

The Los Angeles County

Sheriff's Department

5th Semiannual Report by

Special Counsel Merrick J. Bobb & Staff

February 1996



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

The Los Angeles County Sheriff's Department, in response to the County Supervisors' January 1993 mandate and Sheriff Block's December 1992 Joint Agreement with Judge Kolts, continues to make good progress toward lowering County liability and exposure, reducing excessive force on the streets, reforming the canine program, implementing standards for accountability, and creating enduring structures to institutionalize the July 1992 **Kolts** recommendations, as will be demonstrated in this **Fifth Semiannual Report** of Special Counsel Merrick Bobb and staff.

We are convinced that the particular blend of leadership, will, integrity, and personal loyalty among the Department's top three individuals have made possible in the LASD what is so elusive and difficult to bring about elsewhere in other police organizations. These individuals have made common cause to give the reforms a long life, and they are knee-deep in efforts to make sure that the LASD's accomplishments in greater police professionalism are not evanescent.

The Assistant Sheriff, speaking recently about higher expectations for performance by all Department personnel and new standards of accountability, defined the Department's mission on **Kolts** better than we ever could: He intends to ensure that **the reforms "are fully integrated into the fabric of the Department's operations — so much so that they become and remain custom and practice which transcend the effects of the inevitable change in personnel, priorities, and personalities which all organizations are subject to over time."** For the leadership provided by the Sheriff, Undersheriff, and Assistant Sheriff we have great respect — a level of high regard that should not be lost sight of even as this **Report** not only praises the advances of the Department but bluntly describes its continuing weaknesses and deficiencies in its jail operations, its FTO program, and in its recruiting, hiring, and promotion practices.

Notwithstanding these areas where improvement is needed, our overall conclusion is that the Los Angeles Sheriff's Department is making good progress overall. We are looking forward to reporting on the Department over the next several years pursuant to the recent extension of our engagement as Special Counsel.

2 . T h e J a i l s

The LA County jails are increasingly dangerous places, both for deputies and for inmates. It is not surprising that escapes, inmate-upon-inmate violence, gang versus gang brawls, and racial tensions dominated the news about the jails in 1995.

The focused attention and commitment to reducing potential liability from the patrol operations should be applied to custody.

Running the Los Angeles County jail system is a daunting task. The Sheriff's Department must house and keep track of a huge number of individuals — the average daily population ranges between 18,000 and 20,000. Daily bookings vary between 600 and 1,000; annual bookings are in the range of 250,000. The Inmate Reception Center — where new inmates are received, others are released, and still others are held pending transfer to and from court — is like a vast maze where prisoners — colloquially (and callously) called “fish” by the deputies — flow endlessly by. Each is processed and classified and sent to one of the County's eight jails. Three jails have closed in recent years.

The remaining jails are overcrowded. Men's Central Jail has an average population of 6,000 men; Sybil Brand Institute has an average population of 2,200 women; there are over 11,000 men on an average day at the four Pitchess facilities— North, South, East, and the Ranch — and the North County Correctional Facility; and there are an average of 700 at the Century Regional Detention Facility. Latinos currently make up 46 percent of the jail population; African-Americans, 33 percent; caucasians, 18 percent; and others, about 3 percent. Thirty-five percent of the inmates are in the 30-39 year age range; 28 percent are in the 18-24 year age range; 20 percent are 25-29 years of age; 14 percent are 40-49, and three percent are 50-65 years old. In 1993, there were 40 in-custody deaths; in 1994, 38; and in 1995, 33. There are 40 different classifications of prisoners.

Given these numbers, the ever-shifting population as new inmates arrive and others are released, the complicated logistics of getting inmates to and from court, and the complexities of 40 different prisoner classifications, the job of running the County jails is tough. Add to that the influx of accused violent offenders and inadequate facilities to house them, and overcrowding, and the job is harder still.

- **Los Angeles County jails house more accused violent offenders than ever before.**

The “three strikes” law encourages defendants to go to trial rather than to plea bargain with prosecutors: it calls for mandatory 25 years to life sentences for those convicted of a third felony following two convictions for serious crimes. Second or third offenders have a strong incentive to take their chances at trial rather than pleading guilty to an offense triggering a long mandatory sentence.

The designers of the Los Angeles County jail system expected that about two-thirds of the inmate population at any given time would be misdemeanants serving short sentences for non-violent crimes, the other third being suspected felony offenders awaiting trial or convicted prisoners awaiting transfer to state prisons.

Today, it is nearly the reverse: 71 percent of the County jail population on any given day are inmates awaiting trial on serious offenses. In order to make room for this influx, convicted misdemeanants are being released after serving only about a third of their sentences. This means that there are more accused violent offenders in the LA County jail system than ever before, including convicts who have been sentenced and are awaiting transfer to state prison.

- **The County’s custody facilities were never meant to house this many violent offenders.** The East Pitchess facility where recent brawls took place — described later in this chapter — was built to house misdemeanants and low-level felony offenders in open dormitories of 125 to 150 beds. The open dorms make containment of fights difficult: large groups of men in one single large room are harder to control than inmates dispersed among many small cells. The facility was not built to house violent offenders, but it must do so: the Sheriff has had to close jails because of inadequate budgets, thereby exacerbating overcrowding at the remaining facilities. Moreover, new jails — like the state of the art Twin Towers downtown — cannot be opened for lack of funds. This 4,000 bed facility, with cells, would be easier to control than the open dorms at Pitchess. If Twin Towers were opened, 4,000 of the more violence-prone inmates currently in dorms could be moved where there could more easily be a lock down in the event of rioting.

- **The demographics of the inmate population have changed from predominantly African-American to Latino, exacerbating racial tensions and triggering a struggle for control, according to the Sheriff's Department.** LASD officials blame recent rioting at one facility on orders from Latino gangs in state prison attempting to wrest control inside and outside the jails from African-American gangs. Whether this is so we cannot say; but it is a fact that fighting between racial and ethnic groups, and between gangs, and between "sets" or subgroups of gangs, is endemic in LA County jails.

It is thus not surprising that escapes, violence, and injuries have increased in the last two years. During 1995, there were two highly publicized escapes from the Department's large complex of custody facilities in northern Los Angeles County. In April, the County's largest breakout happened when 14 inmates escaped from the North County Correctional Facility, previously thought to be the County's most advanced and secure jail. Twelve of the escapees were recaptured. In September, three men used a can opener to cut a hole in the ceiling of the jail bakery, climbed to the roof, lowered themselves with a rope of bedsheets to a microwave tower, jumped to the ground, cut a hole in the fence around the facility and disappeared in the heavy fog, according to press reports.

In January 1996, there were violent brawls at the Pitchess East when Latino inmates attacked African-Americans in the jail's dormitories. The fights went on for several days, ultimately injuring 162 individuals and causing substantial damage, according to the press. The January riots followed similar outbreaks at Pitchess over the years.

Escapes, fights, and shankings by inmates produced danger, injury, and risk for inmates and jailers alike. But there were also serious injury to inmates from lapses by the LASD in adhering to proper standards for inmate care and protection. For example, in August 1995, the press reported a large tentative settlement for an inmate whose right leg was amputated in 1993 after he was held strapped to a bed for eight days: five of the days in four-point restraints — leather straps securing all four limbs to a bed frame — and an additional three days in three-point restraints. Although the onset of gangrene was

due partly to diabetes and alcoholism — both of which assertedly compromised the inmate's circulatory system — the restraints apparently greatly exacerbated the inmate's health problems, and the LASD's procedures for regular checks by medical personnel may not have been scrupulously followed. The inmate's counsel claimed that LASD procedures mandated that the man be monitored every fifteen minutes by nurses, checked every two hours for range of motion of each restrained extremity, and examined once a day by a doctor. Although the jail medical records did indicate some regular visits by a doctor and nurses, it hardly seems likely that it was reasonable or necessary for someone in such poor condition to be strapped to a bed for eight days. The doctor is no longer in the LASD's employ.

The Department settled other cases recently involving serious injuries to inmates in recent years. The dollar amounts of the settlements were relatively small, and the cases did not get much attention or publicity. Like the case of the four-point restraints, these cases too raised profound issues about the jails.

One case involved an extraction team — officers trained to get recalcitrant inmates out of a cell. After an inmate was stabbed by another inmate, deputies conducted a cell-by-cell search of the row for shanks and other weapons. One inmate refused to be handcuffed and to leave the cell for a search. After the inmate repeatedly failed to comply, an extraction team arrived, armed with Arwen rifles that fire hard rubber bullets. Three shots were fired, hitting the inmate each time. The last bullet ricocheted in an unexpected way, breaking the man's jaw. Parenthetically, there is another case pending where an extraction team is alleged to have put out a man's eye with a rubber bullet.

The rubber bullets raise many issues about how the jails operate: how to conduct weapons searches; when to bring the extraction team; whether there are less harmful alternatives to the Arwen; the pros and cons of using pepper spray instead; whether swarm techniques could effectively be employed in the small space of a cell; whether compliance could have been achieved through persuasion or negotiation. We do not pretend to have answers to all of those issues. Nonetheless, it was troubling to review the file and see

that the risk managers had marked “none” with respect to training or policy issues raised by the broken jaw incident. Their review was essentially meaningless: The County will have paid its money, a man has suffered a broken jaw, and nothing is gained in terms of risk management or prevention of similar injuries to inmates or litigation in the future.

The failure of analysis means that the executives in the Department in charge of the jails are short-changed — information they need to manage their difficult assignments has not been properly thought through and disseminated. This is not to say, of course, that Department executives are unaware in general of the injuries caused by rubber bullets, and the Department has revised its policies on them to some extent, but executives may not see the lawsuits analyzed in a way that prompts them to think about ways to limit risk.

In another settlement, a man spent nine days in jail without receiving critical life-sustaining medication. Upon admission at the Central Jail, the man told the doctor that he was HIV positive and was taking AZT, medication commonly prescribed to retard the advance of AIDS. The jail doctor duly prescribed the drug, and the man duly received his first dose. Thereafter, the man was moved from jail to jail. Although the inmate apparently called for his medication repeatedly, he received no more AZT during his nine-day stay. He additionally alleged that he was subject to homophobic comments by deputies. The case again called jail operations into question: Why did the system for delivery of medication fail? Why did the man’s paperwork not follow him from facility to facility? How can the LASD track individuals and their medication to prevent this kind of incident or lessen the risk? Is the Department living up to its commitment to discourage prejudice against gays in its ranks? Are deputies being specifically trained to respond in a professional way to a medical problem even if they may not particularly like the individual or his disease? Again, although the answers are not obvious, what is most disturbing is that the questions were not asked: Again, the risk managers marked “none” with respect to training or policy issues raised by the case.

We do not mean to say that the Department is unconcerned about the growing problem of delivering medical services to a sicker inmate population. But better analysis

of actual cases could help reduce the risks, which are admittedly getting higher.

The Director of Medical Services points out, for example, that since new screening procedures were instituted in April 1993, as many as 18 percent of male inmates and 50 percent of female inmates arrive at the jail with identified medical or mental problems. Prior to 1993, the overall percentage of inmates booked with medical problems was 10 percent. Not many years ago, AIDS was unknown. Today, the Department tests about 500 inmates a month for HIV: In 1994, 13.43 percent of those tests came back positive.

Nonetheless, as dismal as these statistics may be, the jails will continue to receive people in poor physical and mental health. And once an inmate is confined and is unable to care for himself or be cared for by family or friends, the job falls to the LASD to provide it, and the LASD cannot hide behind excuses based upon the staggering numbers, the inadequate resources, or the public's perception that some inmates may be the dregs of society: it simply has to provide adequate care and protection in a professional and businesslike way.

A third settlement we reviewed raised other issues about inmate protection: On his first day in jail after his arrest, a man who had never been in a jail before was housed with violent offenders who later stabbed him more than 10 times with a shank. Apparently, the attack was motivated by the molestation crime with which he was charged. There was a serious issue whether the Department failed to take reasonable steps to protect the man. There even was an indication that a deputy trainee may have set the man up, as well as evidence that the man was intentionally left bleeding and unattended for twenty minutes or more. Contrary to policy, there was no injury report on the incident nor photographs taken of the man's injuries. Again, the Risk Management Bureau did not find that this case raised issues of policy or training, even though it bristled with such issues: How are suspected sex offenders classified? Are they told that certain crimes might submit them to particular danger? Why aren't such arrestees automatically segregated for their own protection? Why did the deputy and his trainee in this particular case fail to follow policy? Were they held accountable? This is not to say that the

Department is callous in general about inmate protection; it is not. But we are saying that these jail issues are not being dealt with in as comprehensive and systematic way as other liability risks that face the Department.

It is not right that a man fails to get life-sustaining medication; it is intolerable that a diabetic with profound circulatory problems is strapped for eight days to a bedframe; it is not right that a recently-arrested man awaiting trial is stabbed more than ten times because the jailer may have been careless or callous.

Given increased litigation and injury, more difficult medical problems, and the increasingly difficult job of protecting inmates from each other, the jails pose substantial liability risks. The Chief in charge of custody operations, Mark Squiers, has a monumental job which he performs ably; the issues raised herein are ones which he and his superiors are addressing. **But he and the Department as a whole deserve — and we strongly recommend — that a task force of the Department's best and brightest 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.**

A report on the jails would not be complete if we did not focus also on the deputies who work in the jails. The conditions under which they work are at times mind-numbing. As we have noted in the past, the job goes to the youngest and most inexperienced; being a jailer is a rite of passage of sorts before the officer can go out on the streets. Stagnation in the Department makes the rotation through custody a long one. It does the deputy and the Department no good to have deputies in custody jobs for so long. Almost all the troublesome cases we have seen recently seem to come from jail settings where deputies have become callous or lash out in anger. The behavior is unacceptable and cannot and should not be tolerated. But the question must be asked whether the long custody rotations unacceptably raise the risk that more deputies will

lose control at one time or another or simply not keep uppermost in mind that inmates are humans, not fish. **We thus continue strongly to advocate that deputies interested in a patrol career be rotated out of custody assignments earlier and that greater use be made of deputies willing to make the jails their career.**

3 . W o m e n a n d M i n o r i t i e s

In the last four years, the Department has not significantly increased the percentage of women and minorities in the sworn ranks with the exception of Latinos. Table 1 shows LASD demographics in early 1992; Table 2, in early 1996. Percentages quoted in the text are derived from more recent figures than Table 2. Men were 87.5 percent of the force in 1992 and are 86.6 percent in 1996. White males constituted 69 percent of males in the sworn ranks in 1992; they are 69.5 percent today.

African-Americans — 8.9 percent of the force in 1992 — are 10 percent today (for purposes of comparison, the LAPD is approximately 15 percent African-American). But the increase in African-Americans is principally due to the LASD merger with the Los Angeles County Marshal's Department. Not counting the marshals, there are actually fewer African-Americans in the Sheriff's Department in absolute numbers than at the time of the **Kolts Report**. There have thus been less than successful efforts to bring substantial numbers of African-Americans through the entire recruiting and hiring process, as we discuss in our chapter on Recruiting and Hiring in this **Report**. On the other hand, Latinos have gained some ground: Latinos constituted 16.2 percent of the force in 1992; today, Latinos are 19.2 percent (Latinos are approximately 27 percent of the LAPD).

Women, 12.5 percent of the force in 1992, now are 13.4 percent (the LAPD is currently approximately 17 percent female). Here, too, the Department benefitted statistically from the merger with the Marshal's Department. If the marshals are not counted, there were 997 women in the Department in early 1992 and 998 women in early 1996 — a net gain of one. We are convinced that the low numbers flow from problems we have previously discussed on the status of women in the Department to which the Department's Gender Equity Committee has responded only tepidly. There is one bright spot, however: Of the 153 current deputy trainees, about 26 percent are women.

Minorities have lost some ground in the upper ranks of the Department and held static in the middle ranks. At the time of the **Kolts Report**, there were two African-American chiefs, two African-American commanders, and three African-American captains. Today, there is one each in these upper ranks.

1

Los Angeles County Sheriff's Department Breakdown of Personnel By Rank, Sex, and Ethnicity
as of May 1992

| Class | Total | Male | Female | Caucasian | African-American | Hispanic | Native American | Asian | Filipino | Other |
|-------------------|-------------|-------------------|------------------|-------------------|------------------|--------------------|-----------------|-----------------|----------------|--------------|
| Sheriff | 1 | 1 100% | | 1 100% | | | | | | |
| Undersheriff | 1 | 1 100% | | 1 100% | | | | | | |
| Assistant Sheriff | 2 | 2 100% | | 2 100% | | | | | | |
| Chief | 8 | 8 100% | | 5 62.5% | 2 25.0% | 1 12.5% | | | | |
| Commander | 22 | 20 90.9% | 2 9.1% | 20 90.9% | 2 9.1% | | | | | |
| Captain | 57 | 52 91.2% | 5 8.8% | 49 86.0% | 3 5.3% | 4 7.0% | | 1 1.8% | | |
| Lieutenant | 310 | 288 92.9% | 22 7.1% | 263 84.8% | 20 6.5% | 24 7.7% | | 3 1.0% | | |
| Sergeant | 935 | 846 90.5% | 89 9.5% | 793 84.8% | 53 5.7% | 77 8.2% | 1 0.1% | 11 1.2% | | |
| Deputy IV | 118 | 110 93.2% | 8 6.8% | 91 77.1% | 13 11.0% | 13 11.0% | 0 0.0% | 1 0.8% | | |
| Deputy | 6523 | 5656 86.7% | 867 13.3% | 4555 69.8% | 614 9.4% | 1168 17.9% | 5 0.1% | 144 2.2% | 37 0.5% | |
| Deputy Trainee | 21 | 17 81.0% | 4 19.0% | 11 52.4% | 3 14.3% | 6 28.6% | 0 0.0% | 1 4.8% | 0 | |
| Totals: | 7998 | 7001 87.5% | 997 12.5% | 5791 72.4% | 710 8.9% | 1,293 16.2% | 6 0.1% | 161 2.0% | 37 0.5% | 00.0% |

2

Los Angeles County Sheriff's Department Breakdown of Personnel By Rank, Sex, and Ethnicity
as of Feb. 1, 1996 (FTO Breakdown as of Dec. 19, 1995)

| Class | Total | Male | Female | Caucasian | African-American | Hispanic | Native American | Asian | Filipino |
|-------------------|-------------|-------------------|------------------|-------------------|------------------|-------------------|-----------------|-----------------|----------------|
| Sheriff | 1 | 1 100% | 0% | 1 100% | 0% | 0% | 0% | 0% | 0% |
| Undersheriff | 1 | 1 100% | 0% | 1 100% | 0% | 0% | 0% | 0% | 0% |
| Assistant Sheriff | 1 | 1 100% | 0% | 1 100% | 0% | 0% | 0% | 0% | 0% |
| Chief | 7 | 6 85.7% | 1 14.3% | 5 71.4% | 1 14.3% | 1 14.3% | 0% | 0% | 0% |
| Commander | 16 | 13 81.3% | 3 18.8% | 13 81.3% | 1 6.3% | 2 12.5% | 0% | 0% | 0% |
| Captain | 42 | 38 90.5% | 4 9.5% | 35 83.3% | 1 2.4% | 5 11.9% | 0% | 1 2.4% | 0% |
| Lieutenant | 262 | 241 92.0% | 21 8.0% | 218 83.2% | 20 7.6% | 21 8.0% | 0% | 3 1.1% | 0% |
| Sergeant | 887 | 804 90.6% | 83 9.4% | 731 82.4% | 54 6.1% | 85 9.6% | 1 .1% | 16 1.8% | 0% |
| Deputy IV | 68 | 64 94.1% | 4 5.9% | 46 67.6% | 11 16.2% | 10 14.7% | 0% | 1 1.5% | 0% |
| Deputy Sheriff | 6141 | 5297 86.3% | 844 13.7% | 4108 66.9% | 587 9.6% | 1253 20.4% | 6 .1% | 147 2.4% | 40 .7% |
| Deputy Trainee | 143 | 105 73.4% | 38 26.6% | 65 45.5% | 20 14.0% | 51 35.7% | 0% | 4 2.8% | 3 2% |
| Totals: | 7569 | 6571 86.8% | 998 13.1% | 5224 68.9% | 695 9.2% | 1428 18.9% | 7 .1% | 172 2.2% | 43 0.6% |
| FTO | 258 | 254 98.4% | 4 1.6% | 203 78.7% | 12 4.7% | 37 14.3% | 0 0% | 2 2.7% | 4 1.6% |

3

Los Angeles County Sheriff's Department Breakdown of Sworn Personnel by Division, Sex and Ethnicity
as of Feb. 2, 1996

| Class | Total | Male | Female | Caucasian | African-American | Hispanic | Native American | Asian | Filipino |
|-------------------|-------|------------|-----------|-----------|------------------|-----------|-----------------|---------|----------|
| Executive | 46 | 36 78.3% | 10 21.7% | 35 76.1% | 3 6.5% | 7 15.2% | 0 0% | 1 2.2% | 0.0% |
| Admin Services | 63 | 49 77.8% | 14 22.2% | 48 76.2% | 9 14.3% | 6 9.5% | 0 0% | 0 0.0% | 0.0% |
| Court Services | 1470 | 1217 82.8% | 253 17.2% | 828 56.3% | 296 20.1% | 295 20.1% | 1 .1% | 29 2.3% | 16 1.1% |
| Prof. Standards | 439 | 332 75.6% | 107 24.4% | 277 63.1% | 63 14.4% | 71 16.2% | 0 0% | 12 3.2% | 4 .9% |
| Custody-South | 1415 | 1157 81.8% | 258 18.2% | 834 58.9% | 151 10.7% | 376 26.6% | 2 .1% | 38 2.9% | 11 .8% |
| Custody-North | 818 | 743 90.8% | 75 9.2% | 634 77.5% | 31 3.8% | 135 16.5% | 0 0% | 12 1.5% | 6 .7% |
| Detective | 504 | 429 85.1% | 75 14.9% | 361 71.6% | 39 7.7% | 100 19.8% | 0 0% | 3 .6% | 1 .2% |
| Field Ops Reg I | 1206 | 1099 91.1% | 107 8.9% | 948 78.6% | 42 3.5% | 192 15.9% | 1 .1% | 20 1.7% | 2 .2% |
| Field Ops Reg II | 1092 | 987 90.4% | 105 9.6% | 728 66.7% | 137 12.5% | 183 16.8% | 0 0% | 41 3.8% | 2 .2% |
| Field Ops Reg III | 1143 | 1046 91.5% | 97 8.5% | 860 75.2% | 48 4.2% | 199 17.4% | 4 .3% | 26 2.2% | 7 .6% |

Women have advanced slightly in the upper ranks but have lost some ground elsewhere. In 1992, there were no women chiefs. Now there is one. There are three female commanders today; two in 1992. But in 1992, five women were captains; now there are four. There were 22 female lieutenants in 1992; now there are 21. In 1992, 9.5 percent of the sergeants, or 89 individuals, were women. Today, that percentage is to 9.6 percent, or 88 individuals. In 1992, there were eight female Deputy IVs (the highest Deputy rank); today there are four. There is finally a female in SEB.

The numbers for Asians (including Filipinos), Native-Americans, and lesbian and gay individuals continue to remain small. There are currently seven openly gay and lesbian officers, and an additional four officers who have disclosed sexual orientation in connection with the processing of grievances. At the time of the **Kolts Report**, there were just three openly gay males. Although the number of openly lesbian or gay officers remains small, it has risen as the Sheriff and others in the Department have taken steps to demonstrate acceptance. As noted in our last **Report**, the Sheriff won plaudits for his participation in the Christopher Street West parade last June. Captain Richard Odenthal at the West Hollywood Station also continues to garner high praise from West Hollywood officials and the gay and lesbian community.

When particular units or positions are examined, there are some troublesome disparities in the representation of women and minorities. As of December 19, 1995, there were 258 Field Training Officers, a highly coveted position and a traditional stepping-stone to advancement. Only four of the FTOs are women — less than two percent of the total. There are only 12 African-American FTOs, or 4.7 percent — less than half the percentage of African-Americans in the Department. African-Americans are also underrepresented in the two of the three Field Operating Regions: African-Americans represent only 3.5 percent of the force in Region I and 4.2 percent in Region II. African-Americans tend to be concentrated in the Court Services Division, where African-Americans constitute over 20 percent of the personnel — again, this may be because of the large numbers of African-American marshals who came into the

Department during the merger. Males dominate the three Field Operations Regions, constituting over 90 percent of the personnel in the patrol functions.

It is sad that so little progress has been made in increasing the numbers of women and minorities. Policing in Los Angeles County is and remains principally a job filled by white males.

Recently, a small group of white male officers argued that as a class they were being “punished” for “real or purported transgressions” of their forbearers, noting that none of the current crop of white males in the LASD “ever bought, sold, owned or traded a slave,” “worked at Treblinka or Manzanar, nor sailed under Pizarro nor rode to Wounded Knee.”

We see no evidence that any white male in the LASD has been punished for being white and male. During the last four years, the position of white males has stayed generally the same or only eroded slightly, thereby causing us to wonder why this small group of white males apparently feels aggrieved. In 1992, 62.5 percent of the chiefs were white males. Today, 75 percent are. In 1992, 81 percent of the commanders were white males; today, approximately 68 percent. In 1992, 77 percent of the captains were white male; today, nearly 76 percent. In 1992, 77 percent of the lieutenants were white male; today, 75 percent. In 1992, 75 percent of the sergeants were white male; today, 75 percent. In 1992, 57 percent of the deputies were white male; today, 58 percent.

We agree wholeheartedly that all people should be judged on their merits and not by the color of their skin or their gender, ethnicity, or sexual orientation. In the LASD, where the total number of persons has largely remained static year to year, it is understandable that white males might perceive their opportunities eclipsed as they must compete with women and minorities who, until very recently, did not enter the policing profession in substantial numbers. And even if discrimination and bias played a role (as they surely did) in discouraging women and minorities, it is a fair point that today’s white male officer is not responsible for yesterday’s discrimination.

It is necessary, however, to distinguish clearly between opportunities possibly appearing fewer (i) because there are more competitors for limited space or (ii) because of reverse discrimination. The white male officer may feel the same fears regardless of the reasons: fewer jobs, fewer opportunities for coveted spots, and fewer chances for promotions. But there is a world of difference between the impact of increased competition, which we believe may be occurring, and reverse discrimination, for which we have not seen evidence.

As we have said in the past, we try not to overread raw numbers, and the reasons for apparent underrepresentation of women and minorities in police work are no less complex or easy to solve as similar underrepresentation in law or medicine. Nonetheless, the Department has not yet implemented the **Kolts** recommendations in this area nor fulfilled its commitment to “increase the hiring and promotion of women, racial and ethnic minorities, and gay and lesbian individuals” as was promised in the Joint Statement of Sheriff Block and Judge Kolts.

The Department asserts that it is a far better and more welcoming place for women and minorities to work than other similar large police agencies. We analyzed and criticized the report of the Gender Equity Committee in our last **Semiannual Report** for putting on the blinders and over-accentuating the positive for women in the LASD, even though there is much cause for legitimate pride. But frankly, the Department’s credibility is undermined when there are **only four female FTOs out of 258**. The Department opens itself up to legitimate skepticism about the sincerity of its claims about equality of opportunity for women.

The Department has proven itself highly capable of rapid progress when it sets its sights on it and puts can-do people in charge: look at the progress in the area of risk management, litigation, and the fine work of the PSTD. **It’s high time that the same initiative be shown on issues involving women and minorities. In the next six months, we recommend the Department to roll up its sleeves and get to work hiring and promoting women and minorities.**

4 . F T O P r o g r a m

The LASD's program to select, train, and evaluate Field Training Officers ("FTOs") needs improvement. It experienced some setbacks during the last review period. Moreover, the demographic diversity of the FTO program has gone from troublesome to worse: As of December 19, 1995, there were only four women FTOs — barely 1.6 percent of the 258 field training officers. Even factoring in Departmental assertions that it is difficult to recruit and retain the best women as FTOs because they are in high demand throughout the Department, these numbers are dismal. There were only 12 African-Americans, or 4.7 percent of the FTOs, even though African-Americans made up 14 percent of the trainees and 9.2 percent of the overall force. There were low numbers also for Latinos. These disparities for women and minorities are ones the Department should not accept.

The Department claims, as it did at the time of the **Kolts Report**, and as it has every six months thereafter in connection with our **Semiannual Reports**, that it will soon be considering major changes in the way it selects and trains its Field Training Officers. Some of these proposed changes flow directly from **Kolts** recommendations and have been under consideration for years. Other ideas have been formulated more recently.

Major overhaul of the FTO program recommended by the **Kolts Report** has been slowed by bureaucratic process and the ongoing fiscal problems of the Department, as well as by people with interests in the status quo who have had to be convinced or cajoled into acceptance of major change.

Nearly four years ago in July 1992, the **Kolts Report** recommended that "selection criteria [for FTOs] should be standardized and uniformly applied." We commented favorably on proposals to that effect then under review in the Department. In April 1994, in our **Second Semiannual Report**, we commented upon the continuing lack of formal criteria for the selection and removal of FTOs and despaired that "some twenty months [after **Kolts**] these selection criteria are still being fine-tuned." We were told at that time that the proposals were "under final review." In our **Third Semiannual Report** in December

1994, we again stated that it was “imperative” that FTOs be selected according to proper criteria and said that we were “extremely disappointed” to learn that proposals which we had been led to believe were under “final review” six months earlier were once again “stalled.”

It is now a year later, and the overhaul of the FTO program is still on the drawing board.

Equally disturbing is that the existing FTO program has been inadequately administered of late. At a station where some troubling allegations have been made involving the FTO program, there were some 31 FTO/Trainee teams active at the time of the incident giving rise to the allegations. We share the widespread skepticism we heard within the Department: existing field training resources and personnel are inadequate to satisfactorily train that many new patrol deputies at one station and at one time; there is too high a risk of overwhelming the station. Moreover, the risks are great that a weak, marginal, or even unsatisfactory candidate will be chosen for an FTO spot when captains and lieutenants have to scour the ranks to find 30 or so FTOs at one facility.

We were also disturbed when we audited classes at FTO School in the spring of 1995 to hear some of the FTO candidates voicing anger and sarcasm about current Department policies respecting reporting of use of force. We did not observe the same degree of cynicism when we audited similar classes in December 1995. To be sure, when anger or sarcasm surfaced, it was usually challenged by the training staff or other candidates. Nonetheless, there were instances last spring when the discussion got out of the control of the training staff or the members of the training staff seemed to distance themselves from the policies they were teaching. Clearly, it is good to let FTO candidates blow off steam and freely criticize. On the other hand, it is worrisome that any individual so strongly opposed to the Department’s force reporting policy is awarded the coveted position of FTO. It is hard to imagine such individuals effectively promoting and teaching the policy to trainees in the privacy of a patrol car. The absence of a formal, centralized, and uniform selection process means that inappropriate individuals will

continue to slip through.

We strongly advocate that the FTO program be centralized to ensure uniformity and quality of field training at the station level. We continue to advocate formal standards for selection of FTOs that disqualify anyone who has not been exemplary in the proper use of force, adherence to ethical and legal standards, and commitment to strong law enforcement and community-based policing. The FTOs must be the best of the best, with zero tolerance for unnecessary force, hazing of recruits, or breaches of constitutional rights. We continue to recommend standards to formalize and keep records of FTOs who have been found to perform in an unacceptable manner.

We strongly advocate restricting the number of trainees at a patrol station at any one time. We continue to advocate rotations of trainees through different stations with different FTOs. We continue to advocate phased training, so that recruits work at progressively more challenging assignments and stations. We continue to advocate that trainees and FTOs return to the Academy during the course of training for periodic check-ups on the progress of the trainee and the accountability of the FTO. We continue to advocate that FTOs be accountable to a centralized FTO program that will evaluate their performance as FTOs. Because an FTO position is a coveted one and is widely seen as the best stepping-stone to promotion in the Department, the evaluations and recommendations of those running the FTO program should count as much as the voice of the patrol captain for whom the FTO has worked when promotion is being considered.

We advocate expansion of FTO School from one week to a more reasonable number of hours. Current attempts to cram more content in the existing time frame are well-intentioned but may undermine effective presentation of the curriculum.

A case in point is the Tactical Communications Class, a course intended to refresh and improve the conflict resolution skills which play a critical role in service-oriented or community policing. We monitored the class in December 1995. A three-hour block was allotted to the class, but one of the hours was switched to a presentation on interviewing and interrogation techniques — also an important subject to be taught.

Nonetheless, the inclusion of the interrogation block meant that Tactical Communications was short-changed. The teachers were forced merely to mention critical subjects which should have been presented, elaborated, carefully discussed, and reinforced.

An expansion of FTO School by additional weeks would permit the Advanced Training Unit to include both an extended and enriched Tactical Communications class and a Force Training class developed especially for FTOs. Given budgetary restraints, we are not certain that the Department will quickly be able to expand FTO School. It is our considered belief, however, that the current one-week version is not adequate and we urge the Department to give careful consideration to expansion.

We will continue to revisit FTO issues in future reports. We have every expectation that within the next few months the Department will: (i) complete a rigorous study of how to overhaul the FTO program; (ii) approve its recommendations and begin immediate implementation; (iii) institute immediate measures to correct the overload at certain stations; and (iv) conduct a rigorous study of existing FTOs, including the merits and demerits of all current personnel who are functioning as FTOs, and deal with the severe underrepresentation of women and minorities.

5. Recruiting and Hiring

At the time of our **Fourth Semiannual Report** in June 1995, the LASD's efforts since its reactivation of the Recruiting Unit in 1994 had resulted in a cumulative total of 461 hires for Academy classes 285 through 289. The increased recruiting allowed us to analyze for the first time since the **Kolts Report** the Department's performance in the area. We evaluated the LASD's progress against the Sheriff's commitment in 1992 in his Joint Statement with Judge Kolts to "reach out to and increase the hiring and promotion of women, racial and ethnic minorities, and gay and lesbian individuals."

| 1 | | | |
|--|-----------------------|----------------------|--------------|
| Demographics of Academy Classes 290 through 292 | | | |
| | Male | Female | Total |
| Caucasian (45.0 percent) | 90 | 32 | 122 |
| Latino (33.6 percent) | 65 | 26 | 91 |
| African-American (15.9 percent) | 28 | 15 | 43 |
| Asian-American (3.0 percent) | 6 | 2 | 8 |
| Filipino (1.8 percent) | 4 | 1 | 5 |
| Native American (0.7 percent) | 1 | 1 | 2 |
| Other (0.0 percent) | 0 | 0 | 0 |
| Total | 194 (71.5%) | 77 (28.4%) | 271 |

Since our last **Semiannual Report**, the Department has hired deputy trainees for three more academy classes. Table 1 breaks out academy classes 290, 291 and 292.

In spite of the addition of 271 new hires, our analysis and comments in the **Fourth Semiannual Report** remain applicable: **The Department continues to do quite well in attracting Latinos but has difficulty attracting sufficient numbers of other ethnic minorities and women.**

The Department operates under hiring goals discussed in our last **Report**. For the period July 1, 1994 to June 30,

1996, the Department projects filling 600 deputy positions. It is important to note that the projected 600 individuals are deputy trainees **graduating** from the Academy, not trainees **entering** the Academy. Table 2 shows the breakdown for trainees entering, and graduating from, Academy classes 287 through 290 — the classes so far that count toward the 600 person goal.

Demographics of Recruits Entering, and Graduating from, Academy Classes 287 through 290

| | Male | Female | Total |
|-------------------------|------------|-----------|------------|
| Caucasian | | | |
| Entering (49.7%) | 148 | 37 | 185 |
| Graduating (50.6%) | 135 | 28 | 163 |
| Latino | | | |
| Entering (35.2%) | 94 | 37 | 131 |
| Graduating (36.0%) | 89 | 27 | 116 |
| African-American | | | |
| Entering (10.5%) | 25 | 14 | 39 |
| Graduating (8.7%) | 20 | 8 | 28 |
| Asian-American | | | |
| Entering (2.7%) | 8 | 2 | 10 |
| Graduating (2.8%) | 8 | 1 | 9 |
| Filipino | | | |
| Entering (1.3%) | 3 | 2 | 5 |
| Graduating (1.2%) | 2 | 2 | 4 |
| Native American | | | |
| Entering (0.3%) | 1 | 0 | 1 |
| Graduating (0.3%) | 1 | 0 | 1 |
| Other | | | |
| Entering (0.3%) | 1 | 0 | 1 |
| Graduating (0.3%) | 1 | 0 | 1 |
| Total Entering | 280 | 92 | 372 |
| | (75.3%) | (24.7%) | |
| Total Graduating | 256 | 66 | 322 |
| | (79.5%) | (20.5%) | |

A total of 322 deputy trainees have graduated in Academy classes 287 through 290 (53.7 percent of the 600 figure). Based on the Department's hiring goals, the Department is on target with respect to only one group, Latinos, who number 116 out of the 322 graduated. The hiring goals call for 112.

The Department is not meeting its goals with respect to African-Americans, having graduated only 28 rather than the targeted 39, and Asian-Americans, graduating 9 rather than the targeted 24, as well as other ethnic minorities. The Department is also far behind its goals for women. Out of the 322 trainees graduated, 140 should have been women. The Department has graduated only 66 — a 52.9 percent shortfall.

We analyzed if attrition from the Academy has a differential impact on different groups. It does. Table 3 shows the breakdown for the trainees entering, and graduating from, Academy classes 285 through 290, the classes resulting from the Department's new recruiting efforts since reactivation of the Recruiting Unit. Table 3 reveals an overall attrition rate of 13.7 percent. **The attrition rate for Caucasian trainees is 10.1 percent while the attrition rate for African-Americans is 23.3 percent. Women also have a relatively high attrition rate, 27.1 percent, while men leave the Academy at a 9.6 percent rate. Latinos have a 14.2 percent attrition rate; Asian-Americans, 18.8 percent.**

These attrition rates raise the question if Academy training is failing with respect to women and ethnic minorities. The Department, to its credit, has asked the same question and has taken steps to analyze and address the problem. Under the direction of Capt. Curtis Spears and Lt. Bill McSweeny, the Academy staff have begun to re-think how the Academy should function.

Spears and McSweeny noted that the high attrition rate was in part resulting from the grinding physical training the recruits were required to endure at the beginning of their Academy training. They found substantial differences in the physical shape of the entering recruits, and those less able were falling victim to shin splints and other injuries associated with too fast a pace.

In response, for the two most recent Academy classes, the recruits have been divided into three groups — those in good shape, those in fair shape, and those in poor shape — with different training for each group so that by the end of Academy training — instead of the beginning — all the recruits will be brought up to speed physically.

Capt. Spears and Lt. McSweeny attribute at least 80 percent of the attrition to the physical training program.

By redesigning the physical training program to build up endurance gradually, the overall attrition rate for the two most recent graduating classes has been cut to 8.3 percent — a job well done.

3

Demographics of Recruits Entering, and Graduating from, Academy Classes 285 through 290

| | Male | Female | Total |
|-------------------------|------------|------------|------------|
| Caucasian | | | |
| Entering (50.9%) | 223 | 55 | 278 |
| Graduating (53.1%) | 206 | 44 | 250 |
| Latino | | | |
| Entering (33.5%) | 136 | 47 | 183 |
| Graduating (33.3%) | 124 | 33 | 157 |
| African-American | | | |
| Entering (11.0%) | 38 | 22 | 60 |
| Graduating (9.8%) | 32 | 14 | 46 |
| Asian-American | | | |
| Entering (2.9%) | 13 | 3 | 16 |
| Graduating (2.8%) | 12 | 1 | 13 |
| Filipino | | | |
| Entering (1.3%) | 5 | 2 | 7 |
| Graduating (0.8%) | 2 | 2 | 4 |
| Native American | | | |
| Entering (0.2%) | 1 | 0 | 1 |
| Graduating (0.0%) | 0 | 0 | 0 |
| Other | | | |
| Entering (0.2%) | 1 | 0 | 1 |
| Graduating (0.2%) | 1 | 0 | 1 |
| Total Entering | 417 | 129 | 546 |
| | (76.4%) | (23.6%) | |
| Total Graduating | 377 | 94 | 471 |
| | (80.0%) | (20.0%) | |

In this connection, we wanted to re-visit the infamous “wall” — a six-foot wall that men and women both are required to scale pursuant to POST requirements despite a woman’s general shorter height and lesser upper body strength. The wall eliminated many women in the past. Although the “wall” is still there, it apparently has not been a substantial de-selection factor of late — if a person performs exceptionally well in other fitness categories, he or she can fail to get over the wall and still pass the Academy. It is estimated that the “wall” is currently a significant problem for only one recruit per class. We continue to wonder if the wall is necessary at all.

But adjustments of Academy training for differences in the recruits still does not answer all the questions about differential attrition, even in the most recent classes.

Although the numbers for the last two Academy classes may be too small to be highly significant, African-Americans have a 20 percent attrition rate, twice the Caucasian 10 percent; and women have a 16 percent attrition rate, over three times that of men (5 percent). There must therefore be additional reasons that account for differential performance.

Curt Spears and Bill McSweeney think that part of the problem is a difference in information and expectations. Many individuals going through the Academy — and particularly white males — have had relatives or friends who have gone through Academy training, and the “grapevine” functions well to prepare them for the rigors of what they are about to go through: some recruits know it will be rough and expect a boot camp. For others, the harshness of the boot camp may have come as a surprise. The grapevine obviously does not work as effectively for those who have not had lots of predecessors on the force, including, of course, women and other minorities.

These disparities in attrition rates and preparation for the Academy also caused the Academy staff to consider why they were running a boot camp in the first place. As one well-placed observer put it, “The boot camp model is set up for recruits to learn blind obedience and to shoot a gun” — but policing “is a different art form” from soldiering: police officers, unlike soldiers destined to become cannon fodder, need to

become “strategists, community leaders, and problem-solvers.” The better model, he concluded, was one that trained leaders: “more like West Point than Camp Pendleton.”

Top Academy staff spent time at the Air Force Academy in Colorado Springs in December 1995 to figure out why that Academy has much greater success with women and minorities. They are devising a plan for the LASD Academy to emulate.

Another challenge for the Academy is to become a better de-selection tool. As one observer commented, “we need to get better at attriting the jerks.” Despite the battery of psychological tests and background checks, inappropriate individuals for police work were still making it through the Academy: Police agencies in general “weren’t looking for the [the kind of individual described on the Fuhrman tapes]” until they “short-circuited” at a later time on the job. The Academy, therefore, needs to be better able to weed out the “hyper-aggressive types” and others whose tone and style cannot be changed to function well in a contemporary, community-based policing model. We agree completely. **We will continue to monitor progress at the changing Academy with great interest, and will continue to focus hard on whether women and minorities are subject to unusual patterns of attrition.**

It is important to comment once again on the Department’s commitment to hiring gay and lesbian deputies. The Recruiting Unit has continued to have a presence in West Hollywood, holding a seminar in West Hollywood on December 19, 1995, and a written test for deputy positions on January 6, 1996. Unlike the Los Angeles Police Department, however, the Sheriff’s Department still is somewhat reticent about actively seeking out gay and lesbian individuals. Although a print advertisement appeared in the *West Hollywood Weekly*, nothing has yet appeared in any gay and lesbian publications. In contrast, the LAPD has had numerous advertisements in such publications. We can appreciate a reluctance to advertise in a pornographic magazine whether directed to gays or straights. But just because a magazine is directed to a gay or lesbian audience, that does not mean that it is pornographic or otherwise an inappropriate place to carry advertisements for a police agency. *The Advocate* or *Out*, for example, would be

non-controversial publications for Sheriff's Department advertisements intended to reach the gay and lesbian community and to communicate that the Department's commitment to tolerance is growing and maturing. We also continue to be mystified why a toll-free phone number that currently exists in West Hollywood still has not been activated. It is way past the time the Department should have taken that step.

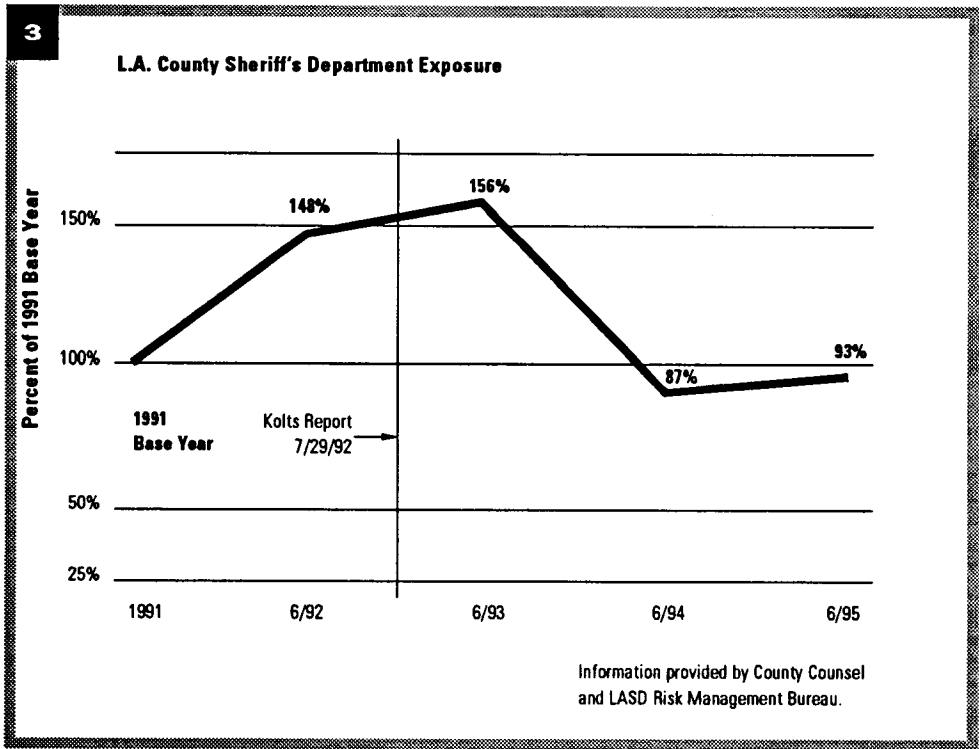
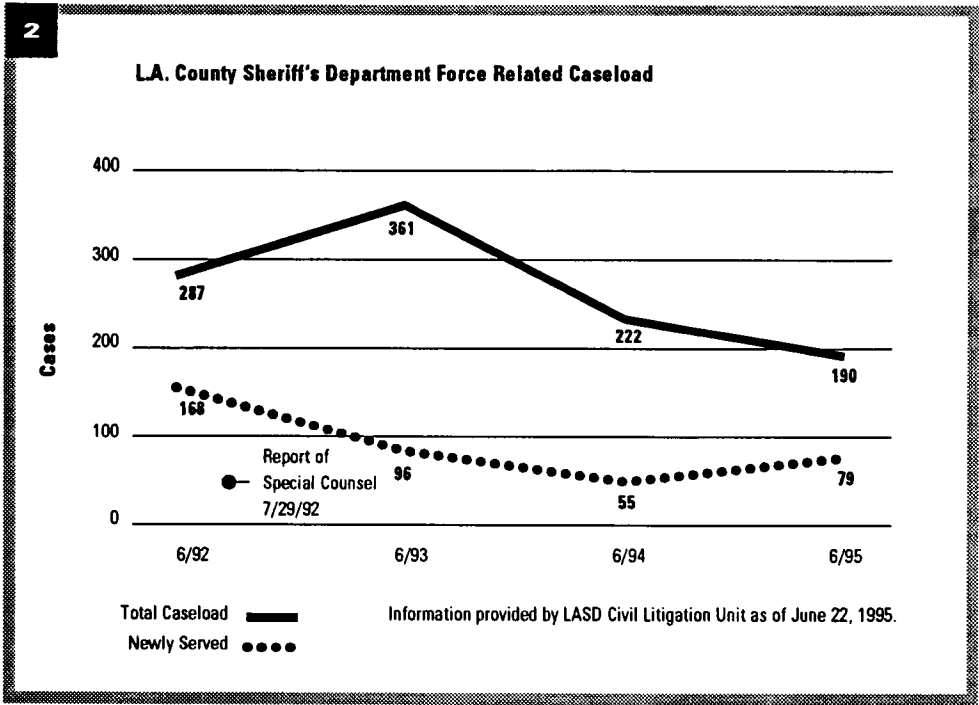
We have also heard of two recent cultural sensitivity training sessions at the Academy on gay and lesbian issues which were handled inappropriately. The problems stem from the lack of sufficient numbers of gay or lesbian sworn personnel within the Department to adequately staff the classes. The one deputy who has been the most effective in teaching such classes is currently being trained for patrol and simply does not have the time to teach classes for the next several months. **The Department needs to train more of its own openly gay or lesbian sworn personnel to take on training responsibilities or to find gay or lesbian peace officers with teaching styles compatible with the LASD from outside the Department who can assist in the training.**

6. Litigation and Risk Management

It is heartening to have good news to report from our review of litigation against the Department. **Since the Kolts Report was issued in July 1992, there has been a general downward trend in the number of new lawsuits served, a general drop in the County caseload of force cases against the Department, a decline in attorneys' fees from these cases, and, after an initial steep decline in estimated exposure in 1993 and 1994, a leveling trend which puts the overall estimated exposure to the County and its taxpayers at a lower level not seen since 1990-91.** See Tables 1, 2, and 3. The full range of Kolts recommendations on risk management, backed and promoted energetically by the highest levels of the Department, are producing concrete results on the patrol side of the Department's operations. **There is substantial room for improvement, however, with regard to the jails and risk management, as we discussed in Chapter 1.**

One of the primary tasks of the Special Counsel is to assess whether the implementation of the **Kolts** recommendations is producing less unprofessional conduct by the police on the streets while at the same time encouraging active, well-managed,

| | | FY 92-93 | | FY 93-94 | | FY 94-95 | |
|---|--|----------|-------------|----------|--------------|----------|-------------|
| 1 | | | | | | | |
| LASD Litigation Activity, Fiscal Years 1992-95 | | | | | | | |
| | | | | | | | |
| New Force Related Suits Served | | 88 | | 55 | | 79 | |
| Total Docket of Excessive Force Suits | | 381 | | 222 | | 190 | |
| Lawsuits Terminated | | | | | | | |
| Lawsuits Dismissed | | 79 | | 90 | | 60 | |
| Verdicts Won | | 22 | | 9 | | 10 | |
| Verdicts Against LASD | | | | | | | |
| \$1-20,000 | | 0 | \$ 0 | 4 | \$ 34,500 | 1 | \$ 5,801 |
| \$20,000+ | | 3 | 122,883 | 3 | 830,000 | 2 | 218,416 |
| Subtotal | | 3 | 122,883 | 7 | 864,500 | 3 | 224,217 |
| Settlements | | | | | | | |
| \$1-20,000 | | 42 | 304,450 | 44 | 449,800 | 78 | 540,882 |
| \$20,000+ | | 28 | 3,191,700 | 37 | 4,882,850 | 25 | 3,140,500 |
| Subtotal | | 70 | 3,498,150 | 81 | 5,342,450 | 103 | 3,681,382 |
| Total Verdicts and Settlements | | 73 | 3,619,133 | 88 | 6,206,950 | 106 | 3,905,599 |
| Defense Costs* | | | 5,078,282 | | 4,684,732 | | 3,469,284 |
| Total County Cost for Force Cases | | | \$8,697,415 | | \$10,891,682 | | \$7,374,883 |
| *Includes outside counsel and County Counsel fees and costs | | | | | | | |



and well-targeted crime-repressing and problem-solving policing. Another equally important task is to assess whether the **Kolts** recommendations are reducing unprofessional conduct in the jails while at the same time encouraging professional and businesslike adherence to legal standards for the reasonable and humane custody, treatment, and protection of inmates. Both the patrol function and the custody or jail function gives rise to litigation. Both sides of the Sheriff's operations can lead to serious injury. But the issues and risks are different and must be evaluated differently.

Litigation is one of many windows from which we view the Department. It is what we might call as a "trailing" rather than a leading indicator. Litigation may not be concluded until several years after the conduct that gave rise to the lawsuit. Most lawsuits never make it to trial and are dismissed for a variety of reasons: the plaintiff may lack a colorable legal claim or essential evidence, or simply the financial resources to pursue protracted litigation.

If the County settles, we are cautious about inferences to be drawn. It does not necessarily mean that the Sheriff's Department did something wrong. The decision to settle a case involves balancing the risk of liability, the scope of possible damages, fees and costs, the precedent value of the case, and its policy implications. Nonetheless, if the County settles a case for more than nuisance value, we believe that it is fair to infer that the County had concerns about its liability and the scope of damages. Thus, cases that settle for anything other than trivial amounts should be analyzed carefully for purposes of future risk avoidance. Also, the dollar amount of the settlement may not necessarily correlate to the importance of the case from a policy or training point of view. As demonstrated in Chapter 1 on the jails, cases that settle for small sums can nonetheless bristle with policy, training, or risk management issues. **There is a worrisome tendency in the Department to ignore or soon forget about cases that settle for small sums. Avoiding a large monetary settlement does not mean that there are not large risks which could lead to high costs in future cases.**

If a lawsuit is tried and the Department loses, it is best to be cautious about

overreading the results and leaping to an inference that a large jury verdict in 1995, for example, necessarily reflects upon the current state of affairs in a changing institution like the Sheriff's Department. Take the highly publicized verdict recently rendered against the Department for more than \$15 million. In evaluating the verdict, keep in mind that the underlying conduct occurred in 1989, two years before the Rodney King incident and three years before the **Kolts Report**. The relevant question for the Department today is whether the appropriate risks have been identified, analyzed, and managed: If the Sheriff's Department received a call today to respond to the same kind of event, would the Department respond differently and, if so, how? What training has taken place to raise the probability that the same injuries would not occur? How have the deputies been taught to respond differently? How have sergeants and lieutenants been taught to supervise and manage this kind of incident differently? What discipline has been meted out to personnel responsible for the incident that gave rise to the litigation and similar incidents? Our general conclusions are that the Department is making better progress in identifying risk and is beginning to manage it on the patrol side. The process is not as advanced on the custody side.

In each of our semiannual reviews, we perform two different kinds of tests to reach judgments about litigation. First, we look at numbers and trends in order to make a quantitative judgment: how many new cases have been filed; how many have been disposed of; how much money expended in judgments, settlements, and attorneys' fees; how much change has there been over time in the overall caseload and estimated exposure. Next, we examine the allegations in the litigation to make a qualitative judgment: Whether the alleged misconduct is more or less violent, injurious, and serious than in previous review periods.

From both perspectives, we see improvement in the current review period. We first turn to the numbers. **During the second half of fiscal 1994-95 (January 1 - June 30, 1995), the County was served with 41 lawsuits alleging improper force. Fifteen of those cases have already been closed, leaving a net of 26 new force**

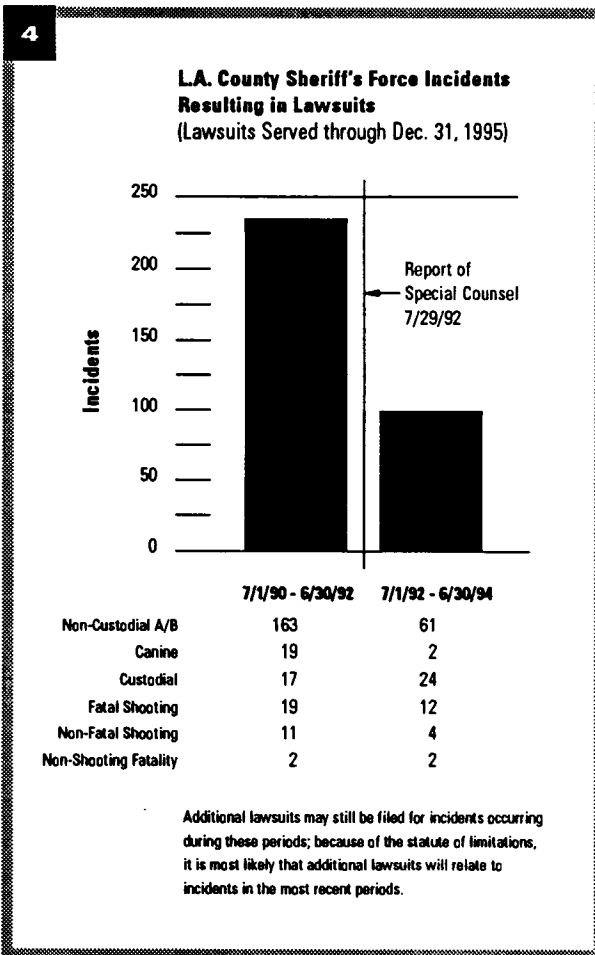
cases on the docket. According to Department figures, the active caseload of force matters has declined from 201 as of December 1994 to 190 as of June 30, 1995. By contrast, there were 361 force-related lawsuits pending at this time only two years ago. The caseload has therefore dropped by more than 52 percent in that short time period. According to figures supplied by County Counsel, estimated exposure from these 190 cases is 63 percent lower than the estimated exposure from the 361 force-related lawsuits pending two years ago.

The figures for the first half of fiscal year 1995-96 (July 1, 1995 - December 31, 1995) are similarly encouraging. There were 32 force cases received in the second half of 1995 of which six have already been dismissed, leaving a total of 32 new force cases pending. As will be more fully discussed in our next **Semiannual Report**, there were 39 force cases settled for \$4.363 million during the first half of fiscal year 1995-96. These settlements, along with others in the pipeline, should substantially clear the docket of many of the most serious pre-Kolts cases and contribute to reduced estimated exposure on the remaining caseload.

It must be remembered, however, that estimated exposure is at best only an informed guess. Although the exposure on automobile accident cases and other kinds of personal injury matters can be estimated by risk managers and insurance companies with impressive accuracy, the same does not hold true for police misconduct litigation. Accordingly, estimates of exposure are calculated conservatively on worst case scenario assumptions. It is thus best to compare estimates of exposure over time and focus on trends, giving limited weight to any particular estimate at any given moment. As reflected in Tables 2 and 3, based upon five years of data, it appears that the period of explosive growth in lawsuits and exposure between fiscal years 1991-93 is over, and risk has consequently diminished.

In thinking about the County's estimated exposure at any instant of time, keep in mind that litigation has a long life. There are active cases on the 1995 docket that arise from incidents occurring from as far back as the mid-1980's. This means that a case

on appeal in 1995 from an event in the 1980's will continue to have an impact on today's overall estimated exposure. Accordingly, we try to adjust for the time lag of old cases by comparing lawsuits that arose from incidents prior to the **Kolts Report** with cases that arose from incidents after **Kolts**. As shown in Table 4, there are fewer of these cases in all categories except for ones arising from the jails.



Putting the quantitative data together, the trends are encouraging. Los Angeles County and its taxpayers have saved money and are beginning to realize the benefits of reduced risk on the patrol side that has followed the Department's implementation of Kolts.

Turning from a quantitative analysis to a qualitative one, the picture is also encouraging in that allegations of severe violence in newly filed cases are very few. We keep clearly in mind that an allegation of misconduct is very different from a verdict of misconduct. Not all shootings are unlawful; indeed, most are not. Not every use of force is unlawful; indeed, most are not. But as newly filed complaints of

serious misconduct are dwindling, it encourages an inference that the incidents of serious misconduct on the street are declining. In general, over the last couple of review periods, an inference of a decline in serious misconduct at the patrol level since the pre-Kolts period is easier to make. As discussed below, we are not as sanguine with respect to misconduct in the jails. We looked at the allegations in all of all 110 cases received by the Civil Litigation Unit of the Sheriff's Department between January 1 and June 30,

1995, paying particular attention to the 41 force cases. As of June 30, there were 26 active force cases. Fifteen others had been closed.

The fifteen closed cases alleged misconduct occurring in 1993, 1994, and 1995. Of the fifteen closed cases alleging improper force, seven were dismissed before trial with no money paid by the County to the plaintiff. Of the eight cases that settled, one settled for \$30,000, two settled for slightly more than \$10,000, and the rest settled for less than \$10,000. The \$30,000 settlement was in a case alleging a headstrike with a gun. One of the two \$10,000+ settlements involved allegations that deputies falsely arrested the plaintiff and shot his dog; the other involved an alleged accidental bite by one of the Department's canines. One of the five remaining cases involved allegations of too-tight handcuffs. One involved a jail beating. The last three cases involved unspecified force in the context of an arrest.

Almost all of the 26 pending force cases arose from incidents occurring in 1994. There were a few 1993 incidents and a few incidents from the 1980's. Three of the cases involve allegedly wrongful shootings. Two allege death by beatings, one allegedly occurring in a custody facility. One case alleges that an inmate lost an eye when shot with an Arwen gun at a custody facility. There are other cases involving allegations of injuries in custody. One case involves allegations of assault and battery with a night stick.

In order to gauge where the lawsuits are coming from, we reviewed statistics produced by the Risk Management Bureau tracking the source of force lawsuits for the last few years. See Table 5. **The statistics confirm our view that the jails are disproportionately responsible for litigation and that among the custody facilities, one jail in particular stands out.** It re-confirms the view expressed in our last **Semiannual Report**: Force cases in the Department as a whole are declining, but there is a disparity between the patrol side of the Sheriff's operations and the custody side. There are actually more lawsuits arising out of the custody side. Steep declines in force lawsuits on the patrol side, however, out-weigh increases on the custody side.

Lawsuits Served, Force Alleged & No Force Alleged 7-1-91 to 6-30-95

| | Fiscal Year 91-92 | | | Fiscal Year 92-93 | | | Fiscal Year 93-94 | | | Fiscal Year 94-95 | | |
|--------------------------------|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|
| | Force | No Force | Total | Force | No Force | Total | Force | No Force | Total | Force | No Force | Total |
| Court Services Division | | | | | | | | | | | | |
| Court Services Headquarters | 0 | 1 | 1 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 1 | 1 |
| Central | 0 | 2 | 2 | 0 | 1 | 1 | 1 | 2 | 3 | 2 | 4 | 6 |
| East | 2 | 0 | 2 | 1 | 1 | 2 | 1 | 7 | 8 | 0 | 4 | 4 |
| West | 2 | 1 | 3 | 3 | 3 | 6 | 0 | 8 | 8 | 1 | 10 | 11 |
| Transportation Bureau | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Total | 4 | 8 | 12 | 4 | 7 | 11 | 2 | 17 | 19 | 3 | 20 | 23 |
| Custody Division | | | | | | | | | | | | |
| Custody Headquarters | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Biscailuz Center | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Central Jail | 10 | 11 | 21 | 8 | 20 | 28 | 8 | 18 | 26 | 14 | 14 | 28 |
| HOJJ | 3 | 3 | 6 | 0 | 2 | 2 | 2 | 0 | 2 | 0 | 0 | 0 |
| Inmate Reception Center | 1 | 6 | 7 | 1 | 13 | 14 | 1 | 13 | 14 | 2 | 12 | 14 |
| LCMC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Mira Loma | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| NCCF | 1 | 0 | 1 | 1 | 1 | 2 | 0 | 2 | 2 | 2 | 1 | 3 |
| PJP / East Facility | 0 | 2 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 2 |
| PJP / North Facility | 0 | 5 | 5 | 0 | 2 | 2 | 1 | 1 | 2 | 0 | 1 | 1 |
| PJP / South Facility | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 2 | 1 | 3 |
| Ranch Facility | 0 | 1 | 1 | 2 | 1 | 3 | 0 | 0 | 0 | 0 | 5 | 5 |
| Sybill Brand Institute | 1 | 5 | 6 | 0 | 4 | 4 | 0 | 2 | 2 | 2 | 2 | 4 |
| Total | 16 | 34 | 50 | 13 | 45 | 58 | 12 | 36 | 48 | 23 | 39 | 62 |
| Detective Division | | | | | | | | | | | | |
| Commercial Crimes Bureau | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| Forgery Fraud Detail | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 |
| Headquarters | 1 | 2 | 3 | 1 | 3 | 4 | 0 | 4 | 4 | 0 | 0 | 0 |
| Homicide Bureau | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 2 | 0 | 4 | 4 |
| Juvenile Investigations | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Metro Detail | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| Narco | 5 | 10 | 15 | 6 | 3 | 9 | 3 | 1 | 4 | 4 | 3 | 7 |
| Scientific Services | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 1 |
| Special Investigations | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 | 2 | 0 | 0 | 0 |
| T.R.A.P. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Total | 6 | 13 | 19 | 7 | 9 | 16 | 4 | 12 | 16 | 5 | 10 | 15 |
| Field OPS Region 1 | | | | | | | | | | | | |
| Antelope Valley | 5 | 3 | 8 | 3 | 6 | 9 | 3 | 3 | 6 | 7 | 6 | 13 |
| Crescenta Valley Station | 5 | 0 | 5 | 0 | 1 | 1 | 1 | 2 | 3 | 1 | 1 | 2 |
| East L.A. Station | 13 | 4 | 17 | 8 | 1 | 9 | 4 | 1 | 5 | 0 | 2 | 2 |
| Lost Hills Station | 3 | 6 | 9 | 0 | 1 | 1 | 1 | 3 | 4 | 0 | 7 | 7 |
| Metro-Link | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| N.O.R.S.A.T. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| Santa Clarita Valley | 3 | 1 | 4 | 1 | 5 | 6 | 1 | 3 | 4 | 1 | 4 | 5 |
| Temple Station | 13 | 3 | 16 | 2 | 5 | 7 | 3 | 13 | 16 | 2 | 2 | 4 |
| Total | 42 | 17 | 59 | 14 | 19 | 33 | 13 | 25 | 38 | 13 | 24 | 37 |

Lawsuits Served, Force Alleged & No Force Alleged 7-1-91 to 6-30-95 (continued)

| | Fiscal Year 91-92 | | | Fiscal Year 92-93 | | | Fiscal Year 93-94 | | | Fiscal Year 94-95 | | |
|---|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|-------------------|-----------|-----------|
| | Force | No Force | Total | Force | No Force | Total | Force | No Force | Total | Force | No Force | Total |
| Field OPS Region 2 | | | | | | | | | | | | |
| Carson Station | 4 | 0 | 4 | 2 | 3 | 5 | 1 | 5 | 6 | 1 | 1 | 2 |
| Century Station | 21 | 12 | 33 | 11 | 4 | 15 | 7 | 3 | 10 | 7 | 3 | 10 |
| Lennox Station | 15 | 7 | 22 | 10 | 2 | 12 | 2 | 4 | 6 | 3 | 1 | 4 |
| Lomita | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Marina del Rey | 5 | 2 | 7 | 3 | 0 | 3 | 2 | 2 | 4 | 1 | 2 | 3 |
| M.C.A.D. | 2 | 1 | 3 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| SANE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Safe Streets Bureau | 8 | 0 | 8 | 2 | 1 | 3 | 1 | 1 | 2 | 2 | 1 | 3 |
| Transit Services Bureau | 1 | 0 | 1 | 3 | 0 | 3 | 1 | 2 | 3 | 2 | 0 | 2 |
| West Hollywood Station | 7 | 3 | 10 | 3 | 3 | 6 | 1 | 4 | 5 | 2 | 2 | 4 |
| Total | 64 | 25 | 89 | 34 | 15 | 49 | 15 | 23 | 38 | 18 | 10 | 28 |
| Field OPS Region 3 | | | | | | | | | | | | |
| Avalon Station | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Industry Station | 3 | 3 | 6 | 1 | 2 | 3 | 0 | 1 | 1 | 0 | 1 | 1 |
| Lakewood Station | 14 | 4 | 18 | 5 | 7 | 12 | 5 | 3 | 8 | 5 | 4 | 9 |
| Norwalk Station | 9 | 4 | 13 | 3 | 1 | 4 | 1 | 3 | 4 | 6 | 8 | 14 |
| Pico Rivera | 2 | 2 | 4 | 5 | 2 | 7 | 1 | 2 | 3 | 0 | 1 | 1 |
| Special Enforcement Bureau | 18 | 0 | 18 | 7 | 0 | 7 | 1 | 1 | 2 | 4 | 1 | 5 |
| Walnut Station | 3 | 1 | 4 | 2 | 0 | 2 | 1 | 4 | 5 | 1 | 1 | 2 |
| Total | 49 | 14 | 63 | 24 | 12 | 36 | 9 | 14 | 23 | 16 | 16 | 32 |
| Office of Administrative Services | | | | | | | | | | | | |
| Comm / Fleet Mgmt Bureau | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Data Systems Bureau | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Records Bureau | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Total | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 2 | 2 |
| Professional Standards and Training Division | | | | | | | | | | | | |
| Internal Affairs Bureau | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| I.C.I.B. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Recruit Training Bureau | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Risk Management Bureau | 4 | 7 | 11 | 4 | 10 | 14 | 0 | 6 | 6 | 1 | 13 | 14 |
| Sheriff's Headquarters Bureau | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 4 | 9 | 13 | 4 | 11 | 15 | 0 | 7 | 7 | 1 | 14 | 15 |

Source of Data: Risk Management Bureau

On the patrol side, there are not many surprises. In one of the patrol Field Operations Regions, generally the largest stations generate the greatest in number of lawsuits, as one might expect. In the two other Field Operations Regions, however, there is one station in each region that accounts disproportionately for the amount of litigation. At one of those stations, litigation has actually increased over the last four years. It is also interesting to note how litigation has declined at a couple of stations that previously had bad records. It tends to show that with effort, and perhaps also a change of station leadership, improvement can be made.

We also correlated the lawsuits to use-of-force counts by stations for the period between July 1, 1994 and June 30, 1995. Not surprisingly, the jail with the greatest number of lawsuits had far and away the greatest number of uses of force. Similarly, the two stations in the two Field Operations Regions that had the most lawsuits also had the most uses of force by a fairly wide margin.

The final way in which we make qualitative judgments about use of force is to

| 6 RITIS Breakdown of Incidents Giving Rise to Current Litigation or Completed Internal Affairs Investigations | | | | | |
|--|-----|------------------------------|----|-------------------------|----|
| Incident Totals as of January 24, 1996 | | | | | |
| On Duty Incident | 387 | Unprofessional Conduct | 75 | Hands | 33 |
| Off Duty Incident | 67 | Prisoner Protection | 15 | Feet | 8 |
| Supervisor Present | 46 | Citizen Issue/False Arrest | 6 | OC Spray | 23 |
| Communication With Public | 17 | Property Safeguarding | 4 | Baton | 2 |
| Unit Coordination | 24 | Medical Issue | 8 | Sap | 4 |
| Independent Action | 33 | Other Civil Rights | 3 | Flashlight | 16 |
| Partner Splitting | 11 | Unusual Incident | 45 | ARWEN/Stinger/Stingball | 7 |
| Suspect Control | 54 | | | Taser | 1 |
| Cover/Concealment | 11 | Force on Handcuffed Prisoner | 5 | TARP/Hobble Restraint | 9 |
| | | Suspect Injured | 74 | Cartoid Restraint | 1 |
| Alcohol/Drugs (Employee) | 14 | | | | |
| Alcohol/Drugs (Other) | 28 | Code 3 Driving | 6 | Flashbang/Gas | 0 |
| Family Disturbance | 22 | Pursuit Driving | 14 | K9 Bite | 3 |
| Large Gathering | 2 | Other Driving | 27 | Other Force | 42 |
| Building/Warrant Search | 4 | Armed Suspect-Gun | 48 | Suspect Shot | 43 |
| Foot Pursuit | 37 | Armed Suspect-Other than Gun | 12 | Non-Hit Shooting | 34 |
| Traffic Stop | 28 | Simulated/Hidden Weapon | 10 | Accidental Discharge | 11 |

examine statistics generated from the Department's Risk Identification and Training System ("RITIS") database. As we reported in detail in our **Third Semiannual Report**, RITIS began in the summer of 1994 as an interim computer system that would identify risk patterns to the Department in anticipation of the more sophisticated Personnel Performance Index, or PPI, that was under development. The PPI is still not complete. RITIS has thus served as a partial surrogate system. RITIS collects data from open civil litigation matters and closed Internal Affairs Bureau cases. It currently tracks all lawsuits filed or served on the LASD and all closed Internal Affairs investigations and PSTD rollout reports. As of early 1996, RITIS had tracked a total of 564 incidents since January 1, 1994. Table 6 summarizes incidents captured by RITIS as of January 1996. As presented in the Table, it shows the number of actual incidents for the categories shown.

RITIS is a pointer system of some value for the Training Bureau which at least in theory can see what kinds of incidents are leading to lawsuits and IAB investigations and can analyze the absolute and relative number of incidents. Summaries of each incident are available on-line, and the entire files are available for review. RITIS is thus useful, but at best is only an interim and incomplete component of the Department's risk management system. If and when the PPI is ready, things should improve considerably.

In short, our litigation review demonstrates steady progress, particularly on the patrol side. **Much of the credit for it must go to the Professional Standards and Training Division and its Risk Management Bureau. The Division is collecting more data and managing litigation better than the Department has ever done since Kolts. The challenge for the Risk Management Bureau is to improve the quality of case analysis and to be more aggressive in communicating its conclusions to the balance of the Department.**

As our confidence grows in the quality of work by the Professional Standards and Training Division, so does our desire to see the Department more fully implement the Kolts recommendation that the LASD become more of an equal partner to County

Counsel in terms of the management of litigation. We advocate a greater voice for the Department in the selection and supervision of counsel and in strategic decisions about the course of a lawsuit.

In figures recently provided by County Counsel to the press, it was impressive to note that judgments and settlements for lawsuits and claims against the Sheriff's Department on its entire caseload (which includes auto accidents, medical malpractice, and other claims as well as force and civil rights matters) had dropped from \$26.2 million in fiscal year 1991-92 to \$11.9 million in fiscal year 1994-95. County Counsel and contract attorneys' fees have not dropped as much, however. They are estimated at \$8 million per year for fiscal 1993-94 and fiscal 1994-95. Without concluding that attorneys' fees are too high, **we nonetheless believe that it would be fruitful for the Department to have a greater role in selection and management of counsel, including approval of legal fees, and we so recommend to the County.**

7. Analysis of Shootings & Serious Force

During 1995, there were more officer-involved shootings than in 1993 or 1994. Although the ten resulting deaths in 1995 were the fewest in five years, continuing the general trend downward, the number wounded jumped from 11 in 1994 to 24 in 1995, breaking the steep trend downward from the 1991 high of 40 persons. See Table 1.

The number of deputies killed also went up: Two deputies died in 1995, following none in 1991, 1993, and 1994 and two in 1992. The number wounded, however, went down to one, continuing a trend downward from the 1991 high of ten. Non-hit shootings, where the deputy intentionally fires but misses, continued an upward trend: In 1994, there were 21; in 1995, 26.

Upon reviewing the incidents themselves, however, we do not conclude that the increase reflects an increase in officer misconduct or serious training or policy failures.

Putting the numbers in a wider context, according to Department figures, the three Patrol Divisions of the Department received approximately 969,000 calls for service

| 1 | | | | | |
|--|-----------|------|------|------|------|
| Deputy Involved Shooting Incidents* | | | | | |
| | 1991 | 1992 | 1993 | 1994 | 1995 |
| Number of Shooting Incidents | 56 | 47 | 29 | 29 | 34 |
| Number of Deputies Wounded | 10 | 6 | 4 | 3 | 1 |
| Number of Deputies Killed | 0 | 2 | 0 | 0 | 2 |
| Number of Citizens/Suspects Wounded | 40 | 31 | 12 | 11 | 14 |
| Number of Citizens/Suspects Killed | 23 | 18 | 22 | 18 | 10 |
| *Incidents in which an LASD officer intentionally fired and hit a citizen/suspect. | | | | | |
| Non-Hit Shooting Incidents** | | | | | |
| | Aug./Dec. | | | | |
| | 1993 | 1994 | 1995 | | |
| | 14 | 23 | 27 | | |
| **Incidents in which an LASD intentionally fired at a citizen/suspect but missed. | | | | | |
| Incidents Resulting in PSTD Rollouts | | | | | |
| | Aug./Dec. | | | | |
| | 1993 | 1994 | 1995 | | |
| | 45 | 109 | 130 | | |

PSTD Response Team Criteria

Team: IAB Lieutenant; IAB Roll-Out Team; Advanced Training Bureau; Custody Training

Mission: Review facts to enable Executives to determine whether there was adherence to Departmental policy, compliance with specific training, utilization of basic tactics and principles, and whether judgment was exercised.

Decision: Team Lieutenant will make final decision whether or not to respond.

Mandatory Response

1. All shootings in which a shot was intentionally fired at a person by a Department member. This includes Deputy injured situations.
2. Force resulting in admittance to a hospital. This does not include hospitalization due to non-force related causes.
3. Any death following an altercation with any Department member. This includes Department members.
4. All large party situations where force is used.
5. All head strikes with impact weapons.

Mandatory Notification

- * All shootings by any Department member, both on-duty and off-duty. This includes accidental discharges and destruction of animals.
- * All incidents where deputy personnel are shot.
- * Hospitalizations due to injuries caused or alleged as caused by any Department member.
- * Skeletal fractures caused or alleged as caused by any Department member.
- * Force used by any Department member during or following a vehicular or foot pursuit.
- * Injury or complaint of injury to a person's head, resulting in hospital treatment, following contact with any Department member.
- * Canine bites resulting in hospital treatment.
- * Any death following a contact with Department member.
- * Injury or high value property damage occurring as a result of vehicular pursuits.
- * Traffic collisions involving Department vehicles resulting in the hospitalization of any party, or high property damage.
- * Inmate deaths from other than natural causes. This would include murder, suicide, overdose, etc.
- ** **All other situations not covered will be handled by the On-Call Internal Affairs Bureau Investigators. Example: Incidents involving drug use by an employee; theft; perjury; drunk on duty; fraternization, etc.**

(down from about 988,000 in 1994), made 84,518 arrests (up from 79,791 in 1994); received 1,407 public complaints (down from 1,638 in 1994), and used reported force on 1,421 occasions (down from 1,718 in 1994). Force incidents resulting in hospitalization of suspects dropped from a high of 32 in 1992 to 14 in 1993, 4 in 1994. Surprisingly, the LASD cannot yet say how many force incidents resulted in hospitalizations in 1995.

Analyzing the statistics to understand why there were more shootings, we were unable to isolate any clear-cut reasons. Knowledgeable observers in the Department argue that some increase can be explained by California's "three strikes" law — more felons with two serious convictions may resist arrest or attempt a violent escape rather than risk a possible life sentence for a third conviction. We did review several cases involving attempted escapes by potential "third strike" felons, but the numbers did not correlate strongly with the increase in shootings, particularly in the latter half of 1995.

We will keep a close watch to see if a pattern emerges.

PSTD Response Team Rollouts

Incidents resulting in a PSTD rollout rose from 109 in 1994 to 130 in 1995, meaning a rise in both mandatory and discretionary rollouts. The rollouts began in August 1993. As mentioned in prior reports, the team responds mandatorily to all incidents of: (1) shots fired at suspects or when deputies are injured; (2) hospitalizations resulting from use of force; (3) suspect or inmate deaths following contact with an officer; (4) force used to break up large or loud parties; and (5) head strikes with impact weapons. Other events trigger a mandatory notification, but the on-call lieutenant has discretion whether to order a rollout. See Table 2, which reproduces the LASD's current rollout criteria.

Our December 1994 audit for the **Third Semiannual Report** found that nearly 88 percent of the IAB notifications involved discretionary rollouts, and it was essentially unchanged in 1995, as shown in Tables 3 and 4, which break down the 662 notifications in 1995.

Breakdown of PSTD Notifications

PSTD Notifications By Event

| | Number | Portion of Total |
|---------------------------------|--------|------------------|
| Total Notifications | 662 | 100% |
| PSTD Inquiries* | 56 | 8.5% |
| Civil ramifications only | 23 | 3.5% |
| Takedowns or tackles | 214 | 32.3% |
| Body strike; no weapon involved | 38 | 5.7% |
| Body strike; impact weapon | 47 | 7.1% |
| Red zone strike**; no weapon | 72 | 10.9% |
| Red zone strike; impact weapon | 32 | 4.8% |
| Hit Shooting | 34 | 5.1% |
| Non-Hit Shooting | 27 | 4.1% |
| Shots Fired at Animals | 20 | 3.0% |
| Person Dead † | 6 | 1.0% |
| Person Injured ‡ | 30 | 4.5% |
| Dog Bite; No Hospitalization | 28 | 4.2% |
| Dog Bite; Hospitalization | 1 | 0.2% |
| Taser/Arwen/React Belt | 21 | 3.2% |
| Accidental Discharge | 13 | 2.0% |

* Refers to calls made to IAB which do not fit any of the criteria for mandatory or discretionary rollouts.

** Refers to blows to the head, neck, or collarbone.

† Refers to persons who have died in custody and those who have died in the presence of LASD officers; does not connote that LASD officer caused the death.

‡ Refers to incidents where persons are found injured; does not connote actual or alleged use of force by LASD officers.

Note: IAB lieutenants classify incidents according to the most severe factors present. For example, an incident involving a takedown, a body strike with no weapon, and a red zone strike with a baton is designated as a "red zone strike; impact weapon."

Tracking Rollout Notifications.

In our **Third Semiannual Report**, we said that IAB was "somewhat unscientific" in its use of a handwritten log book that made it difficult to generate reports on the number of calls or classify them by type of incident or unit involved. We created our own database to do so and published the results in our **Third Semiannual Report**.

IAB in turn created a better database than ours called the "Access Database," named after Microsoft Access on which it was created, with the ability to do sophisticated analysis of PSTD notifications received by IAB. For each notification, the database tracks, among other things: (1) the unit of origin; (2) the date and time of call to IAB;

(3) a description of the event; (4) the type of injury; (5) the identity of the person notifying IAB; (6) the identity of any PSTD Response Team members sent to the scene; and (7) the identity of the on-call lieutenant who received the call and decided whether to order a rollout. The database has fields for recording what triggered the call to IAB. Tables 3 and 4 summarize Access data.

As Table 3 shows, nearly 10 percent of the telephone calls to IAB were categorized as "Inquiries" calls made to IAB about incidents not necessarily requiring mandatory notification. Although the on-call IAB lieutenant answering the calls at three o'clock in the morning may not have been overjoyed, it is good these calls are being made: evidently,

watch commanders, acting from a commendable abundance of caution, are calling IAB whenever there is any possibility that a rollout could be warranted. This is a positive sign.

Table 4 shows, interestingly, that by far, most notifications involved relatively minor injuries. Of the 662 calls logged, 530, or 80 percent, involved injuries no more severe than cuts, bruises or abrasions. Of the 530, IAB rolled 57 times, or roughly to 11 percent of the calls. Our review confirms that IAB is appropriately exercising its discretion and responding to an adequate number of these relatively low risk calls.

The Access Database will be superseded by a "Framemaker" database to operate on the LASD's NEXT computer system. Because data entry has only begun, it is too soon for us to test Framemaker's performance. Among other things, it adds a new field for IAB comments and explanatory notes about the incident. Also, each IAB lieutenant will be personally responsible for correct and timely data entry. We look forward to testing Framemaker in our next Report.

With all the fascinating data currently available on Access, it is disappointing that Department executives are apparently not taking advantage of it. We were apparently the first to ask IAB to review the data. It is good that the data is being collected, but there is little gained from

4

Breakdown of PSTD Notifications

PSTD Notifications By Reported Injury

| | Number | Portion of Total |
|---|--------|------------------|
| Total Notifications | 662 | 100% |
| Not applicable* | 107 | 16.2% |
| No injury observed | 110 | 16.6% |
| Abrasions/bruising/ superficial cuts | 313 | 47.2% |
| Sutures required | 56 | 8.5% |
| Damaged eye | 1 | 0.2% |
| Possible internal injury (Doctor's diagnosis) | 3 | 0.4% |
| Possible internal head injury (Doctor's diagnosis) | 4 | 0.6% |
| Skeletal Fracture | 12 | 1.8% |
| Gunshot wound | 24 | 3.6% |
| Person dead** | 15 | 2.3% |
| Other† | 17 | 2.6% |

* This category was reserved for non-force incidents referred to IAB for inquiry reasons (e.g., questions about incidents which do not qualify for IAB notification in the first place) or risk assessment purposes (e.g., reporting property damage). However, IAB lieutenants occasionally used this category as a substitute for the category, "No injury observed."

** This category reflects both persons who have died in custody and those who have died in the presence of LASD officers.

† IAB lieutenants used this category as a "catch-all" for injuries not otherwise captured in other categories. Unfortunately, the Access database did not contain a narrative section which explained the particular injuries involved. This problem has been eliminated in the Framemaker database.

Note: IAB lieutenants categorize injuries according to the most severe factors present. For example, an incident involving abrasions, sutures, and a skeletal fracture is categorized as a "Skeletal Fracture" incident.

merely recording facts. **IAB is collecting powerful and important information which if properly analyzed and utilized can save the Department and the taxpayers of the County substantial sums of money and give the residents of Los Angeles County even better and more highly professional policing.** Captains, commanders, and chiefs should affirmatively check this data regularly for trends signaling risk to the Department or to County residents.

Ensuring Quality Of Rollout Investigations. Over the last three years, we have considered whether the Homicide Bureau should retain primary authority over the investigation of officer-involved shootings or cede it to PSTD, placing responsibility either in IAB or the Internal Criminal Investigation Bureau, or ICIB. Although the issue remains unresolved, we were pleased to learn that IAB recently took the initiative to meet with Homicide to begin formalizing each Bureau's role in investigating hit shootings. We commend IAB Lieutenant Tom Gahry for undertaking to draft standards for side-by-side investigations by Homicide and IAB. **We look forward to reviewing these standards in our next Report.**

It is also good that Homicide and IAB have agreed to meet quarterly to review past performance and to discuss any friction arising from side-by-side investigations at the scene of an officer-involved shooting. These regular meetings should be fruitful and lead to even more fair and dispassionate investigations of officer-involved shootings.

All of these developments are positive. The changes wrought by **Kolts** and the Department are apparently becoming institutionalized. Since the **Kolts Report** in 1992, we have witnessed four different captains take charge of IAB and watched a gradual turnover of the four IAB lieutenants responsible for PSTD rollouts and formal investigations. Despite the turnover, **IAB not only continues to merit its reputation for integrity, but has also improved its analysis and investigation of serious force incidents.**

Ensuring Quality Of Rollout Reports. Finally, we want to commend IAB for the improved quality of PSTD Response Team Reports. We reviewed more reports

containing neutral and unbiased summaries of witness statements rather than simply adopting the involved officer's story. On the other hand, we still found few files with reports and photo captions written in conclusory language drawn verbatim from the involved deputy's own account. **We will continue to review these reports for objectivity in future audits.**

The Commanders' Panel

As we have in each prior **Semiannual Report**, we again audited the Commanders' Panel, founded in August 1993, wherein three commanders — one from PSTD and two chosen on a rotating basis by PSTD — review shooting and high-risk force cases for policy, training, or risk management implications. In each prior audit, we commented upon the quality of PSTD Response Team Reports and the Panel's decision-making. The Commanders' Panel — always good — continues to improve. The presiding commander has changed over time. Currently, Commander Bill Stonich, who is doing a fine job, is in charge. Again, it is good to see that there is continuity in the quality of the Panel's work product through transitions in leadership and composition.

Rewarding Restraint. We applaud that the Commanders' Panel has increasingly commended officers who in sound judgment refrained from using excessive force or risky tactics. For example, the Panel recently commended a patrol trainee who, during the foot pursuit of a burglary suspect believed to be armed, opted not to split from his more senior partner. Partner-splitting during the pursuit of armed felons almost invariably means that the lone officer will feel compelled to resort to deadly or near-deadly force. It is good to see the commanders sending positive messages to deputies who act judiciously and reacting negatively to those who do not.

Recognizing Force Patterns. One of the anticipated benefits of centralizing review of all serious force incidents was that emerging patterns would lead to revisions of policy or training, lessening the chances of shootings or the use of serious force.

The PSTD Response Team and PSTD staff look for such patterns and bring them to the attention of the Commanders' Panel.

PSTD does an increasingly better job. For example, within the last six months, PSTD analyzed a pursuit of an armed suspect. As an officer turned a corner, he observed the suspect about to scale a fence. The suspect was turned sideways, so that his right hand was not visible. Although the suspect had in fact already tossed his weapon, the officer did not know it and concluded that the suspect's gun was hidden from view. The deputy reacted instantaneously, firing his own weapon, resulting in a non-hit shooting. In order to assist the Commanders' Panel, the Training Bureau provided an analysis of a similar shooting from six months before. In that case, however, the deputy had hesitated before firing his own weapon, thereby permitting the suspect to have pointed his weapon directly at the officer. Inclusion of the prior incident aided the commander's deliberations of the case at hand and, like legal precedents for a judge, provided a wider perspective. This is a welcome step forward.

In sum, although we are concerned about increases in both hit and non-hit shooting incidents during the last year, we have increasing confidence in the systems implementing **Kolts** recommendations about analysis of shootings and serious force. **Almost all of the Kolts recommendations were premised on the theory that the LASD would benefit greatly from more data about force in general, especially if the information, coming regularly and systematically from different perspectives and multiple independent sources, was subject to mandatory centralized analysis for varying purposes, be it discipline, training implications, policy implications, or risk avoidance. The parts of the system involving the PSTD Response Teams and the Commanders' Panel are working well, and we congratulate PSTD.**

8 . F o r c e T r a i n i n g

In response to the **Kolts Report**, the Department established a unit at the Academy to initiate fundamental reform of force training. The Force Training Unit is responsible for the design and delivery of **all** force training within the LASD, putting each sworn member of the Department “on the same page” regarding the use of force. The stated mission of the unit is to “enhance the safety of the public and law enforcement personnel, to minimize liability to the department and its members and to provide Department personnel with updated, verifiable, realistic training and evaluation.”

The goal, therefore, is to train deputies how to avoid injury to themselves or a suspect, a complex balance of often competing concerns. We are impressed with the increased coherence and uniformity of the training provided by the Force Unit — current instruction more effectively captures the legal and moral complexities of force issues than did the classes we audited for the 1992 **Kolts Report**.

The last time we assessed the overall performance of the Force Unit was April 1994. At that time, it had completed a pilot program to develop a curriculum and had begun delivering the first eight-hour trimester training to deputies. We commended the Unit’s early performance, but we were concerned that budgetary restraints and staffing limitations would impede it’s ability to train all personnel within a reasonable time. Our concerns, shared by members of the Force Unit, have proven to be well-founded. Accomplishment of the Force Unit’s mission continues to be impeded by budgetary problems in the Sheriff’s Department.

For example, a long-delayed expansion of the Force Unit staff and training that barely had gotten underway in 1994 had to be shut down from May to August 1995 for budgetary reasons. During that time, the Force Training personnel were dispersed to patrol stations throughout Los Angeles County to offset overtime expenditures. Despite these difficulties, as of October 1, 1995, the Force Unit had succeeded in reaching approximately a third of the sworn personnel in Part One Force Training. The Unit has instructed less than a third in Part Two Force Training and has just barely begun Part Three training.

Lieutenant Grossman expresses the hope that all Part One and Part Two training will be completed by June 30, 1996 and Part Three by the end of 1996. The Force Unit has begun developing new curriculum and materials for the second sequence of force training intended to begin in January 1997. He cautioned, however, that the projections may prove optimistic in that force training must compete for scarce resources with equally critical and mandated cultural diversity and sexual harassment training.

Along with budget constraints, the Force Unit has to deal with patrol captains who claim to be unable to release personnel for scheduled training. We commend the effort and dedication on the part of the Force Unit to train as many personnel as they have under these adverse conditions, and we encourage the Department to convince captains to release sworn personnel for this important training.

In preparation of this **Semiannual Report**, we once again reviewed the quality and sophistication of instructional materials developed for force training. It continues to improve. A noteworthy example is the creation of a "Situational Use of Force Options Chart" to organize decision making about force. The chart was developed to replace the outmoded "Force Barometer," an earlier teaching device that had tended to oversimplify and distort force decisions and impeded deputies in articulating and explaining their force decisions to superiors or others. The new chart deals more adroitly with the array of choices confronting deputies when force is necessary. The chart effectively ties the legality of force options to safety and tactical concerns.

We were also impressed with materials developed by the Force Unit for its own staff-training. In addition, Lieutenant Grossman has begun a library of materials to develop additional force-related training and research. We commend Lieutenant Grossman for his initiative and recommend that trainers in other areas develop similar instructional libraries which will, if used systematically, contribute to the coherence and uniformity of training. The successes of the Force Training Unit should be emulated in other training areas.

We audited Part One (or Day One) of the Force Training in 1993, 1994, and again recently in 1995. We audited Part Two (or Day Two), in 1995. We are impressed by what we saw. As yet, we have not been able to monitor Day Three.

Over the last several years, we have observed that the message being delivered by the Force Unit can be a difficult sell: some deputies see new procedures for reporting and using force incidents as threatening, unnecessary, and possibly leading to punishment of the deputy. On one such occasion a few years ago, we audited a class where an instructor was repeatedly challenged by the class to defend the fairness of new force-reporting procedures and to respond to fears that the Department's force tracking system, called the PPI, or Personnel Performance Index, then in early stages of development, would be used punitively. Rather than articulating the reasons for the reforms and assuaging concerns, the instructor merely stated he was "just the messenger here" who "didn't write this stuff." Such distancing by the instructor from the information he was imparting surely dissipated the impact of the training.

We are pleased to report from our recent audits of the classes that the Force Unit has evolved very effective means for countering resistance to their message. At the same time, overt hostility and cynicism by deputies seemed to have abated. First, word of mouth may convinced many deputies that they will actually learn improved and updated defensive tactics. Second, the instructors are more skilled at explaining the rationale behind the new policies. The intent of the training, the deputies are informed, is to equip them with a better understanding of the evolving legal and Departmental context of force decisions so that they will be better prepared to carry out their duties in ways which will not cause trouble for them or the Department. "If you pay attention now and do as we train you here and now, and cultivate the ability to articulate your underlying reasoning," so the message goes, "you should not have problems." If they do, they are informed that they should call the Force Unit for advice, support, and help. Force Unit instructors go so far as to distribute their cards and phone numbers and promise that they will voluntarily

assist in the defense of any deputy is called to account in any way if the Force Unit is convinced that the deputy used and reported force in accordance with the Department's new procedures and training.

For our next **Semiannual Report**, we will monitor the final segment (Day Three) of the force training program and assess the progress made toward training every sworn member of the Department. We will also assess the preparations being made for the second round of force training.

9 . C a n i n e s

Our last **Semiannual Report** reiterated serious concerns about the Department's Canine Service Detail—the police dog unit that is part of the LASD's Special Enforcement Bureau ("SEB") overseen by the Chief of Field Operations Region III.

In our last **Report**, we were troubled that bite ratios had failed to come down from a rate that was twice that of the LAPD and had actually increased slightly between 1992 and 1994. The bite ratio dropped in 1995, but it is still too high. We were additionally distressed by the Department's apparent reluctance to implement the **Kolts** recommendations that the LASD undertake a thorough review and overhaul of the Canine Services Detail. This time, we are happy to report that a thorough review has been completed.

The bite ratio has dropped somewhat from 24.6 percent in 1994 to 20.5 percent in 1995, meaning that of all the apprehensions in which the LASD used a police dog to catch a suspect or in connection with the apprehension, the dog bit the suspect in 20.5 percent of the cases. The LASD's January 1996 bite ratio dropped further to 14.3 percent.

In our last **Report**, we recommended strongly that the leaders of Field Operations Region III perform a thorough review of the Canine Services Detail, including:

(i) conducting a rigorous study of existing staff, including the merits and demerits of existing supervisory personnel and individual handlers; (ii) considering how to allocate

responsibilities within the Special Enforcement Bureau ("SEB") to provide greater oversight and supervision by sergeants and lieutenants; (iii)

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LASD Canine Program

| | Searches | Apprehensions | Bites | Ratio | Find Ratios |
|------|----------|---------------|-------|-------|-------------|
| 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% |

determining why the number of apprehensions per deployment was somewhat low and what could be done about it; (iv) devising a specific program to get the bite ratio down; and (v) showing a significant drop in the bite ratio by this **Semiannual Report**.

In reponse, the Department in the last six months conducted a careful and thoughtful internal examination of the Canine Services Detail. This recent analysis of the Canine

program is a forthright examination by independently-minded individuals open to fresh ideas. **If its suggestions are adopted by the Department, and we strongly so recommend, they will substantially reduce liability risk and unnecessary dog bites.**

In addition, during the last six months, the Department has begun to give more careful attention to the personnel and performance within the Canine Services Detail. Region III leaders are assembling and analyzing the basic facts from which managers can begin to hold handlers and supervisors more responsible for the consequences of deployments. Methods to increase the availability of supervisory personnel are being considered. The leaders in the Region are weighing new training options and figuring out how to increase the amount of directed in-service training of the Canine unit. We are encouraged by what has occurred.

As noted above, the bite ratio has dropped. We are informed by the Department that the lowered ratio has not been associated with additional risk or injury to involved police officers. We are also informed that over the last six months there were no unannounced deployments.

The challenge now is to get the bite ratio even lower and keep it there. Accordingly, it is vitally important that the internal recommendations about change in the operations of the Canine Services Detail be implemented fully and quickly. We want in particular to acknowledge fine work by Chief Ken Bayless and Commander Lee Kramer.

During the next six months, we intend to monitor (i) whether the bite ratio continues to drop; (ii) whether apprehensions can be raised without the bite ratio going up; and (iii) whether the recommendations to improve the Canine unit are adopted and implemented. We will continue to pay close attention to whether there are any unannounced searches.