



## CITIZENS' COMMISSION ON JAIL VIOLENCE

### EXHIBITS

September 7, 2012

|       |   |
|-------|---|
| Tab 1 | Overview of Management Findings                       |
| Tab 2 | Overview of Use of Force Findings                     |
| Tab 3 | Overview of Culture Findings                          |
| Tab 4 | Overview of Personnel Findings                        |
| Tab 5 | Overview of Discipline Findings                       |
| Tab 6 | Overview of Oversight Findings                        |
| Tab 7 | Summary of Information From Other Jail Systems        |
| Tab 8 | Common Themes from Corrections Experts and Jail Heads |

# CCJV Management Team Findings

# 1. The Sheriff Failed to Monitor and Proactively Control Use of Force

- The Sheriff allowed his Undersheriff and Assistant Sheriff to run the Custody Division without effective oversight
- The Sheriff has said he was unaware of the problems in the jails until recently

## 2. Senior Management Failed to Investigate Excessive Use of Force Problems

- Senior Management insulated the Sheriff from force issues and other bad news
  - Cavanaugh and Burns did not tell the Sheriff about Olmsted's concerns regarding jail violence
- Undersheriff Tanaka testified he was unaware of force problems at MCJ

### 3. LASD Management Has Known About and Failed to Address Problems with Deputy Cliques

- Substantial evidence that:
  - The Department was aware of deputy cliques dating back many years
  - Deputy cliques present at MCJ and known to high level management as far back as 2004
  - Efforts to address cliques vetoed by Tanaka

## 4. The Undersheriff Failed to Uphold the Department's Goals & Values

- Substantial evidence that Tanaka:
  - Urged deputies to be aggressive, “work in the grey area,” and “function right on the edge of the line”
  - Made comments that undermine the credibility of IAB
  - Discouraged supervisors from investigating deputy misconduct

## 5. Key Department Leaders Ignored and Failed to Address Deputy Aggression at MCJ

- Department Leaders had a lax attitude towards deputy aggression and discouraged deputy discipline
- Olmstead and others reported MCJ force problems to Department Leaders but were ignored

## 6. There Was a Breakdown in the Chain of Command at MCJ

- Tanaka encouraged and permitted deputies to circumvent the chain of command
  - Undermined Captain Clark, as well as his commander and the Chief of Custody
- Other captains failed to respect the chain of command
  - Evidence that Captain Cruz did not respect his superiors

## 7. The Sheriff Has Failed to Hold Senior Management Accountable

- The Sheriff has criticized his management for failing to alert him to MCJ problems
- The Sheriff has acknowledged that Tanaka's comments were inappropriate and sent the wrong message to Department personnel
- No record that senior management has been disciplined, demoted, or faced any consequences

## 8. The Sheriff Appears to Lack Confidence in Senior Management Responsible for Custody

- Created the Commander Management Task Force to “cut through the bureaucracy”
- Recently shifted the reporting responsibilities of IAB and ICIB
- Modified the process for review of serious discipline

## 9. The Current Management Structure Over Custody is Flawed

- The current Assistant Sheriff for Custody has far too many responsibilities
  - Custody
  - Court Services Division
  - Technical Services Division
  - Leadership and Training Division
- No direct reporting relationship with the Sheriff
  - Reports to the Undersheriff

## 10. There is a Perception that Promotions are Based Upon Loyalty, Not Merit

- Many department members believe promotions and assignments are based on loyalty to the Undersheriff
- Campaign contributions accepted by Tanaka furthered the perception of patronage
  - No formal policy governs the acceptance of contributions from employees in the Department

# Citizens' Commission on Jail Violence: Findings By Use of Force Team

September 7, 2012

GIBSON DUNN

Brussels • Century City • Dallas • Denver • Dubai • Hong Kong • London • Los Angeles • Munich • New York

Orange County • Palo Alto • Paris • San Francisco • São Paulo • Singapore • Washington, D.C.



# **1. LASD Personnel Have Used Force Against Inmates Disproportionate To The Threat Posed or When There Was No Threat At All.**

- LASD policy prohibits personnel from using force that is “unnecessary or excessive given the circumstances.”
- Accounts from inmates, non-inmates and LASD’s own documents describe instances in which LASD personnel have used force against inmates who were restrained or confined to a cell or have used more force than necessary to eliminate a threat from an inmate.

## 2. The Drop In Use of Force Incidents Following Public Scrutiny of the LASD Corroborates the Anecdotal Evidence of a Historical Use of Force Problem.

| ALL FORCE INCIDENTS<br>MONTHLY AVERAGES 2006-2012 |                        |                         |                         |
|---|------------------------|-------------------------|-------------------------|
| Date Range  | Jan 2006 –<br>Dec 2010 | Jan 2011 –<br>Sept 2011 | Oct 2011 –<br>June 2012 |
| Number of Months                                  | 60                     | 9                       | 9                       |
| Total Number of Force Incidents                   | 5049                   | 478                     | 344                     |
| Average Number of Force Incidents per Month       | 84                     | 53                      | 38                      |

| SIGNIFICANT FORCE INCIDENTS<br>MONTHLY AVERAGES 2006-2012 |                        |                         |                         |
|---|------------------------|-------------------------|-------------------------|
| Date Range  | Jan 2006 –<br>Dec 2010 | Jan 2011 –<br>Sept 2011 | Oct 2011 –<br>June 2012 |
| Number of Months  | 60                     | 9                       | 9                       |
| Total Number of Significant Force Incidents               | 3057                   | 368                     | 179                     |
| Average Number of Significant Force Incidents per Month   | 51                     | 41                      | 20                      |



### **3. The Vast Majority of Force Used in Los Angeles County Jails Has Been “Significant” Force.**

- From 2006 through 2011, 62% of force used by LASD personnel was Significant; 38% was Less Significant.
- The percentage of force incidents involving Significant Force increased during the same period.
  - In 2006, 50% of all force incidents involved Significant Force.
  - In 2011, 72% of all force incidents involved Significant Force.




#### **4. Most Force in Los Angeles County Jails is Non-Directed and Unsupervised.**

- 84% of all force incidents from 2007 through 2011 involved non-directed force.
- In 73% of all force incidents from 2007 through 2011, no supervisor was present when the incidents occurred.

#### **5. Most Force Incidents in 2011 Were Not in Response to Inmate Assaults.**

- 57% of the force incidents did not involve inmate assaultive activity.
- At least 168 of these force incidents involved Significant Force.



## **6. LASD's Determination That Less Than 1% of Force Incidents from 2006 to 2011 Involved Founded Allegations of "Unreasonable" Force in Violation of Policy Casts Doubt on the Integrity of its Force Assessments and the Reliability of its Data.**

- From 2006 through 2011, LASD determined that use of force was unreasonable and imposed punishment in 36 out of 5,630 use of force incidents (0.6%).



## **7. Deputies Have Enabled Inmates to Use Force Against Other Inmates.**

- Witnesses have told the Commission that deputies enabled inmates to attack other rival inmates by opening the doors to several cells at once, which inmates refer to as “racking the gates.”
- The Commission also heard about deputies who have intentionally placed inmates in dangerous situations, such as placing high-security inmates in the general population and announcing their crimes to the other inmates.



## **8. Deputies Have Used Humiliation as a Tool to Harass Inmates.**

- Witnesses told the Commission that strip searches have been used as a tool to humiliate inmates.

## **9. Use of Heavy Flashlights as Impact Weapons Leads to Unnecessary Injuries**

- Experts and jail heads believe that heavy metal flashlights can lead to easily to broken bones and other serious injuries and should not be used as impact weapons.
- Although LASD has recently prohibited the use of heavy metal flashlights, it has been slow in implementing this prohibition and the Situational Use of Force Options Chart continues to list flashlights as permissible impact weapons.



## **10. LASD's Statistics on Use of Force Are Not Completely Reliable.**

- FAST and PPI are not directly linked, so the data on force incidents in the two systems are inconsistent.
- Data on force incidents is likely entered into the systems inconsistently because there is no specialized, uniform training for those who enter the data, nor is there a uniform manual on data entry.
- Neither FAST nor PPI effectively tracks inmate grievances relating to excessive force.
- PPI does not track use of force complaints at all.
- FAST tracks grievances relating to all issues, but information is not retrievable by deputy name and not separated by category – meaning it cannot produce statistical force trend analysis.
- There is likely underreporting of the use of force.



## **11. Anecdotal Evidence Suggests that the Use of Force is Underreported.**

- Anecdotal information indicates that not all force incidents are reported by deputies, inmates or witnesses.
- Witnesses and inmates fear retaliation for reporting an incident. Anecdotal information indicates that inmates are, at times, placed in disciplinary segregation after excessive force is used against them.
- The inmate complaint process requires participation by the deputies.



## **12. LASD Does Not Have a Comprehensive, Integrated and Understandable Use of Force Policy.**

- Experts stated that an effective use of force policy must be a comprehensive and easy-to-understand guide on what to do when confronted with a use of force scenario.
- LASD does not have a single, comprehensive and organized use of force policy.

## **13. LASD Did Not Have a Policy That Set Forth Basic Force Avoidance Principles Prior to November 2011.**

- That LASD did not have any policy incorporating the basic principle of force avoidance until last Fall is troubling and sent the wrong message to LASD personnel.
- The current force prevention provision is insufficient until its principles are fully integrated into an overall coherent use of force policy.



## **14. The Situational Use of Force Option Chart is Not an Adequate or Well-Founded Use of Force Guide.**

- The Chart is not an adequate guide for deputies facing ever-changing, dynamic situations.
- The Chart is problematic because it includes no mention of force avoidance or the “objectively reasonable” standard articulated by the Supreme Court and instead implies that the deputies may use unnecessary force.

## **15. LASD Policies Concerning the Reporting of Force are Confusing and Fail to Clearly Articulate the Timeline and Process for Reporting.**

- Ambiguities and omissions in the LASD force reporting requirements diminish the integrity and reliability of the reporting process.

# CCJV Culture Team Findings

September 7, 2012

# 1. Force Too Often Has Been Viewed As A Means To Control The Inmate Population And To Establish Deputy Authority In The Jails.

- A “force first” approach has been used as a means of discipline and to establish authority rather than a last-resort response to assaultive behavior.
- Prior to November 2011, Department policy did not state that force was to be used only as a last resort.
- Various factors contribute to a “force-first” mindset.
- Recent ALADS report reflects this mindset.

## 2. The Department Condoned A Deputy-Versus-Inmate Culture.

- Although the “Core Values” require “respect for the dignity of all people,” this value was not embraced by all Custody deputies.
- Deputies often exhibited a lack of respect toward inmates, through their words and actions.
- This lack of respect contributed to the excessive use of force.
- Deputies have faced peer pressure to adopt the “us versus them” mentality.
- Recent ALADS survey reflects a mindset that the use of force is necessary for deputies to earn the respect of inmates.

### 3. The Department's Tolerance Of Deputy Cliques Contributed To The Excessive Use Of Force In The Jails.

- There is a long history of deputy cliques in the Department.
- The Department has long known about serious problems associated with these cliques.
- Department cliques have existed, both in custody and in patrol, and have been associated with aggressive and abusive behavior.
- Prior attempts to break up deputy cliques at MCJ were undermined by Department leaders.
- Some within the Department continue to minimize issues posed by deputy cliques.

#### 4. The Department's Tolerance Of A Code of Silence Impeded Its Ability To Prevent, Detect, And Discipline The Use Of Excessive Force.

- A “code of silence” existed among custody Deputies.
- Certain Department leaders appear to have tacitly or even expressly encouraged a “code of silence.”
- Experts advise that a “zero tolerance” policy is the best way to deal with a code of silence.
- Although the Sheriff has articulated a strong disapproval of dishonesty, Department policies and actions have been lax in discovering or disciplining the failure to report or the misreporting of use of force incidents.

## 5. Off-Duty Deputy Misconduct Reflects A Confrontational And Aggressive Culture Among Some In The Jails.

- There have been numerous incidents of off-duty assaults by Custody Division deputies.
- Such misconduct reflects a culture of aggression among some deputies in the jails.
- OIR has recommended that the Department scrutinize off-duty misconduct by deputies as a means of maintaining “vigilance over the development of young deputies and jail culture.”

## 6. The Department Has Lacked Sufficient Training And Guidance On Ethical Behavior And De-escalation Techniques.

- The Department's ethics training has been deficient.
- Guidance on the appropriate and inappropriate uses of force has been inadequate.
- There has been little to no instruction on the consequences of misconduct.
- The Department has failed to teach deputies to use communication skills and other techniques to avoid or de-escalate potentially violent situations.

## 7. Managers And Supervisors Have Contributed To The Troubling Culture In The Jails.

- Management has tolerated the excessive use of force in the jails.
- Undersheriff Tanaka promoted a culture that tolerated the excessive use of force in the jails.
- Captain Cruz promoted a culture that tolerated the excessive use of force in the jails.

## 8. The Department's Failure To Appropriately Value Custody Positions Contributed To A Negative And Unprofessional Culture In The Jails.

- Custody assignments are viewed negatively.
- Many deputies who would prefer patrol remain assigned to custody for several years, resulting in discontent and frustration.
- Sergeants have historically remained in Custody for only a short period of time, and so did not have a vested interest in the effective management of the jails.
- The frustration and discontent among some deputies, and the lack of a vested interest among some sergeants to manage difficult cases, contributed to the cultural problems in the jails.

## 9. ALADS Response To The Sheriff's Reforms Reflects An Entrenched And Problematic Culture.

- The majority of respondents felt that the Sheriff's policies promoting respect for inmates has undermined the deputies' authority and resulted in more inmate hostility.
- Department statistics show that force incidents and inmate assaults on inmates are down significantly.
- ALADS appears to view force as a preferred means to control inmate behavior and earn the respect of inmates. If so, effectuating a meaningful and lasting cultural change will be a challenging task for the Department.

Munger, Tolles & Olson LLP

## CCJV Personnel and Training Team Findings

1. While the Department's Hiring Policies and Procedures are Generally Consistent with Industry Standards, Application of These Policies Has at Times Been Problematic

- POST audits and OIR evaluations have generally found Department to be in compliance with industry practices
- Some issues with implementation of policies and procedures but not widespread or pervasive

## 2. The Department's Cyclical Hiring Practices Have Impacted the Quality of Deputies Hired

- The numbers:
  - Hiring has swung between almost zero hires in a year to over 1200 hires in a year over the course of the last decade
- Negative impact:
  - In boom years—widely expanded recruitment beyond individuals necessarily interested in law enforcement and reaching deep into applicant pool

### 3. Department Training for Custody is Far Below Both Industry Best Practices and Training Standards in Other Correction Systems

- Current Custody-Specific Training:
  - 2 Hours In Academy
  - As of the end of 2011, some Custody scenarios part of 8 day “Nobility Policing” course following Academy
  - 2 weeks once assigned to a jail facility
- Other Systems: 10-23 weeks of Custody-specific training
- Limited Custody-specific Mental Illness training
- Limited Custody-specific Supervisor Training
- Custody training generally not overseen by the Department’s “Leadership and Training Division”

#### 4. On-Going Custody-Specific Training is Inconsistently Provided

- The numbers for ongoing Custody-specific training:
  - 2007: 13 courses/108 hours
  - 2008: 43 courses/677 hours
  - 2009: 0 courses/0 hours
  - 2010: 0 courses/0 hours
  - 2011: 4 courses/28 hours
  - 2012 (through May): 15 courses/156 hours
- Not overseen by Department Leadership and Training Division

## 5. The Department's Promotion and Supervisorial Assignment Processes Reinforce the Second Class Perception of Custody

- No promotion from Custody
- Custody service not counted toward promotion
- Custody generally gets “who's left” after supervisors are assigned to patrol and specialty units
- Wide perception that Custody supervisorial assignments are given to those not in favor with leadership or as punishment

## 6. Custody Has a History of Deficient Supervisory Performance

- No real incentives for strong performance
- Deputies in Custody longer than supervisors
- Significant paperwork detracting from supervisors' ability to walk the halls and provide an active presence

## 7. The Ratio of Sergeants to Supervisees in Custody is Inadequate

- The numbers:
  - Custody ratio (with borrowed sgts)—1:14
  - Custody ratio (without)—1:15.3
  - Patrol ratio—1:7
- CMTF
  - Borrowed 19 Sergeants and 2 Lieutenants for MCJ; will have to be returned to divisions

## 8. Staffing the Jails Primarily with Inexperienced Deputies, and Keeping Them in Custody for a Lengthy Time Period, Has a Host of Negative Consequences

- Currently, the Department hires for patrol, trains for patrol and, then, keeps deputies in Custody for 5 to 7 years or more
- Negative Consequences:
  - Custody staffed with people hired and trained for a different job that do not want to be there
  - Bad for morale, recruitment and retention
  - Patrol assignment comes years after training
  - Potentially counter-productive first assignment

## 9. Some of the Newest Deputies Have Been Assigned to the Most Difficult Floors or Modules

- New deputies have historically been assigned to:
  - 5150 floor reserved for mentally ill inmates
  - 2000 and 3000 floors, which have the most challenging/dangerous inmates

## 10. The Department Fails to Adequately Monitor the Performance of New Deputies Assigned to Custody

- Deputies rarely if ever fail the initial probationary period while assigned to Custody
- Experts would expect 10-25% not to make it through this period if it were meaningfully implemented

## 11. The Department's Lack of a Rotation Policy Contributed to the Growth of Cliques, a Culture of Silence and Problems of Insubordination

- Until 2011, no formal rotation policy
- Negative consequences:
  - Personal relationships discourage reporting
  - Informal and inappropriate hierarchies develop
  - Stagnation
  - Formation of overly friendly or hostile relationships with inmates

## 12. The Department has Used Custody as a Place to Assign Problem Deputies

- Negative consequences:
  - Most problematic deputies assigned to the jails
  - Reinforced message that Custody is second class work
  - Negative impact on Custody culture

### 13. The Department Underutilizes Custody Assistants

- Current ratio: 35% Custody Assistants to 65% deputies
- Custody Assistants are significantly less expensive—sensibly using more can save money for other important objectives like increased supervision

# > CCJV Discipline Team Findings

Citizens' Commission on Jail  
Violence

September 7, 2012

# 1. There is Substantial Evidence of Failures in Reporting, Investigating and Disciplining Use of Force in the Jails

- Lt. McCorkle's review of 154 use of force packages from MCJ.
  - Force packages did not address possible policy violations and deputies' reports were dramatized and canned.
- Capt. Johnson's review of seven use of force packages from MCJ
  - Sergeants did not adequately investigate inmate injuries.
- Lt. Bornman's assignment with MCJ Special Projects
  - Approximately 100 use of force reports not acted upon, dating back to 2005.

## 2. The Department's Process for Reviewing and Investigating Force Incidents Is Not Effective

- Less Significant Force
  - Review by supervising Sergeant
  - Sergeant's force packet evaluated by Unit Commander
- Significant Force
  - Review by supervising Sergeant or Custody Force Response Team
  - Force packet evaluated by Custody Force Review Committee
- Most Significant Force
  - Review by Internal Affairs
  - Force packet evaluated by Executive Force Review Committee

### 3. The Investigative Process Often Takes Too Long to Complete

- Statute of limitation requires discipline to be imposed within one-year of reporting.
- The Department does not have a clear timeline for how a force review should proceed.
- Though policy requires an administrative investigation within 90 days, in practice many investigations take almost a year to complete.
- Criminal investigations into deputy misconduct further delays disciplinary investigations.
- Delays cause less accurate reporting, deputy collaboration, and exceeding the statute of limitation.

## 4. There Are Multiple Deficiencies in LASD's Investigatory Process

- Reviews of less significant force often don't include interviews of key witnesses.
- Deputies' immediate supervisors conduct force review, even if they directed or supervised the force.
- Subject deputies are permitted to be present during interviews of witnesses.
- The actions of supervisors are not reviewed as part of a force review.
- Deputies are permitted to discuss the force incident before providing their statements.

## 5. The Department's Unit Level Investigations of Less Significant Force Are Not Always Rigorous or Thorough

- Unit-level investigations are performed by custody sergeants.
- Custody Sergeants lack proficiency in conducting investigations compared to Internal Affairs officers.
- Unit-level investigations are often incomplete, poorly documented, and less rigorous.
- Mistakes in unit-level investigations can result in a failure to collect evidence necessary to level disciplinary charges.

## 6. The Miniscule Number of Unreasonable Force Findings Casts Doubt on the Integrity of the Investigatory Process

- Between 2006 and 2011, there were 5,630 force incidents reported in custody.
- Of those, only 36 were found to be unreasonable. This is only about 0.6%.
- During this same time period, only six deputies were discharged for unreasonable force.

## 7. The Discipline Appeal Procedure Undermines the Effectiveness of the Discipline System

- Deputies can appeal disciplinary decisions to either the Los Angeles County Employees' Relations Committee or the Civil Services Commission.
- The appeal process can drag out for years.
- ERCOM may not be staffed with qualified and unbiased hearing officers, resulting in a perception that the Department will not succeed in defending a disciplinary decision that goes before ERCOM.

## 8. The Inmate Grievance Procedure Is Inadequate

- Inmates report that they are discouraged from filing grievances by threats of retaliation.
- Even when grievances are filed and are founded, inmates are not informed of the results of the investigation.
- Inmate grievances are not tracked in the Department's Personnel Performance Index. And non-force grievances are not tracked in any Department data system. These failures inhibit the Department's ability to detect potential "problem deputies" early.

## 9. False Statements About Use of Force Are Not Adequately Acted Upon

- The Department reported to the Commission that there were only two deputies in the past five years who were found to have provided false statements in regard to force reports.
- The Department does not have a zero-tolerance approach to dishonesty in force reviews and investigations.
- Cases the Commission learned of revealed extremely light treatment of acts of dishonesty, a protracted time for resolution and imposition of discipline, and a failure to find policy manual violations reflective of the misconduct at issue.

## 10. Disciplinary Guidelines for Use of Force and Dishonesty Are Too Broad and Too Lenient

- The Department's Discipline Guidelines provide little guidance on the consequences for unreasonable use of force or for dishonesty.
  - The range of discipline for unreasonable force extends from a five-day suspension to discharge.
  - The range of discipline for dishonesty extends from a ten-day suspension to discharge, and in some instances the Department's penalties were below that range.
  - The range of discipline for failure to report use of force extends from a five-day suspension to a 25-day suspension.

## 11. Leadership in the Department Has Undermined the Disciplinary Process

- The Undersheriff has made statements undermining the Department's disciplinary system and Internal Affairs.
- A Former MCJ Captain discouraged thorough investigation into deputy misconduct and failed to ensure timely force reviews.

# Oversight Findings



## Citizens' Commission on Jail Violence

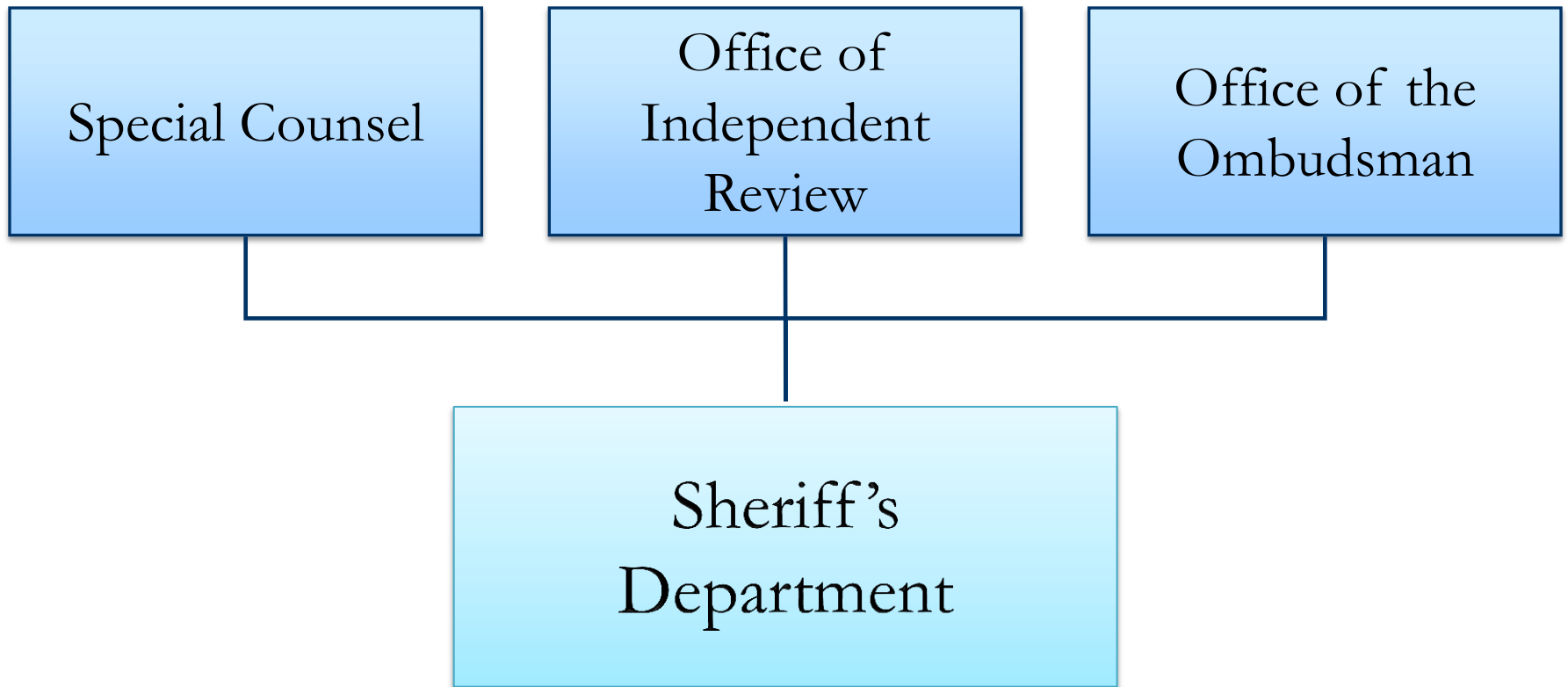
Presented by



O'MELVENY & MYERS LLP

# Multiple entities are responsible for overseeing aspects of the Sheriff's Department

---



## Special Counsel

- Created to oversee reforms recommended by the Kolts Commission.
- Has identified issues in both Patrol and Custody.
- Produced 31 reports over 19 years; more than half contain recommendations concerning Custody.

## Office of Independent Review

- Created in 2001, OIR monitors Department investigations of misconduct to ensure they are thorough and fair.
- Provides input on discipline decisions.
- Primarily focuses on individual investigations but has addressed other issues as well.

## Office of the Ombudsman

- The Ombudsman is appointed by the Board.
- By statute, is charged with reviewing unresolved complaints about Department personnel.
- One Assistant Ombudsman handles all complaints about the Department.

# The Department failed to implement important recommendations about the jails

---

- Special Counsel
  - In 2003, Special Counsel recommended a series of reforms to the Personnel Performance Index, the Department’s “early warning system.” He noted that it was underutilized, and that reports sent to the PPI had serious flaws. (16th Report.) Six years later, in 2009, Special Counsel noted that his recommendations still had not been implemented. (27th Report.)
  - In 1994, Special Counsel expressed concerns about the amount of time deputies spend in the jails and recommended limiting the length of initial Custody assignments. (2<sup>nd</sup> Report.) His 2012 report notes that this reform is still needed. (31<sup>st</sup> Report.)
  - Special Counsel has also recommended that inmate complaints against a deputy should be investigated by someone other than the deputy’s immediate supervisor. This reform has not been implemented.

# There are gaps in the existing oversight framework

---

- Special Counsel does not conduct recurring audits of important issues and has only a limited ability to revisit his recommendations to determine if they have been implemented.
- OIR does not monitor “unit level” investigations and lacks the authority to conduct its own independent investigations.
- The Ombudsman does not have the authority to independently investigate inmate complaints and does not publish any reports on the thoroughness and efficacy of the complaint process.
- All of the oversight entities have their own budgets and support staffs and occasionally their work overlaps.

Consolidating the existing oversight entities and creating a more unified approach to oversight would address many of these issues.

- [illegible]

# None of the oversight entities regularly review the Department's force statistics

---

- The Department has a wide array of computer systems that compile data related to the use of force.
- None of the oversight entities regularly review force statistics with the goal of identifying trends.



# The Department does not have a permanent monitor responsible for overseeing the jails

---

- None of the oversight entities is responsible for regularly monitoring conditions in the jails.
- Historically, the Department has relied on the ACLU (an adversary in litigation) to monitor jail conditions.
- The ACLU is not a true jail monitor. It has limited access to Department records and personnel and has recently shifted its focus to litigation.

# The Board of Supervisors' recent engagement has helped propel reform

---

- The Board of Supervisors' efforts to require the Department to implement recommendations made by Special Counsel have improved transparency and accountability.
- Some recommendations made by Special Counsel were implemented or advanced by the Department only after the Board's involvement.
- Continued involvement is needed to ensure meaningful reform.

### Summary of Information from Other Jail Systems<sup>1</sup>

| Sheriff Dept/Jail                     | Number of Jail Facilities | Estimated Average Daily Inmate Population | Custody Personnel <sup>2</sup>                                  | Supervisor to Non-Supervisor Ratio | Custody Personnel to Inmate Ratio | Custody Specific Initial Training <sup>3</sup> | Separate DOC or Separate Custody Track | Internal Promotion Opportunities In Custody | Tracking of Inmate Complaints By Deputy | Impact Weapons <sup>4</sup> | Use of Rotations     | Sheriff/DOC Head visibility in jails                        |
|---------------------------------------|---------------------------|---|---|------------------------------------|-----------------------------------|--|--|---|---|-----------------------------|----------------------|---|
| <b>LASD</b>                           | 8                         | 15,013 <sup>5</sup>                       | 3,486 Personnel; Supervisors: 313 Non-Spvrs: 3,173 <sup>6</sup> | 1 to 10.1                          | 1 to 4.3                          | Approx. 1 to 3 wks <sup>7</sup>                | No                                     | No  | No                                      | No (effective 9/1/12)       | Yes, with exceptions | Sheriff visits approx. once a year at holidays              |
| <b>Large Metropolitan Jails</b>       |                           |   |   |                                    |                                   |  |  |   |   |                             |                      |   |
| <b>Chicago (Cook County)</b>          | 11                        | 8,897                                     | 3,456 Personnel; Supervisors: 306 Non-Spvrs: 3,150              | 1 to 10.3                          | 1 to 2.6                          | 16 wks   | Yes                                    | Yes   | Yes                                     | No                          | Yes                  | Sheriff is on site 2-3 times/week                           |
| <b>Miami Dade</b>                     | 6                         | 5,200                                     | 2,126 Personnel; Supervisors: 439 Non-Spvrs: 1,687              | 1 to 3.8                           | 1 to 2.4                          | 22 wks   | Yes                                    | Yes   | Yes                                     | No                          | No                   | Sheriff visits jails once a month                           |
| <b>New York (Rikers Island Jails)</b> | 9 [8 add'l borough jails] | 13,000                                    | 7,015 Personnel; Supervisors: 767 Non-Spvrs: 6,248              | 1 to 8.1                           | 1 to 1.8                          | 16 wks   | Yes                                    | Yes   | Yes                                     | No                          | Limited              | Head of DOC walks the facilities frequently and unannounced |
| <b>California Jails</b>               |                           |   |   |                                    |                                   |  |  |   |   |                             |                      |   |
| <b>Alameda</b>                        | 2                         | 3,300                                     | 559 Personnel; Supervisors: 56 Non-Spvrs: 503                   | 1 to 9                             | 1 to 5.9                          | 10 wks [accredited by ACA]                     | No                                     | Yes   | Yes                                     | No                          | Limited              | Sheriff visits for special events, inspections, and tours   |

<sup>1</sup> Unless otherwise noted, all information in this table came from CCJV interviews with jail leaders.

<sup>2</sup> Reflects Custody personnel that have direct contact with inmates and does not include staff such as food staff workers, social workers, medical staff etc. While many jails classify personnel differently from LASD, we captured information that mirrors LASD classifications.

<sup>3</sup> "Custody Specific Initial Training" reflects the amount of training deputies receive before they begin work in the jails. In addition to this training, several agencies require on the job training before Custody personnel are allowed to work independently in the jails.

<sup>4</sup> This column reflects whether non-emergency custody personnel carry impact weapons such as batons, Tasers, and heavy-duty flashlights.

<sup>5</sup> Figure noted is from Commander Management Task Force, "Six Month Status Update of Jail Reforms," 2012 (Appendix O, p. lxvii).

<sup>6</sup> Includes bonus deputies, deputies and custody assistants. Views have differed as to whether or not bonus deputies should be deemed supervisors.

<sup>7</sup> The Commander Management Task Force testified that 1 week of Custody-specific training was recently added to the Academy to supplement the preexisting 8 hour Academy training; Sheriff Baca testified that Custody training is a "two weeks extension in the academy" and another two weeks before deputies go to the jails. The LASD curriculum for training reflects 2 hours of Custody-specific training during the Academy, slightly over one week of supplemental training on subjects not solely related to Custody and two weeks of basic training when deputies report to Custody.

| Sheriff Dept/Jail | Number of Jail Facilities | Estimated Average Daily Inmate Population | Custody Personnel <sup>2</sup>                     | Supervisor to Non-Supervisor Ratio | Custody Personnel to Inmate Ratio | Custody Specific Initial Training <sup>3</sup> | Separate DOC or Separate Custody Track | Internal Promotion Opportunities In Custody | Tracking of Inmate Complaints By Deputy | Impact Weapons <sup>4</sup> | Use of Rotations | Sheriff/DOC Head visibility in jails                                    |
|-------------------|---------------------------|---|--|------------------------------------|-----------------------------------|--|--|---|---|-----------------------------|------------------|---|
| Kern              | 4                         | 2,667                                     | 440 Personnel; Supervisors: 40 Non-Spvrs: 400      | 1 to 10                            | 1 to 6.1                          | 14 wks   | Yes                                    | Yes   | Yes                                     | Yes                         | No               | Sheriff and Undersheriff periodically visit the facilities              |
| Orange County     | 5                         | 6,500                                     | 1,017 Personnel; Supervisors: 93 Non-Spvrs: 924    | 1 to 9.9                           | 1 to 6.4                          | 2 wks  | No                                     | Rare  | No                                      | No                          | Yes              | Assistant Sheriff and Commander visit once a month                      |
| Riverside         | 5                         | 6,000                                     | 1,384 Personnel; Supervisors: 148 Non-Spvrs: 1,236 | 1 to 8.4                           | 1 to 4.3                          | 10-12 wks                                      | Yes                                    | Yes   | Yes                                     | No                          | Yes              | Sheriff and Undersheriff visit 1-2 times a year                         |
| Sacramento        | 2                         | 4,000                                     | 316 Personnel; Supervisors: 49 Non-Spvrs: 267      | 1 to 5.4                           | 1 to 12.7                         | 2 wks  | No                                     | Yes   | Yes                                     | No                          | Yes              | Sheriff or Undersheriff visits approximately monthly                    |
| San Bernardino    | 4                         | 5,600                                     | 482 Personnel; Supervisors: 59 Non-Spvrs: 423      | 1 to 7.2                           | 1 to 11.6                         | 2-3 wks  | No                                     | Rare  | Yes                                     | No                          | Yes              | Sheriff and Undersheriff visit each jail at least once each quarter     |
| San Diego         | 7                         | 5,100                                     | 986 Personnel; Supervisors: 111 Non-Spvrs: 875     | 1 to 7.9                           | 1 to 5.2                          | 16 wks   | Yes                                    | Yes   | Yes                                     | No                          | Yes              | Sheriff visits main jail once or twice a month; others 2-3 times a year |
| Santa Clara       | 2                         | 4,632                                     | 931 Personnel; Supervisors: 94 Non-Spvrs: 837      | 1 to 8.9                           | 1 to 5                            | 10 wks   | Yes                                    | Yes   | Yes                                     | Yes                         | Yes              | Sheriff visits 2 times per week; most visits are unannounced            |

## COMMON THEMES FROM CORRECTIONS EXPERTS AND JAIL HEADS

### A. LEADERSHIP, MANAGEMENT AND ACCOUNTABILITY

1. Engaged and visible leadership is vitally important and something experts stressed as a key element when addressing force issues and changing jail culture.
  - New York Corrections leaders underscored the importance of engaged leadership. They were on site weekly – often unannounced and at all hours of the day and night.
  - One jail head stressed the need to strip down the “kingdom mentality” and was in the jails periodically on all shifts. He opined that you “Can’t run a jail from an ivory tower.”
  - Another corrections head who helped turn around a system struggling with force issues noted that leadership is the “key” to change; the highest level of leadership must be fully committed to the task of turning the jail around.
2. USE OF DATA -- The importance of real time, detailed and meaningful force data that is reviewed by high level leadership was a constant theme among experts.
  - One Sheriff noted that “what gets measured gets done.”
  - Many corrections leaders make robust use of data and hold frequent meetings with jail facility leaders and high level managers to address trends and ensure accountability.
3. AUDITS AND INSPECTIONS -- Random and routine audits and inspections were identified as important tools in ensuring accountability.
  - ABA Standard 23-11.1 (Internal Accountability) recommends that a correctional agency establish an internal audit unit, that reports to the agency head, to conduct regular performance auditing and monitor compliance with established performance indicators, standards, policies, and other internal controls.
4. BEST PRACTICES -- Engagement in the large jail network (LJN) is a way for custody leaders to learn from other systems and educate themselves on best practices.
  - One large metropolitan jail head commented that this network is “one of most outstanding programs he has been involved in.”
  - LJN brings together twice a year leaders of jails housing over 1,000 inmates; they also use a confidential listserve to link together jail heads for a candid discussion of issues and problems on an ongoing basis.
  - One jail head noted that it was “how I keep up on the field.”

### B. USE OF FORCE

1. IMPACT WEAPONS -- Numerous experts and jail heads opined that impact weapons are unnecessary in jails and simply increase the dangers to jail staff.
2. CAMERAS -- Many jail heads identify cameras as a valuable added tool to deter force and also help document incidents (to the benefit of *both* staff and inmates). Cameras are often also used as a way to spot check the conduct of personnel and identify problems or areas of noncompliance.

3. OTHER PRACTICES that can help reduce use of force identified by experts include:

- Body scanners -- There are no strip searches of inmates in Cook County due to recently installed body scanner machines. They noted the advantages in eliminating the demoralizing nature of these searches for both inmates and corrections officers.
- Use of direct supervision -- Ensures that corrections officers learn to interact with inmates, are in control of the module/unit, and get to know the inmate population and dynamic.
- One expert stressed the need to guard against unreasonable inmate prohibitions and rules that can exacerbate tensions. The ABA Standards expressly forbid use of force against a prisoner to enforce an institutional rule or an order unless the disciplinary process is inadequate to address an immediate security need.
- Prisoner/inmate “anxiety” level is a big factor in maintaining a successful jail or prison; strategies by staff that minimize that anxiety can be instrumental in keeping down incidents of violence and force.
- A culture of inmate respect that values inmate feedback and listens to their concerns can help create a less violent jail environment.

4. USE OF FORCE INVESTIGATIONS

Lack of accountability and inadequate supervisory training and oversight are major contributors to force problems and concerns.

Quick handling of force investigations and an appropriate punitive/corrective response is critical.

- One expert stressed that when there is a backlog of force packages going without review, staff can become cynical about the process.

5. While jail heads often talked about the challenges posed by older facilities, they also noted that an old or overcrowded facility alone isn’t a reason or excuse for high use of force.

- One jail head observed: “If you have the right staff and culture, you can run a good prison in a warehouse. ... If you take the basic tenets of correction and excel at those you will be fine.”

C. CULTURE

1. CODES OF SILENCE -- In addressing strategies for combating a “code of silence,” experts discussed the need for zero tolerance of failure to report and lying about use of force, including penalties for these offenses as severe as the underlying use of force. Comments included:

- A “code of silence is simply a reflection of a lack of strong leadership.” “If you have strong leadership you won’t have a code of silence; with poor leadership you can’t eradicate it.”
- “A code of silence is hard to deal with especially once it is established.” All a leader has to do is remain silent in the face of misconduct and you’ve “become complicit in what happens next.”
- A problematic culture often sets in at the reporting level with tolerance for incomplete reports, when supervisors “give a blind eye to a blind report.”

- Codes of silence are difficult to change; in many places “abuses of force become so ‘normalized’ that deputies no longer perceive them as abusive.”
2. Experts stressed the importance of establishing clear and firm expectations from the highest level of leadership and modeling compliance with them.

#### **D. PERSONNEL**

1. PROFESSIONAL/SEPARATE CUSTODY DIVISION -- Numerous experts talked about the advantages of having a separate custody track or division with professional and stable staff who make their profession on the custody side. Comments included:
  - “A good correctional officer needs to have a firm set of beliefs about the treatment of inmates and a set of skills for that job.”
  - Corrections is its own separate profession and “should not be an afterthought – that approach necessarily leads to resentment and systemic problems.” Deputies who pursue a career in law enforcement aren’t necessarily constituted for correctional work.
  - “[Patrol and jail work] are two very distinct disciplines.”
  - “I want people who want to be correctional employees, not people who want to use it as a stop off.”
  - “If one tried to design the worst system possible for running the jails and personnel, you couldn’t design a worse system than what LASD has in place.” People go through training with a focus on being in patrol, then they are sent to the jails where they learn bad habits and aggressive and disrespectful ways to deal with people and start to forget all they learned in the Academy.
2. Experts also talked about the importance of strategies that can avoid a custody “stigma” and the message that custody is a less important and less valued assignment than patrol.
3. Experts repeatedly warned against use of custody as a disciplinary assignment.
  - According to one jail head, when leadership uses the jail assignment as punishment for deputies or a disciplinary transfer “you’re going to end up reading about yourself.”
4. Strong supervisors are critical and promotions from within can ensure knowledgeable supervision and enhance the custody career track. Comments included:
  - In examining the quality of a supervisor, one jail head noted that it is helpful to ask if they are “correcting the problem or part of the problem.”
  - The weak link in jails is often promoting people without proper training.
  - Staff are more willing to listen to supervisors who come up through the ranks; these supervisors know the strengths (and problems) of their custody personnel.
5. TRAINING -- Comprehensive custody-focused training before individuals begin work in the jails is vitally important; many systems have robust training programs well in excess of 10 weeks.
  - Marin County has a 23 week training for new deputies.
  - Chicago has a 16 week program devoted exclusively to custody that includes de-escalation techniques, less than lethal force alternatives, and strategies for dealing with inmates with mental health issues.

- NY training academy is 16 weeks; a former head of the NYC Department of Corrections opined that 15 to 17 weeks should be the standard.
- Miami has a 22 week rigorous corrections training academy; deputies are “certified” to go into corrections and are required to undergo recertification every few years thereafter.
- In Nebraska, academy training is 6 weeks and force use is part of training from day one.
- Alameda County academy is viewed as one of the best in the state; corrections deputies undergo 10 weeks of additional training after they graduate from the academy – 2 in the classroom and 8 under a jail training officer.
- CDCR has 16 weeks of training; as part of that training they learn about force and zero tolerance for dishonesty. They also discuss different custody scenarios that can arise.
- Other CA. Sheriffs Depts.: Custody-specific training includes: San Diego (16 weeks), Santa Clara (10 weeks), Sacramento (2 weeks), Kern (14 weeks).

## 6. ASSIGNMENTS

- Chicago does not put new corrections deputies into units that house particularly challenging populations such as K10s and mental health problem inmates.
- NYC: Certain more challenging units/assignments (high security inmate modules for example) are not places where new deputies would be put.
- CDCR has extensive limitations on assignment of apprentice level Correctional Officers during their first year of employment.

## 7. ROTATIONS, both within a facility and among facilities, are generally favored by experts; a number identified rotations as a way to break up cliques and avoid “code of silence” issues.

- Rotations were identified by one CA. department as a way to ensure that personnel do not get stagnant, break up cliques, and address codes of silence concerns.
- Another CA. department makes heavy use of rotations – both by *facility and floor*.
- One expert stressed that it is “very poor policy” to leave staff in one place for too long; they can become too close to each other or to inmates.
- A national jail leader described rotations as the best way to deal with cliques and also a good tool to prevent stagnation and enhance the skills and knowledge base of staff.

## 8. TRACKING OF INMATE COMPLAINTS by deputy or corrections officer was identified by numerous experts as a vital early warning signal and a useful practice their jails have in place.

## 9. RIGOROUS HIRING STANDARDS -- Experts underscored the need to have selectivity with respect to hiring and suitability for corrections work.

- One jail head noted: “there is a tendency for organizations to just hire. You must have a good selection process. Failure to do that will lead to lots of discipline problems.”

## E. DISCIPLINE

### 1. PENALTIES FOR DISHONESTY-- Strict “zero tolerance” penalties for dishonesty and failures to report were identified by experts as the key to creating a culture that avoids codes of silence.

- In one state it is a Class A misdemeanor if you fail to report a use of force.
- Many other jail heads stressed that evidence of dishonesty results in termination.

- CDCR uses a discipline matrix; the “base” penalty for “making false or intentionally misleading statements during a criminal or administrative investigation or inquiry by any agency” is dismissal.

## **F. INDEPENDENT OVERSIGHT**

1. Important elements of independent oversight identified by experts include:
  - True independence;
  - Structural independence;
  - Fiscal and physical independence from the agency being monitored/overseen;
  - Perception of independence;
  - Adequately resourced with attorneys, investigators and staff;
  - Authority to routinely inspect conditions and access the facility unannounced; a “golden key;” and
  - Full access to reports, documents and personnel.
2. Some experts described the value of a citizen oversight role and numerous independent bodies to “mind the shop.”
3. Some systems identify the success of an independent IG with the authority, power, staff and access to conduct independent investigations of force, to engage in audits and to do reports and monitoring of data and trends
  - The ABA Standards recommend that governmental authorities create and fund an independent agency to conduct regular monitoring and inspection of the correctional facilities and issue public reports about the practices and conditions in those facilities.
  - California’s CDCR has an IG and Bureau of Investigation with extensive access and the authority to conduct independent investigations as well as real-time oversight of internal affairs investigations. They also publish reports with an assessment of the quality of investigations and appropriateness of any disciplinary action and data on the number, type, and disposition of complaints against correctional officers and staff.