stations, and with executives throughout the Department, about possible at-risk employees.

Approximately 100 individuals were so identified. For each, detailed work histories were compiled — reconstructions of an employee's entire career with the Department, including documentation for all incidents disclosed by the computer tracking system, documentation of all performance evaluations of the employee, and, where appropriate, arrest reports, time records, training history, and pre-employment screening and testing records. Sergeant Mike Bornman compiled the documents and drafted a specific work-related chronology.

The work histories were then turned over to the Performance Review Committee which includes a Department Police Psychologist, a Department Employee Relations lawyer, selected area commanders, and the unit commander or captain of the particular employee in question. The Committee came up with a specific Performance Plan tailored to the employee mandating (i) specific training or retraining of the employee, if necessary; (ii) mentoring of the employee by a specific supervisor with specific goals and timetables; (iii) documented counseling, if appropriate, between the unit commander and the employee; (iv) psychological counseling, if appropriate; and (v) possible removal from field duties, if appropriate.

The employee's unit commander was then told to implement the Performance Plan and provide ongoing status reports on the employee. The unit commander was told

to restore the employee to full competence or to take appropriate administrative action to discipline, demote, or terminate the employee. This approach stresses problem-prevention and early intervention, as well as exhaustion of training and mentoring alternatives before discipline. It reasonably balances the interests of the employee, the Department, and the community served by the officer in question.

To date, all of the initial employees identified have been profiled and reviewed by the Committee. Most of them received Performance Plans which are now underway. Several employees were scrutinized, however, and determined to be competent and productive employees notwithstanding that the computerized tracking system had pointed to them as possible problems. The review of their performance has been documented for future reference, and each was notified of the results of the review. **This is precisely how we envisioned and hoped a computerized tracking system would work — as a tool for inquiry and further investigation, not as an end in itself. The numbers are only pieces of information. As with any piece of data, the facts behind the numbers are far more important than the numbers themselves.**

Another responsibility of the Performance Review Committee is to identify any supervisory or management issues which may come to light as a result of the inquiry into a specific employee's past performance. The Committee examines how the supervisor or manager acted and creates specific performance plans for the issues identified. A commander assigned to the Committee is accountable for monitoring and ensuring any required follow-up or corrective action, if necessary.

In addition, the computer tracking system is checked periodically by staff members assigned to the Office of the Assistant Sheriff. Any additional employees whose work histories suggest potential at-risk behavior are profiled in the same manner as the initial group of 100 employees. Work histories of these employees continue to be compiled and presented to the Committee on an ongoing basis.

Finally and importantly, using the new data and technology available to the

Department in recent years, the Assistant Sheriff and his staff have begun reviews of entire units and systems which appear to merit closer scrutiny and attention. The goal is to contain and examine possible risk from a variety of perspectives, including the performance of individual employees, supervisors and managers, and executives, as well as the performance of each station, jail facility, unit, bureau, region, and division. It similarly envisions assessing the performance of Department-wide systems.

In doing all these important jobs, the Assistant Sheriff and his staff are making the highest and best use of the data they have collected. The entire staff, particularly Sergeant Bornman, is performing excellent work. They are using the computer tracking system exactly as we hoped that it would be. In our **First Semiannual Report** in October 1993, at page 31, we said that the system should be "a tool for inquiry, investigation, and, if necessary, for intervention; not for punishment per se . . . ." In our judgment, the LASD is doing just that. It is a remarkable achievement. We will continue to report on it as it continues to unfold.

## 6. Areas of General Progress

The LASD continues to make excellent progress reducing Los Angeles County's liability and exposure in litigation. Officers are using deadly or serious force more judiciously and are more apt to use less-than-lethal force to bring dangerous confrontations to a halt. The principal operations of the Professional Standards and Training Division (PSTD), including the Commanders' Panel, the Academy, Advanced Field Training, the Force Training Unit, and the Risk Management Bureau, among others, are performing well. The Canine Services Detail is steadily bringing down the number of dog bites per apprehension.

There is a general tightening of internal oversight, including promising experimentation in Field Operations Region III with statistical comparisons between patrol stations. Force training continues to be excellent. This Chapter will highlight these areas of progress and note other areas of concern, particularly with respect to the roles of Homicide and IAB in hit shootings.

### *Litigation*

Table One presents litigation results for fiscal year 1995-96 and four prior fiscal years. Table Two shows the declining caseload for the same period, and Table Three charts the County's diminishing exposure since Kolts from Sheriff's Department litigation. Table Four shows the stations and jails producing the lawsuits.

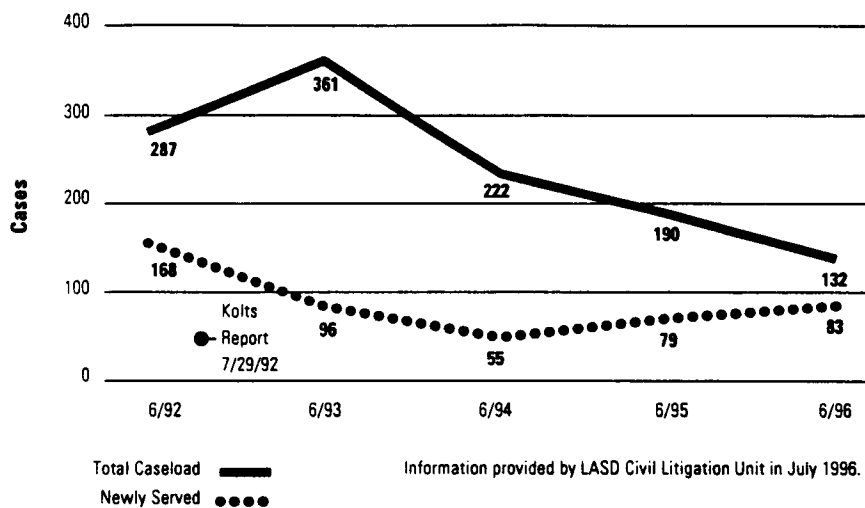
#### Active cases involving force continue to decline — from 190 cases in

LASD Litigation Activity, Fiscal Years 1992-96				
	FY 92-93	FY 93-94	FY 94-95	FY 95-96
<b>New Force Related Suits Served</b>	88	55	79	83
<b>Total Docket of Excessive Force Suits</b>	381	222	190	132
<b>Lawsuits Terminated</b>				
Lawsuits Dismissed	79	90	60	42
Verdicts Won	22	9	10	6
<b>Verdicts Against LASD</b>	3	7	3	5
<b>Settlements</b>	70	81	103	82

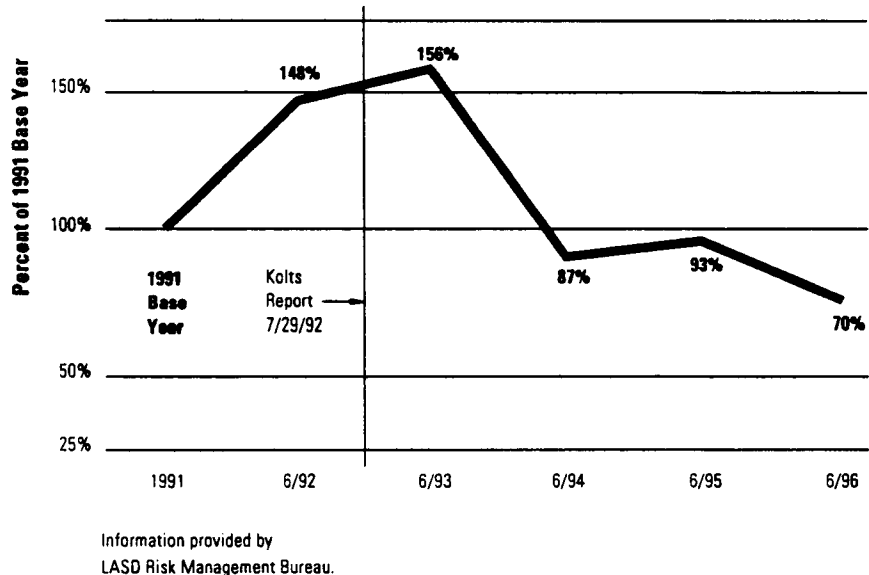
Information provided by LASD Risk Management Bureau.

mid-1995 to 132 in mid-1996, about a 30% drop. The number of active cases has fallen about 60% from its all-time high at the end of fiscal year

**L.A. County Sheriff's Department Force Related Caseload**



**L.A. County Sheriff's Department Exposure**



**1992-93, the year of the Kolts Report. Overall exposure from force cases has dropped 86% from its all-time high at the end of fiscal year 1992-93. It is also noteworthy that the exposure on all the cases involving the Sheriff's Department also is declining, although exposure in the non-force caseload over the last year has dropped at a greater rate than the force cases.**

Although there were large settlements in the last fiscal year (including a \$7.5 million settlement arising from the alleged activities of deputies at the Lynwood station in the 1980's and a \$2 million settlement arising from a 1991 shooting by deputies from the East Los Angeles station), they arose in the main from incidents preceding the **Kolts Report**. One exception was the Wiley case involving a death on March 4, 1994 at the Jail Ward of County USC Hospital, a case described in our **Second Semiannual Report** that we had promised to follow carefully. That case settled this last year with the County's agreement to pay \$550,000 to the decedent's estate.

Current cases against the Sheriff's Department involve serious allegations, to be sure, including challenges to the propriety of shootings and force cases where substantial injuries are alleged. But, as we have stated repeatedly, allegations are not proof, and it is important not to make that unwarranted inferential leap. Nonetheless, the patterns of allegations and whether they arise in unusually large numbers from certain stations or jails must be carefully examined, and the Risk Management Bureau is doing so comprehensively.

On the whole, litigation is being managed more ably and tightly since **Kolts**. The credit goes to many players: the Civil Litigation Unit of the Risk Management Bureau, the command staff of PSTD, and County Counsel, among others. Day-to-day management of the Civil Litigation Unit has been the responsibility for several years of Lieutenant Dennis Burns, who has recently been transferred to the staff of PSTD Chief Gerald Minnis. Dennis Burns has done an excellent job.

**Risk Management Bureau Lawsuits Served 7-1-92 to 6-30-96 (Police Malpractice)**

	Fiscal Year 92-93			Fiscal Year 93-94			Fiscal Year 94-95			Fiscal Year 95-96		
	Force	No Force	Total	Force	No Force	Total	Force	No Force	Total	Force	No Force	Total
<b>Court Services Division</b>												
Court Services Headquarters	0	2	2	0	0	0	0	1	1	0	1	1
Central	0	1	1	1	2	3	2	4	6	1	4	5
East	1	1	2	1	7	8	0	4	4	1	4	5
West	3	3	6	0	8	8	1	10	11	1	6	7
Transportation Bureau	0	0	0	0	0	0	0	1	1	1	1	2
<b>Total</b>	<b>4</b>	<b>7</b>	<b>11</b>	<b>2</b>	<b>17</b>	<b>19</b>	<b>3</b>	<b>20</b>	<b>23</b>	<b>4</b>	<b>16</b>	<b>20</b>
<b>Custody Division</b>												
Custody Headquarters	0	0	0	0	0	0	0	1	1	0	0	0
Biscailuz Center	0	0	0	0	0	0	0	0	0	1	0	1
Central Jail	8	20	28	8	18	26	14	14	28	8	11	19
Central Regional Detention Fac.	0	0	0	0	0	0	0	0	0	2	1	3
HOJJ	0	2	2	2	0	2	0	0	0	0	0	0
Inmate Reception Center	1	13	14	1	13	14	2	12	14	4	13	17
LCMC	0	0	0	0	0	0	1	0	1	0	2	2
Mira Loma	0	1	1	0	0	0	0	0	0	0	0	0
NCCF	1	1	2	0	2	2	2	1	3	2	4	6
PJP / East Facility	1	0	1	0	0	0	0	2	2	0	2	2
PJP / North Facility	0	2	2	1	1	2	0	1	1	1	2	3
PJP / South Facility	0	1	1	0	0	0	2	1	3	0	0	0
Ranch Facility	2	1	3	0	0	0	0	5	5	1	3	4
Sybill Brand Institute	0	4	4	0	2	2	2	2	4	2	4	6
<b>Total</b>	<b>13</b>	<b>45</b>	<b>58</b>	<b>12</b>	<b>36</b>	<b>48</b>	<b>23</b>	<b>39</b>	<b>62</b>	<b>21</b>	<b>42</b>	<b>63</b>
<b>Detective Division</b>												
Commercial Crimes Bureau	0	0	0	0	0	0	0	2	2	1	3	4
Forgery Fraud Detail	0	0	0	0	2	2	0	0	0	1	0	1
Headquarters	1	3	4	0	4	4	0	0	0	0	0	0
Homicide Bureau	0	1	1	0	2	2	0	4	4	1	1	2
Juvenile Investigations	0	1	1	0	0	0	0	0	0	0	1	1
Metro Detail	0	0	0	1	0	1	0	0	0	0	0	0
Narco	6	3	9	3	1	4	4	3	7	1	2	3
Scientific Services	0	0	0	0	1	1	0	1	1	0	0	0
Special Investigations	0	1	1	0	2	2	0	0	0	0	3	3
T.R.A.P.	0	0	0	0	0	0	1	0	1	1	1	2
<b>Total</b>	<b>7</b>	<b>9</b>	<b>16</b>	<b>4</b>	<b>12</b>	<b>16</b>	<b>5</b>	<b>10</b>	<b>15</b>	<b>5</b>	<b>11</b>	<b>16</b>
<b>Field OPS Region 1</b>												
Antelope Valley	3	6	9	3	3	6	7	6	13	5	4	9
Crescenta Valley Station	0	1	1	1	2	3	1	1	2	3	2	5
East L.A. Station	8	1	9	4	1	5	0	2	2	2	0	2
Emergency Oper. Bureau	0	0	0	0	0	0	0	0	0	0	1	1
Lost Hills Station	0	1	1	1	3	4	0	7	7	3	2	5
Metro-Link	0	0	0	0	0	0	1	0	1	0	0	0
N.O.R.S.A.T.	0	0	0	0	0	0	1	2	3	0	1	1
Santa Clarita Valley	1	5	6	1	3	4	1	4	5	2	2	4
Temple Station	2	5	7	3	13	16	2	2	4	3	2	5
<b>Total</b>	<b>14</b>	<b>19</b>	<b>33</b>	<b>13</b>	<b>25</b>	<b>38</b>	<b>13</b>	<b>24</b>	<b>37</b>	<b>18</b>	<b>14</b>	<b>32</b>

	Fiscal Year 92-93			Fiscal Year 93-94			Fiscal Year 94-95			Fiscal Year 95-96		
	Force	No Force	Total	Force	No Force	Total	Force	No Force	Total	Force	No Force	Total
<b>Field OPS Region 2</b>												
Carson Station	2	3	5	1	5	6	1	1	2	0	3	3
Century Station	11	4	15	7	3	10	7	3	10	6	3	9
Lennox Station	10	2	12	2	4	6	3	1	4	7	2	9
Lomita	0	0	0	0	1	1	0	0	0	0	0	0
Marina del Rey	3	0	3	2	2	4	1	2	3	1	1	2
M.C.A.D.	0	2	2	0	0	0	0	0	0	0	0	0
SANE	0	0	0	0	1	1	0	0	0	0	0	0
Safe Streets Bureau	2	1	3	1	1	2	2	1	3	1	0	1
Transit Services Bureau	3	0	3	1	2	3	2	0	2	1	0	1
West Hollywood Station	3	3	6	1	4	5	2	2	4	2	2	4
<b>Total</b>	<b>34</b>	<b>15</b>	<b>49</b>	<b>15</b>	<b>23</b>	<b>38</b>	<b>18</b>	<b>10</b>	<b>28</b>	<b>18</b>	<b>11</b>	<b>29</b>
<b>Field OPS Region 3</b>												
Aero Bureau	0	0	0	0	0	0	0	0	0	0	1	1
Avalon Station	1	0	1	0	0	0	0	0	0	0	0	0
Industry Station	1	2	3	0	1	1	0	1	1	4	1	5
Lakewood Station	5	7	12	5	3	8	5	4	9	1	4	5
Norwalk Station	3	1	4	1	3	4	6	8	14	0	0	0
Pico Rivera	5	2	7	1	2	3	0	1	1	0	2	2
Special Enforcement Bureau	7	0	7	1	1	2	4	1	5	5	0	5
Walnut Station	2	0	2	1	4	5	1	1	2	2	0	2
<b>Total</b>	<b>24</b>	<b>12</b>	<b>36</b>	<b>9</b>	<b>14</b>	<b>23</b>	<b>16</b>	<b>16</b>	<b>32</b>	<b>12</b>	<b>8</b>	<b>20</b>
<b>Office of Administrative Services</b>												
Comm / Fleet Mgmt Bureau	0	1	1	0	0	0	0	0	0	0	0	0
Data Systems Bureau	0	0	0	0	0	0	0	1	1	0	0	0
Personnel Bureau	0	0	0	0	0	0	0	0	0	0	1	1
Records Bureau	0	0	0	0	0	0	0	1	1	0	1	1
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Professional Standards and Training Division</b>												
Internal Affairs Bureau	0	0	0	0	0	0	0	1	1	0	0	0
I.C.I.B.	0	0	0	0	1	1	0	0	0	0	0	0
PSTD Admin/NOJ/Unknown	0	0	0	0	0	0	0	0	0	4	3	7
Recruit Training Bureau	0	0	0	0	0	0	0	0	0	1	3	4
Risk Management Bureau	4	10	14	0	6	6	1	13	14	1	3	4
Sheriff's Headquarters Bureau	0	1	1	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>11</b>	<b>15</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>1</b>	<b>14</b>	<b>15</b>	<b>6</b>	<b>9</b>	<b>15</b>



## Shootings and Serious Force

Table Five details shootings and serious force incidents through mid-year 1996. Some of the historical figures shown in Table Five differ from previous versions of the table in prior **Semiannual Reports**, principally because of corrections made by the Department. The number of shooting incidents in 1994 was reduced from 29 to 28 because an off-duty incident that was originally included has subsequently been ruled accidental. This resulted in a reduction of one in the number of citizens/suspects killed. The number of citizen/suspects wounded in 1995 was 24, not the misprinted 14. The number of non-hits shootings in 1994 was reduced from 23 to 21 because two incidents involved the intentional shooting at objects, not people. Thus, the number of non-hit shootings was reduced from 27 to 26. The number of PSTD rollouts has been adjusted from 130 to 131 because one rollout was found to have involved two incidents.

As in the past, we reviewed the incidents themselves. Officers are using deadly or serious force more carefully. Typically, in cases where an LASD officer fired a weapon, the officer was confronted by a suspect with equal or superior firepower. LASD officers are better in volatile situations. There are more instances in which LASD

5						
<b>Deputy Involved Shooting Incidents*</b>						
	1991	1992	1993	1994	1995	1-6 / 96
Number of Shooting Incidents	56	47	29	28	34	12
Number of Deputies Wounded	10	6	4	3	1	0
Number of Deputies Killed	0	2	0	0	2	0
Number of Citizens/Suspects Wounded	40	31	12	11	24	4
Number of Citizens/Suspects Killed	23	18	22	17	10	8
* Incidents during which an LASD officer intentionally fired at and hit a citizen/suspect						
<b>Non-Hit Shooting Incidents**</b>						
	Aug / Dec 1993	1994	1995	1-6 / 96		
	14	21	26	10		
** Incidents during which an LASD officer intentionally fired at a citizen/suspect but missed						
<b>Incidents Resulting in PSTD Rollouts</b>						
	Aug / Dec 1993	1994	1995	1-6 / 96		
	45	109	131	64		

officers are reflecting intelligently about tactics and strategy before confronting an armed suspect. More officers are exploring the use of less-than-lethal methods to bring dangerous confrontations to a halt.

One incident arising from the Industry Station was particularly striking. Deputies were told that a mentally deranged man armed with a knife was creating a disturbance at a local shopping mall. Officers arriving at the scene took care to evacuate the immediate vicinity to protect bystanders. A sergeant showed up with a stunbag shotgun, a weapon that fires beanbags at a high rate of speed.

The deputies approached the suspect. When he refused to comply with commands, OC spray was used in an unsuccessful effort to incapacitate the man who, it turned out, was under the influence of methamphetamine. The sergeant fired several beanbags at the suspect, ultimately knocking him down. The deputies then swarmed the suspect and pried the knife from his hand. He was arrested and treated for minor bruises and abrasions from the stunbag shots.

The incident was remarkable for the LASD's judicious handling of the incident without loss of life or serious injury to either the suspect or the arresting deputies. It also was striking because it contrasted sharply to a 1991 fatal shooting of a mentally deranged suspect that had contributed to the public outcry giving rise to the **Kolts Report**. In that incident, the suspect carried a knife in a belt sheath, not in his hand. When he did not respond to a shot by a taser, he was killed by gunfire. These contrasting cases show in a dramatic way how far the LASD has come in response to **Kolts**.

There are nonetheless other cases where more restraint could have been used. In this review, there were a number of incidents in which LASD officers responded to fleeing or rapidly approaching vehicles with a flurry of gunfire. As a general matter, most vehicle shootings can be averted if the officer simply gets out of the way. As will be discussed below, the Department has recently revised its force policy in light of findings that using firearms against fleeing or approaching vehicles is generally ineffective and highly dangerous.

## *Revised Force and Pursuit Policies*

The Department recently revised its use of force policy. The principal revisions are:

- *Unintentional (as well as intentional) head strikes are considered policy violations unless circumstances justify the use of deadly force.*
- *Prior to firing at a fleeing felon, officers shall identify themselves and state, if feasible, their intention to shoot.*
- *Department members shall not fire at a moving vehicle, whether to disable the vehicle or to stop the suspect, unless they have probable cause to believe that the suspect represents an immediate threat of death or serious physical injury to the deputies or to other persons. LASD members must take into account the surroundings, pedestrian traffic, and any hazard to innocent persons before firing, and they shall not place themselves or remain in the path of a moving vehicle.*
- *The standards for firing warning shots were slightly relaxed. The new policy states that warning shots are inherently dangerous and should not be fired except under the most compelling circumstances. They may be fired in an effort to stop a person only when deadly force is authorized and it is reasonably believed a warning shot can be fired safely in light of all the circumstances of the encounter.*

The Department also revised its pursuit policy to provide for helicopter coverage of a pursuit if at all possible as well as tight communication links between the helicopter and the watch commander in charge of the pursuit. The power of watch commanders to control a pursuit has been enhanced. The watch commander has greater discretion to deny requests to commence a pursuit or to call off a pursuit in progress. A watch commander may also stop a pursuit but permit the aero unit to continue surveillance of the vehicle. The Department is considering the possibility of television cameras on the helicopters so that watch commanders at the station can see as well as hear a pursuit in progress.

## *Investigations of Hit Shootings*

In the **Kolts Report** and in the **Semiannual Reports** thereafter, based upon detailed reviews of shootings, we had reservations whether the Homicide Bureau should retain primary jurisdiction over the investigation of hit shootings: Their investigations were not, as a rule, as objective and professional as those performed by the Internal Affairs Bureau (IAB) or the Internal Criminal Investigation Bureau (ICIB). We urged greater participation and access by IAB whether or not primary jurisdiction for officer-involved shootings was ceded to IAB or ICIB.

In the **Fifth Semiannual Report**, we again withheld judgment pending review of standards for side-by-side investigations by Homicide and IAB that were then being negotiated. The negotiations have been completed, leading to a February 29, 1996 IAB directive sharply limiting the role of IAB investigators. Some policies announced therein are beneficial and intended to improve the investigation from an evidentiary viewpoint: for example, both bureaus have agreed to use only one source — typically technicians from the Scientific Service Bureau — to videotape and photograph the scene.

Disappointingly, the policy also sharply limits IAB's role in interviewing witnesses. First, the policy retreats from some informal loosening with respect to LASD witnesses and provides that Homicide investigators must be the **only** persons present at interviews of the shooter or Department employees. Better practice is that there be no blanket preclusion of IA personnel from the interview. Second, the new policy states that IA cannot ask questions during the interviews of non-department witnesses until Homicide is done. Better practice would allow IA investigators to independently conduct interviews of non-department witnesses. They should not have to follow a protocol wherein Homicide is present and invariably gets to go first.

Because of budget constraints, the District Attorney is not automatically rolling to shootings. That practice, begun by John Van de Kamp many years ago, gave some assurance that a presumably independent party was present to evaluate the possibility of

criminal misconduct. There is no such independent party there now, even though the DA's office and, on occasion, representatives of the U.S. Attorney's Office review shootings after investigations are complete. If anything, the need for a counterbalance to Homicide's hegemony of shooting investigations is greater today than when the DA rolled. **Given past concerns about Homicide interviews that intentionally or unintentionally influence the shooter's account of events, this policy is a step backwards, and it should be reconsidered. We once again actively raise the question whether responsibility for investigations of shootings, like all other kinds of misconduct, should be transferred from Homicide to PSTD and given either to IAB or JCIB. This area will be monitored carefully. In particular, we will conduct thorough reviews of shootings and listen with great care to audiotapes. We will also audit whether Homicide is providing those audiotapes to IAB within 24 hours, as current policy demands, and if IAB is doing an adequate job of monitoring the tapes.**

### *IAB Rollout Investigations*

During this audit period, we reviewed all reports prepared by IAB following rollouts to 1996 incidents that were submitted to the Commanders' Panel. We additionally reviewed seventeen additional reports arising from 1996 IAB rollouts which were complete but had not yet been reviewed by the Commanders' Panel. Although there were excellent reports, IAB investigators are not doing as good a job presenting the evidence in a completely neutral fashion. The most common error is to summarize the officer's version of events in a conclusory manner supportive of the officer ("**Believing that [the suspect] was going to hit him, [Deputy A] struck [the suspect] in the face with his fist**") while describing the suspect's version more flatly without editorializing: ("[The suspect] said that during the struggle, one of the deputies hit him in the face.") (Emphasis supplied.)

In addition, canned language to protect the officer was evident in shooting cases, as in reports that by officers and LASD witnesses that begin with pat phrases like: "Fearing for his life and the life of his partner" or "[Deputy A], fearing for his safety, fired three rounds at [the suspect] with his duty weapon."

At times, officers repeat rote formulae that IAB simply quotes without comment. For example, one deputy was reported to have said during a headstrike investigation, **"Believing [the suspect] was trying to strike me, I . . . used a Departmentally-approved defensive tactics technique to ward off his blow. I used an upward blocking motion with my flashlight in my left hand . . . . In doing so I hit [the suspect] in the head with my hand and flashlight."** (Emphasis supplied.)

It may be that LASD officers are being taught by lawyers who defend them in litigation and administrative proceedings to articulate self-serving defenses. It may be that LASD officers are being taught (and appropriately so) by Department trainers to state more clearly what their perceptions and feelings were and unfortunately, at times, a Deputy comes across sounding like a robot speaking programmed lines. Whatever the reason, however, it is the job of IAB investigators to ascertain the facts, not to fall for an obviously programmed version from the Deputy. **We will continue to monitor IAB rollout reports and we hope they will quickly return to a more objective stance.**

## *Canines*

Table Six presents statistics about the LASD's canine program from 1992 through June 1996. The Department states that there have been no unannounced deployments in 1996. Apprehensions and bites continue to drop, resulting in lower bite ratios, yielding a six-month average ratio of 11.8%. When July 1996 figures are added, the picture changes somewhat: There was a 23.1% bite ratio in July (3 bites

per 13 apprehensions) which pushed the seven-month average up to 13.8%.

In our **Fourth Semiannual Report**, we noted that the LASD did not appear as adept at apprehensions by canines as did the LAPD. The numbers of apprehensions per the

**6**

**LASD Canine Program**

	<b>Searches</b>	<b>Apprehensions</b>	<b>Bites</b>	<b>Ratio</b>	<b>Find Ratios</b>
1992	1030	225	51	22.7%	21.8%
1993	940	179	42	23.5%	19.0%
1994	922	183	45	24.6%	19.8%
1995	841	151	31	20.5%	18.0%
1-6/96	362	67	8	11.9%	18.5%

number of searches in the LASD seemed somewhat low. Searches by the LASD continue to fall. Apprehensions per search have

dropped from about 21% in 1992 to about 18% recently. In sum, it is good that bites per apprehension continue to drop, but it is open to question whether the Canine program as a whole is functioning at its best.

### *Citizen's Complaints*

The policy of the LASD is to record and investigate every citizen's complaint, however trivial or inherently unbelievable. Against that background, it is good to see that the number of complaints against LASD personnel is dropping in 1996 compared to 1995 and, if present trends continue for the balance of the year, there will be fewer complaints in 1996 than in 1994: In 1994, there were 2,131 personnel complaints and 695 complaints about service. In 1995, there were 2,573 personnel complaints and 941 service complaints. In the period January through July 1996, there have been 1,154 personnel complaints and 492 service complaints. In our next report, we intend to examine and discuss which patrol stations and custody facilities appear to generate more citizen complaints than others.

## *Force Training*

### **1. Year One Force Training Curriculum**

With teams fully operational in three locations (Star Center, Biscailuz Center and Pitchess Detention Center East), the Force Unit has been able to move more quickly toward providing the initial three-day curriculum (Year One) of force training to all sworn personnel. Earlier, we monitored Day One and Day Two classes and reported on them favorably. During this audit, we revisited both Day One and Two and monitored our first Day Three Class.

In a past audit, although we praised the curriculum and the overall performance of the Force Unit, we expressed concern that the efficacy of their endeavor was being undermined by budgetary restraints and chronic scheduling problems. It was not unusual, for example, for a year or much more to elapse before some of the students who had completed one of the courses could be scheduled to take the next one in the sequence. These students would, in all likelihood, be sitting next to students who had completed the prior class within a few months, even weeks. Under such conditions, it may become difficult to ensure that the various students are “on the same page” during any particular class. The Force Unit anticipated and addressed this problem.

Although force training is more popular within the Department than some of the other classes, we have, on occasion, observed students who made elaborate displays of indifference, or were even openly antagonistic. When we observed two students in the back of the classroom joking and passing notes during a Day Two class, we commiserated with the teaching staff, and asked what recourse is available to them when they encounter such behavior on the part of students. One instructor suggested that the real teeth of the program is on Day Three when students are required to pass certain tests. Those who failed to demonstrate real competence would encounter real consequences. When we



monitored a Day Three class at Biscailuz Center, one student caught our attention when, after joking his way through morning lecture sections, he went so far as to turn his back on presenters during a defensive tactics demonstration so that he could chat with fellow students. He then went on to fail the test when required to demonstrate competence later that afternoon.

That student was required to undergo an extended one-on-one remediation by a Force Unit instructor not involved in the initial training. He took his remediation very seriously, and passed the test successfully. Force Unit Staff members expressed confidence that news of their own commitment, the importance of the training, and the consequences of failure would quickly spread throughout the Department.

## **2. Recruit Training: An Expanded Role for the Force Unit**

Recently, the Force Unit made an important move to strengthen its role in recruit training. On May 31, the Force Unit, in conjunction with the Recruit Training Bureau, conducted the “first ever critical role playing scenario encompassing everything that is taught by the Force Training instructors.” The intent of the scenario training was “to evaluate not only all of the manipulative skills taught by the Force Training Unit, but to evaluate the students’ temperament, choice of force options, and reporting procedures.” The role playing was conducted at the Biscailuz Center and surrounding training sites. Eight teams (each including members of the Force Unit, Recruit Training Bureau staff, and a civilian role-player simulated a “problem” to be “handled” by the 104 recruits) were run through a comprehensive and realistic “red man” scenario. The recruits were sent out in a patrol car accompanied by a Force Unit trainer to monitor their performance but not to provide back-up or assistance. As the recruits moved through the scenario, they were confronted by situations requiring them to select and use an appropriate level of force.

During the scenario, the monitors assessed the recruits’ communication skills, knowledge of the legality of their conduct, decision-making, and competence

in use of force. The scenario was videotaped. At the end, the monitors and the "red man" conferred to evaluate the student's performance and gave a detailed debriefing to the recruit while they drove to the site of the next stage of the scenario. They praised exemplary performance when it had occurred and asked questions and raised issues about deficiencies in the recruit's performance. On occasion, they provided emotional support to despondent and fearful recruits.

Later, the recruit was dropped at a trailer and instructed to "run it by" one of the two "watch sergeants" waiting inside. The recruit then had to report the incident to the sergeant, who would ask questions about the incident, probing the force options not chosen as well as those which were and the justifications therefor. After briefing the watch sergeant, the recruit had to write and submit a written report.

Of the 104 recruits who went through the scenario, 16 individuals failed and were required to undergo remediation, commencing with a discussion of their performance by a Force Unit sergeant, who explained why the recruits had failed the scenario. They were required to watch the videotape of their performance and that of two other recruits who had performed in an exemplary manner. The differences were then explicated and discussed.

The following day, the recruits were given another opportunity to pass the critical scenario. Two of the recruits who had failed the original test were separated from the Academy prior to the scheduled remediation, so only 14 went through it. All of the recruits who completed the remediation were eventually passed, but they were not by any means "rubber-stamped" to get them through the Academy.

### **3. Planning for a Year Two Force Training Program**

Lieutenant Grossman states that the Unit is planning a second year Force Training curriculum even though Year One training of all officers will be far from completed by the end of this year. The tentative 16-hour curriculum for 1997 is well-thought out and balanced. The Force Unit will search LASD health and safety records to determine the

rates of specific injuries which occur during force incidents. They plan to include modules on “cultural aspects” of the use of force; anger management and intervention; and communication skills. The Force Unit is doing an excellent job.

#### **4. Training Future Force Instructors**

Finally, we evaluated the training in the three-week “Force Instructors Course” being offered by the Force Unit for teachers who will perform at the Patrol Station level. They are candidates for the Force Unit Team itself. The Force Instructors course itself is excellent and provides a vehicle for “spreading the word” to patrol stations about new force techniques.

### *Conclusion*

As is apparent, the Department is making good progress on the patrol side in a number of areas. We now turn to a close examination of three areas where results are mixed: sexual orientation, gender equity and recruiting.

## **7 . G e n d e r E q u i t y**

For the most part, the leadership of the Sheriff's Department has made a serious, high-priority commitment of resources and personnel toward the goal of gender equity. The LASD has made progress on many issues relating to gender bias and sexual harassment.

In particular, the Department has made substantial progress in restructuring procedures and reformulating the mission of its Academy at Star Center. These reforms have already produced a welcome narrowing of the gaps in attrition rates at the Academy. The new approach at the Academy now more accurately reflects the LASD's commitment to service-oriented policing.

The Advanced Training Unit is also doing an excellent job in the areas under its jurisdiction. Impressively, it is ahead of schedule on mandatory training. Eighty-three percent of the sworn and civilian personnel have completed sexual harassment training, and 73% have completed training in cultural awareness. Forthcoming proposals on centralization of the Field Training Officer (FTO) program are excellent.

The work of the Field Operations Support Services in the area of coveted positions is also excellent, in particular the creation of monthly surveys of assignments to determine the gender and ethnic breakdown of deputies holding specialized assignments. Another promising development is a focused study of the factors encouraging and discouraging women from taking patrol assignments.

Since its creation, the Ombudsperson/Career Resources Center (OCRC) has done first-rate work, and, recently, it has done an outstanding job on a number of gender-related issues discussed herein. Lieutenant Irene McReynolds, who headed the OCRC since its inception, is now in a new assignment. We want to take this opportunity to acknowledge her several years of excellent work and dedication.

There are, however, crucial areas which seem to have escaped attention. The Department is making slow progress in moving women into "coveted" and/or "high profile" positions. The percentage of women in these positions has not changed much since 1992. One senses that there remain male-dominated bastions whose walls are no

easier for a woman to scale now than before. This is one of the most critical gender equity issues which faces the Department, and the effort which has been devoted to it is not commensurate with its importance.

This Chapter will first review prior **Kolts** recommendations and certain recommendations of the Department's Gender Equity Committee and summarize the progress made on each. Other recommendations of the Gender Equity Committee are discussed in our chapter on recruiting and hiring. Where not otherwise identified, references below to numbered recommendations are references to the Gender Equity Committee Report.

## *Women's Access to the Most Desirable Assignments and Promotions*

### **1. Resources within the Department**

The Department has taken steps to assist women in securing desirable assignments and promotions. The Ombudsperson/Career Resource Center (OCRC) was created, in part, to fulfill this purpose. The January 1995 Gender Equity Committee Report recommended that "as the OCRC assumes additional responsibilities [in relation to certain interviews and formal sexual harassment complaints] a reassessment of its staffing needs be performed." (Formal Recommendation No. 13.) A reassessment was performed, staffing was increased to an adequate level for the time being.

The Office of Affirmative Action also seeks to facilitate equal opportunities for women. The Gender Equity Committee recommended that "the Office of Affirmative Action be funded to provide at least one administrative staff assistant" who would "enable the Affirmative Action Manager to refine existing procedures and implement additional affirmative action programs and provide training." (Formal Recommendation No. 16.) The Department has complied with this recommendation.

The Gender Equity Committee also indicated that OCRC planned to create a

monthly forum to disseminate information helpful to women and others seeking career advancement. (Informal comment to Recommendation No. 11.) This has been implemented by creation of a monthly program which features speakers on topics of interest to women and others with respect to career advancement.

Happily, OCRC's activities have expanded far beyond the scope of the Gender Equity Committee's initial narrow recommendations. It conducts classes designed to assist women, minorities, and others in obtaining new assignments and promotions and compiles and publishes listings of positions available throughout the Department.

## **2. Assuring gender-neutral personnel evaluations and promotional testing and evaluation**

Personnel are assessed at several critical stages as they proceed through the Department. One type of assessment is the personnel evaluation given periodically by supervisors. A second is the testing and evaluation process conducted to determine who will be given a particular job or promotion. A number of recommendations focus upon assuring gender equity in these assessments.

The most sweeping of these is the Gender Equity Committee's recommendation that the Department "review the personnel evaluation process to ensure bias does not exist." (Formal Recommendations No. 89, 93.) The Department's initial response to this important recommendation was incomplete at best. A Gender Equity Committee status report dated September 25, 1995 suggested that the Department's action on Recommendations No. 89 and 93 was limited to the following:

*"Staff has completed a review of the written procedures and forms used in the performance evaluation process. No bias was identified. Further evaluation of bias would require review by individuals who are particularly sensitized to the kinds of content that could be biased against females. Bias in the application of the performance evaluation procedure and use of the materials could be accomplished either through*

*review of cases alleging bias, or through an empirical study which included the comparison of the evaluations of cohorts.”*

In mid-1996, however, the Department formed a new committee, the Employee Performance Evaluation Committee headed by Chief Baca, to analyze the Department’s personnel evaluation processes. It is too early to report upon the Committee’s progress, but we will closely follow its deliberations and efforts and report fully on it in future reports.

Another related recommendation of the Gender Equity Committee was that “exam development processes include a specific review for stereotypes and other content that might negatively impact women.” (Formal Recommendation No. 77.) This recommendation has been addressed principally by the Department’s Bouman Consent Decree compliance team. Pursuant to the Bouman Consent Decree, the Department has been working with its own expert, in conjunction with plaintiff’s expert, to develop a court-approved sergeant’s examination. In mid-1996, the plaintiff in Bouman took the position that the Department was in contempt of court for failing to comply with the Consent Decree. In mid-July, the Department submitted a sergeant’s examination plan for review by the plaintiff’s expert. The Department has not yet received his comments. If they are favorable, the Department plans to administer the new examination as soon as possible. Further court action could occur soon. Compliance with the Bouman Consent Decree will be reviewed in more detail in future reports.

Neither the Employee Performance Evaluation Committee nor the Department’s Bouman Consent Decree compliance team appears to be evaluating the testing and evaluation processes used in the Department to determine who, other than candidates for sergeant, will be given a particular job or promotion. This is disappointing because the Gender Equity Committee Recommendations No. 77, 89, and 93 contemplated that such efforts would be undertaken.

Another issue relating to the fairness of the promotional process concerns the manner in which the LASD publicizes job openings. In 1992, the **Koits Report** recommended that all job openings be published and widely disseminated on a regular basis. However, a survey conducted by the Affirmative Action Unit in the first half of 1996 suggests that this is not occurring. As part of this survey, questionnaires were circulated

to Commanders, Captains, Lieutenants, and Sergeants. One question asked of Commanders and Captains was, "When your Division/Region/Unit has an opening for a high

profile or coveted assignment, is a Department-wide broadcast sent to attract applicants?" The majority of Commanders

and Captains did not believe that assignments were always broadcast Department-wide. See

Table 1. This may reflect

the views described in Table 2: Commanders and Captains were asked, "Should vacancies in high profile positions be announced by teletype or should selections be at the discretion of executives?" Almost half answered, "Executive discretion."

As part of the same survey, Lieutenants and Sergeants were asked, "Do you consider the Department's transfer process fair for movement into high profile

**1**

**"When your Division/Region/Unit has an opening for a high profile or coveted assignment, is a Department-wide broadcast sent to attract applicants?"**

	Always	Most of the Time	Usually	Sometimes	Never
Commanders	1	4	1	2	0
Captains	10	5	2	4	2
<b>Total 31</b>	<b>11</b>	<b>9</b>	<b>3</b>	<b>6</b>	<b>2</b>

**2**

**"Should vacancies in high profile positions be announced by teletype or should selections be at the discretion of executives?"**

	By Teletype	By Executive Discretion
Commanders	6	2
Captains	16	8
<b>Total 32</b>	<b>22</b>	<b>10</b>

**3**

**"Do you consider the Department's transfer process fair for movement into high profile assignments?"**

	Yes	No
Lieutenants	54	103
Sergeants	32	92
<b>Total 281</b>	<b>86 (31%)</b>	<b>195 (69%)</b>



assignments?" An overwhelming majority, 69%, answered "No." See Table 3.

Comments made by the respondents to the survey indicated beliefs that: "When vacancies occur, it's extremely difficult for any personnel not in nepotism or racial/gender quotas to get a chance to occupy a high profile position;" "To be elevated, you must know the Chief, Commander or Captain and receive their direct support;" "[Without a high-ranking mentor] you don't stand a chance to be promoted;" "It's who you know that's more important than an objective evaluation;" the key jobs go to "the inner circle of the executive in charge;" and transfers to "high profile" positions are based on "the 'good old boy' network."

In summary, it appears that the Special Counsel's recommendation concerning wide dissemination as to job openings has not been heeded, and that there is widespread distrust of the promotional process as it relates to "high profile" positions.

The Gender Equity Committee and Special Counsel have urged the use of outside experts in evaluating the promotional testing and evaluation process. First, the **Kolts Report** recommended in 1992 that the Department should "engage an outside expert to assure that its appraisal rating process is based on objective performance criteria and the applicant's skills and job performance history," and that, "in order to eliminate obstacles that may discourage minorities and women from applying for promotions," the Department should "engage an outside expert to identify such obstacles and to design employee career development services necessary to assure that women and minorities apply for appropriate promotions."

Second, and similarly, the Gender Equity Committee indicated in January 1995 — three years after **Kolts** — that it might be desirable for the Department in the future to utilize outside experts "to review and make recommendations for its job analysis and test development methods." (Informal comment to Recommendation No. 76.)

Third, as is noted above, the Gender Equity Committee's September 25, 1995 status report commenting upon the performance evaluation process observed that further evaluation of the process would require special expertise.

On the other hand, in response to the Gender Equity Committee, the Department "hired an outside consultant to assist in identifying obstacles that may discourage minorities and women from applying for promotions and to assist in designing employee career development services." (Informal comment to Recommendation No. 11.) The consultant, however, has not been asked to take a broad look at Department-wide "obstacles that may discourage minorities and women from applying for promotions." Rather than using the consultant to make global change, the Department has assigned her to respond, on a case-by-case basis, to individual problems which come to the attention of OCRC.

Other than the expert retained as a result of the court order in Bouman, no outside experts have apparently been retained to review the personnel evaluation process or the promotional testing and evaluation process. Moreover, there appears to be no plan to retain any in the near future. This is disappointing in light of the Department's relative lack of progress in its efforts to increase the numbers of women attaining ranks above deputy and in attaining desirable assignments, as demonstrated by the demographic charts accompanying our Chapter on Recruiting and Selection. One might have expected the Department to attempt to break the logjam by consulting with experts, especially in light of the comments made in our February 1996 **Fifth Semiannual Report**. These comments highlighted the Department's lack of significant progress in increasing the number of women in desirable assignments and the need for the Department to "roll up its sleeves and get to work" in the next six months. The existence of widespread internal distrust as to the fairness of some aspects of the promotional process also highlights the need for the Department to focus greater attention on analysis of the promotional testing and evaluation process, which seems to have been allowed to slip between the cracks.

### **3. Identifying the most desirable assignments**

In order to determine if women have equal access to the most desirable assignments, it is necessary to determine what those assignments are. This is not an easy task, as the appeal of assignments varies depending upon the needs of the applicant. A job

which offers excitement but an unpredictable schedule requiring weekend work and over-time may enchant some and repel others.

The Gender Equity Committee recommended that "the Affirmative Action Coordinator conduct a study to identify 'coveted positions' and to publish the results throughout the Department." (Formal Recommendations No. 70, 71.) The survey was conducted in February/March 1996. It was directed toward all Commanders, Captains, Lieutenants, and a cross-section of 448 Sergeants. It was not sent to deputies because of doubts as to the Department's ability to obtain the union's approval for such a survey. We cannot understand why the union would object. The survey nonetheless addressed a number of issues. Not only did it seek to identify the assignments viewed as most desirable per se, it also sought to identify "high profile" assignments which would be helpful in bringing the individual to the attention of persons in a position to notice and promote her or him.

The response by the personnel surveyed was disappointingly small. Of 17 Commanders, 8 responded; of 42 Captains, 24 responded; of 282 Lieutenants, 157 responded; and of 448 Sergeants, 124 responded. Given this small response and the lack of deputy participation, the results of the survey should not be overread. They nonetheless provide food for thought.

According to the survey, the three most "coveted" positions for deputies were, in order, Special Enforcement Bureau (SEB), Narcotics Bureau, and Station Detectives. For Sergeants, in order, they were Station Detectives, SEB and Patrol. For Lieutenants, in order, they were Station Detectives, Homicide Bureau, and Narcotics Bureau.

According to the survey, the three most "high profile" positions for deputies were, in order, Operations Deputy, Recruitment Training Bureau, and FTO. For Sergeants, in order, they were Chief's Aide, Operations Sergeant, and any position in the Professional Standards and Training Division. For Lieutenants, in order, they were Executive's Aide, Operations Lieutenant, and Chief's Aide.

The survey also asked the views of the respondents about various issues concerning promotions. For instance, it elicited views as to whether a job applicant should have spent a minimum amount of time in various ranks or assignments before receiving various types of promotions. It also asked whether educational background and assignment to patrol were valid criteria for promotion.

The results indicate that different officers hold differing views as to these issues. Consequently, ratings which different applicants receive appear likely to differ, depending upon the views of the raters.

The questionnaire itself appears to have been thoughtfully and creatively designed. Despite the small sample of views reflected in it, the results may be helpful in determining whether gender equity is being achieved in the most desired assignments. In addition, the results should be analyzed carefully, including an analysis to determine whether standardization of criteria on oral examinations might yield more consistent results. Finally, the Department should survey deputies as to their views of what are the most "coveted" and "high profile" positions.

#### **4. Determining whether women have access to the most desirable assignments**

The Gender Equity Committee recommended that the Affirmative Action Coordinator audit those units which are predominantly male-staffed to ensure that gender, racial, or other bias is not the limiting factor. It also recommended that the Department conduct periodic audits of the assignment of women and minorities to positions that have been identified as "coveted." (Recommendations No. 84, 85.)

As a starting point, we asked the Department to provide statistics as to how many men and women occupy the positions identified in the Affirmative Action Coordinator's survey as the most "coveted" or "high profile." Table 4 provides the data. While women are well-represented in positions as Operations Deputy, Recruitment Training Bureau, Chief's Aide (sergeant level), Professional Standards and Training Division, and

Executive's Aide, their representation is lower than their percentage representation in the Department in the other categories, and remains dismally low in assignments such as SEB and FTO, despite the substantial prior attention which has been focused upon underrepresentation in these and other positions. As of the **Fifth Semiannual Report** in February 1996, only four of the 258 FTOs (1.6%) were women. As of July 1996, the number of female FTOs assigned to stations in Regions I, II, and III remained at four, although their percentage increased due to a large decrease in the total number of FTOs.

	Coveted Positions				High Profile Positions		
	Special Enforcement Bureau	Narcotics Bureau	Station Detectives	Operations Deputy	Recruitment Training Bureau	Field Training Officer	
<b>Deputies</b>							
Males	61 (98.4%)	93 (92%)	242 (8%)	2 (67%)	27 (59%)	148 (97.4%)	
Females	1 (1.6%)	8 (8%)	29 (11%)	1 (33%)	19 (41%)	4 (2.6%)	
<b>Sergeants</b>	Station Detectives	Special Enforcement Bureau	Patrol	Chief's Aide	Operations Sergeant	Professional Standards and Training Div.	
Males	57 (100%)	13 (100%)	247 (90.1%)	6 (87.7%)	18 (94.7%)	67 (77%)	
Females	0 (0%)	0 (0%)	27 (9.9%)	1 (14.3%)	1 (5.3%)	20 (23%)	
<b>Lieutenants</b>	Station Detectives	Homicide Bureau	Narcotics Bureau	Executive's Aide	Operations Lieutenant	Chief's Aide	
Males	14 (100%)	7 (100%)	8 (100%)	2 (66.7%)	14 (93.3%)	8 (100%)	
Females	0 (0%)	0 (0%)	0 (0%)	1 (33.3%)	1 (6.7%)	0 (0%)	

As of the **Fifth Semiannual Report** only one woman, a lieutenant, was assigned to SEB. There is now a woman in another desirable assignment within SEB. She is a dog handler in the canine unit. In addition, women have qualified for K-9 sergeant and for an observer position in Aero Bureau (also part of SEB) and are among other applicants awaiting vacancies.

The Affirmative Action Coordinator recently conducted an audit of five units perceived to be male-dominated. These were SEB (including Canine and Aero), Homicide Bureau, Arson/Explosives Detail, Recruit Training Bureau, and Juvenile Investigations

Bureau. The current percentage representation of women in these Bureaus is 1.2%, 13.3%, 8.3%, 38.0%, and 36.4%, respectively.

This audit appears to be limited to (i) a determination of the gender and ethnic composition of the Unit; (ii) an inquiry as to the existence of vacancies; (iii) a review of the method being used to solicit and process applications for the vacancies; and (iv) an evaluation of who has applied for those vacancies. Typically, the Affirmative Action Coordinator discusses with the Operations Lieutenant the relationship between the Bureau's gender/ethnic breakdown and the Department's overall gender/ethnic breakdown so that the Bureau is aware of what is needed if the Bureau is to achieve parity with overall Department statistics. After determining the number of women and minorities in the pool of applicants for any open positions, the Affirmative Action Coordinator follows up after applicants have been tested and selected, to determine the gender/ethnic breakdown of the successful applicants.

The audit process, along with the power of the Affirmative Action Coordinator, seems to wane or stop here. The Affirmative Action Coordinator does not appear to be charged with conducting any sophisticated evaluation as to whether the application/testing process was fair or gender-neutral. The audit is therefore superficial, and these deficiencies should be corrected.

Pursuant to the Gender Equity Committee's recommendation, a survey of "coveted" positions also was conducted by Field Operations Support Services in early 1996. In the first half of 1996, Field Operations Support Services surveyed all stations to determine the gender/ethnic breakdown of deputies holding specific assignments. Surveys for the months of March and July have been completed and circulated to Department executives. These reports are to become regular monthly reports starting in August 1996.

The specific deputy assignments have been divided into two categories. The first is called "Standard Assignments;" the second is called "Specialized Assignments." The "Specialized Assignments" may be viewed by some as the more desirable assignments

because they feature bonus pay, or stable working hours not involving weekend or holiday work, or they may be useful stepping-stones to other desirable assignments or promotions involving related skills.

Table 5 summarizes the July 1996 results. It shows a relatively high representation of women in the desirable "Specialized Assignments" of Court Deputy and Court Liaison, and a relatively low representation in others such as FTO, Team Leader, Traffic Investigator, and Motors. It should be noted that deputies who do not operate out of stations are not reflected in these reports. Thus, the reports do not show the low representation of women in the SEB, Narcotics, and Homicide, for example.

The creation of monthly surveys of assignments has three benefits. First, Department executives cannot solve problems that they cannot identify. The availability of these surveys helps identify problems at an early stage. Second, Department executives cannot track progress if forced to compare apples to oranges from one month to another. Thus, a standardized reporting format is important. Finally, the very fact that the Department compiles and distributes such reports conveys a powerful message throughout the Department that gender equity is important to Department executives, and that supervisors' prospects for advancement will hinge on whether they have worked to achieve gender equity. For these reasons, it is imperative that reports and data concerning gender equity issues be made available to Department executives through frequent, detailed, accurate, and standardized reports addressing all crucial gender issues.

**5. Attempts to increase women's access to selected assignments deemed desirable**

The Gender Equity Committee recommended that the Department "pay particular attention to opportunities for increasing the number of women and minorities as FTO's." (Formal Recommendation No. 66.) The Gender Equity Committee also acknowledged the importance of conducting mandatory background checks on FTO candidates to screen for

## Field Operations Deputy Assignment, Gender and Ethnic Breakdown: Regions I, II and III

July 1996

Regions I, II and III	Ethnic / Gender Breakdown								Total	% of Total	% Female in Assignment	% Non-White in Assignment	% Non-White Male in Assign.
	M-1	M-3	M-5	M-7	F-1	F-3	F-5	F-7					
<b>Standard Assignment</b>													
Gen. law enf/traffic	807	54	211	35	52	14	17	2	1192	49%	7%	28%	32%
Dispatcher	14	0	6	1	1	1	0	0	23	1%	9%	35%	39%
Desk Operations	39	3	6	2	3	14	4	0	71	3%	30%	41%	45%
Jailer	47	4	6	2	6	1	2	0	68	3%	13%	22%	31%
Trainee	73	7	16	5	10	2	0	0	113	5%	11%	27%	35%
<b>Sub-Total</b>	<b>980</b>	<b>68</b>	<b>245</b>	<b>45</b>	<b>72</b>	<b>32</b>	<b>23</b>	<b>2</b>	<b>1467</b>	<b>60%</b>	<b>9%</b>	<b>28%</b>	<b>33%</b>
<b>Specialized Assignment</b>													
FTO	120	5	20	3	2	2	0	0	152	6%	3%	20%	21%
Watch Deputy	50	5	15	5	5	0	2	0	82	3%	9%	33%	39%
Detective	176	9	53	4	15	11	3	0	271	11%	11%	30%	35%
Team Leader	29	1	2	2	0	0	0	0	34	1%	0%	15%	15%
Traffic Investigator	26	0	3	1	1	0	0	0	31	1%	3%	13%	16%
Training/Scheduling	10	0	1	1	2	0	0	0	14	1%	14%	14%	29%
Court Deputy	18	1	4	1	6	0	0	0	30	1%	20%	20%	40%
Court Liaison	14	0	1	0	2	0	2	0	19	1%	21%	16%	26%
Motors	14	0	3	0	0	0	0	0	17	1%	0%	18%	18%
All Others*	194	29	73	5	15	6	7	0	329	13%	9%	36%	41%
<b>Sub-Total</b>	<b>651</b>	<b>50</b>	<b>175</b>	<b>22</b>	<b>48</b>	<b>19</b>	<b>14</b>	<b>0</b>	<b>979</b>	<b>40%</b>	<b>8%</b>	<b>29%</b>	<b>33%</b>
<b>Total</b>	<b>1631</b>	<b>118</b>	<b>420</b>	<b>67</b>	<b>120</b>	<b>51</b>	<b>37</b>	<b>2</b>	<b>2446</b>	<b>100%</b>	<b>9%</b>	<b>28%</b>	<b>33%</b>

M-1: Male White

M-3: Male African-American

M-5: Male Hispanic

M-7: Male Asian/Pacific Islander/Other

F-1: Female White

F-3: Female African-American

F-5: Female Hispanic

F-7: Female Asian/Pacific Islander/Other

\*City/County Liaison and special programs.

K-9, Helicopter Observers, Assistant Reserve Coordinators, COP Teams, etc.



any founded investigations concerning discrimination or sexual harassment, or other matters, and of utilizing selection criteria emphasizing “demonstrated skills and commitment to work with the public in ways compatible with the concepts of community policing.” (Informal comments to Recommendations No. 67 and 68.) These recommendations and comments echo the **Kolts Report** which recommended that FTO selection criteria be standardized, uniformly applied, emphasize community policing and other related skills, and test whether applicants have a past history consistent with these skills. (P. 264.)

In November 1995, the Field Training Centralization Committee was formed to determine whether the process of selecting, training, and monitoring FTOs could be improved by centralizing these three functions rather than permitting each station to administer them separately. Some Department personnel felt that the selection process, along with the quality and monitoring of training, could be improved through centralization. The Committee has been considering a four-pronged approach which includes:

- (i) creating and standardizing the FTO selection criteria and the entire selection process;
- (ii) expanding and improving the FTO training course;
- (iii) creating a system of periodic monitoring of trainee progress; and
- (iv) rotating trainees among stations.

The Committee is obtaining input on a draft proposal from Field Operations Region Chiefs. This will be considered in the creation of a final written proposal which will be submitted to Department executives. One practical effect of the proposal, if implemented, probably will be to assist in achieving gender equity in FTO assignments, primarily because the proposed selection criteria will recognize, among others, certain skills which are gender-neutral. These include: (i) commitment to Core Values; (ii) treatment of others with dignity; (iii) skill in interpersonal relationships; and (iv) cultural awareness. Improved training may also make the FTO program more user-friendly to women. **It appears that the Field Training Centralization Committee is working with dedication and creativity to improve the FTO selection, training**

**and monitoring process. However, the proposal has moved along too slowly. We have received assurances from the highest levels of the Department that these issues will be quickly resolved, and we will follow up.**

In mid-1996, Field Operations Support Services launched an additional effort to determine why greater numbers of women are not applying for patrol. In the course of this effort, the Department will attempt to determine whether women face improper obstacles to the assignment. The program is too new to have conclusions at this point, except the rather obvious one that some deputies, both male and female, prefer the regular schedule they enjoy in Custody and do not wish to give this up for an assignment to Patrol. **We give our strong support to this effort by Field Operations Support Services.**

It is difficult to determine if any other steps are being taken by the Department pursuant to Formal Recommendation No. 66 to "pay particular attention to opportunities for increasing the number of women and minorities" selected as FTOs or assigned to positions regarded as the most desirable. The difficulty arises because station captains, who may be in the process of implementing their own measures designed to achieve these goals, are not required to report on these measures or their results.

So long as the selection of FTOs remains in the hands of station captains, it would be helpful if they were asked to supply Department executives with periodic reports on their efforts at the station level to increase women's access to FTO positions and other "Specialized Assignments." Good ideas might be shared in this way. The same reporting requirement might be useful as well for units viewed as male-dominated such as SEB.

#### **6. Other attempts to detect and reduce obstacles to women**

The Gender Equity Committee recommended that a question be added to the exit interview document asking whether the employee wants to be confidentially interviewed by the Ombudsperson. (Formal Recommendation No. 120.) This recommendation has

been implemented, and it is hoped that personnel departing because of perceived discrimination or sexual harassment will disclose the facts upon the exit interview, allowing the Department to make inquiry and to take any appropriate corrective action.

In the **Kolts Report**, Special Counsel also recommended that “The Department should consider instituting flexible schedule, family leave, and part-time work policies.” (p. 321.) These are important issues in workplaces throughout the United States, and we intend to devote considerable attention in future reports to Department efforts in these areas.

## *Sexual Harassment Complaints*

### **1. Procedures for reporting, investigating, and resolving complaints**

The Gender Equity Committee adopted several recommendations relating to the methods for reporting complaints of gender discrimination or sexual harassment and the procedures for processing those complaints and holding individuals responsible for following appropriate procedures. (Formal Recommendations No. 111-19, and informal comments thereto.)

Consistent with the Recommendations, the current procedures provide various options for the reporting of complaints. An individual with a complaint of sexual harassment can report it to OCRC, IAB, or any supervisor. The Manual of Policies and Procedures, which is available in every unit, includes the Department’s written policy on sexual harassment and information regarding to whom such harassment should be reported. When a complaint is made, the complainant is given OCRC’s name and phone number.

The procedures allow for uniform documentation by providing that, when a complaint is made, OCRC does the initial assessment and documentation. In this initial investigation, OCRC will document the complainant’s (“Client’s”) story. OCRC also informs the Client of the options for having the complaint resolved outside the

Department, including using the EEOC and the FEH.

After OCRC's initial documentation of the complaint, the Client can decide whether he or she wants formal or informal resolution of the complaint. If formal resolution is chosen, a more in-depth investigation is conducted either by the unit, IAB, or ICIB (if a crime is suspected). OCRC does not actively participate in these formal investigations. The results of the investigation will be communicated to the complainant by OCRC, by the unit commander, or by IAB.

Following the Committee's Recommendations, OCRC has taken measures to attempt to make sure each complaint it handles is resolved in some manner. The OCRC staff member assigned to a Client will maintain contact throughout the investigation, whether formal or informal, and for 90 days after the complaint has been resolved. OCRC maintains a log on each case. The OCRC staff member assigned to the case must log each time there is contact with the Client or any other significant activity on the case.

Theoretically, the Department seems to have in place adequate procedures for reporting, investigating, and resolving sexual harassment complaints. What remains to be determined is how these procedures work in practice. There exist some doubts as to whether Department members, in practice, feel able to report incidents of sexual harassment or gender bias. We hope to look at this issue in depth in the future. Additionally, there remain questions about whether OCRC, in fact, learns about every complaint.

## **2. Employee awareness of OCRC and its functions**

The Gender Equity Committee recommended that a presentation by OCRC be included in the Academy curriculum to provide trainees with information about the resources it has available. (Formal Recommendation No. 113.) On September 5, 1995, OCRC was informed by the Recruit Training Bureau that a 30-minute block of time would be provided for its presentation during the orientation of the cadets. OCRC suggested that the session be used to provide information regarding questions, concerns

and/or complaints regarding sexual harassment and discrimination issues.

These training sessions have continued. In addition, OCRC makes presentations during the Academy training for new sergeants and newly assigned civilian supervisors.

### **3. Training on victim perspective**

The Committee also recommended that the staff of OCRC and IAB receive special training on the issue of victim perspective. (Formal Recommendation No. 109, and informal comments thereto.) On March 21, 1995, the outside consultant to OCRC held such a training session which was attended by 15 personnel from IAB and all OCRC staff members handling complaints of sexual harassment. This program has not been repeated since that time. However, plans are currently being made to repeat the program.

### **4. Retaliatory discrimination**

The Gender Equity Committee, while concerned about potential backlash against women as a result of the various recommendations it had made, held the strong belief that such backlash should not be suppressed, but rather should be resolved using conflict resolution strategies. The Committee recommended that the sexual harassment retaliatory incidents be tracked as a separate category by the Ombudsperson and reported to Department executives on a regular basis. (Formal Recommendation No. 1, and informal comments thereto.)

OCRC has tracked this area. Between October 1994 and June 1995, there were five complaints of retaliatory sexual harassment. From June 1995 to August 1, 1996, there had been thirteen cases that included allegations of retaliation. This information is readily available through a computer database maintained by OCRC.

### **5. Disciplinary measures**

The Gender Equity Committee recommended that the Chief and command staff

“[r]egularly communicate to sworn and civilian staff strong support for gender balance [n]otions and other anti-bias policies.” (Formal Recommendation No. 2.) It noted that the highest levels of the Department had already expressed their support for such programs, and that the Department has implemented “strong disciplinary measures.”

The Department issues “Guidelines for Discipline.” A new set of guidelines was recently distributed by IAB to everyone at the level of watch commander and above. Extra copies can be made as needed. Generally, a copy is available for all civilian and sworn personnel to look at as needed.

IAB also issues a quarterly report on discipline. This report summarizes the conduct and discipline for founded allegations, including complaints of sexual harassment. This report is distributed to executives, but can be made available to every member of a unit.

To obtain the maximum deterrent effect, the widest possible dissemination of both the disciplinary guidelines and the discipline report should be encouraged. To this end, we hope that supervisors are encouraged to post the disciplinary reports and inform their employees of the disciplinary guidelines. Additionally, we encourage the Department to continue to publish in the *Star News*, the Department periodical, reports of discipline related to sexual harassments.

### *Gender Bias and Harassment Training*

Gender bias and harassment training within the Department can be generally classified in four categories: (i) training of cadets; (ii) training of supervisory employees; (iii) training of non-supervisory employees; and (iv) continuing education of Department employees directly involved in responding to these issues. In each of these areas, it appears that significant progress has occurred.

## **1. Mandatory training of department personnel**

The Department's Mandated Training Unit trains Department members in sexual harassment and cultural awareness. This training covers gender/racial bias and harassment. The Committee stated that the Department was "committed to" completing the training by August 1997. (Formal Recommendation No. 63, and informal comments thereto.)

The Department is, in fact, ahead of schedule and has a new goal of completing the training by December 1996. As of July 17, 1996, 83% of the sworn and civilian personnel had completed training in sexual harassment, and 73% had completed Cultural Awareness Training, including issues relating to gender bias. All of the Department executives have been trained. There are 100 sworn supervisors who are not yet trained. Training sessions, however, are scheduled for September and October 1996 that are intended to train all of them.

As part of the training process, each trainee is given a "pre-" and "post-" test to determine the effectiveness of the training and to measure the knowledge of the participants. The results of these tests are reviewed by the Training Coordinator, a psychologist. Approximately every six months, the Training Coordinator reports on the test results to the Captain of the Advanced Training Bureau. If, however, any set of test results reveals that there may be a problem in the training — for instance, if a particular question is being answered incorrectly by a significant number of people — then this new problem is brought to the attention of the Captain immediately. The Training Coordinator has not encountered any new problems with the sexual harassment training recently.

The Mandatory Training Unit is currently working on proposals for recurrent training of personnel. The Captain has approved a plan for recurrent training of Department executives. A proposal is still being compiled for the remaining personnel.

## **2. Ongoing training of personnel responsible for gender-related issues**

Those assigned to units with responsibilities related to gender bias and sexual harassment issues also have various resources to permit them to stay current on the issues. The Gender Equity Committee recommended that there be regular consultation “with experts on issues concerning barriers women face in the workplace, women in law enforcement and workplace diversity issues.” (Formal Recommendations No. 17, 109, and 134, and informal comments thereto.)

The OCRC seems to be effectively taking advantage of the resources its outside expert has to offer. OCRC continues to consult with an outside expert who is a clinical psychologist specializing in sexual harassment. The consultant provides both on-site individual and group consultations, and telephone support. The consultant provides OCRC with monthly in-house consultations, semiannual specialized training and assistance, as requested, on special projects for OCRC. In the monthly sessions, the consultant addresses current developments including any new case law and then leads round-table discussions regarding issues and cases confronting the staff. Additionally, members of the OCRC staff attend training sessions sponsored by the EEOC as well as Department-sponsored training sessions (such as analytical interviewing workshops).

The Mandatory Training Unit relies on three outside resources in the training of its personnel. First, all instructors attend a one-time, 43-hour training session sponsored by POST. Second, individuals from the Mandatory Training Unit attend EEOC training: the sergeants all attend and, depending on the cost, deputies may also attend. Finally, the instructors attend a two-day class sponsored by a private consulting company specializing in sexual harassment training.

Two units also hold internal meetings to share information. OCRC holds weekly staff meetings to discuss cases and exchange information. Similarly, the Mandatory Training Unit meets each month for training sessions.



Additionally, OCRC and other units within the Department have recognized the value of sharing information among themselves. For example, OCRC continues to meet with other units. The Mandatory Training Unit was most recently scheduled to meet with OCRC on August 5, 1996 for a joint training session. Also, members of the OCRC staff attend various other Department committee meetings.

OCRC views its meetings with the Mandatory Training Unit as an opportunity to go over the current curriculum and focus the training on recurring problems. OCRC intends to establish more frequent meetings with the Mandatory Training Unit. Such meetings would be highly beneficial because they will help Mandatory Training ensure that its training addresses the real issues faced by Department personnel.

In addition to unit meetings and meetings among different units, several individuals with whom we spoke mentioned that they circulate articles of interest relating to gender issues as they cross their desks. Additionally, OCRC created a quarterly newsletter called the *Ombudsreview*. It is intended to keep supervisors and Department executives informed of concerns in discrimination areas. It contains articles and synopses of cases. The purpose is to increase the awareness of proper methods to handle incidents of harassment and discrimination. Some of the supervisors who receive the newsletter also disseminate it to their staff.

Finally, the units can rely on the assistance of the psychologist employed as the Department's Training Coordinator. He has performed ongoing evaluations of the training programs, although he has not monitored a sexual harassment training class recently. If concerns arise about the program, he remains available to provide input.

## 8 . S e x u a l O r i e n t a t i o n

The Department continues to take steps to recruit gay and lesbian individuals and to demonstrate acceptance within the Department at its highest levels. For the second year in a row, Sheriff Block appeared along with Mayor Riordan and a large number of other appointed and elected public officials and dignitaries in the Christopher Street West parade and celebrations which took place in West Hollywood earlier this summer. For the first time, the Department paid to send individuals to the LASD recruiting booth at the celebrations. (Previously, the LASD had made the city of West Hollywood pay for the deputies to be there.) Also on a positive note, the Department has contracted with *The Advocate*, a national semi monthly publication serving the gay and lesbian community, to run a recruiting ad in each issue for 24 consecutive issues. The first ad ran in the May 14, 1996 issue. The Department should now consider expanding its advertising to local gay and lesbian publications.

Also on a positive note, the Department now uses from time to time the assistance of openly gay sworn peace officers from other police departments to conduct the gay and lesbian segments of its Academy and in-service cultural awareness training whenever the Department's own openly gay sworn officers are not available. At this time, only one openly gay deputy sheriff is involved in teaching the cultural awareness classes. The training has varied substantially in quality depending upon the availability of this one deputy or sworn personnel from other agencies.

We recently had an opportunity to observe a presentation by Hollywood Supports, a non-profit group that provides training on sexual orientation issues to the entertainment industry and the media, on its program to provide training for the LAPD. Hollywood Supports is working closely with the LAPD and has trained eight police officers — some gay, lesbian, or bisexual; some heterosexual — to work with Hollywood Supports facilitators to provide training to the LAPD. The melding of a highly qualified and experienced outside group with Department personnel is a good combination. **We urge the Department to consider recommendations from one of its own captains and**

**groups friendly to and supportive of the LASD to initiate a similar program.**

Along with the positive steps described above, however, we continue to sense some conflict on the part of key individuals in the Department when it comes to improving attitudes toward openly gay and lesbian individuals. For example, the Recruit Training Bureau made a conscious decision recently not to include "sexual orientation" in the first line of the Recruit Code of Conduct. The first line now reads "[a]s an Academy recruit, you are entitled to be treated with respect and dignity regardless of race, gender, religion, or national origin." There is no justification for the exclusion of sexual orientation, particularly given that (i) in 1988, the California legislature amended the State Civil Service Act to state that all civil servants should be treated fairly without regard to their sexual orientation, Cal. Gov't Code § 18500(C)(5); and (ii) in 1993, employment discrimination on the basis of sexual orientation was banned statewide, Cal. Labor Code § 1102.1. For that matter, the Code should also include age, marital status, and disability, all of which have been protected categories for many years. Cal. Gov't Code §§ 12940-41.

Moreover, discussions with some Department personnel demonstrate that there is a lingering misimpression that the Department's policy on sexual orientation issues is a "Don't ask, Don't tell" policy. Some managers and executives explain their reticence regarding gay and lesbian issues with the statement that a person's sexual orientation is no one's business but that particular person's. Although that is certainly true, and it clearly is Department policy that no one should be forced to reveal one's sexual orientation involuntarily, Sheriff Block's words and actions have made clear that the Department's policy and goals are more ambitious and in keeping with the Department's longstanding commitments to be welcoming and encouraging to any qualified individual who wants to make law enforcement a career.

The Sheriff in recent years has taken pains to dispel an earlier impression that his Department was unwelcoming to openly gay and lesbian individuals. The Sheriff is

attempting to create an atmosphere within the Department that is reassuring to gays and lesbians, thereby increasing the pool of qualified candidates for deputy sheriff trainee positions, and thereby permitting gay and lesbian members of the Department to be open about their sexual orientation if they so choose without fear of discrimination. The misimpression at various levels of the Department that the official policy is "Don't ask, Don't tell" needs to be corrected and dispelled.



## 9. Recruiting, Selection, Training & Hiring

### *Hiring and Recruiting Women and Minorities*

In 1992, the Sheriff's Department committed to "reach out to and increase the hiring and promotion of women, racial and ethnic minorities, and gay and lesbian individuals." **The Department has done an admirable job meeting its hiring goals with respect to Latinos and African-Americans. On the other hand, it is of serious concern that the LASD has fallen far short of its hiring goals for women. By the end of June 1996, 213 of 493 graduates since 1994 should have been women. The Department only graduated 115. Similarly troubling, the Department has not graduated sufficient numbers of Asian-Americans and Filipinos from the Academy to meet its hiring goals.** Tables 1 and 2 present current demographic data about the LASD.

As described in our **Fourth Semiannual Report**, the Department has had a goal of hiring 600 new deputies for the period from July 1, 1994 to June 30, 1996. The Department had decidedly mixed results in meeting its goals for that two-year period. During those two years, encompassing Academy Classes No. 287 through 292, a total of 493 new sheriff deputies graduated from the Academy (82.17% of the 600 figure). Table 3 shows the demographic breakdown for trainees entering, and graduating from, Classes No. 287 through 292. Table 4 shows the demographic breakdown of Academy Classes No. 293 and 294, the two additional classes that began instruction at Star Center, the LASD Academy, since the release of our **Fifth Semiannual Report**. Table 5 shows the demographic breakdown for all Academy classes since the Department reactivated the recruiting unit in 1994, including Classes No. 285 and 286 which do not count toward the 600 positions covered by the 1994-96 hiring goals.

Out of the 493 deputies graduated in Classes No. 287 through 292, 178 are Latinos. The hiring goals called for 171. African-Americans are 59 of the graduates while the hiring goals called for 60. **The Department has done well — with respect to Latinos and African-Americans.**

**Los Angeles County Sheriff's Department Breakdown of Personnel  
By Sex, Rank, and Ethnicity as of July 1, 1996**

Class	Total	Male	Female
Sheriff, U/C	1	1 100%	
Undersheriff, U/C	1	1 100%	
Assistant Sheriff, U/C	1	1 100%	
Div. Chief, Sheriff, U/C	8	7 87.5%	1 12.5%
Commander	18	15 83.3%	3 16.7%
Captain	46	42 91.3%	4 8.7%
Lieutenant	283	259 91.5%	24 8.5%
Sergeant	918	825 89.9%	93 10.1%
Deputy Sheriff IV	66	63 95.5%	3 4.5%
Deputy Sheriff	6684	5728 85.7%	956 14.3%
Dep. Sheriff Trainee	142	102 71.8%	40 28.2%
<b>Totals:</b>	<b>8168</b>	<b>7044</b>	<b>1124</b>
<b>FTO</b>	<b>152</b>	<b>148 97.3%</b>	<b>4 2.7%</b>

Class	Caucasian			African-American			Hispanic		
	Male	Female	%	Male	Female	%	Male	Female	%
Sheriff, U/C	1		100.0						
Undersheriff, U/C	1		100.0						
Assistant Sheriff, U/C	1		100.0						
Div. Chief, Sheriff, U/C	6		75.0	1		12.5	1		12.5
Commander	13	2	83.3	1		5.6	2		11.1
Captain	33	4	80.4	2		4.3	6		13.0
Lieutenant	210	17	80.2	21	5	9.2	22	2	8.5
Sergeant	679	68	81.4	45	11	6.1	84	14	10.7
Deputy Sheriff IV	43	1	66.7	9	2	16.7	10		15.2
Deputy Sheriff	3823	516	64.9	497	207	10.5	1206	213	21.2
Dep Sheriff Trainee	48	15	44.4	14	7	14.8	29	15	31.0
<b>Totals:</b>	<b>4858</b>	<b>623</b>		<b>588</b>	<b>234</b>		<b>1368</b>	<b>244</b>	

Class	American Indian			Asian			Filipino		
	Male	Female	%	Male	Female	%	Male	Female	%
Sheriff, U/C									
Undersheriff, U/C									
Assistant Sheriff, U/C									
Div. Chief, Sheriff, U/C									
Commander									
Captain				1		2.2			
Lieutenant				5		1.8	1		.4
Sergeant	1		.1	16		1.7			
Deputy Sheriff IV				1		1.5			
Deputy Sheriff	6	1	.1	155	12	2.5	41	7	.7
Dep Sheriff Trainee		1	.7	9	2	7.7	2		1.4
<b>Totals:</b>	<b>7</b>	<b>2</b>	<b>96.8</b>	<b>187</b>	<b>14</b>		<b>44</b>	<b>7</b>	

**Los Angeles County Sheriff's Department Breakdown of Sworn Personnel by Division, Sex, and Ethnicity as of July 16, 1996**

Division	Total	Male	Female	Caucasian	African American	Hispanic	Native American	Asian	Filipino
Executive	43	33 76.7%	10 23.3%	32 74.5%	5 11.6%	5 11.6%	0 0%	1 2.3%	0 0%
Admin Services	70	56 80.0%	14 20.0%	53 75.8%	9 12.7%	8 11.5%	0 0%	0 0%	0 0%
Court Services	1484	1218 82.0%	266 18.0%	837 56.4%	297 20.0%	305 20.6%	1 0.6%	16 1.1%	0 0%
Prof Standards	433	324 74.8%	109 25.2%	264 61.0%	67 15.7%	77 18.0%	1 0.2%	19 4.4%	4 0.9%
Custody-South	1429	1166 81.7%	261 18.3%	826 57.8%	145 10.1%	405 28.3%	1 0.6%	37 2.6%	14 1.0%
Custody-North	826	738 89.3%	88 10.6%	629 76.1%	34 4.1%	143 17.3%	0 0%	14 1.6%	6 .7%
Detective	497	424 85.3%	73 14.7%	354 71.3%	38 7.6%	90 19.9%	0 0%	5 1.0%	1 2%
Field Ops Reg I	1177	1079 91.7%	98 8.3%	924 78.6%	40 3.4%	190 16.1%	0 .08%	20 1.8%	2 2%
Field Ops Reg II	1076	969 90.1%	107 9.9%	718 66.7%	136 12.6%	183 17.1%	0 0%	37 3.4%	2 2%
Field Ops Reg III	1126	1031 91.6%	94 8.4%	847 75.2%	49 4.3%	193 17.1%	4 .3%	27 2.3%	6 5%

**Demographics of Recruits Entering and Graduating from Academy Classes 287 through 292**

	Males	Females	Total
<b>Caucasian</b>			
Entered (47.2%)	203	59	262
Graduated (47.1%)	184	49	233
<b>Latino</b>			
Entered (35%)	139	55	194
Graduated (36.1%)	134	44	178
<b>African-American</b>			
Entered (13.3%)	49	25	74
Graduated (12%)	42	17	59
<b>Asian-American</b>			
Entered (2.9%)	12	4	16
Graduated (3%)	12	3	15
<b>Filipino</b>			
Entered (1.4%)	5	3	8
Graduated (1.4%)	5	2	7
<b>Native American</b>			
Entered (.1%)	1	0	1
Graduated (.2%)	1	0	1
<b>Total Entered</b>	<b>409</b>	<b>146</b>	<b>555</b>
	73.7%	26.3%	
<b>Total Graduating</b>	<b>378</b>	<b>115</b>	<b>493</b>
	76.7%	23.3%	

**Demographics of Current Academy Classes 293 through 294**

	Males	Females	Total
<b>Caucasian</b>	59	27	86
40.8%			
<b>Latino</b>	55	27	82
38.9%			
<b>African-American</b>	3	9	22
10.4%			
<b>Asian-American</b>	15	1	16
7.6%			
<b>Filipino</b>	3	0	3
1.4%			
<b>Native American</b>	1	1	2
.9%			
<b>Total</b>	<b>146</b>	<b>65</b>	<b>211</b>
	69.2%	30.8%	



**Demographics of Recruits Entering and Graduating from Academy Classes 285 through 292**

	Males	Females	Total
<b>Caucasian</b>			
Entered (48.7%)	279	77	356
Graduated (49%)	251	64	315
<b>Latino</b>			
Entered (33.7%)	181	65	246
Graduated (34.5%)	171	51	222
<b>African-American</b>			
Entered (13%)	62	33	95
Graduated (12%)	54	24	78
<b>Asian-American</b>			
Entered (2.9%)	17	4	21
Graduated (3%)	16	3	19
<b>Filipino</b>			
Entered (1.3%)	7	3	10
Graduated (1%)	5	2	7
<b>Native American</b>			
Entered (.4%)	2	1	3
Graduated (.5%)	2	1	3
<hr/>			
<b>Total Entered</b>	<b>548</b>	<b>183</b>	<b>731</b>
	75%	25%	
<hr/>			
<b>Total Graduating</b>	<b>499</b>	<b>145</b>	<b>644</b>
	77.5%	22.5%	

The Department graduated 15 Asian-Americans, 7 Filipinos, and 115 women in Academy Classes No. 287 through 292. The hiring goals call for 37 Asian-Americans, 14 Filipinos, and 213 women. **The Department missed its goals for Asian-Americans, for Filipinos, and for women.**

On the other hand, if the focus is shifted to particular recent Academy classes, the Department has been improving with respect to the percentages of women, consistently exceeding 25%. Class No. 289, which started on February 13, 1995, was 33% female, Class No. 290 was 27%, Class No. 291

was 32%, and Class No. 292, which was graduated on June 26, 1996, was 27% female.

The classes currently at the Academy continue to contain similar percentages of women.

Class No. 293 is 30% female and Class No. 294 is 32%.

We question, however, whether the Department will continue to be able to produce these percentages per each Academy class. An analysis of statistics from the Academy demonstrates that the Department has nearly exhausted its pipeline of qualified women in order to fill the recent classes. **A look at the numbers of women and Asian-Americans currently in the pipeline makes clear that the Department will soon face a critical shortage.** If present circumstances continue, the Department will continue to fall further behind its overall goal to have the number of women in the

force mirror the number of women in the County labor force — 43.3%. We now turn to the numbers of women and Asian-Americans in the pipeline.

As of July 25, 1996, only 222 out of the 785 candidates assigned to a background investigator were women. To maintain adequate numbers of women in future Academy classes to reach 43.3%, there should be 340 women currently assigned to an investigator. The Department thus falls 34.7% short.

Even more worrisome, the number of women found a step earlier in the recruiting process is shockingly small. Out of 884 candidates awaiting assignment to a background investigator on July 25, 1996, only 30 are women. The Department falls 92% short. This means that the pool of women available for the Academy is insufficient to maintain for long the reassuring percentages achieved in recent classes.

On a more positive note, the first Korean-American recruit entered the Academy this past year, an event covered by both the local Korean-American press and journalists from South Korea. The Department has also expanded its outreach efforts, placing advertisements in several papers serving the Asian-American community.

Ultimately, however, the same worrisome situation exists regarding Asian-Americans in the recruiting pipeline as it does for women. While 57 Asian-Americans are currently assigned to an investigator (3% short of the recent goals), only eight Asian-Americans are awaiting assignment to an investigator — an 88% shortfall. The numbers do not bode well for the demographic make up of future Academy classes.

This is not to say that the Recruiting Unit has been inactive — it has not; indeed, the effort expended has been impressive even if the results are not producing the needed numbers. For example, as regards women, the Gender Equity Committee recommended that the Recruitment Unit continue to target occupations that traditionally employ women, and that new and innovative ideas be developed to recruit minority females. (Formal Recommendation No. 31.)

In response, in June 1995, the Department sponsored the “Women in Law

Enforcement Career Day.” This attracted more than 2,000 women. In addition, Recruitment deputies attended “several women-oriented job fairs, children[‘s] health fairs, school sponsored events, and community and social events geared towards women.” (Informal comment to Formal Recommendation No. 31.)

With the exception of the “Women in Law Enforcement Career Day,” these activities have continued. In the past six months, Recruitment deputies have recruited at job fairs sponsored by various groups and colleges, including the NAACP, UCLA Undergraduate Business Society, Pasadena (The Wave), Cal State University Dominguez Hills, the Coast Guard, Trinity Baptist Church, Occidental College, Aero Space Network, L.A. City College, West L.A. College, D.P.S.S./City of Bell, San Bernardino Valley College, First AME, and Roosevelt High School.

The Department has also recruited at the 4th Annual Veteran’s Job Fair San Bernardino, Workforce Diversity Job Fair, Hispanic Business Career Conference, National Female Hispanic Conference, Minority Women’s Job Fair, Inland Empire Minority Job Fair, and Social Concerns of Southern California 7th Annual Job Fair. Additionally, the Recruitment Unit has collected interest cards at numerous local shopping centers, several colleges, various military bases, community centers, and several events sponsored by particular ethnic groups.

Notably, the largest single recruitment event, the “Community Job Fair 1996 in Partnership with Private Industry,” resulted in a total of 2,268 interest cards being submitted to the Department, of which 45%, or 1,014, were from women. From January through June 1996, 10,078 cards were submitted at recruitment events. Of those, 2,981, or 30%, were from women.

Because of a perceived increase in the number of women at general recruitment events, the Department decided not to hold another “Women in Law Enforcement Career Day” in 1996. Given the small numbers of women assigned to background investigators

or in the pool to be so assigned, this decision may have been premature.

The Gender Equity Committee also recommended that the Department's printed recruiting materials be updated to stress the importance of problem-solving, communication skills, community involvement, self-control under stress, and good judgment — qualities that are often linked to women police officers. (Formal Recommendation No. 37.) The Department is currently printing redesigned recruiting materials that emphasize these attributes and can be used to recruit both sworn and civilian personnel.

The Gender Equity Committee also recommended a review and evaluation of the entire recruitment program. (Formal Recommendation No. 35.) Historically and currently, the LASD has surveyed each graduating Academy class to determine how each member was recruited, and the information was used for future recruiting strategies. The Recruitment Unit continues to do written surveys of graduating classes during the week prior to graduation. The results of these surveys are forwarded to the Captain of the Recruit Training Bureau. Although a useful step, these surveys fall short of the effort that needs to be mounted to assess and improve the Department's recruiting efforts for women.

The Gender Equity Committee also recommended consideration of a local high school summer internship program targeted at younger women attracted to policing as a future career. A similar program in New York City has enjoyed success. (Formal Recommendation No. 38.) The Department studied both the New York City program and a similar program designed by POST. The study determined that both programs were good and could be very beneficial. The study concluded, however, that the New York program was not feasible due to budget constraints existing in November 1995 when the report was written. Conversely, the report concluded, "If the Sheriff[ 's] Department implements the [POST] Program it would be a cost savings . . . ." Nevertheless, for whatever reason, the POST program has not been implemented.

We will continue closely to monitor the Department's efforts to interest women

and minorities in the possibility of becoming police officers. **It is clear to us that the problem with respect to women and Asian-Americans is serious. Although it is a good sign that a number of women submitted interest cards at recruiting events in recent years, the winnowing process has only begun. There are far too few women and Asian-Americans in the pipeline.**

### *Selection and Academy Training*

In the **Fifth Semiannual Report**, we analyzed the Department's attrition rates for deputy sheriff trainees and found a disparity between men and women and between caucasians and people of color. As we also previously discussed, the Department had begun to address this problem by re-evaluating Academy training and implementing certain innovations. In this report we take a closer look at the changes taking place in Academy selection and training.

In early 1995, the personnel in charge of Academy recruiting and training, led by then Captain (now Commander) Curtis Spears, instituted reforms to start the training process with better qualified recruits, to avoid attrition resulting from unnecessary and unfair standards, and to de-select deputy sheriff trainees based on academics, integrity, and temperament as contrasted to other factors which were found not be adequately job-related.

First, the Recruiting Unit altered its selection process for deputy sheriff trainees. Prior to 1995, a candidate could be dropped from the process by several different players often acting independently. For instance, a background investigator assigned to a particular candidate could recommend that the candidate not be admitted to the Academy. Likewise, a psychologist could drop a candidate based upon the psychological examination.

Beginning in 1995, however, the Recruiting Unit centralized the admissions process in the sergeants, lieutenant, and captain in charge of recruiting. After the

completion of background investigations, psychological examinations, and polygraph tests, one of the three sergeants in the Recruiting Unit makes an initial admissions decision which is then reviewed by the lieutenant and the captain. If the lieutenant and the captain disagree, the candidate's file is forwarded to the Applicant Review Committee for a final decision. The Applicant Review Committee includes the commander for the Professional Standards and Training Division, the civilian Training Administrator, the Affirmative Action Coordinator, and the Ombudsperson.

Currently, the background investigators compile a file for each candidate but make no recommendation as to admission to the Academy. Likewise, the psychologist now has input into the decision but cannot alone make the admissions decision. The ultimate admissions decision now rests squarely with the Department. The Recruiting Unit has also engaged two additional outside psychologists to reduce reliance solely on the input of one psychologist.

The interviewing psychologist rates a candidate's probability of being suitable for police work as low, moderate, or high. Moderate-probability candidates are watched closely during Academy training for any negative attributes which may lead to de-selection. Low-probability candidates are reviewed carefully by the Applicant Review Committee, and only a very small number of such candidates are accepted into the Academy.

The centralization of the admissions process is beneficial. It limits unchecked discretion by a background investigator or psychologist, fosters uniformity, and provides meaningful oversight and review of admissions decisions.

A second reform is the administration of the polygraph test prior to an Academy admissions offer to a candidate. Previously, out of concern that certain polygraph questions might have run afoul of the Americans with Disabilities Act (ADA), individuals were conditionally admitted to the Academy subject to a later polygraph test. Time and money were thus invested in background checks of candidates who later flunked the poly-

graph. Interestingly, more candidates are dropped because they fail the polygraph than for any other reason except the written examination. By revising the series of questions in the polygraph exam, particularly those dealing with drug addiction, the Department complies with the ADA and at the same time can be more efficient, rejecting unsuitable candidates earlier in the selection process. The polygraph test still addresses issues of theft, the area resulting in the largest number of polygraph-related rejections.

In a third progressive step, the Department has added to the written application for admission to the Academy a series of questions regarding nonpayment of spousal or child support obligations. These questions are also repeated later in the screening process. Nonpayment of spousal support is “negative information” which must be thoroughly investigated, but is not automatically disqualifying.

The Department has also added questions in the application regarding spousal and child abuse. Additionally, spousal abuse is covered in the “pre-screener,” which is filled out at the time of the written examination. The background investigator is also to check for any potential issues in these areas. Negative information surfaced by the background check or written application about nonpayment of support obligations or abuse is given to the interviewing psychologist who can then explore the subjects with the applicant if necessary.

Fourth, the LASD’s Academy training program has undergone significant reform. In our **Fifth Semiannual Report** we discussed changes in the Department’s physical training designed to instill a lifelong commitment to physical fitness, diminish the outmoded boot camp approach, and prevent the loss of promising trainees because of avoidable physical injury.

In the past year, the rate of attrition of women from the Academy, while still higher than that for men, has decreased substantially. Classes No. 287, No. 288, and No. 289 had an average attrition rate for females of 36.6% (compared to an attrition rate for males of 8.8%). The next three Classes, No. 290, No. 291, and No. 292, however,

had an average attrition rate of 10% for females (7.2% for males). It is also worth noting that the attrition rates for men and for women in Class No. 292 are considerably closer together than they had been for Academy classes prior to our **Fifth Semiannual Report**. The attrition rate for African-Americans (20.83%) continues to be significantly higher than for caucasians (12.20%).

Although overall attrition rates initially dropped following implementation of the reforms in the Academy (Class No. 290 had an attrition rate of 3.49% and Class No. 291 had an attrition rate of 4.60%), the attrition rate for the most recent graduating class (Class No. 292) has jumped back up to 15.0% (the attrition rate for men is 13.70%; for women, 18.52%). Commander Spears attributes the increase in attrition to full implementation of the reforms and the resulting increase in the number of candidates being de-selected because of their failure to satisfy the integrity and temperament standards set by the Department, as well as unsatisfactory academic performance. The statistics appear to support Commander Spears's assertion.

Out of the fifteen trainees who did not graduate in Class No. 292, the Department itself eliminated eleven of them — four for failing academics, five for integrity or temperament issues, one for failing a critical role playing scenario, and one for performing poorly in all phases of training. Three other candidates resigned for personal reasons and one person left because of injury.

Part of the overall decrease in attrition can be attributed to the Academy's new approach to physical training. Class No. 290, which started on July 24, 1995, was the first class to go through the new physical training program, "Effort and Train." Under this program, the focus is on increasing the physical fitness of the cadets by starting with less demanding training and increasing the intensity of the training as the cadets' physical condition improves. This program has been credited not only with decreasing attrition, but also with decreasing injuries and producing cadets who ultimately are in better physical shape.



When the last report was written, the top LASD Academy staff had just returned from a visit to the Air Force Academy in Colorado Springs to study the Air Force's success in hiring and training women and minorities. The trip has also caused the Academy staff to take a more focused look at the individual strengths and weaknesses of trainees throughout the Academy training and to make greater efforts to remove "the jerks" from the class. The staff is also attempting to break down the infamous "Code of Silence" which, in the past, has protected those displaying unethical or undesirable conduct.

Current recruit training emphasizes flexibility, self-control, common sense, ethnic and gender tolerance, and good anger management skills, among other attributes of good contemporary police work. Many of these attributes (or lack thereof) are revealed during interactive scenario training involving cultural diversity issues to reveal ethnic biases and homophobia. A trainee may also be pushed during scenario training to see whether the trainee can control anger. On occasion, scenario testing can lead to de-selection of a particular candidate.

Academy training also now includes a day trip to the Museum of Tolerance in west Los Angeles for a sobering demonstration of the horrific results of unchecked religious, racial, and sexual orientation prejudice. The Recruit Training Bureau de-selected one deputy sheriff trainee from Class No. 292 after the trainee made biased comments during the museum trip which prompted the Department to take a closer look at the trainee and to find character flaws indicating that the trainee would be a problematic employee.

To emphasize ethical responsibility in the trainees and to break down the Code of Silence, the Recruit Training Bureau has adopted a Recruit Code of Conduct which each trainee is expected to know and carry with them at all times. The Recruit Code of Conduct is set forth in Table 6.

**Although the Code of Conduct is a substantial step forward and otherwise a fine piece of work, and although it sets forth in the first line that all recruits are entitled to be treated with dignity and respect regardless of race, gender, religion, or national origin, it is disturbing that it does not make explicit in the first line that recruits are similarly entitled to dignity and respect regardless of age, physical disability, marital status, or sexual orientation. We expect that these lapses will be immediately corrected and we will specifically follow up.**

The use of the Code of Conduct and the other reforms implemented appear to be working. According to Commander Spears, trainees are now being asked to leave because their Academy classmates will no longer tolerate cheating and other unethical conduct.

In an effort to further improve analysis and management of the admissions and selection process, the Gender Equity Committee recommended computer tracking of information about the pass rates of women at various stages of the selection and hiring process. The recommendation had merit. Building upon the recommenda-

**tion of the Gender Equity Committee, we advocate development of software to allow the Department to track applicants, capture data regarding their pass rates and other needed information, tabulate the data, and compute impact**

6

#### **Los Angeles County Sheriff's Academy Recruit Code of Conduct**

As an Academy recruit, you are entitled to be treated with respect and dignity regardless of race, gender, religion, or national origin. You are also entitled to an environment that is not demeaning or hostile. Behavior which detracts from the dignity or self-esteem of others will not be tolerated. Respect the rights of others. Your relationship with other recruits, staff, and civilian personnel, on or off Academy grounds, shall be professional. Your conduct at all times reflects not only on yourself, but on this Academy, the Department, and all of law enforcement.

All recruits shall adhere to the following code of conduct: Abide by the ethical principles reflected in the Constitution and the Department Core Values and Mission Statement. Resist any tendency to focus on self-serving desires, and do not take advantage of situations for personal satisfaction.

Be ethical in actions, words, and deeds. Work and live by ethical conduct. Respect human life and liberty. Be honest, fair and tolerant of others' differences. Couple courage with compassion and self-control.

Practice integrity. If you make a decision later determined to be incorrect, admit to the error regardless of the consequences. Take responsibility and stand accountable for your actions.

Be courageous both physically and ethically. Physical courage requires you to take appropriate action despite the possibility of physical harm. Ethical courage requires you to do what you know to be right even in the face of resistance or improper peer pressure.

Commit to excellence. Give your all in everything you do. Do not judge yourself by comparison to others but by your own sense of self-esteem and personal accomplishment.

Be decisive. Make decisions based on what is ethically right, not on your own personal desires. Be responsive to those that need your help.

Be honest. Never lie or cheat, or tolerate among you another recruit who does.

Respect the Academy and its staff, the Department and its history, and the profession of law enforcement as a whole.

**statistics. It should be expanded to include analysis of pass rates not only for women but for all categories of candidates.** To be sure, managers currently receive statistics on pass rates. No formal analysis of those pass rates is currently being conducted, however. If any adverse impact is to be uncovered, the statistics should be expertly analyzed.

In future reports, we will continue to monitor the Academy's attempts to correct unequal attrition rates. We will follow the Academy's success at weeding out trainees who, because of biases or other characteristics, will not make good deputies. The Academy appears to have made substantial progress. We hope this continues in the future.

As this Chapter concludes, **we commend the extraordinary performance of Commander Spears and his present and former staff at the Academy.** Curt Spears has been assigned to Region II. He has done a remarkable job at the Academy. We hope his successors will build on his efforts. As we have noted in the past, it is vitally important for the Sheriff's Department to institutionalize progress and change. The excellence of the Academy should not depend upon the presence or absence of Curt Spears or any other talented individual.