

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



USE OF FORCE AUDIT - INMATES WITH
MENTAL HEALTH ISSUES
INMATE RECEPTION CENTER
No. 2015-9-A

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SHERIFF

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

USE OF FORCE AUDIT – INMATES WITH MENTAL HEALTH ISSUES
INMATE RECEPTION CENTER
Project No. 2015-9-A
Audit Report

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Use of Force Audit of Inmates with Mental Health Issues under the authority of the Los Angeles County Sheriff. This audit was performed to determine how the Los Angeles County Sheriff's Department's (Department) Inmate Reception Center (IRC) complied with policies and procedures relating to the management, reporting procedures, and overall evaluation of Use of Force incidents on inmates with mental health issues. This audit also satisfied, in part, the requirements of the Citizens' Commission on Jail Violence (CCJV)¹ and the Rosas Settlement Agreement (Rosas).²

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards,³ and determined the evidence obtained was sufficient and appropriate. It provided a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

Following allegations of unreasonable force in the Los Angeles County Jails, the CCJV outlined 64 recommendations for changes in Department procedures. The Department later entered into Rosas, which also addressed Use of Force incidents and inmate injuries within the Los Angeles County Jails. Rosas mandates had not been implemented during this audit period, however, they will be included in future Use of Force audits.

The IRC is an intake facility with a temporary holding area and a processing center, and is not equipped to permanently house inmates. An average of 180,000 inmates are processed into and out of the county jail system each year at the IRC.

Department of Mental Health (DMH) personnel are assigned at the IRC 24 hours a day, 7 days a week to assist jail personnel in evaluating and caring for inmates with mental health issues.

¹ On September 28, 2012, the Citizens' Commission on Jail Violence published 64 recommendations for reforms in the Department. CCJV Recommendations 3.7, 7.2, 7.8 and 7.9 were incorporated into this audit as they address Use of Force. Then Sheriff Leroy D. Baca agreed to implement all of the recommendations.

² On September 26, 2014, then Sheriff John L. Scott entered into a settlement agreement regarding Alex Rosas, et al. v. Leroy D. Baca, Case No. CV 12-00428 DDP.

³ United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards, 2011 Revision.

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PRIOR AUDITS

This was the first Use of Force Audit of Inmates with Mental Health Issues at the IRC conducted by the AAB.

METHODOLOGY

Scope

The audit encompassed eight audit objectives regarding Use of Force investigations and reporting on Inmates with Mental Health Issues. The applicable Manual of Policy and Procedures (MPP) sections, the applicable Custody Division Manual (CDM)⁴ sections, and the Use of Force Manual, were used in reviewing selected reports to determine if force was properly managed and investigated.

The audit included an evaluation of those Use of Force Packages which were reviewed and completed at the facility level. A Use of Force Package consists of the following: a supervisor's use of force report, supplemental reports, audio files, video files, memorandums, photos, and medical forms. Any reports that required further investigation by other units were deselected for this review.

Audit Time Period

The audit time period under review was from January 1, 2014, through June 30, 2014.

Audit Population

For the purposes of this audit, Category-1⁵ and Category-2⁶ Uses of Force on Inmates with Mental Health Issues were evaluated. Category-3⁷ Uses of Force require a review by the Internal Affairs Bureau Force/Shooting Response Team, and an evaluation by the Executive Force Review Committee. They are not evaluated at the unit level, and were accordingly excluded from this audit. Incidents authored or approved by AAB personnel were also excluded.

⁴ Subsequent to the audit time period, sections of the Custody Division Manual have been renumbered, however, it does not affect the criteria of the audit objectives.

⁵ As defined in MPP Section 3-10/100.00, Category-1 Uses of Force include restraining techniques and/or use of specific chemical agents that do not result in injury.

⁶ As defined in MPP Section 3-10/100.00, Category-2 Uses of Force include force which results in injury or complaint of pain, but does not rise to the level of a Category-3 Use of Force.

⁷ As defined in MPP Section 3-10/100.00, Category-3 Uses of Force include force involving shooting, canine bites, head strikes, admittance to a hospital, significant injury, or death.

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The population of Use of Force of Inmates with Mental Health Issues, Use of Force Packages were identified using the Custody Force Response Team (CFRT) database/tracker, the Custody Support Services (CSS) tracker which was compared to the IRC use of force tracker, and the Automated Justice Information System (AJIS). Missing files or documents were retrieved from the Risk Management Bureau's Discovery Unit and a search was conducted of the Personal Performance Index (PPI). A total of 48 Use of Force Packages were identified during the audit time period at the IRC. Of these, 20 Use of Force Packages were excluded from this audit because they did not involve an inmate identified with mental health issues, and 8 additional packages were excluded because they were authored or approved by AAB personnel. Therefore, 20 Use of Force Packages involving inmates with mental health issues were selected and reviewed for this audit.

SUMMARY OF AUDIT FINDINGS

The IRC management was cooperative in providing the necessary information to complete audit objectives. Force incidents reported at IRC were generally handled appropriately in the following areas:

- Mental Health Classification
- Planned Use of Force for Inmates with Special Needs
- Use of Force Review
- Force Tracking

The audit identified the following areas in need of improvement:

- Force Prevention Policy
- Use of Force Procedures
- Use of Force Reporting
- Use of Force Investigation

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Table No. 1 – Summary of Use of Force Audit Findings

Objective No.	Description	Met the Standard
1	MENTAL HEALTH CLASSIFICATION	
	<i>Automated Justice Information System (AJIS) Entry Completed</i>	100%
2	FORCE PREVENTION POLICY	
2(a)	<i>Reasonable Efforts Made to De-escalate by Using Verbal Communication</i>	83%
2(b)	<i>Department Member Must Call a Supervisor to the Scene</i>	75%
3	PLANNED USE OF FORCE FOR INMATES WITH SPECIAL NEEDS	
	<i>Prior Notification Made to Medical or Mental Health Staff</i>	100%
4	USE OF FORCE PROCEDURES	
4(a)	<i>Video Review and Admonishment - Use of Force Review and Admonishment</i>	100%
4(b)	<i>Suspect Transported for Examination/Treatment</i>	74%
4(c)	<i>Safety Chair - Prior Authorization and Protocol</i>	67%
4(d)	<i>Electronic Immobilization Device (TASER)</i>	100%
5	USE OF FORCE REPORTING	
5(a)	<i>Notification to Supervisor and Written Report</i>	65%
5(b)	<i>Written Report Deferral Approved</i>	0%
5(c)	<i>Unit Commander Notification to Custody Investigative Services Unit (CISU)</i>	100%
6	USE OF FORCE INVESTIGATION	
6(a)	<i>Immediate Supervisor's Responsibilities – Initial Investigation</i>	80%
6(b)	<i>Mental Health Classification of Suspects</i>	90%
6(c)	<i>Watch Commander/Supervising Lieutenant Responsibilities - Interviewing Suspects</i>	80%
6(d)	<i>Watch Commander/Supervising Lieutenant Responsibilities - Completion of Investigations</i>	100%
6(e)	<i>Watch Commander/Supervising Lieutenant Responsibilities - Package Submitted No Later than 21 Days After the Incident</i>	35%
7	USE OF FORCE REVIEW	
7(a)	<i>Compliance Lieutenant Reviewed all Use of Force Packages</i>	80%
7(b)	<i>Reviewed by Custody Force Review Committee (CFRC)</i>	100%
7(c)	<i>Division Chief's or Division Director's Responsibilities</i>	100%
8	FORCE TRACKING	
8(a)	<i>Facility Log Included the Force Incident</i>	90%
8(b)	<i>Force Incident logged in Facility Automated Statistical Tracking (F.A.S.T.)</i>	100%
8(c)	<i>Force Incident Entered Into e-LOTS</i>	100%

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Objective No. 1 – Mental Health Classification

Criteria

Custody Division Manual, Section 5-01/035.00, Medical and Psychiatric Holds, states:

Any inmate who requires medical and/or mental health treatment offered only within specified custody facilities shall have a medical or psychiatric hold placed in the Automated Justice Information System (AJIS). Medical and mental health staff shall be responsible for entering the medical and/or psychiatric hold into the “Electronic Medical Record.” Once the hold is entered, the information will automatically be updated into AJIS...

Audit Procedures

The Use of Force Packages were reviewed for any of the following computer printouts Automated Justice Information System (AJIS), Suspect Information (SI01) in AJIS, or the Inmate Historical Portal⁸ to confirm if the inmate was classified as having a mental hold or history of mental illness.

Findings

Of the 20 Use of Force Packages reviewed, nine were excluded because their booking numbers had been purged⁹ from AJIS, and no documentation could be located. Therefore, 11 packages were reviewed and all (100%) met the standard for this objective.

Objective No. 2 – Force Prevention Policy

Objective No. 2(a) – Reasonable Efforts Made to De-escalate by Using Verbal Communication

Criteria

Custody Division Manual, Section 3-02/035.05, Force Prevention Policy, states:

Department members shall only use that level of force which is objectively reasonable to uphold safety in the jails and should be used as a last resort. Reasonable efforts, depending on each situation, should be made by jail

⁸ The Inmate Historical Portal is located in the Custody Division Intranet website and provides a history of the inmate’s movement throughout their incarceration.

⁹ Once an inmate is released from custody, their information in AJIS is purged.

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personnel to de-escalate incidents by first using sound verbal communications when possible. If verbal communications fail, reasonable efforts should be made to call a supervisor to assist in seeking compliance from disruptive inmates.

Audit Procedures

The Use of Force Packages and any available video documentation were reviewed to determine if de-escalation efforts were made by Department members.

Findings

Of the 20 Use of Force Packages, 8 packages were excluded because jail personnel had to immediately react to the inmate's threatening action with no opportunity to use de-escalation efforts. Therefore, 12 packages were reviewed for this objective.

Ten of the 12 (83%) Use of Force Packages met the standard for this objective. Two did not meet the standard because there was no indication, based on the available video and reports, deputies attempted to de-escalate the incident even though it appeared they had an opportunity to do so.

Objective No. 2(b) – Department Member Must Call a Supervisor to the Scene

Criteria

Custody Division Manual, Section 3-02/035.05, Force Prevention Policy, states:

Department members shall only use that level of force which is objectively reasonable to uphold safety in the jails and should be used as a last resort. Reasonable efforts, depending on each situation, should be made by jail personnel to de-escalate incidents by first using sound verbal communications when possible. If verbal communications fail, reasonable efforts should be made to call a supervisor to assist in seeking compliance from disruptive inmates.

Audit Procedures

Written and video documentation of the Use of Force Packages were reviewed to determine if custody personnel made reasonable efforts to notify a supervisor to seek compliance from the inmate.

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Findings

Of the 20 Use of Force Packages, eight were excluded because the situation escalated and jail personnel were unable to safely notify a supervisor. Therefore, 12 packages were evaluated for this objective. Nine of the 12 (75%) Use of Force Packages met the standard for this objective. Three did not meet the standard because the supervisor was notified after the use of force occurred.

Objective No. 3 – Planned Use of Force for Inmates with Special Needs

Criteria

Custody Division Manual, Section 3-02/035.10, Planned, Directed, and Supervised Use of Force, states:

When force is required, every effort shall be made to plan, supervise, and direct force in an effort to control confrontations in a calm and professional manner.

In cases where the Sheriff's Department personnel must take action to conduct lawful duties where there is not necessarily an immediate physical threat, such as prolonged passive resistance or inmate extractions, there shall be a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

Custody Division Manual, Section 3-02/035.15, Planned Use of Force for Inmates with Special Needs, states:

If a situation arises involving known or suspected inmates with special needs (i.e. medical, mental health, or physically disabled), the appropriate medical or mental health staff shall be consulted, whenever possible, prior to the planned use of force.

Audit Procedures

The Supervisor's Use of Force reports were reviewed to determine if a medical or mental health professional was notified during the situational planning phase of a use of force.

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Findings

Of the 20 Use of Force Packages, 16 were excluded because they were not a planned use of force on an inmate with special needs. Therefore, four packages were reviewed and all (100%) met the standard for this objective.

Objective No. 4 – Use of Force Procedures

Objective No. 4(a) – Video Review and Admonishment – Use of Force Review and Admonishment

Criteria

Manual of Policy and Procedures, Section 3-10/115.00, Video Review and Admonishment, states:

Department members shall prepare all necessary written reports related to a force incident prior to reviewing a video recording of the incident.

Once the video tape has been reviewed, personnel will have the opportunity to acknowledge in their report that they observed the video and that it either refreshed their memory, adding any corrective language, or that the original written statements were accurate.

Audit Procedures

The Use of Force Packages were reviewed to determine if the involved personnel adhered to the video review protocol which included preparing written reports prior to reviewing video, adding any corrective language, and reading the video admonishment.¹⁰

Findings

All of the 20 (100%) Use of Force Packages met the standard for this objective.

Objective No. 4(b) – Suspect Transported for Examination/Treatment

Criteria

Manual of Policy and Procedures, Section 3-10/105.00, Medical Treatment and Transporting Suspects, states:

¹⁰ Video Admonishment description is found under the MPP Section 3-10/115.00, Video Review and Admonishment.

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Medical Treatment

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel...

Transporting Suspects

If compelling circumstances require that the suspect be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports.

If the suspect refuses medical treatment...they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment. The member transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated their refusal and the name of the medical staff member authorizing booking at the Station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

Audit Procedures

The Supervisor's Report of Use of Force were reviewed to determine if the inmates were medically examined/treated at a medical facility (infirmary, facility clinic), if necessary, or refused medical treatment. If they were transported, additional documents were reviewed to determine if the inmate was transported/escorted to a medical facility by non-involved Department members. In instances wherein involved personnel transported and/or escorted the inmate, packages were evaluated to determine whether detailed justification was documented by the supervisor.

Findings

Of the 20 Use of Force Packages, one was excluded because the inmate was treated at his cell by medical staff and did not require medical transport. Therefore, 19 packages were reviewed for this objective.¹¹ Fourteen of the 19 (74%) Use of Force Packages met the standard for this objective. Three did not meet the standard because there was no documentation that the inmate refused medical treatment to medical staff when treatment was not given. The remaining two did not meet the standard because there was no justification regarding the transportation for treatment by an involved Department member.

¹¹ All nineteen incidents required transport to a medical facility per MPP 3-10/105.00

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Objective No. 4(c) – Safety Chair – Prior Authorization and Protocol

Criteria

Custody Division Manual, Section 5-03/130.05, Use of the Safety Chair, states:

Absent exigent circumstances, authorization from the on-duty Watch Commander is required prior to the use of the Safety Chair. A supervisor at the permanent rank of Sergeant or above shall be present during the inmate's placement in the chair....It is the responsibility of the supervisor to ensure that the entire procedure is video recorded.

If an inmate complains of pain, the inmate shall be medically evaluated immediately after placement in the Safety Chair. This medical evaluation as to whether the inmate shall remain in the safety chair shall take precedence over the custodial evaluation.

Audit Procedures

The Use of Force Packages were reviewed to determine if the Watch Commander authorized the use of the Safety Chair, the event was video recorded, a supervisor was present during the Safety Chair procedure, and the inmate was continuously monitored.

Findings

Of the 20 Use of Force Packages, 11 were excluded because a Safety Chair was not used, therefore, nine packages were reviewed for this objective. Six of the nine (67%) Use of Force Packages met the standard for this objective. Three did not meet the standard because there was no documentation that the Watch Commander authorized the use of the Safety Chair.

Objective No. 4(d) – Electronic Immobilization Device (TASER)

Criteria

Manual of Policy and Procedures, Section 5-06/040.95,¹² Electronic Immobilization Device (TASER) Procedures, states:

¹² Portions of the MPP section 5-06/040.95, Electronic Immobilization Device (TASER) Procedures were evaluated for this objective. The audit criteria does not include all the sections of the policy.

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Use of the Electronic Immobilization Device (TASER)

Any individual subjected to an application of the TASER, in either the “probe” or the “touch/drive stun” mode, shall be taken to a medical facility, for appropriate medical treatment and/or removal of the probes;...

Reporting the Use of the Electronic Immobilization Device (TASER)

Whenever a use of a TASER requires force reporting, a download of the TASER stored data and video shall be conducted and submitted with the force package.

Audit Procedures

The Inmate Injury Reports associated with the Use of Force Package involving a TASER were reviewed to determine if the TASER darts were removed at a medical facility, and if a copy of the TASER download sheet and a copy of the video was included.

Findings

Of the 20 Use of Force Packages, 18 were excluded because they did not involve the use of a TASER, therefore, two packages were reviewed for this objective. The remaining two (100%) Use of Force Packages met the standard for this objective.

Objective No. 5 – Use of Force Reporting

Objective No. 5(a) – Notification to Supervisor and Written Report

Criteria

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures, Responsibilities for Reporting the Use of Force, states:

In all cases in which members use Reportable Force, they shall make a verbal notification to their immediate supervisor (with a minimum rank of Sergeant) as soon as safely possible. Unless otherwise specifically directed by the Watch Commander/Supervising Lieutenant, the member shall complete a written first report of the force incident prior to the member going off duty.

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Audit Procedures

The Use of Force Packages were reviewed to determine whether all Department members who used reportable force made a verbal notification to their immediate supervisor and wrote a report prior to going off-duty.

Findings

Thirteen of the 20 (65%) Use of Force Packages indicated the reports were submitted prior to going off-duty. Seven packages did not meet the standard because the reports were either dated subsequent to the incident date or the supervisor did not indicate a date on the approved reports.

Objective No. 5(b) – Written Report Deferral Approved

Criteria

Custody Division Manual, Section 4-01/000.50, Deferred Report Procedures, states:

Deferred reports shall be completed within 24 hours of the incident unless otherwise approved by the watch commander. If the employee is not scheduled to work the next day, the report shall not be deferred.

Audit Procedures

The Use of Force Packages were reviewed for any documentation indicating that the Watch Commander approved the Department member to defer the report prior to going off-duty.

Findings

Of the 20 Use of Force Packages reviewed, 13 reports were excluded because the reports did not require a Watch Commander's approval for deferral because they were completed before the end of the shift. Therefore, a total of seven packages were reviewed and none (0%) met the standard for this objective, because six were written at a later date and there was no documentation that the Watch Commander approved a deferral. One report did not meet the standard because we were unable to determine when the report was approved.

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Objective No. 5(c) – Unit Commander Notification to Custody Investigative Services Unit (CISU)

Criteria

Custody Division Manual, Section 4-07/015.00, Notification of Incidents to Custody Investigative Services Unit (CISU), states:

Unit commanders, or their designees, shall notify CISU upon the discovery of a serious criminal event.

A serious criminal event includes but is not limited to the following:

- *Attempted murder*
- *Assault with a deadly weapon (resulting in great bodily injury and/or hospitalization)*
- *Assault on staff (resulting in felonious injury, including 69 PC, 148 PC and 243(b) PC)*
- *Significant sexual assault*
- *Attempt escape*
- *Any significant inmate disturbance event, particularly those deemed to be of a racial motivation*

Audit Procedures

The Supervisor's Report on Use of Force (SH-R-438P), specifically the Case Status section, was reviewed to determine if CISU was notified of the incident.

Findings

Of the 20 Use of Force Packages, 19 were excluded because they did not involve a serious criminal event. The remaining one (100%) Use of Force Package met the standard for this objective.

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Objective No. 6 - Use of Force Investigation

Objective No. 6(a) – Immediate Supervisor’s Responsibilities – Initial Investigation

Criteria

Manual of Policy and Procedures, Section 3-10/110.00,¹³ Use of Force Review Procedures, Immediate Supervisor’s Responsibilities, states:

Responding to Force Incidents

- *Locate and interview all potential witnesses, including Department personnel and, in custody force cases, medical staff, chaplains, and any other civilians who may have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident.*
- *Photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate;*
- *Determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so;*
- *Review first reports and separate supplemental reports or memorandums to ensure that, consistent with this section, they describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, and the specific force used in response to the suspect’s actions;*
- *Interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect’s injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported;*

Force Packages

Sergeants/immediate supervisors reviewing reports or memos regarding force incidents shall ensure that all pertinent information is contained in them. Particular attention should be given to the tactics leading up to the use of force, the description of the use of force, and the suspect’s actions that led to the use of force.

¹³ Portions of the MPP Section 3-10/110.00, Use of Force Procedures, Immediate Supervisor’s Responsibilities, responding to Force Incidents were evaluated for this objective. The audit criteria does not include all the sections of the policy.

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Audit Procedures

The Use of Force Packages were reviewed to determine if the supervisor properly completed the initial investigation.

Findings

Sixteen of the 20 (80%) Use of Force Packages, met the standard for this objective. Four did not meet the standard because they did not contain documentation indicating the attending physician or other qualified medical staff were interviewed.

Objective No. 6(b) – Mental Health Classification of Suspects

Supervisor's Report on Use of Force (SH-R-438P) User's Guide, Mental Health Box section, states:

This box shall be checked when the supervisor has verified information, either from past calls, the person's own declaration, statement provided by credible informant(s) such as family members or care takers or from a mental health professional that the patient/suspect/subject had presented as mentally ill in the past, or confirmed diagnosis before the use of force incident occurred.

Audit Procedures

The Supervisor's Report on Use of Force was reviewed to determine if there was documentation indicating the inmate had mental health issues and if the mental health classification box was marked.

Findings

Eighteen of the 20 (90%) Use of Force Packages reviewed met the standard for this objective. Two reports did not meet the standard because the mental health classification box was not checked in the Supervisor's Report on Use of Force.

Objective No. 6(c) – Watch Commander/Supervising Lieutenant Responsibilities – Interviewing Suspects

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures, Watch Commander/Supervising Lieutenant's Responsibilities, Interviewing Suspects, states:

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The Watch Commander or Supervising Lieutenant shall, with extreme priority, personally examine any suspect upon whom force has been used and, except in Category 3 Force incidents, interview the suspect regarding the incident.

Except in the most compelling of circumstances, personnel involved in a use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports.

When interviewing suspects regarding use of force incidents, the Watch Commander/Supervising Lieutenant shall ask the suspect if they have any injuries, the nature of the injuries, and if they want medical treatment.

The Watch Commander/Supervising Lieutenant shall ensure that the interview of the suspect is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain suspect consent for photographing injuries hidden by clothing)...Prior to beginning the interview, the time, date and location of the interview shall be clearly stated, along with the names, ranks, and employee numbers of all persons present.

Audit Procedures

The Use of Force Packages were reviewed to determine if the Watch Commander properly interviewed and examined the suspect after the use of force incident.

Findings

Sixteen of the 20 (80%) Use of Force Packages met the standard for this objective. One package did not meet the standard because the Watch Commander did not exclude or justify the presence of participants, witnesses, or other involved personnel. In another package, the Watch Commander did not obtain consent from the inmate to photograph his injuries under his clothing. In two packages the Watch Commander did not include all of the required statements prior to the beginning of the interview.

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**Objective No. 6(d) – Watch Commander/Supervising Lieutenant Responsibilities –
Completion of Investigations**

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures, Watch Commander/Supervising Lieutenant's Responsibilities, Completion of Investigations, states:

After interviewing a suspect in incidents involving Directed Force, the Watch Commander/Supervising Lieutenant shall determine who should complete the initial investigation. When a Unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available, the Watch Commander/Supervising Lieutenant should consider the totality of the initial factors, including the severity of the force and the suspect's interview in determining whether the supervisor who directed the force should complete the initial investigation or, if necessary, the initial investigation should be completed by the Watch Commander/Supervising Lieutenant. In instances in which a non-involved supervisor is assigned to complete the initial investigation, the supervisor who directed the force shall prepare a supplemental report, or memo, detailing their actions for inclusion with the force package.

...in situations involving very large numbers of potential witnesses, the Watch Commander or Supervising Lieutenant shall determine the appropriate scope of the witness canvass that would be necessary to sufficiently document the force incident.

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures, Watch Commander/Supervising Lieutenant's Responsibilities, Force Packages, states:

The force package shall include the following items:

- *Supervisor's Report, Use of Force (SH-R-438P);*
- *Copy of SH-R-49 and related supplemental reports and/or memos;*
- *Copy of in-service rosters for the concerned shift(s);*
- *Documentation showing suitable treatment from qualified medical personnel was sought and/or received;*
- *Photographs and/or video recordings of suspect's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation);*

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- *Copies of any recorded interviews conducted by supervisors during the investigation; and*
- *Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.*

Custody Division Manual, Section 4-07/015.05, Use of Force Package, states:

Watch commanders/supervising lieutenants of the Custody Services Divisions shall prepare and submit a force review package to the unit commander for all reviews of force not conducted by an Internal Affairs Bureau (IAB) Force/Shooting Response Team. In addition to the required items set forth in the Manual of Policy and Procedures (MPP) Use of Force policies, Custody Services Division force review packages shall include the following items:¹⁴

- *Inmate Inventory by Permanent Housing Location (Purge), if applicable.*

Audit Procedures

The Use of Force Packages were reviewed to determine if the Watch Commander properly assigned and/or completed the initial force investigation and use of force packages.

Findings

All of the 20 (100%) Use of Force Packages met the standard for this objective.

Objective No. 6(e) – Watch Commander/Supervising Lieutenant Responsibilities – Package Submitted No Later than 21 Days After the Incident

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures, Watch Commander/Supervising Lieutenant’s Responsibilities, Force Packages, states:

The Watch Commander/Supervising Lieutenant shall prepare and submit a force package to the Unit Commander for all reviews of force not conducted by an IAB

¹⁴ Portions of the CDM Section 4-07/015.05, Use of Force Package, were evaluated for this objective. The audit criteria does not include all of the sections of the policy.

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Force/Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed.

Audit Procedures

The Use of Force Packages were reviewed to determine if the Watch Commander or Supervising Lieutenant submitted the package no later than 21 days after the incident.

Findings

Seven of the 20 (35%) Use of Force Packages met the standard for this objective. Thirteen did not meet the standard for the objective because the Watch Commander or Supervising Lieutenant did not submit the package within 21 days after the incident.

Objective No. 7 – Use of Force Review

Objective No. 7(a) – Compliance Lieutenant¹⁵ Reviewed all Use of Force Packages

Criteria

Custody Division Manual, Section 2-01/060.05,¹⁶ Compliance Lieutenant, states:

... the duties of the Compliance Lieutenant classification shall include the following:...

- *Review all Use of Force Packages from line sergeants and lieutenants...*

Audit Procedures

The Electronic Line Operations Tracking System (e-LOTS)¹⁷ database or any written documentation was reviewed to determine if the Use of Force Package was reviewed by the Compliance Lieutenant.

¹⁵ Citizens' Commission on Jail Violence (CCJV) Recommendation 7.8, "Each jail should have a Risk Manager to track and monitor use of force investigations."

¹⁶ It is important to note that CDM Section 2-01/060.05, Compliance Lieutenant, was revised in October 2015 to CDM Section 7-07/030.00, Compliance Lieutenant.

¹⁷ CDM Section 4-01/025.05, Electronic Line Operations Tracking System, states: *All custody facilities shall use the Electronic Line Operations Tracking System (e-LOTS) to track their Use of Force packages (SH-R-438P) and alleged use of force investigations. The e-LOTS program is capable of tracking many other administrative projects and unit commanders are encouraged to use these optional fields as well.*

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Findings

Sixteen of the 20 (80%) Use of Force Packages met the standard for this objective. Four did not meet the standard because there was no verification that the Compliance Lieutenant reviewed the package.

Objective No. 7(b) – Reviewed by Custody Force Review Committee (CFRC)

Criteria

Custody Division Manual, Section 4-07/005.00, Custody Force Review Committee, states:

The Custody Force Review Committee (CFRC) shall review all Category 2 force incidents subject to oversight by the Custody Force Response Team (CFRT).

Refer to CDM 4-07/005.05, “Custody Force Response Team.” In addition, the CFRC can review incidents at the request of a unit commander, or based on factors such as an increase in force incidents by facility, shift, or employee.

Audit Procedures

The CFRT tracker/database was reviewed to determine if Category-2 Use of Force Packages required a CFRC hearing.¹⁸

Findings

Of the 20 Use of Force Packages reviewed, 18 were excluded because they did not require a CFRC hearing, however, those that did not require a CFRC hearing were reviewed by CFRT. Therefore, two packages were reviewed and both (100%) met the standard for this objective.

Objective No. 7(c) – Division Chief’s or Division Director’s Responsibilities

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures, Division Chief’s or Division Director’s Responsibilities, states:

¹⁸ A CFRC hearing is comprised of three Commanders who determine if the Use of Force was within policy or if further investigation into the force is necessary.

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The Division Chief or Division Director shall note their concurrence with the Unit-level force review on the documents and forward the approved force package to the Discovery Unit.

Audit Procedures

The CFRT tracking database was reviewed to determine if the Division Chief noted concurrence of the Unit level force review. For this objective, all Custody Services Division Commander(s) and the CFRT were considered to be the Division Chief's designee to review all uses of force and allegations of use of force incidents.¹⁹

Findings

All of the 20 (100%) Use of Force Packages met the standard for this objective.

Objective No. 8 – Force Tracking

Objective No. 8(a) – Facility Log Included the Force Incident

Criteria

Custody Division Manual, Section 4-11/010.00, Facility Log, states:

Each facility shall maintain a 24-hour log recording all significant events²⁰ and incidents occurring at that facility.

Audit Procedures

The facility logs were reviewed to determine if the force incidents were entered by the Watch Commander.

Findings

Eighteen of the 20 (90%) Use of Force Packages met the standard for this objective. Two did not meet the standard because the incidents were not entered into the facility log.

¹⁹ The Chief of Custody Division was interviewed and stated all Custody Division Commander(s) and the CFRT are designated to review all uses of force, and allegations of a use of force, on his behalf.

²⁰ CDM Section 4-07/010.00, Notification and Reporting of Significant Incidents, defines a significant incident to include Use of Force incidents.

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Objective No. 8(b) – Force Incident Logged in Facility Automated Statistical Tracking (F.A.S.T.)

Criteria

Custody Division Manual, Section 4-01/025.00, Inmate Assault and Force Reporting in F.A.S.T., states:

Unit Commander Responsibility

Prior to the final approval of a use of force packet, unit commanders shall ensure the data from load sheets was accurately captured in F.A.S.T. ...

Audit Procedures

The reference number for each package was checked through the F.A.S.T. system to determine if the incident was entered.

Findings

All of the 20 (100%) Use of Force Packages met the standard for this objective.

Objective No. 8(c) – Force Incident Entered Into e-LOTS

Criteria

Custody Division Manual, Section 4-01/025.05, Electronic Line Operations Tracking System, states:

All custody facilities shall use the Electronic Line Operations Tracking System (e-LOTS) to track their Use of Force packages (SH-R-438P) and alleged use of force investigations. The e-LOTS program is capable of tracking many other administrative projects and unit commanders are encouraged to use these optional fields as well.

Audit Procedures

The e-LOTS database was reviewed for each Use of Force Package to determine if the force incident was captured in the system.

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Findings

All of the 20 (100%) Use of Force Packages met the standard for this objective.

Other Related Matters

Inconsistent and Non-Specific Areas within Policy

Preliminary Information Entered into Preliminary Data Entry (PDE) System

A review of the MPP Section 3-10/110.00, Use of Force Review Procedures, Unit Commander's Responsibilities section, states the Unit Commander shall ensure that preliminary data is entered into the PDE system within the first 24 hours of the force incident, or as soon as possible thereafter. Eighteen of the 20 force incidents were entered into the PDE system beyond the 24-hour period. The policy states the non-specific term, "or as soon as possible thereafter" and is not definitive as compared to the term, "within the first 24 hours."

Facility Automated Statistical Tracking (F.A.S.T.)

A review of the CDM Section 4-01/025.00, Inmate Assault and Force Reporting in F.A.S.T., states that unit commanders are required to accurately capture the use of force information in F.A.S.T., and the Command Accountability Reporting System (C.A.R.S.). The C.A.R.S. database was integrated into F.A.S.T., however, auditors discovered conflicts in the input dates between both systems. The F.A.S.T. system indicates a tracking date of the first of the month regardless of when the incident was entered. (e.g., an incident entered on May 4 would show a tracking date of May 1). In C.A.R.S., an incident date entered may show a date of days or months after the actual entry date. Neither tracking system provided an accurate entry date nor were there conclusive ways to show that the entry was made within 24 hours of the incident as the policy states.

Submission to Discovery Unit

The MPP Section 3-10/110.00, Use of Force Review Procedures, Unit Commander's Responsibilities, Force Package, states:

The Unit Commander shall ensure that completed/approved force packages are either submitted to the Discovery Unit, or forwarded to Division, as required below. Force packages not submitted to the Discovery Unit within 60 days will be considered overdue.

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In another area of the same policy:

The Division Chief or Division Director shall note their concurrence with the Unit-level force review on the documents and forward the approved force package to the Discovery Unit.

However, it is unclear when the force package is considered overdue to the Discovery Unit since the policy does not specify when the 60 days begins.

Additionally, the policy allows the units to send the completed/approved package either directly to the Discovery Unit or to their respective Division for review. The current practice within the Custody Services Operations requires units to submit Category-1 and Category-2 Use of Force Packages to the CFRT for review (a Division level process).

Custody Force Response Team

Custody Division Manual, Section 4-07/005.05, Custody Force Response Team states:

The goal of the Custody Force Response Team (CFRT) is to ensure high quality force investigations through incident oversight and investigative evaluation. The CFRT is comprised of sergeants, designated to respond to specific force incidents, where they shall monitor various aspects of the inquiry including but not limited to: interviewing participant employees, inmates, and witnesses, examining any video or evidence and monitoring the facility supervisor as they conduct their inquiry.

This policy establishes the CFRT, however, auditors could not locate a policy requiring the CFRT to actually review allegations of force, and uses of force, for Custody Services Division.

Unit Commander's Responsibilities Administrative Documentation/Materials – Storage of Documentation

Manual of Policy and Procedures, Section 5-07/290.15, Judicial Process, Administrative Documentation/Materials, states:

Administrative documentation/materials with potential civil value, which are produced at the Unit level, and that have no other established storage or retention guidelines, or whose civil value may exceed established guidelines, shall be retained by that Unit.

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The Unit Commander shall ensure that such documentation/materials are maintained separately from Station/Unit crime evidence and retained for not less than two years from the date of recordation.

Although policy exists requiring Divisions/Units to forward completed Use of Force Packages to Risk Management Bureau's Discovery Unit, the auditors had difficulty locating all required documents for several packages that had not yet been sent to the Discovery Unit. In conversation with management from various custody units, the auditors found that different units and facilities have a different means of storing use of force files. CDM Section 4-13/000.00, Retention of Records, mandates storage and retention of a variety of custody documents, but does not include Use of Force Packages. The auditors could not find any policy requiring units to securely store or retain Use of Force Packages.

Conclusions and Recommendations

During the course of this audit, AAB personnel performed analyses and made assessments to identify several areas for improvement. There were challenges posed in measuring the performance of the Use of Force procedures on inmates with mental health issues and in some instances there was a lack of clarity within the policy.

The AAB considers the results of this audit to be a helpful management tool for all Department personnel and therefore makes the following conclusions and recommendations:

1. It is recommended that the Department develop a system which maintains a record of all inmate mental and psychiatric holds to ensure that the information is readily available for recidivistic inmates and risk mitigation. If the AJIS record is purged, there is no conclusive way to show if the information was entered. (Objective No. 1)
2. The Department requires that Department personnel make reasonable efforts and attempt to de-escalate potential use of force incidents by first using sound verbal communications when possible and to notify a supervisor if those efforts failed. It is recommended the Department provide appropriate force prevention/de-escalation training. (Objective No. 2)
3. Written reports that are not turned in by involved or witness employees prior to going off-duty, result in a delay in administrative investigations and/or appearances of collusion. Therefore, it is recommended that if the Department member is unable to submit a report prior to going off-shift, the Watch Commander/Supervising Lieutenant should provide an explanation and reason in the Supervisor's Use of Force Report for the time delay. (Objective No. 5)

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4. The Supervisor's Report on Use of Force (SH-R-438P) and specifically the Suspect Information page was reviewed to determine whether the mental health classification box was marked. Therefore, it is recommended that managers re-brief the proper completion of the SH-R-438P. (Objective No. 6)
5. If a physician or a member of medical staff is not personally interviewed and/or their statements are not documented regarding the inmate's injuries, a potential for alleged injuries may arise. It is recommended that investigating supervisors document that they have personally interviewed medical staff and have compared their statements with the inmate injuries or lack thereof. (Objective No. 6)
6. The Watch Commander/Supervising Lieutenant must personally examine the inmate, and exclude all Department members involved in the use of force during the inmate's interview to avoid allegations of intimidation or the failure to provide adequate medical attention may occur. It is recommended that investigating supervisors fully articulate the examination process even if the inmate refuses to respond or cooperate. (Objective No. 6)
7. A delay in future investigations could occur when Use of Force Package is not complete. Therefore, it is recommended that supervisors ensure that all required written and video documentation of the incident are submitted with the Supervisor's Report on Use of Force, and include an Inmate Inventory by Permanent Housing Location (Purge) if the force occurred in a permanent housing area. (Objective No. 6)
8. Use of Force Packages not submitted to the Unit Commander within 21 days from the date of the incident, delays the process of review by Department management. Therefore, it is recommended that Watch Commanders/Supervising Lieutenants ensure the timely submission of the Use of Force Package, or request an extension from the Unit Commander and include the approved extension request as part of the Use of Force Package. (Objective No. 6)
9. To ensure tracking and accountability of all use of force incidents, it is recommended the Watch Commander ensure that all force incidents are entered in the facility log. (Objective No. 8)
10. The time frame for entering information into the PDE is not well defined in policy. The Manual of Policy and Procedures Section 3-10/110.00, Use of Force Review Procedures, Unit Commander's Responsibilities section mandates that preliminary data should be entered into the PDE systems within the first 24 hours

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“or as soon as possible thereafter.” It is recommended the policy clearly state a time frame for entry into PDE (i.e. “should be entered into the PDE system within the first 24 hours”). (Other Related Matters)

11. Inmate Assault and Force Reporting in Facility Automated Statistical Tracking (F.A.S.T.), states that unit commanders are required to accurately capture the use of force information in F.A.S.T. and Command Accountability Reporting System (C.A.R.S.). However, there are conflicts in the input dates between both systems. Therefore, it is recommended that only one system be used to capture the information. (Other Related Matters)
12. The Manual of Policy and Procedures Section 3-10/110.00, Use of Force Review Procedures, Unit Commander’s Responsibilities, does not specify when the 60-day submission to Discovery Unit begins, and it is unclear as to when the force package is considered overdue to Discovery Unit. Therefore, it is recommended that the policy be reviewed to set up a guideline or matrix for a timeline. (Other Related Matters)
13. The Custody Division Manual, Section 4-07/005.05, Custody Force Response Team (CFRT), establishes the CFRT; however, there is no policy requiring the CFRT to actually review allegations of force and use of force incidents for Custody Services Division. Therefore, it is recommended that policy be established to clearly outline CFRT’s responsibilities. (Other Related Matters)
14. Use of Force Packages are of potential civil value. Therefore, it is recommended that CDM Section 4-13/000.00, Retention of Records include a section specifically for the storage of Use of Force Packages and the time period for storage at the Unit Level. (Other Related Matters)

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This audit was submitted on this 28th day of June 2016, by the Audit and Accountability Bureau.

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