

# 32<sup>nd</sup> Semiannual Report By Special Counsel

Los Angeles County Sheriff's Department



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# Special Counsel and Staff

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## Introduction

This is the 32<sup>nd</sup> Semiannual Report of Special Counsel and staff about the LASD. The Sheriff's Department has undergone great turmoil this last year, and the apparent instances of brutality and corruption in the jails have received due coverage in the print and electronic media. The infighting, blame shifting, startling allegations, and finger-pointing reflect the degree of disarray within the largest Sheriff's Department in the United States. Again, there has been no dearth of coverage of these events by the media. Accordingly, there is no need to rehash these events in this Report.

While the top ranks of the Department seethe, everyday police and jail custody work must go on, and the 9000+ sworn staff and 8000+ civilian staff faithfully do their jobs, day in and day out. It is very much to their credit that they have gone about excellent police work on the streets and in the jails despite the distractions. We commend them.

In this Report, we thus concentrate our efforts on the major policing issues facing the Sheriff's Department. In this Report, we look at the LASD's strategies vis-à-vis gangs and the quality of internal reviews of force.

## Gang strategy

This chapter, primarily the work of our senior advisor, Brian Center, focuses on the Department's gang strategy, its effectiveness, and whether there are any concerns or recommendations for improvement in regards to its impact on the community. Approximately 59 percent of homicides and 9 percent of assaults are directly linked to gang activity, according to the LASD. Over the past three years, the LASD asserts that there is occurred over 2,200 gang assaults and 309 gang-related murders in areas patrolled by the Sheriff. Sheriff personnel also believe that additional crimes are committed by people who have bought into the culture of violence that is so influenced by gangs, but those crimes, especially assaults, do not always show up in statistics, either because they are unreported, or because of the difficulty of precisely categorizing a crime as gang related. Thus, as bad as the statistics sound, the problem is even more significant, says the LASD. Even if the statistics err on the side of over inclusion, the underlying events are clearly detrimental to the communities concerned.

In interviewing Sheriff's personnel, it is clear that they see gang violence as a top, if not the top priority in the Department. While there have been significant improvements over the past few years in violent crime statistics, in many neighborhoods, gang culture and violence still dominate life. The threat of random violence, and larger scale violence, always seems to be bubbling just below the surface. And, as the Department points out, Los Angeles County is home to the largest number of gangs and gang members compared to any single region in the

nation, with around 1,100 gangs and over 88,000 gang members. Even if, as we suspect, these figures are substantially exaggerated, it is nonetheless the case that gang violence exists.

This Report concludes that the LASD relies too much on a strategy of suppression when it should be focused as much, if not more, on gang prevention and intervention.

### **Force Review**

Special Counsel and staff have attended force hearings and reviewed hundreds of underlying use of force reports over the years. Within the last month, at a suggestion of Supervisor Molina, Special Counsel reviewed 20 recent force cases, ten from the custody side and ten from the patrol side, to consider the quality, integrity, and thoroughness of the review from the first line supervisor, up the chain of command, through the Commander's Committee.

In none of the 20 cases was there a finding that the force itself was out of policy. At first blush, these would seem to be disconcerting results, suggesting a lax attitude regarding force. That was not the case, however. By and large, although with some significant exceptions, the review of force was thoughtful and thorough, with appropriate referrals for follow-up, additional training, or assignment to special classes. We do not reach conclusions on specific findings or attempt determine the appropriateness of discipline where ordered. Rather, we examined the review process itself in order to determine whether it is best calculated to produce fair, unbiased, and well-informed findings based upon a complete record. Special Counsel examined whether there is a careful consideration of the use of force or shooting in question. In the main, we were pleased with what we saw.

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Since our last Semiannual Report, Chief Neal Tyler has retired from the LASD, although he remains as involved as ever in the life of the organization. I have known Neal and worked with him for 21 years, and he earned at every step my respect and appreciation. Sheriff Block and Sheriff Baca each recognized Neal's high intelligence, diligence, thoughtfulness, and creativity, putting Neal in important and sensitive roles. A man of few words he is not, but everything he says makes sense. From the earliest Kolts days to the present, my staff and I have been unwavering in our affection and respect for Neal Tyler.

Merrick Bobb

## 1. Gang Strategies

### I. The Importance of Gang Strategy

There are approximately 190 Part I crimes—homicide, rape, robbery, assault, burglary, theft and arson—every day in areas patrolled by the Sheriff’s Department, totaling over 70,000 per year. Out of those thousands of crimes, the number of homicides and aggravated assaults is substantial. Over the past three years, for example, there have been over 27,000 aggravated assaults and 519 homicides. The Sheriff’s Department efforts to prevent or respond to these crimes consume an enormous amount of time and resources and have a tremendous impact on Los Angeles County.

One of the central and most important parts of that effort revolve around the Department’s gang strategies. Approximately 59 percent of homicides and nine percent of assaults are directly linked to gang activity. Over the past three years, that adds up to over 2,200 gang assaults and 309 gang-related murders in areas patrolled by the Sheriff. Sheriff personnel also believe that additional crimes are committed by people who have bought into the culture of violence that is so influenced by gangs, but those crimes, especially assaults, do not always show up in statistics, either because they are unreported or because of the difficulty of precisely categorizing a given crime as gang related. Thus, as worrisome as the statistics may be, they may underestimate the scope of the problem.

In interviewing Sheriff’s personnel, it is clear that they see gang violence as a top, if not the top, priority in the Department. While there have been significant improvements over the past few years in violent crime statistics, in many neighborhoods, gang culture and violence still dominate life. The threat of random violence, and larger scale violence, always seems to be bubbling just below the surface. And, as the Department points out, Los Angeles County is home to the largest number of gangs and gang members compared to any single region in the nation, with an estimated 1,100 gangs and over 88,000 gang members. Although we have reason to believe that the LASD may overestimate the number of gang members, the numbers are still daunting. At a news conference in January 2013 when Sheriff Baca was announcing historic lows in violent crime, he stated that gangs “remain the most serious issue.” The importance of this issue cannot be overstated. As one of the leaders of the Department’s gang

unit said, “We cannot ever let up in our effort to get rid of gangs. We must stay on top of the issue. It should always be a top priority of this Department.”

Because of the isolation of underserved neighborhoods, the issues of gangs and gang suppression is rarely covered in the media and rarely understood by those outside of the impacted communities. There has been no strong public outcry for the 309 gang-related murders over the past three years in parts of Los Angeles County (and these statistics do not include crimes within the City of Los Angeles, where an additional 487 gang homicides occurred over the past three years). But for the community members who face that horror daily, and the Sheriff’s Department personnel who risk their lives to deal with it on the front lines, it is of the highest importance.

## **II. The Parameters of This Report**

This Report is focused on the Department’s gang strategy, its effectiveness, and whether there are any concerns or recommendations for improvement in regards to its impact on the community. Engaging in best practices around gang issues can improve safety in the community, the relationship between the community and law enforcement, and the safety and quality of life of Sheriff’s personnel. It also may impact the culture of the Department and the aggressiveness of tactics used when engaging with the community.

The Department’s overall gang strategy is summarized in a 2009 booklet entitled “Confronting the Gang Crisis, Through Suppression, Prevention, Intervention & Technology.” The Department states that the gang problem is a “multi-faceted community crisis” and it must be addressed with a “coordinated effort involving innovative law enforcement strategies, and participation by social service agencies, schools, public and mental health professionals, faith and community-based organizations, and community leaders.” The LASD gang strategy is divided into four categories: (1) suppression; (2) prevention; (3) intervention; and (4) technology. We first consider prevention and intervention. Next we consider technology and suppression.

The Department runs three prevention programs that provide mentoring, after school activities, career education and guidance. This work reaches thousands of young people every year throughout LA County in an effort to provide a positive influence before they get into trouble.

The Department also runs an intervention program called VIDA to reach youth who have started to struggle with staying on a healthy path. The goal is to “redirect youth and focus on issues related to juvenile delinquency.” It should also be noted that Station captains are

assigned to drive a comprehensive approach to crime fighting, and to engage the community resources around them as part of their strategy.

The Department's technology strategy refers to an effort to identify, track, and gather information relative to gang activity. The Department uses a CalGang statewide database to catalog information regarding gangs. A unit called ASAP (Advanced Surveillance and Protection) uses a variety of technologies, like video surveillance and acoustic gunshot detection, to fight crime. A new system called CBIS allows the Department to consolidate crime statistics and other social service data from multiple agencies into one place.

This Report also briefly touches on our research around best practices for a comprehensive approach to gang issues. This includes a discussion about community gang intervention as a tool to compliment the Department's suppression strategy.

### **III. The Targeted Suppression Strategy**

Our biggest focus for this Report is on the Department's gang suppression strategy. It is given the highest priority, and is considered the most important by the Department.

Most of the detailed implementation of the Department's gang strategy is driven through specialized units—separate from basic patrol—developed to focus solely on arresting and helping prosecute gang members. The Department's main gang unit is called OSS (Operation Safe Streets). OSS is also assisted in their efforts by Gang Enforcement Teams (GET), COPS personnel (Community Oriented Policing Services), specialized narcotics units, as well as patrol stations. In 2012, there were 99 OSS investigators and 60 GET Deputies Countywide.

The core component of the Department's suppression strategy is called "targeted suppression." This is the idea that some gangs are more violent than others and, within those gangs, only a relatively small number of people cause a majority of the violence. So, if the Department focuses its attention to get rid of the worst gangs and puts the "worst of the worst" individuals in jail, it will create a dramatic reduction of violence in the community.

Starting in mid-2007, the Department made an effort to make its suppression more targeted. An Assistant Sheriff, Chiefs, station captains, and OSS personnel would gather every Monday to ensure that their efforts were targeted and coordinated. It was determined that OSS did not have enough resources to lead and implement the strategy, so station captains were assigned to lead the overall approach, with OSS playing a supportive role.

Captains from every patrol station were asked to identify one gang at a time that was causing the most violence in their area and to develop a plan to disable the gang. The plan would

include gathering intelligence from reports of criminal activity and street informants to determine the most active gang members, to create a list of those members to be shared with all law enforcement personnel, and to aggressively patrol, watch, and catch those active members until they were in jail. The strategy also included giving the District Attorney more detailed information about the arrestee to ensure that the individual was prosecuted to the full extent of the law—in other words get him or her in jail for as long as possible.

The theory behind the strategy was that once the active leaders of the gang were in jail, and the other gang members realized that there was a zero tolerance approach to criminal activity, the structure of the gang would fall apart, people would greatly reduce their criminal activity, and the attractiveness of being in the gang would go down. The community would gain more confidence in standing up to gangs and begin to help the police identify active gang members and report crimes. For the next generation of “wannabe” gang members, intervention and prevention services would educate them on a better path in life. In this manner, not only would violence and crime be greatly reduced in the community, but the culture would start to shift toward people feeling empowered to control their own neighborhoods.

While the station captain was put in charge of the overall strategy, the OSS teams were responsible to spend time on the streets to learn about the gangs, get to know gang members as distinct individuals with different personalities and propensities, identify the most active members, and work with the District Attorney to ensure that arrested members were prosecuted aggressively. Patrol deputies were considered too busy responding to general calls for service to be able to implement this sophisticated gang strategy.

At each Monday meeting, the captains were held accountable to report on the progress of their gang strategy, including crime statistics, identification of the most active gang members, requests for resources to engage in needed operations like probation and parole searches or stake outs, the current number of active gang members, and the goals for the following month. The captain also was required to report on other prevention or intervention activities in their area, in line with the philosophy that a comprehensive solution to crime is needed.

The meetings were serious, creating a tone and approach of aggressive policing, with no excuses for not getting the job done. The leadership was intent on shifting a culture away from passive policing, where officers would avoid difficult situations or fail to aggressively ask detailed questions to get to the heart of problems in their communities. If a captain felt like he or she needed support or more resources to utilize a tactic—for example, more narcotics surveillance or parole sweeps—the group would brain storm on how to free up the resources to help.

Below we examine the effectiveness of this strategy as it was implemented.

## **IV. Our Methodology and Approach**

We were interested to see if we could determine whether the targeted gang approach is effective, if it causes any unintended consequences related to overaggressive policing or civil rights violations, and whether any recommendations became apparent.

Because we did not have the resources to examine the Department's implementation County-wide, we choose one station to review in more depth. We then interviewed Department personnel, both at higher, County-wide levels and at the Station level, as well as people who work and live in the community patrolled by the Station.

We then reviewed a number of documents, including memos and other internal documents outlining their strategy and implementation, crime statistics, field investigation cards that label individuals as gang members, personnel complaint information, and a range of other documents to better determine how gang members were identified, targeted and arrested, and the impact of those actions.

### **A. Background of The Station**

This station that we reviewed in more depth sits in one of the most crime ridden areas of Los Angeles County. Over the past three years, there have been 65 homicides and 2,353 aggravated assaults within this station's jurisdiction. There is a population of 85,000 people in the unincorporated area it patrols, with a high poverty rate. The zip code within which the station sits was rated for safety by a local civil rights organization, and received an "F".

To police the area, the station is assigned 215 personnel, including 170 deputies who share patrol duties. The station also has the support of eight gang deputies from the Operation Safe Streets (OSS) Division.

The task of policing this area is extremely challenging. The station receives over 10,000 calls for service per year, which range from complaints about junk cars to domestic violence and murder. For example, in 2011, this station had 10,306 calls for service. The station also accounted for 7,509 arrests in the same year. Spread among 170 deputies, this averages to 28 calls of service per day and over 20 arrests per day. Assuming a call for service takes an average of 30 minutes to complete, and an arrest takes an average of 2 hours to complete, one can see how busy the station can get.

Layered on top of this constant pressure of policing a crime ridden neighborhood, gangs add another complex challenge. There are an estimated 29 major gangs that operate in the area, and an estimated 43 cliques within those gangs. Most of these gangs are not tightly structured, but rather a collection of people driven by various leaders who instill a culture of violence and disconnection from society. Many of the gang members come from multi-generational gang families, where the family dysfunction runs deep, and the young people have almost no positive role models in their lives.

In this Station's area, there were 65 homicides over the past three years, 46 of which were gang related—over 70 percent. The 65 homicides in this one station's area represent over 12 percent all homicides County-wide.

In addition, the same dysfunctional atmosphere that drives gang activity drives other non-gang directed violence in the County. Individuals who witness frustrated and angry people using violence, or are themselves the victims of violence, account for a significant percentage of overall violence, even though it may not be linked to any gang organized activity. Deputies, as well as community members, estimate that over 70 percent of the violence in gang neighborhoods is driven in this way, either in the form of domestic violence, rape, assaults, robberies, or homicides.

Whatever the exact percentage is, these statistics and perceptions mean that violence is ever present in certain communities, and can be triggered quickly and randomly by inter-personal disputes or the personal issues of individuals, making law enforcement's goal of targeting those who will create violence and preventing violence very difficult.

### **1) The Station's Gang Suppression Efforts**

In 2007, the station, in line with the gang suppression strategy, picked one gang to focus on. This gang had an estimated 523 members just in the station's patrol area, and several thousand in the surrounding areas. Each year that number decreased. As of 2012, the Department estimates that there are 339 members in the Station's area.

This gang ("the Target Gang") was chosen because it was considered the most violent gang in the area. This was determined through intelligence from OSS officers and patrol deputies working in the area, and a review of crime statistics.

Because of its high level of criminal conduct, the Target Gang became the subject of a gang injunction filed by the District Attorney's office. The injunction allows the Sheriff's Department to arrest members served with the injunction for activities such as associating with each other, loitering or intimidating people, as just a few examples.

Between 2007 and 2012, and continuing today, the station developed a strategy to focus its suppression efforts on the Target Gang, with a goal of dismantling the gang so that it would no longer create crime in the area.

The station followed the strategy outlined above. It chose the gang, and then identified people they considered to be the most violent and criminally active. For short, Sheriff's personnel would call this their "top ten" list. For example, in 2009, each month ten people were identified as the most active. Out of the approximately 500 identified in the Target Gang, a total of 29 people appeared over the course of the year on the "top ten" list. That means the Department was focused on only 5 percent of the known gang members in their area. Of those 29 people, 14 people were arrested.

At the weekly meetings with the Assistant Sheriff, Chiefs, and leaders of OSS, COPS, and GET, the Station captain would report on the progress of their effort and share information about the top ten lists, so that all units could keep an eye out for these individuals if they were to commit a crime or their name came up through informants or witnesses related to crimes.

Individuals on the top ten lists were arrested for a variety of crimes, from violent crimes like murder and robbery, to possession of narcotics, contempt of court, violation of a gang injunction, domestic violence, and gun possession. This was in line with the Department's "zero tolerance" philosophy. Once someone is identified as a person with great potential to commit crimes and cause violence, the Department believes it is important to arrest them and get them in jail, whether they are caught for a minor or major crime.

In addition to the arrests of people on the Top Ten lists, the Station generated many more arrests of people identified as part of the Target gang. For example, in 2010, the Station reported making over 200 arrests of members of the Target Gang, including 43 for violation of the Injunction, 38 for weapons violations, 35 for robbery, assault, or burglary, 33 for narcotics violations, and 81 arrests for miscellaneous warrant and misdemeanor violations. Nineteen search warrants were served targeting members of this gang. In 2010, the Station made a total of 7,682 arrests. Thus, the arrests of this gang made up approximately 2.5 percent of their total arrests.

## **V. Our Findings**

### **A. Overall Strategy**

Suppression is a delicate business. A suppression strategy creates a real danger of worsening the long term gang problem by damaging community relations, creating more entrenched,

bonded gang members who will step up and replace each gang leader arrested, sending people to prison to become hardened criminals and increasing their recidivism rates (and thus increasing the amount of crime), and causing further deterioration to a community with an already weakened social fabric. To make matters more complicated, researchers believe that, with some gangs, suppression tactics lead to more cohesion among gang members, because they now have police as a common enemy to fight against.<sup>1</sup>

On the other hand, suppression and deterrence are key tools employed by all law enforcement agencies. Part of law enforcement's job is to enforce the laws and arrest people who break the law. The Sheriff's Department must engage in a large scale effort to identify and arrest people who are committing crimes while in gangs. The consequences of suppression must be carefully minimized and managed. But suppression as a tactic cannot be done away with completely.

Gang suppression is an approach that has dominated law enforcement for decades in Los Angeles and nationally. As the policy has continued to be implemented, law enforcement officials involved with it have developed strong feelings that it works, and is central to a smart strategy to combat gangs.

An important aspect of this strategy is the understanding that a small percentage of people can drive a large percentage of crime and violence in a community. In general, gang members commit more crimes than non-gang members and commit a wide variety of crimes, leading to a perception and reality of instability in a neighborhood. In addition, while organized gang violence in general is relatively rare in comparison to other types of crimes, violence is a significant part of gang culture.<sup>2</sup> In the target area we focused on, for example, it appears that a large percentage of violence is carried out by people affiliated with gang culture, even though the violence may not be linked to organized gang activities.

In addition, there are many variations of gangs. There are long-standing, large traditional gangs who are territorial and have a number of cliques with a wide age range; newer gangs on the way to becoming traditional; small gangs without subgroups and a narrow age range; gangs with more structured or less structured hierarchies; gangs influenced by prisoners; the list goes on.<sup>3</sup> Thus, in gang suppression strategies, one size should not fit all. The removal of leaders of small, new gangs, for example, may be effective at disabling the gang, while the same strategy with other gangs may only increase gang cohesion and elevate new leaders, who could turn out to be more violent than the last.

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<sup>1</sup> Klein, p. 256-257.

<sup>2</sup> See, e.g., Klein, Malcolm, and Cheryl Maxon, Street Gang Patterns and Policies, Ch. 2. Oxford University Press, 2006.

<sup>3</sup> Klein. Ch 5.

In addition, as one executive noted, a constant concern in policing is training officers to be detail oriented, assertive, and problem solvers. Policing is a dangerous and complex job, and without clear direction, field work can become sloppy, overly broad, or too passive.

One executive gave a number of examples where officers had not been held accountable to aggressively problem solve. One example was efforts to go after taggers, who the executive called the “minor league” for gangs. Before the targeted suppression strategy, the culture in the Department was, too often, to accept tagging as impossible to stop. When officers were held accountable to solve the problem by pressing them with detailed questions, they used all of their tools, including going door to door to speak to parents. Tagging went down significantly. One tagger told an officer that their entire tagging group quit, because it was just “not worth it” anymore.

As a second example, before this strategy was implemented, gang units and stations were targeting 160 gangs, even though only 160 gang investigators existed in the Department. This made it difficult to truly “target” any gang activity. After the new strategy was implemented, each station used crime data and other information to narrow the targets to those creating the greatest percentage of problems. Crime analysts, for the first time, were invited into planning meetings. Of the 23 stations, ten had significant gang problems that garnered key attention and resources. The other 13 stations, however, were also required to identify their top problems and to instill the same philosophy of detailed and aggressive problem solving.

In this sense, targeted gang suppression was a step forward for the Department, and is a critical strategy for effective policing of gangs. Sheriff’s personnel, with more nuanced information about gangs collected by personnel, became more focused on arresting those creating a large percentage of crime and violence and could adjust their strategies to fit the needs of a particular community.

In addition, targeted suppression provides a structure for the Department to avoid two major negative perceptions and problems with suppression strategies of the past: First, the Sheriff’s Department (and law enforcement agencies nationally) have been plagued for decades with an overbroad approach to suppression. In years past, officers who were not familiar with the inner-city neighborhoods they patrolled, or with the unique aspects of gang culture, used aggressive and sometimes abusive tactics against members of the community. To the community and outside observers, the targets of aggressive policing often appeared random. This created perceptions in the community that they were under siege from an occupying force. It created feelings of mistrust, hatred, and the suspicion of racism and illegal policing. It created an “us versus them” mentality. In speaking with community members on this project, we heard a number of stories as they reminisced about the “common” practice, years ago, of Sheriff’s deputies “beating up” suspected gang members.

Second, there has never been any research study that indicates that suppression alone is effective at solving the problem of gangs. Indeed, with the rise of suppression as the main law enforcement strategy in Los Angeles grew out of some of LA's most violent periods of gang violence, and the doubling of gang membership in Los Angeles County.

While research shows that more incarceration generally leads to a decrease in overall crime, the correlation is fairly weak. Several studies indicate that a 10 percent increase in incarceration generally can lead to a 2-4 percent decrease in crime. However, when incarceration rates reach a certain level, it can contribute to the breakdown of stable families and the community and actually lead to an overall increase in crime.<sup>4</sup>

Other research studies show that other punishment-only tactics, like intensive parole supervision and incarceration without services, have been found to, on average, increase recidivism, waste tax dollars, and make the problem worse.<sup>5</sup>

In this context, the best strategy is a narrowly focused, targeted suppression strategy that focuses on the worst of the worst criminals. The shift by the Sheriff's Department to a more thoughtful, targeted suppression approach is important. The idea of focusing resources on the most violent individuals to get them off of the streets, and of sharing information with other units to ensure that the targeting is as accurate as possible and utilized efficiently, is critical to not only being more effective at reducing violence and building a healthy community, but also minimizes the unintended negative consequences mentioned above. Everyone, including those most mistrustful of police, understands the justification for pursuing and arresting people who are committing serious crimes in our communities.

## **B. Management Strategy and Culture**

If the overall strategy of targeted suppression is a good one, the next question becomes how best to implement and manage that strategy. Specifically, how do supervisors ensure that the targeted gang suppression philosophy is communicated to those on the front lines? What specific parameters are in place to guide staff on how to implement the strategy effectively, and what supervision and accountability measures are in place so that there is a clear

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<sup>4</sup> See, e.g. [What Works, Effective Recidivism Reductions and Risk-Focused Prevention Programs](#). RKC Goup, Roger Przybylski, 2008. Raymond Liedka, Anne Morrison Piehl and Bert Useem, [The Crime-Control Effect of Incarceration: Does Scale Matter?](#) 5 Crime and Public Policy 245-276. 2006.

<sup>5</sup> See, e.g., Warren, Roger, [Evidence-Based Practice To Reduce Recidivism: Implication For State Judiciaries](#). Selected Works. 2008. Washington State Institute for Public Policy, [The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics](#). 2003.

understanding of how staff are doing, what needs improvement, and how to achieve that improvement?

We started by conducting interviews of personnel and looked at policies and protocols around the management strategy. The interviews were designed to informally gauge their beliefs about the effectiveness of the strategy and whether there are any concerns, as well as to assess the management structure. We also were curious about the culture of the Department, and whether it was consistent with the underlying principles of the management strategy.

We also interviewed people who work or live in the Station's area. These interviews were designed to informally gauge the community's perception of the Sheriff's Department and to determine if past perceptions of mistrust had been alleviated by this new strategy. We also were curious if people living in the Target Gang community believed that the strategy was being effective.

Our interviews were not done as research based surveys. Thus, we are not offering an opinion about how the majority of the community or Department feels. We don't know, for example, if the perceptions of the people we interviewed, who live and work in the community, are based upon isolated acts of a small number of deputies, or a pattern of widespread conduct. We don't know if they were moment-in-time thoughts or consistent feelings they hold over years. We understand that opinions will differ from community to community and from time to time for many reasons, and the majority of our interviews of community members came from the single Target Area. The results of the interviews should be described more as issue spotting rather than conclusions.

A majority of Sheriff's personnel believe that their suppression strategy is excellent, narrowly focused on the worst criminals, effective at combatting gang violence as demonstrated by improved crime statistics, and that there was no indication of their tactics being overly aggressive or leading to police abuses, or to gang culture within the LASD that would encourage asserted deputy cliques like the 3000 Boys or Jump Out Boys.<sup>6</sup> Personnel also believed that the community was supportive of their efforts and appreciated their ability to get gangs members off of the streets who were terrorizing their neighborhood.

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<sup>6</sup> The common belief was that deputy gangs represented either: a case of a few bad apples, out of thousands of deputies, who knew better but decided to step over the line into abusive policing for their own, twisted reasons; or overly eager deputies whose intent was good but who were too naïve to understand how their actions (i.e. wearing tattoos with smoking guns) would be perceived negatively by the community. As a key trainer stated, "there cannot be two communities – the gang community and regular community. We train our deputies that there is just one community, and we treat them with respect."

The management strategy consists of instilling the core values of the Department in trainings, setting the more detailed strategy in the weekly gang meetings, and then depending on captains, lieutenants, and sergeants to implement the details of the strategy on the front lines.

We were struck by the effort set forth by the Sheriff and many top staff to instill a culture consistent with their core values of respect based leadership. There was a sense of management trying hard, through a wide variety of trainings and communications in staff meetings, to send a message that policing should be assertive, but that inappropriate policing would not be tolerated. As another leader stated, "I have never seen management level work so hard. We are constantly meeting around disciplinary reviews, accountability measures and planning."

Personnel also are exposed to a variety of ongoing leadership trainings to instill a sense of empowerment, positive thinking, and problem solving skills. While not always followed in practice in the jails or on the streets, Sheriff Baca has gone to great lengths to advocate a progressive view of policing in the organization, and personnel consistently expressed their clear understanding of the Sheriff's views. While this earnest effort is laudable, the challenge is that this vision and philosophy has to be transmitted to the front lines. This is where the Department needs vast improvement.

Whether gang suppression is done in a targeted, respectful, effective manner, comes down to how staff on the front lines act when they are making a lot of difficult decisions in actions like conducting surveillance; pulling over a car of suspicious looking teenagers; walking up to a rough looking group of people on a street corner in a gang neighborhood; or at a community meeting answering questions about an officer-involved shooting that triggered negative emotions in the community.

By the time an officer in the field is rolling up to a group of kids on a corner, a wide variety of influences impact the officer. How to interact with gang members, for example, is learned first in jails, where there is very little relationship building going on. Deputies receive extensive officer safety training, and are reminded constantly of the danger of someone they are interacting with turning on them. They receive on the job training in the community from supervisors with a variety of personalities and philosophies. Deputies also are taught that they are problem solvers on the front lines, with discretion to make decisions on a day to day basis. The law, for example, gives officers the discretion to arrest someone when they witness a crime. (e.g. PC 836). It is not mandatory. For example, many people have been let out of speeding tickets with a warning, as have many kids who were hanging out around alcohol or marijuana. Thus, each decision is not clear cut, and policies and procedures cannot guide them on how to act. Policing can be just as much art as science.

What we found was that, in this context, a clear vision of what is “appropriate” and “inappropriate,” or effective or not effective, did not successfully and consistently make it down to lower levels of the Department. For example, several people, both high and low ranking, believed that the tone in gang meetings to push for aggressive behavior, and phrases like “obliterate gangs” and “push the gray area,” led to inappropriate policing on the front lines. As one higher up stated, “There are some people who just don’t get community policing, and some of those people have been put in positions of power.” Thus, as soon as the strategy left the lips of leaders at the top level, it was creating vagueness and dissension as it was passed to lower levels.

We also found a lack of clear tools for supervisors to judge whether policing was appropriate or effective. Although these words were not used, it came down to a standard akin to “I know it when I see it.” We found very little structure, or a language to describe the structure that does exist, that would indicate real clarity around a consistently implemented style of policing in relation to gangs.

The management tools that do exist are not bad in themselves. Good supervisors roll out frequently with deputies in the field to monitor their work, as well as engage in constant discussions and monitoring; problems are identified through citizen complaints; and internal affairs is there to investigate problems. Given the current resources and the nature of police work in the field, it is impossible for a supervisor to be in the field regularly, and many times citizens will not complain if things go wrong. That makes managing the gang strategy a very difficult task.

In addition, we perceived, as did many Sheriff’s Department personnel who we interviewed, that communication skills in the Department are weak. In discussing whether deputies do a good job or not, vague words were constantly used—for example good officers were considered “doing a good job,” and those who were found to violate policy were considered “knuckle heads.”

In addition to vague language, many officers seem afraid to discuss in detail the difficult and complex decisions that go on in policing. We saw, for example, officers in the field engaged with the community reluctant to invite other officers in their area to join them, for fear of being considered too soft. We found very little willingness to challenge each other, in healthy discussion, about the nuances of policing. This, again, leaves front line officers handling a complex job without enough clarity.

When we spoke to a cross-section of people who work or live in the community of the Target Station, we heard a lot of positive comments about the Sheriff’s Department’s effort. But we

also heard a lot of perceptions that were very different from answers provided by Sheriff's personnel. Some of the statements we heard were that:

- "The Department looks internally to fix problems within the community, and not to the community."

- "The community still won't call the Department for help because of a lack of trust. There is still great underreporting of crimes. They are not creating an environment where the community feels protected."

- "They [officers] show no respect to the community. They don't interact with us or know who we are. Or when they do, they are gruff and are saying things like: 'get against the car;' or 'I am going to get you if you don't give me information;' or 'I am going to fuck you up.' They pull out guns and point them at people when they don't need to."

A number of people believed deputies planted drugs, lied, bullied, and threatened others in order to convict people they thought were criminals. One experienced law enforcement person who works in the area for a different agency said that the Sheriff's Department has little understanding of the community. As an example, this officer said at a crime scene, deputies were yelling at the community and gruff with them instead of engaging with them to make sure people were calm and misinformation did not make the situation worse.

A number of people interviewed who criticized the Department were in professions that would benefit from a Department that is engaged with the community—police officers, human relations workers, or social service workers. They felt that they made constant efforts to work with the Department and improve community relations, and that the Department was non-responsive and did not understand how to work with the community. They believed the "us versus them" mentality ("us" being the Department and "them" being the community) was still in place, as it was years ago when police abuse was a regular occurrence.

All of these comments were opinions, largely focused in one geographic area, and we are not, as noted above, citing them as statistically proven conclusions. Some members of the community we interviewed have a deep mistrust of police and are prone to overbroad criticisms of the Department that are vague and near impossible to substantiate. It was nonetheless striking to us how divergent the perceptions were.

While our conversations with Chiefs and Assistant Sheriffs in the Department were characterized by introspection and a search for ways to improve, overall, the attitude with many lower ranking LASD officers we interviewed was one of defensiveness. The idea that people from the community were critical of the LASD because of a history of abuse, or because of the community was aware of current allegations of abuse in the jails and stories of deputies

forming violent gangs, was quickly dismissed by deputies as coming from those in the gang culture or from those who do not understand the job of law enforcement.

While our perception is that a large majority of deputies are well intentioned and have good attitudes, those who are defensive and dismissive of community perceptions and criticism give rise to serious concern about: (1) whether the structure is in place to adequately prevent abuses in the community; and (2), if abuses occur, whether there are concrete, clear systems in place that would let a suspicious community know the Department did its best to prevent them. This left us with a feeling that, if these problems are not fixed now, the same issues that are arising in the jails will surface in the community within the next few years. Tacit or active encouragement to work in the gray area led to the formation of deputy gangs in the past— as has been a chronic problem at Century Station and others. Even if police abuse in the LASD is nowhere close to pervasive, the possibility for small, abusive cliques to form cannot be discounted entirely.

In addition, separate and apart from the concern about abuse, is a concern that there is no structure set up to determine at a high level whether the gang strategy is being effective. We did not see a clear, consistent strategy, implementation plan, or outcome measures. Instead, we saw a lot of well-intentioned, good hearted people trying really hard to be good police officers and serve the public but with vague and inconsistent notions about what that means.

From the standpoint of organizational management, one of the most often preached concepts is “alignment.” Alignment refers to the existence of a clear understanding of the organization’s purpose, including its mission, values, strategies, policies, procedures, and sociopolitical surroundings. Another way of describing our concerns expressed above is to say that we found the Department to be “misaligned” in a significant manner, in general, and in particular with respect to targeted gang strategy. As a few key examples:

- Vision: What are the goals of, and vision behind, the targeted suppression strategy?

Some personnel focus on destroying gangs, which means tracking and arresting the worst of the worst gang members. They see other parts of the comprehensive approach, like prevention and intervention, as a nice thing other people in the Department do that is not part of their job. Others see suppression as part of an overall strategy to reduce violence and create healthy neighborhoods. Some see community relations as a necessary burden to keep the public off their backs. Others see it as an important part of effective policing. These divergent visions cause constant uncertainty in the application of the Department’s goals. We see it when leaders express that there are two different views in the Department and that some leaders “don’t get it.” We have seen it when front line personnel are afraid to communicate a strategy to other front line personnel, for fear of looking out of touch with peers or superiors.

- Front Line Implementation: How do personnel implement the vision?

We also see a lack of alignment when front line personnel have a lack of clarity about how to implement the goals of the Department on a day to day basis. As noted above, the language of those in the Department is consistently vague. If someone doesn't get "it," it is generally unclear what "it" is. The difference, for example, between an aggressive arrest of gang members in an effort to get really bad guys off the streets, and an encounter on a street corner where an officer, for no good reason says, "I will fuck you up," never arose in our discussions. Yet, those are the moments that change the face of the Department, either in perception or reality, from tough police ridding the community of violent threats, to unprofessional thugs harassing and abusing the community. A few of those negative incidents, coupled with the long history of police abuse in minority communities, could continue to damage the Department for years.

While the alignment of a large operation is difficult for any business or profession, it is exponentially more challenging in the gang enforcement context. It is a very dangerous, emotion laden, and complex job to balance officer safety, public safety, and community perceptions. Thus, as discussed in our recommendations below, we believe the Department needs to invest a significant amount of thought and resources to this endeavor.

### C. Results through Crime Data

One of the primary measures of success for a gang strategy is to review crime statistics. The Department provided statistics, and their opinion that they showed a marked improvement in gang violence since their targeted strategy was implemented was put to the test.

County-wide, in areas patrolled by the Sheriff, violent crime has declined significantly. As of the end of 2012, the number of homicides fell to its lowest level since 1970, with 167.

Over the past three years, in areas patrolled by the Sheriff's Department, homicides have decreased from 181 in 2010 to 167, a total of eight percent. In contrast, in the 2008, there were 250 homicides—83 more lives lost in comparison to 2011. Violent crimes, which include assaults, robberies, rapes and burglaries, decreased from 2,985 to 2,843, or a total of five percent.

Gang crime also continued to decrease. Over the past three years, gang homicides were reduced from 109 to 105. Gang assaults decreased from 789 to 752. This was during poor economic times, when many experts expected violent crime to increase. Again, these are historic lows.

Over the past three years at the target station, gang related crime also was reduced dramatically. Total gang crimes went from 340 in 2010 to 215 in 2012. This includes a decrease of gang homicides, from 20 in 2010 to 12 in 2012. Overall homicides also decreased, from 26 in 2010 to 18 in 2012.

We also reviewed the crime statistics from an adjacent LAPD Bureau. In this Bureau, gang homicides went from 84 in 2010 down to 80 in 2012, a reduction of 4.7 percent. Gang assaults went down also, from 959 to 886, a reduction of 7.6 percent. No analysis was available of particular reporting districts or neighborhoods, to try to determine if the strategies of either Department impact the level of violence and crime in their neighbor's jurisdiction.

We also reviewed crime statistics from the LAPD to compare crime rates in the County. LAPD gang homicides, for example, went from 162 in 2010 down to 152 in 2012, a decrease of 6 percent. Gang assaults went from 2,333 to 1,952, a decrease of 16 percent.

We did not engage in a research study to draw a causal connection between the Sheriff's activities and the sharp reduction in crime. It is clear, however, that since the Department implemented its strategy, crime statistics have improved significantly. This is consistent with our experience in this field, showing decreases in crime related to targeted suppression.

It should be noted the LAPD has seen similar declines in crime during the same time period. We also note that members of the community take credit for the reduction in crime, and violence in particular, since gang intervention efforts in the community increased significantly in numbers, funding, and structure during this very same time period.

We also note that, in the target area, while crime decreased significantly, it is still one of the most violent areas in Los Angeles, and there are constant tensions around violence or the threat of violence. Thus, while there is much to celebrate, there is a long way to go before the area can be at a level acceptable to the Department and the community. As one executive noted, the goal of the Department should be to help transform communities such that officers "would feel comfortable moving their families there."

As stated in our recommendations, our conclusion is that the crime statistics are encouraging and that the core strategy of narrowly targeted suppression activity may be on the right track. We do not know yet whether there is a cause-and-effect relationship between the targeted suppression activity and the drop in crime. Criminologists debate forever the cause-and-effect of policing strategies, as witnessed in the ongoing trial in New York City over the NYPD's stop and frisk strategy. The LASD should develop additional metrics to capture a more complete picture to determine, with much more sophistication, whether the implementation of the targeted suppression strategy is effective.

#### D. Targeting and Arresting Gang Members

We examined documents and conducted interviews to try to determine if the effort to target and arrest the most violent gang members was narrow and accurate. Because of the thousands of people labeled as gang members in their files, and the fact that each arrest has its own unique story, it was difficult to determine.

It was interesting to note how most of the people listed as gang members were identified as such. A review of FI cards showed a large number of stops by deputies for minor infractions in relation to no criminal offense. For example, individuals were stopped for broken tail lamps, jay walking, loitering, riding a bike on the sidewalk, hanging out at a gang spot, or riding a bike at night with no lights.

When marking down why a person was identified as a gang member, there were many notes that said people “self-admitted.” Other identifying factors we saw marked down on FI cards referred to gang tattoos, being in a gang area, hanging out with gang members, and wearing gang dress.

There is written criteria that officers must follow before labeling someone a gang member, but the standards are so broad and loose, it creates an extreme amount of discretion and room for vastly differing opinions. Specifically, if an officer finds that an individual meets two criteria, they can be entered into the database as a gang member. This includes criteria such as being identified as a gang member by an untested informant, being seen affiliating with documented gang members, frequenting gang areas, and wearing gang dress. In the opinion of many people who live in gang communities, as well as gang research experts, a large number of non-gang members meet these criteria—for example, affiliating with gang members and frequenting gang areas. People, for example, often have family members who are gang involved, or live in gang dominated areas, but are not active gang members. There are also a large number of people who, when asked, will say they belong to a gang, in order to protect themselves or not trigger peer pressure from gang members. Nonetheless, many of these individuals do not commit crimes or act as active gang members.

A specialized gang sergeant is required to sign off on each FI card to ensure that the criteria are met for a person to be labeled a gang member and entered into the CalGangs database. We

did come across FI cards, usually filled out by deputies with less gang experience, which were rejected by the sergeant.

Once entered into the database, if there is no activity for five years, the computer is designed to automatically purge the name, and it falls off of the gang list. Yet there is no process for someone to challenge that label and proactively be removed from the list, and people labeled as gang members generally do not know that they have been so labeled.

We also reviewed documents detailing the targeting and arrest of the “top ten” list of gang members. These stories were quite striking. For example, in one case, informants and interviews with the community alerted OSS that an individual was a “shot caller” in the community and a driving force behind violence. He had not been arrested for anything serious, but an informant let the Department know that he was on his way to shoot someone. Officers rolled out, found the car with two others in it, attempted to pull it over, and this individual started a shoot-out. The individual was arrested, and it was later determined that he attempted to have a co-defendant murdered for not lying to “take the case” for this individual. He is now serving a lengthy prison sentence.

This, and other examples like it, appears to validate targeted gang suppression. When individuals committed to engaging in homicidal violence, it takes aggressive, constant police work to find information that will lead to an arrest and to prevent that individual from causing a large amount of damage to the community.

Our perception is that the gang suppression efforts were led by hard working and dedicated staff committed to getting violent people off of the streets. There is a commitment to protecting the “good citizens” in the community. And there is a prestige and motivation to make arrests that make an impact—like taking guns off the street or felons to jail. There also was a consistent intent to stay true to the idea of “targeted” policing, meaning that their efforts were focused on who they perceived to be the worst of the worst, in an attempt to avoid overbroad suppression.

Considering that such work is difficult and dangerous, these men and women deserve praise for their effort and the good intentions behind it. In speaking with people in the target community, there was universal support, even from critics of the Department, for going after violent individuals to get them in jail and off of the streets. And, in the Southern California law enforcement community, there is consistent respect for the Sheriff’s Department gang investigators.

Yet, as discussed in the section on management above, we also found a lack of clear standards to create a consistent approach to suppression that would create assurances that only the worst of the worst criminals are being targeted, that individuals would not be harmed by this

aggressive approach, and that, as discussed below, the overall gang efforts resulted in improved public safety.

### **E. Best Practices in Addressing Gangs**

Over the last several decades, there have been significant efforts around the nation to research and find best practices related to community gang problems. Researchers and policy experts have examined the effectiveness of various policing strategies, for example community policing, broken windows policing, hot spots policing, Compstat, and problem-oriented policing.

There also have been a number of efforts to implement and study more comprehensive approaches, which include teaming law enforcement with political offices, other government agencies, communities, and social service agencies. One example is the Boston Gun Project and its spin offs. The Boston Gun Project, launched in 1996, gathered community leaders, criminal justice professionals, clergy, and researchers to design the model, which offered carrots and sticks to youth offenders, balancing tough policing with access to social services. Its goal was to reduce gun violence, and it worked well. The model was dynamic, meaning it was constantly tweaked to meet the specific needs of the community.

In a similar vein, the Department of Justice, since 1987, has been developing, testing, and tweaking a comprehensive gang model that originated with the work of Professor Irving Spergel in Chicago. Twenty-five years later, DOJ lists its comprehensive approach as the leading best practice to address gang problems. The model has five main components: community mobilization; the provision of opportunities like education and employment programs; using various organizations to reach out to gang-involved youth and intervene in violence, as well as link them to social services; suppression; and implementing organizational change practices to make the most of existing resources and multi-agency partnerships. This comprehensive model has been duplicated or borrowed from in various forms around the nation. For example, it influenced the comprehensive approach being implemented by the City of Los Angeles.

There also have been hundreds of social service programs implemented to try to get youth and adults to stop committing crimes and live a healthy life. These include gang outreach programs to intervene in violence and link people to social service programs, as well as prevention and intervention programs that focus on single or multiple risk factors of individuals, like employment, education, attitude, substance abuse, or family dynamics. A large number of studies and meta-analyses of studies have been conducted on what works and what doesn't to reduce the chance of people committing crime. This has been summarized in research reports dubbed "what works." A number of efforts—for example, the Blueprints project at the University of Colorado and the Washington State Institute for Public Policy—have been made to identify the best and most effective social service programs.

We have reviewed this research. While it is not necessary to provide a comprehensive summary here, we do think it is important to identify whether we see best practices being followed by the LASD and, in our recommendations below, suggest ways the Department could benefit from lessons learned from others.

Research on policing strategies show that there is “strong evidence that the more focused and specific [police] strategies are, and the more they are tailored to the problems they seek to address, the more effective the police will be in controlling crime and disorder.”<sup>7</sup> Thus, the narrowly targeted gang suppression strategy matches nicely with research around policing strategies.

To be sure, the Department has made an effort to incorporate the more comprehensive approach championed by the Department of Justice—by creating prevention and intervention programs and charging its captains with including intervention, prevention, and partnering with the community—into their plans. We have seen creative efforts pop up around the County as a result of this philosophy. For example, one captain assigned a deputy to be a liaison to partner with the community, identify troubled youth, and link them to social services in the community. We have seen the evidence-based practice of assessing a youth’s risk level incorporated into the VIDA program.

Nonetheless, there are three aspects of best practices that we think are missing from the Department efforts from which they could particularly benefit.

#### **F. Best Practices Is Missing From Planning and the Policing Philosophy**

First, information from best practices is not making it into strategic planning efforts by the Department in any significant manner. Such information could be valuable to help bring more clarity and detail to its strategy and management tools.

As mentioned above, research and experience show that the decisions made by law enforcement when trying to reduce gang activity are incredibly important to the lives of individuals and the community. Those decisions can make things better, or make things worse. In other words, each decision, made by the Department and individual deputies, is high stakes. If the Department incarcerates frequent criminals, crime will go down. On the other hand, incarcerate too many people, and the fabric of the community can break down and increase crime.

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<sup>7</sup> See, e.g., Rachel Boba Santos, Crime Analysis With Crime Mapping. Sage 2013.

Incarcerating an individual who is considered low risk for committing serious crimes can harm public safety by increasing that individual's chances at recidivism. As just one example, a young adult who may be "on the fence" and affiliate with gangs but have a lot of factors in his life that make him low risk—doing well in school, having a steady job, associating with positive mentors—will lose those positive factors (called protective factors) when he is sent to jail. He now misses out on school, loses his job, and is around hardened individuals in jail instead of around positive friends and family. One wrong arrest can destroy a life and harm public safety.

On the other hand, leaving someone who is a high risk for serious crime on the streets can result in more crime or violence, and be politically embarrassing, if it is perceived that anyone was "soft" on that individual. It should be noted that there is very little political loss in the other scenario, where overly aggressive incarceration causes great harm to someone's life.

As a third example, some researchers believe that aggressive tactics, like being rough, incarcerating for every minor infraction, and constantly stopping and searching people, can lead to greater gang cohesion and unstable communities. It may lead to less trust of the police, which can result in poor public safety because the community is afraid to report crime, and weak relationships prevent the flow of accurate information about the location and cause of violence.

On the other hand, many policing experts believe that if a passive culture of policing exists, officers will fail to focus on details, solve crimes, get to know their community, or make an impact on crime and violence. Thus, Sheriff's deputies, every day, face very important decisions, and those decisions are more of an art form than science. In this context, policing will never be perfect. Mistakes will be made.

But rather than wringing our hands about the high stakes and difficulty of the job, it is best to arm the deputies with as much information as possible. Currently, we don't see any of this information making it into the consciousness of the Department in any structured or consistent manner. Most deputies who are assigned to gang suppression units see their job as arresting people, period. While they believe that ideas like community relations, intervention, and prevention are positive and can help the community, they have little relevance to their day to day job. As one officer said: "It is nice that gang intervention workers can stop shootings, but that doesn't really help me in my job. My job is to arrest people."

We believe that this is why so many officers, when asked about public criticism of the Department, come across as defensive and disconnected from the seriousness of the problem. It is not necessarily because they are callous or sadistic, and the LASD, like most law enforcement agencies, have some of those. It is because they are there to keep the streets safe by arresting bad guys, and they do not see public relations as contributing to that goal. In other

words, it is their passionate commitment to their goal and policing philosophy that leads them to be so blind and out of touch with those outside of the Department. The fix then, as we discuss below, is not to force them into doing more work in community relations or prevention and intervention. They would see that as just adding to their overwhelming workload with tangential assignments for political reasons. The fix is to change their goals and their philosophy of policing.

Similarly, officers assigned to engage with the community often see their role as distinct from those assigned to patrol or suppression. This is what would lead an officer, for example, to trumpet the benefits of working with a gang outreach worker, but refuse to speak to patrol about working together with them, because of the perception that patrol officers would look down on them. It is what would lead an officer to say that everything in his assignment with the community at a park was going great because the park was safe and he was engaging with the community, even though there had been a homicide less than a mile away the night before, and to say about the homicide: “that is not my area.”

Thus, similar to the limited focus we saw with those assigned to aggressive suppression, we again saw a limited focus on the part of those espousing a broader approach to policing. In one of the leadership classes taught by the Department, they call this “blindness” created by focusing intently on one goal, to the exclusion of other goals. As discussed in the recommendations below, using best practice language and lessons could go a long way toward creating clear management practices that would bring these different views together, into one unified vision and practice model.

### **G. The Department Is Trying To Do It Alone**

Second, incorporating best practices to address gangs takes a large amount of time and resources. In the Boston Gun Project, for example, a coalition of community leaders, criminal justice professionals, clergy, and researchers collaborated to come up with the project’s design, and also collaborated around implementation and evaluation. The DOJ’s comprehensive gang model, similarly, requires significant energy from other agencies and the community to create community mobilization, offer social services, provide outreach, and drive strong collaborative working relationships. The Cities of Los Angeles and Seattle, as just two examples, have allocated millions of dollars and City staff to help organize and drive a comprehensive approach, including data collection to keep tabs on the effort’s effectiveness. These are large scale, complicated efforts that are constantly evolving from their own lessons learned.

In contrast, the Sheriff Department’s efforts are, to a large extent, created in-house, without any real budget or outside help. The Los Angeles County government does not have any

centralized gang strategy or implementation plan. The County has created an advisory body called the CCJCC (Countywide Criminal Justice Coordination Committee). But the small staff of this operation is busy with other issues, like keeping track of the impact of the State's public safety realignment effort.

While the Department's efforts to embrace a comprehensive approach deserve praise, it is absurd to believe they can manage this problem alone. This finding is not meant to cast blame on anyone for this situation. And, as mentioned in our recommendations, it is unclear what the Department can do to change the situation. It does not currently have the resources to do so. But the public and the LASD should recognize that gang issues—which are actually just issues about the overall health and functionality of our communities—are being managed in silos.

Thus, while it is important for the Sheriff's Department to improve, to the greatest extent possible, the outcomes of its gang suppression efforts, any significant and sustainable improvement to the health of our communities must include a unified, multi-sectored effort. Without that, Sheriff's personnel will be left with a set of imperfect and incomplete choices to combat gang issues.

#### **H. The Department Is Missing an Opportunity To Improve With Gang Outreach**

Third, gang outreach is one best practice that we believe the LASD could benefit from. Many law enforcement agencies around the nation, including the LAPD, have begun working with community members who act as a liaison to the gang community. As discussed in our recommendations below, the Department may not have the resources to create a full program. However, it does have the ability to use outreach as a tool to reduce gang violence, improve community relations, and increase effectiveness. These individuals grew up in or around gangs and have ongoing relationships with gang members, which enables them to advise law enforcement about gang culture and how best to address the causes of gang violence. These individuals, who call themselves gang interventionists, outreach workers, or community intervention specialists, are often (but not always) former gang members. We will call them "outreach workers" for purposes of this report.

We interviewed several Sheriff's Department personnel about their use of outreach workers. There was a general understanding of the work and a general openness to exploring the idea, but no existing, structured effort, nor a strong understanding of the nuances of the work. As one OSS Sergeant stated, "they [outreach workers] are ok, but not that useful. I guess they prevent some shootings, but they are not helpful to us because they won't give us information to help arrest anyone."

A piece of good news is that in 2012, a Commander was assigned by the Sheriff to create a strategy to utilize outreach workers. Outside advisors and other staff familiar with the topic have begun drafting policies and procedures and have held several meetings to explore the idea.

To help with our recommendations, we interviewed a number of experts from around the nation who deal with gang outreach. This includes personnel from the LAPD, which has a robust gang outreach program in partnership with the Los Angeles Mayor's Office, as well as people who have helped implement outreach programs in over 12 large cities around the nation.

Outreach workers play several roles related to gang violence. First, they act to help manage crises that lead to violence. As one common example, when a shooting occurs in a gang neighborhood, immediately rumors circulate that a war has started between gangs. These rumors raise tensions and lead gang members and affiliates to resort to violence, usually through additional shootings. Many times, the rumors are false; the shooting had been over a personal dispute rather than organized gang violence.

In the middle of such a crisis, a person perceived to be from a rival gang, visiting a friend, or an innocent person walking down the street, can be shot. Law enforcement personnel generally have few tools to stop this from occurring, except to flood the neighborhood with patrol cars to send gang members indoors, while they calm down. Outreach workers, are notified immediately of the tension by the community, even before police find out. Using their relationships with influencers from all gangs involved, they often are able to quell the rumor, and convince the gangs that a war is not actually going on, and violence is not necessary. They also help prevent law enforcement from contributing to the spread of bad information, which may enhance tensions and danger in the neighborhood.

A second role outreach workers play is to help shift the culture of violence in the neighborhood, by mentoring gang members or affiliates to turn away from violence, and connecting them to social services. Thus, a person identified as a gang member by law enforcement might be identified by an outreach worker as someone with potential to change and lead a productive life. Law enforcement, as well as traditional social service providers, often does not have the time, resources or trust level from the community to establish a relationship with such a person and understand their potential for change. Thus, an outreach worker's efforts not only could help turn someone's life around, but he or she could help deputies understand that certain individuals are trying to make positive decisions, which would be valuable information related whom to "target" as a threat of violence.

A third role outreach can play is to act as a liaison for law enforcement to the community, to improve community relations and reduce gang violence. For example, after officer-involved shootings, often times dramatic rumors circulate that the officer acted extremely inappropriately, creating a sense of rage. With their strong relationships in the community, outreach workers can help mediate and advise the community to wait until all the facts are in before making conclusions. They can help explain to the community how law enforcement works, and why certain procedures were followed.

The lack of a formal gang outreach strategy leaves Sheriff's personnel at a clear disadvantage in their effort to build community relations, erase the perception of overbroad suppression, and assess whether their targeted strategy is effective. The Department is also missing out on the opportunity for a solid partner to help shape goals and tactics of stopping gang violence.

As is clear from OSS's reliance on informants, information about gang dynamics and crimes is critical to success. And while it is likely not safe for outreach workers to inform a police officer about who committed a crime (if they happen to know), they offer a rich source of information about the context of specific violence, the culture, the level of risk, the best use of resources, and the logistics to use to keep the community safe. They also fill roles that law enforcement cannot—for example in crisis management or community relations.

It is important to distinguish between outreach workers and confidential informants, formal or informal. OSS would be mistaken if were to reject using outreach workers because they will not consent to be snitches. Indeed, their credibility with the gangs requires no less. They are there for the purpose of shuttle diplomacy: between gang members, between gangs and cliques, and between gangs and the LASD. Informants are informants; outreach workers are mediators and negotiators.

The challenge, however, is that instituting a gang outreach effort takes significant resources. It is a time consuming process to train outreach workers; train police officers; and build relationships between the two groups to the point that they have a good working relationship. The LA City's Gang Reduction and Youth Development program, for example, spends over \$ 9 million per year on gang outreach. City staff members are paid to respond to every shooting and act as a liaison between law enforcement and outreach workers. Assistance is provided to the LAPD around policies, procedures, and relationship building. A similar triad relationship between the Mayor's office, the police and the community is seen in Seattle's use of outreach workers.

Law enforcement has a deep mistrust of outreach workers, because many officers have a belief that gang members don't change. "Once a criminal, always a criminal" is a common saying. The fact that some outreach workers do get arrested for crimes contributes to this belief.

Conversely, outreach workers have a historic distrust of police officers. News of deputy gangs, jail beatings, and dirty cops contributes to this belief as well. Thus, engaging in outreach work takes patience and a facilitator with excellent skills in conflict resolution to erase that mistrust.

In addition, outreach work has been developed over years in the streets, without clear structure or outcome measures. Thus, it is again time consuming, and demands resources, to create a structure with clearly delineated roles for law enforcement and outreach. We have seen, when clear structures are not in place, outreach workers make matters worse by annoying law enforcement at a crime scene, or mishandling rumor control. When the work is not done correctly, it also creates serious concerns about increasing gang cohesion by outreach workers inadvertently glorifying gang life. We also have seen law enforcement officers endanger the lives of outreach workers by bullying them and leading the community to believe they are “snitches.” In other words, outreach work is a delicate business that must be done with great care.

Moreover, outreach work alone is not a silver bullet. It is one part of a comprehensive strategy to building safe, healthy communities. If the Department cannot find partners to help implement such a comprehensive approach, it should be measured in its expectations around gang outreach.

Thus, while in our recommendations below, we strongly recommend that the Sheriff implement a gang outreach strategy, we also strongly recommend that it not be put into place until the proper structure is there to support it.

## **VI. Conclusions and Recommendations**

Having taken on a very dangerous, complex job of policing gang neighborhoods in Los Angeles County, the Department should be commended for its energy, dedication, effort, and bravery. There is constant activity throughout the Department to get better as a Department, to keep the public and officers safe, to be progressive and innovative, aggressive but sensitive to the community’s needs, and to be passionate and committed to the job.

However, being busy and trying hard does not always translate into success, and there is a large disconnect between these well intentioned efforts and the reality on the ground. And while we did not witness any signs of pervasive problems related to civil rights abuses, it is our sense that if management skills and tools are not improved significantly, we will be reading about incidents in the community within the next few years that mirror events in the jails, generated by a small, overly aggressive clique led either by a few rogue deputies or naïve deputies thinking they are carrying out orders.

## **A. Recommendations for Next Steps**

### **1) Create a Strategic Plan**

While the Department created a strategic plan around gangs in 2007, which resulted in the current approach, we recommend that the Department engage in a new strategic plan effort. First, over five years have passed. We believe some sort of planning process should be conducted each year. Second, the current plan has not resulted in a unified approach to gangs. Third, as discussed below, lessons learned from best practices have not been integrated into the plan in a systematic way. We recommend that the Department include outside, fresh voices with experience in organizational management, community dynamics, and research based practice to contribute to the planning process.

### **2) Create New Management Tools to Implement the Plan**

Once a plan is created, the Department needs new management tools to supervise front line staff, create clear standards about success, and monitor and evaluate success. The Department should continue to utilize current management tools—briefings, having sergeants roll out with front line staff, personnel reviews, citizen complaints and commendations, internal investigations and data. However, these tools are not enough to solve the current concerns.

As just one example, the Department and stations currently use Compstat-like data reports to assess their strategy. They keep track of statistics such as arrests per 100 contacts, number of force incidents, significant force per 100 incidents, force severity, personnel complaints, and crime rates. This data is invaluable for many reasons, most importantly for managing the risk of police misconduct in the areas of excessive force and discriminatory policing. While it is a superior management tool and a key component of best practice, it is not useful in assessing whether a broad police strategy is being effective and what are key areas for improvement.

The tools should include clear criteria for determining whether gang efforts are effective or not, including whether they are addressing community concerns. There was consensus that the most important supervision takes place when sergeants and lieutenants engage with deputies in the field and observe them in action. Thus, there should be basic criteria about how often, and in what types of situations, this supervision should take place. There should be basic indicators of effectiveness beyond whether deputies complied with policies and procedures or

constitutional mandates. There is too much gray area and discretion for such criteria to be enough to judge culture and effectiveness.

These new criteria should be clear, agreed upon during the planning process, and include specific measurements. We cannot provide these criteria here—they best come from within the Department. However, we imagine the criteria might include something similar to what other professions use when they have discretion in how they interact with other people—in other words when their profession is just as much art as science. For example, managers of social workers judge their effectiveness based upon a set of criteria based in what is known to work best in changing behavior. These criteria go beyond complying with policies and procedures designed to prevent abuse. How a social worker speaks to a client, their reasoning, their skill in facilitating discussions and other criteria, coupled with tracking how the client changes over time, are criteria based in best practices used to determine a worker’s effectiveness.

We are in no way implying that police officers should be evaluated on the same terms as social workers. Nonetheless, law enforcement supervisors should have the same benefit of being armed with criteria based in best practices to give them standards by which to guide their staff. How a deputy speaks to community members, including gang members, what information they use to decide whether to label someone a gang member or not, or whether to arrest them or let them go, might be examples. Such criteria seem to be used informally already, when supervisors note that deputies are “good,” or “get it.” A number of officers proudly discussed their decisions to let people go as a demonstration of their ability to be good problem solvers and handle discretion with wisdom. Nevertheless, no one has taken the time to gain consensus about what being “good” and “getting it” means, and put it down on paper.

In addition, supervisors in more difficult situations should be given extra support for their management efforts. Managing people is a difficult job in any profession, and even more difficult when life and death decisions are being made every day and crises constantly distract even the best managers from an already busy job. Under these circumstances, the ability to have clear priorities, goals, and outcome measures are even more critical. The Department should explore training management coaches internally, or bringing in outside coaches on a limited basis (because of limited resources), to assist these busy supervisors get to a higher level of [management skills](#).

### **3) The Department Should Adopt a Public Safety Approach to Policing to Create an Agreed Understanding of Best Practices**

If managers are to be given a clear set of tools based in best practices, the Department must come to a consensus around what that means. Without a clear vision of what it means to be

“aggressive,” for example, the Department will continue to be divided in their interpretation, leaving deputies with a lack of clarity, stilted communications and feelings of internal division. The differing views, to us, do not seem that different. They need to be unified by delving into the nuances of day to day policing decisions.

Again, while they must find their own way to define their vision and plan, we recommend what we would call a “public safety approach” to policing. As noted above, we recommend that the Department enlist the help of outside facilitators with knowledge of organizational management, policing issues, community dynamics, and research-based practices, to help shape this approach.

Our definition of a “public safety approach” is that all criteria and all decisions would be made after answering the question: “does this decision more likely lead to improved public safety or lessened public safety?” Best practices in policing, which means practices supported by research and experience, would provide the agreed upon criteria to help answer that question.

In this manner, the actions of the different units engaging in different parts of the comprehensive strategy—suppression, intervention, community policing, prevention, and technology—could be integrated into one strategy. This would be in contrast to the current situation, where those assigned to one unit view those assigned to other units as separate operations with separate strategies. We do not currently see consensus in the Department in this manner.

As one example, supervisors could be trained in the very basic concepts of gang research— for example, the idea that risk and protective factors are good indicators of whether an individual is a low risk to commit crime or a high risk. They would understand the basic concepts discussed above, that some arrests of perceived “bad guys” may improve public safety while others can harm it. This could be done without an unreasonable burden in terms of time or expense.

With this information leading to a new set of criteria, deputies in all units, from OSS to COPS to patrol deputies, would be asking the same questions when making decisions. Information and efforts around community relations, the use of outreach workers, prevention, intervention, and data collection would all be directly relevant to a deputy’s job to keeping the community safe, as opposed to how it is seen now by many trying to stop violent crime—as interesting but irrelevant information. Once central to good policing, we believe these dedicated individuals would then embrace this broader vision of policing.

In the context of public safety, an “us versus them” mentality does not make sense, because understanding the nuances of the community and its members, including gang members,

contributes to public safety. Aggressive policing would mean working hard to make decisions best for public safety, not just taking “bad guys” to jail.

This would be in sharp contrast to the current situation, where decisions are made in vacuums and Department members, again with the best of intentions, have a way of working that is very disconnected from the community and from “outsiders.”

A good example is the Department’s efforts to identify and label gang members using FI cards and the CalGangs database, coupled with their effort to then arrest those gang members for any crime, small or large. Under current criteria, thousands of people in LA County are labeled “gang members” based on shockingly broad criteria that allows for no oversight, checks and balances, or thoughtfulness. There is simply no way for anyone to verify, including Sheriff’s Department personnel, whether people are handled in a manner that promotes public safety. The scenario that a low risk person might be labeled as a gang member, then arrested for a minor crime under the zero tolerance policy, then sent to jail and transformed from a low risk, healthy person into a high risk person devoid of protective factors, simply is irrelevant in the current system.

For members of the community, this scenario is life altering, leaving them with the helpless feeling of facing difficult obstacles in their community to navigate gang dynamics, only to be driven into the justice system by law enforcement. The Department then becomes a burden and yet another obstacle to succeeding in life, instead of a source of support.

For researchers and civil rights advocates, the efforts by these deputies to label people as gang members, then try everything they can to arrest them, comes across as sloppy, disconnected from what works, oppressive, and incompetent.

None of these serious concerns—that the label may be wrong, may change over time, and may be harmful to an individual, families, the community and overall public safety—seem to enter the consciousness of the Department. It does not seem to enter any calculation. That is because it is irrelevant to their current job description for those assigned to gang issues.

We note that, under the current strategy as articulated by management, these concerns should be critical to the evaluation of success. Specifically, the strategy is to target the worst of the worst, put them in jail, and then use intervention and prevention to identify the next people in line to take over the gangs and divert them to the right path. But that goal is impossible to accomplish if front line staff cannot tell the difference between the worst of the worst and those who have a shot at turning their lives around. Without such information, people in the neighborhood who affiliate with gang members and commit crimes will always be the next target, and their commission of a crime will be used as justification to prove that the arrest was proper. These individuals will remain isolated and under siege. It is an endless cycle.

The target area station is a good example. While there was an impressive effort to get the “top 10” gang members into jail—a very narrow approach—hundreds of other people were labeled as gang members and sent to jail for minor crimes. And, again, it is done without narrow, clear criteria based in best practice research and that would allow for measurement of effectiveness in relation to public safety.

This disconnect is what gives us a constant cycle of hard working deputies thinking they are doing right, infuriating policy analysts and the community, and not understanding why the public is infuriated. It is a status that survives increased discipline, oversight, and horrific newspaper headlines of police abuse. Without a change of planning and management tools, which will lead to a change of culture, this cycle will not change significantly.

The current oversight system, of allowing for citizen complaints and disciplining deputies for using excessive force, does not go far enough to address this problem. Nor do efforts by the Department to engage more with the public, by attending more public meetings and patiently listening and being engaged. The Department members still walk away thinking the public does not understand them, and vice versa.

Under a public safety approach, operationalized through a strategic plan and then management tools, the Department would develop the skills and language to address these serious concerns. Every decision to label someone a gang member and arrest them could be justified by public safety criteria, and information that goes beyond the current sources of the deputy’s gut feelings and opinions of informants. Information would include opinions from trusted outreach workers and other community members, based on strong relationships with the community. And decisions would be made with basic understandings of risk and protective factors, and the impact of incarceration.

It is likely that such a process would lead to different actions by LASD deputies. A new system would provide for much more clarity in terms of duties and outcomes, unity within the Department, better understanding between the public and the Department, and the ability of the Department to articulate and measure its effectiveness (or lack thereof).

Our hope also would be that it would make front line deputies feel more confident, clear, and supported in their decision making. Indeed, it appears to us unrealistic and unfair to make deputies bear the political decision of arresting someone or not, without a system behind them that allows them to clearly explain their decisions. If in doubt, the deputy will make an arrest and not be on the hook for letting a perceived violent person go and commit another crime, even if research says the decision may make the community less safe in the long run. It is an impossible position to put them in. No wonder deputies hunker down, feel isolated, become narrow in their world view, and just go after the “bad guys” and act dismayed by public

criticism. As one policing expert noted, it is this isolation, coupled with deputies being in silos, which usually breeds deputy gangs and police abuses.

#### **4) Develop New Criteria for Labeling People as Gang Members**

As noted above, the current criteria under State law for determining whether an individual should be labeled a gang member, making them targets of law enforcement and eligible for enhanced sentencing, are surprisingly vague and disconnected from a public safety approach. We recommend that the Department develop additional internal criteria getting in line with established research about what makes someone a higher risk for committing crimes. The criteria should allow an officer to give a clear explanation to back up their decision, and address valid concerns about the potential for error. Allowing officers with vague and inconsistent notions of public safety to label someone a gang member based on criteria that would apply to a large number of non-gang members—for example being identified by an untested informant, affiliating with gang members, frequenting gang areas and wearing gang dress—is not acceptable. Indeed, it is not even clear if self-admissions of gang membership are reliable, when such an admission might be made in front of gang members to avoid peer pressure or violence against them. This system is fraught with opportunities for mistakes, inconsistent application, and abuse. This needs serious review.

Department personnel argue that FI cards and the CalGang database are only used for informational purposes and do not impact anyone’s life, but there is no system in to determine if this is true. Members of the public have the perception that, once labeled a gang member, people receive more scrutiny, information is shared with school police or others, deputies target these individuals more and, once targeted, arrest them more. Once arrested, the perception is that the Department uses their status as a “gang member” to push for increased jail or prison time, including with gang sentencing enhancements. The Department does not have any tools in place to contradict these perceptions.

#### **5) Develop Public Safety Measures of Success**

Part of creating clear management systems is developing clear measures of success that are aligned with the strategic plan. The Department needs additional measures to accomplish this. The current measures do not give a good indication at the Department, station, or individual level of whether efforts are improving public safety.

Crime statistics are one possible indication of success, but they are very incomplete. They do not take into account community perceptions, the long term impact of the Department or individual efforts, the impact on the social fabric of the community, social or economic factors, or the unreported level of violence or threat of violence. And the Department’s current collection of data does not analyze crime statistics for possible spillover effects of pushing crime

to other areas. Nor does it attempt to analyze other factors, such as gang outreach, for contributing to a decrease or increase in crime.

Thus, additional measures developed in a new strategic planning process might include partnering with an independent group or university, experienced in research, to take validated community surveys; longer-term assessments of statistics; reviewing statistics from neighboring jurisdictions to see if crime simply moved from Sheriff's territory to the next community; and surveying gang intervention workers and community members to gauge the level of unreported violence and "almost wars."

Using the target station as an example, none of these measures are part of the Station's assessment of its success. While the station should be proud of its effort and the lower crime statistics, personnel there do not currently have the measures, or the resource support, to dig deeper. They do not know if individual decisions by deputies may have had a better chance of causing long term harm to public safety than improving it; whether their aggressive approach is increasing or decreasing gang cohesion; how different parts of the community perceive them and why; whether gang violence is going up in neighboring jurisdictions because of them; what can be done to quell rumors in the gang community to prevent brewing violence, and so on. Without such information, it seems far off base to claim we can know if the gang strategy is effective or not.

In addition to having difficulty judging effectiveness, the lack of a unified, clear theory behind the policing strategy and clear measurement outcomes, it is difficult to measure if an employee is succeeding or needs improvement. Many deputies, for example, had the impression that their career path would be improved if they were aggressive in making arrests, especially if the arrests involved felonies or guns. While it is hard to argue with this reasoning on the surface, again there are insufficient criteria to guide front line staff and supervisors.

One supervisor told a story, for example, where young deputies were waiting outside of a building because they knew people would come out committing crimes, and they could easily arrest them. The deputies perceived this conduct as good for their career because it would help their arrest statistics. A good supervisor taught these deputies to think about overall public safety, not just arrest statistics. So, they closed the building and got rid of the nuisance. Their arrest statistics went down, but public safety and the perception of public safety went up.

But we can't always expect supervisors to live up to a vague definition of "good." Every arrest has a tremendous impact on the lives of the person arrested, their family, the community and the justice system. Every arrest, therefore, should be guided by public safety criteria that are transparent, making it much easier for supervisors to judge the effectiveness of their staff.

## **6) Leverage Relationships to Advocate for A Comprehensive Approach to Gangs in Areas Patrolled by The Sheriff**

All of the measures we have discussed so far can be undertaken by the Sheriff's Department. However, it is unfair and unwise to see the LASD as the magic fix for gang issues. The word "gang" is quite misleading, causing policy makers to narrow the issue to the purview of law enforcement and jailing stereotypical thugs. The issue would be better framed as whether we have a good strategy to build healthy communities. Or whether we have the resources and know-how to help dysfunctional, isolated individuals become healthy and integrated into society.

As described in the DOJ's best practices, solutions to such a big issue require comprehensive, large scale, coordinated responses. This takes energy, political will, money, and time. It requires doing strategic planning and aligning multiple and diverse agencies and organizations. It takes establishing a centralized accountability structure that has the resources and clout to drive and manage the change process. It requires funding for coordinated prevention and intervention efforts. And, it takes a commitment to data collection and evaluation. The Sheriff's Department cannot do this alone.

These efforts can be driven by different players. We have seen, for example, significant place-based efforts to transform communities driven by non-profits like the Harlem Children's Zone, foundations like the California Endowment, political bodies like the LA Mayor's Office, or governmental arms like the Department of Justice. While the LASD is making its efforts to improve its own strategies internally, we recommend that the Sheriff use his bully pulpit and connections to push for a similar approach in this area. A place-based approach, centered on one Sheriff's station in a high crime area, for example, would be an excellent opportunity to pilot, on a smaller scale, and learn from, a truly comprehensive approach to building healthy, safe communities.

## **7) Explore Ways to Link At-Risk Individuals to Evidence-Based Social Services in a Systematic Way**

While the Department has limited resources and is not a social service agency, we have seen examples of deputies taking a public safety approach with individuals and referring them to social services. Deputies, for example, will refer young people into their VIDA program. One captain assigned a deputy to be a point person for gang diversion, what might be termed a partial case management model.

The Department, as part of its planning process, should develop a way to make this practice institutionalized across units. Different systems might end up being appropriate at different stations, but the general practice does seem doable. Again, these details are better developed

internally, but some ideas might be to create a letter that would notify parents if young people are suspected of heading toward or being engaged in gang life; partnering with other agencies, like Children's Services and Probation, to identify evidence-based social service agencies in the community as referral locations; assigning a deputy to be the gang-diversion liaison, and including him or her in the gang briefings and strategies so that individuals are targeted for improved public safety, not just being arrested; or partnering with trusted community leaders who can act as mentors to at-risk individuals (whether low, medium or high risk).

None of these efforts would create a perfect solution to solve the gang problem. If such efforts were integrated with gang suppression efforts, however, they would be a step forward into operationalizing a consistent public safety approach, rather than dividing up the comprehensive approach into silos.

### **8) Implement a Modified Gang Outreach Strategy, and Advocate For Resources to Establish A Full Program As Part Of A Comprehensive Approach**

We recommend that the LASD include gang outreach workers in their strategy. These workers can assist greatly in helping deputies engage with the community in an effective way and safe way.

We understand that the Department has begun drafting protocols around gang outreach, and we commend this effort. Unfortunately, the Department does not have any funds to be able to devote resources to building an infrastructure to operationalize the effort. Accordingly, we have some recommendations to help make the process go smoothly.

First, the Department might start small by partnering with the County's Parks after Dark effort. The County already has allocated some resources to fund outreach workers in various parks, to be part of the safety plan. This will allow the Department to test out its protocols.

In past summers, the staff over parks were involved and engaged in the Parks after Dark program. However, the effort to engage with outreach workers was limited to parks units, and there was limited infrastructure built around the workers, in part because it was new and in part because of limited resources.

Because of the misalignment of the Department we have been discussing, whatever knowledge was gained from this experience was limited to the handful of deputies fully engaged at the park. Front line park personnel were very reluctant to include patrol deputies because of a perception that they would not be receptive to the idea.

Thus, the park effort is an opportunity to broaden the role of outreach workers to engage with deputies policing the entire community surrounding the park. The Deputies will have trained

workers, vetted by the County, to whom they can attach. Some supervision structure is also provided by the County. It will be a good baby step through which officers and outreach workers can clarify their various roles, get to know and trust each other, and demonstrate the value of partnering in a systematic way that will provide a road map for the rest of the Department.

Second, after Parks after Dark, the Department should slowly build on the effort in a small number of gang-entrenched communities. Outreach workers are not needed in Malibu. By going slow and choosing trusted workers, the Department can get over the inevitable bumps in the road that come along with building relationships between individuals who, in past years, were considered enemies.

Third, include trusted outreach workers into the new strategic planning process. Advice from such individuals can be invaluable in honing in on strategies that are effective and never would have been thought of without the worker in the room.

Fourth, leverage existing resources. A lot of mistakes have been made and corrected, and a lot of structures have been built around outreach in Los Angeles and other cities. The Department need not take on this endeavor alone. Be sure to ask multiple sources for help to get a balanced view of how best to utilize outreach work, since the field can be fractured and has an element of competitiveness and negativity.

Fifth, as discussed throughout these recommendations, incorporate outreach work into a centralized, public safety philosophy of policing, not as a stand-alone “program.” Avoid, as often happens in the Department, making it into “one of those progressive ideas from Sheriff Baca” that get relegated to a nice idea that isn’t really relevant to “real” police work.

As one officer made clear, the idea of outreach workers helping stop shootings is “nice,” but not part of the job of arresting people. He noted that the goals of his job would have to shift to incorporate them into his daily routine (which is what we are recommending).

Thus, introducing outreach work as something one unit handles will not create a successful effort. The goals and measures of success will have to shift to incorporate a public safety point of view for every unit that relates to gangs, where information about the community from outreach workers will be considered valuable to making informed decisions that will benefit public safety instead of harm it.

## 2. Force Review

The Office of Special Counsel was established in part to oversee the implementation of a multifaceted effort to manage the risk of police misconduct by members of the LASD in the areas of force and discriminatory policing. The risk management strategy was devised by Special Counsel, acting on behalf of Judge Kolts and the Board of Supervisors, and then-Assistant Sheriff Michael Graham, acting on behalf of Sheriff Block. Sheriff Baca continues to oversee the effort both on the patrol and the custody sides of the LASD's operations. A key element has been to augment the quality and scope of internal LASD decision-making on serious force allegations. The recently established Custody Force Review Committee (CFRC), under the leadership of Commander Dave Fender, reviews cases arising from the jails to determine if the force used was within LASD policy, and the Executive Force Review Committee (EFRC), under the leadership of Commander Buddy Goldman, does the same for patrol operations.

### I. The CFRC

As set forth at 4-07/005.00 of the Custody Manual and paraphrased here, the Custody Force Review Committee reviews all force incidents responded to by the Custody Force Response Team (CFRT).<sup>8</sup> In addition, the CFRC may 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.

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<sup>8</sup> Both the CFRC and the EFRC shall review all uses of force which requires an IAB Force/Shooting Response Team or CFRT rollout.

A rollout is required for:

- \* All shootings in which a shot was intentionally fired at a person by a Department member,
- \* Any type of shooting by a Department member which results in a person being hit,
- \* Force resulting in admittance to a hospital,
- \* Any death following a use of force by any Department member,
- \* All head strikes with impact weapons,
- \* Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor,
- \* Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object,
- \* Deliberately or recklessly striking an individual's head against a hard, fixed object,
- \* Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member, or
- \* Any force which results in a response from the IAB Force/Shooting Response Team, as defined in MPP section 3-10/130.00<<http://intranet/intranet/MPP/Vol3/3-10/3-10-130.00htm>>. All instances of Category 3 Force shall be investigated by IAB and reviewed by the Executive Force Review Committee ..."

The CFRC calendars completed Use of Force incidents for review and requires the Unit Commander (or his or her designee) or the handling facility sergeant or approving watch commander to attend. They should be prepared to discuss specifics, answer questions, and justify recommendations regarding the incident. The CFRC reviews the force incident as a whole, including the events precipitating the use of force and any prevention efforts (if applicable), as well as the quality of the force inquiry. The handling CFRT Sergeant presents the basic facts of each incident and acts as a subject matter resource.

The Custody Force Review Committee Chairperson reports the Committee's finding, including recommendations, to the specific Unit Commander via memorandum. Recommendations to debrief personnel provide additional training, or conduct counseling are included in the Committee's memorandum. Exemplary performance or conduct is also acknowledged, and appropriate commendations are recommended.

The Unit Commander evaluates the CFRC's findings, acts on the Committee's recommendations, document his or her action, and reports back to the Committee within thirty business days. Any disagreements with the Committee's findings are to be addressed via memorandum within thirty business days.

If it is determined that a violation of an established Department policy may have occurred, the specific Manual of Policy and Procedures section should be cited in the Committee's findings. The CFRC will order that an investigation is opened and assigned to the appropriate unit. When completed, the investigation is returned to the Unit Commander for disposition. Prior to issuing a Letter of Intent, the Unit Commander is to report on the findings of the investigation at the next scheduled CFRC session. The disposition is then processed through normal channels with the Custody Division Chief having final approval. Discipline imposed as a result of CFRC review can be grieved via the normal grievance process.

Issues concerning tactics, training, or policy revisions should be cited and a memorandum forwarded to the appropriate Department unit or Bureau for consideration.

## **II. The EFRC**

As set forth in the LASD Manual at 3-10/140.00, and as paraphrased here, the Executive Force Review Committee is comprised of three Area Commanders, one of whom is designated by the Leadership and Training Division Chief as the Chairperson.

The Executive Force Review Committee evaluates every shooting and force incident as set forth in the circumstances described in footnote 8 on the previous page. The Executive Force Review Committee meets regularly to review and evaluate those cases. In addition to the concerned employee's Unit Commander, meeting participants include the Internal Affairs Bureau investigator, representatives from the Training Bureau, Advocacy Unit, and the Risk Management Bureau.

The members of the Executive Force Review Committee are provided copies of the Force/Shooting Response Team's investigations prior to each meeting. In addition, documents may be provided by the Training Bureau, Risk Management Bureau, or any other appropriate Department Bureau or Unit. Based on these reports, the members of the committee evaluate each incident and determine if the conduct of Department personnel was within established policies or consistent with established procedures. The committee members also evaluate the tactics of the personnel involved, whether the actions of Department personnel were consistent with Department training, and whether Department members used or deployed proper safety equipment.

After their initial review of the incident, the EFRC may:

- make a finding and determine the level of discipline if an employee violated Department policy, or
- return the case for additional investigation and direct that the case be re-presented to the committee for disposition, or
- cause IAB or ICIB to open an administrative or criminal investigation if warranted.

The EFRC then transmits the finding of the Committee to the concerned employee's Unit Commander, who then has 30 days to evaluate the Committee's findings. In the event the Unit Commander disagrees with the findings or recommendations of the EFRC, the disagreement is presented to the concerned Division Chief. The Division Chief then presents the matter to the Chief of the Leadership and Training Division for review and concurrence before the case is finally adjudicated and findings are published. If a concurrence cannot be reached, the Leadership and Training Division Chief shall present the matter to the Sheriff for a final decision.

The two panels are similar, but substantially different in their disciplinary power. In contrast to the CFRC, the EFRC is charged with determining if LASD policies were violated and makes disciplinary decisions, or recommendations for Education Base Discipline, or additional training. The CRFC does not decide discipline, but can direct an Internal Affairs or unit level investigation be initiated when the Committee findings that policy has been violated. If a Custody Division use of force reaches a particularly serious level, or if an Internal Affairs investigation is warranted, the case may eventually be reviewed by the EFRC as well.

When such a case is reviewed by the EFRC, it reviews all of the materials presented to the CFRC, along with additional documents, interviews, and reports as part of a completed administrative internal investigation. Again the Unit Commander and other supervisors are present to discuss the incident in greater detail. The EFRC discusses departmental training standards and, in certain cases, makes recommended modifications to training programs to respond better to the needs of LASD personnel, the public, and those who are incarcerated. The record created from the EFRC is permanent and applicable for both the overall training standards and for the individual users of force. These reviews include the recommendations from the CFRC. Due to the lengthy investigations required to document all aspects of the incident, the EFRC is unable to review these incidents within the same quick time frames as the CFRC.

### **III. Our Investigation**

Special Counsel and staff have attended force hearings and reviewed hundreds of underlying use of force reports over the years. Within the last month, at the suggestion of Supervisor Molina, Special Counsel reviewed 20 recent force cases, ten from the custody side and ten from the patrol side, to consider the quality, integrity, and thoroughness of the review from the first line supervisor, up the chain of command, through the Commander's Committee.

In none of the 20 cases was there a finding that the force itself was out of policy. At first blush, these would seem to be disconcerting results, suggesting a lax attitude regarding force. That was not the case, however. By and large, although with some significant exceptions, the review of force was thoughtful and thorough, with appropriate referrals for follow-up, additional training, or assignment to special classes. We do not opine on specific findings or attempt determine the appropriateness of discipline where ordered. Rather, we examined the review process itself in order to determine whether it is best calculated to produce fair, unbiased, and well-informed findings based upon a complete record. Special Counsel examined whether there is a careful consideration of the use of force or shooting in question, where the specific perceptions of the deputies and witnesses involved were considered and articulated rather

than stating them in a conclusory manner: “fearing for his life, Deputy Jones fired his weapon” or “the inmate was recalcitrant and resistant.” We tested whether the following questions were answered:

1. If the Committees were compelled to find a given use of force in policy because the existing policies were inadequate, did the Committee consider what should an adequate policy should be?
2. Were there less injurious alternatives to the given use of force that would have permitted the LASD deputies to gain control of the suspect without compromise of reasonable officer safety?
3. Prior to the use of force, would different tactics, strategy, training, or policies have increased the likelihood that less injurious force could have been employed? Were there less than lethal tools available to the deputies that could or should have been used?
4. Is there anything about the given deputy’s use of force history or habitual type of force used that suggests a pattern or practice of unnecessary or disproportionate force or a lack of physical or verbal skills? If so, what should be done about it?
5. As the particular use of force incident went up the chain of command for review, did each rank hold the rank below it accountable? In particular, did sergeants thoroughly review the packet and acquit themselves of the responsibility to strictly manage the risk of excessive, unnecessary, and disproportionate force by deputies under their control? If not, is remedial action warranted? Do certain captains or watch lieutenants invariably find that the force used was in policy? Should they be counseled or subject to remedial action? Does a failure by the chain of command to identify deficiencies or inconsistencies in the force packets portend broader problems? Are the standards applied uniformly throughout all stations in units?

Finally, and perhaps most importantly, we looked to see if there is a process in place to ensure that the changes suggested (either to policy, training, tactics, equipment) by the Committees were being implemented down the road in practice. This “loop back” is essential to institutionalize the LASD’s self-correcting function, which should be at the heart of the force review mission. Not all of these questions are being considered or answered. More work needs to be done.

Nonetheless, the LASD continues to make progress. The reasoning and thoughtfulness of the use of force review committees have steadily increased over that of a number of years ago.

Strategic and tactical errors are looked for and considered; corrective action is instituted; and attempts are made to consider the training implications and whether the deputy in question could benefit from further education, training, or retraining. Alternative ways of handling an incident are more often discussed. In the main, the two committees are reaching reasonable, evidence-based conclusions.

As always, there is room for improvement. At times, a neutral and objective recitation of the facts was substantially absent. Some reviews by the first line supervisor, and also at times by the watch commander, were defensive, biased, and, at times, lost any pretense of objectivity in demonizing the inmates in question (bad as they may be) or by otherwise gilding the lily.

The case-by-case reviews also seem to preclude some identification of systemic problems, even though there is continuity and consistency in the membership of the committees. In particular, there were a number of cases where the absence of a Taser required deputies to hit inmates in the face with their fists. In some of those instances, the deputy should have been carrying a Taser. And even when there was a Taser, there is at least one use of the weapon in drive stun mode that was questionable. It would be a worthwhile undertaking after the fact to examine all the Taser cases as group to derive lessons and recommendations that did not surface when the cases were reviewed individually.

#### **IV. Transparency**

Throughout the United States, monitors and others who perform civilian oversight of law enforcement find it difficult to communicate with the community at large about the thoroughness, integrity, and appropriateness of internal decisions by law enforcement and about the propriety of use of force, particularly in the investigations of citizen's complaints. There are laws in many states, including California, that endeavor to keep these investigations all but secret and unavailable for scrutiny outside the law enforcement agency. These laws in general reflect the clout of police unions in state legislatures to restrict information about police performance under the rubric that such broad secrecy is somehow necessary for a police officer's safety.

The California legislature is not an exception, but it should be. Decisions by law enforcement agents can be life-and-death decisions. They can also result in permanent injuries and disabilities if force is used unnecessarily, disproportionately, and in an overly injurious manner. How force decisions are made, reviewed, and corrected, if necessary, is the public's business. Transparency is not a privilege only for a few within law enforcement but rather a public right.

When we give someone a badge and then arm that person with guns, automatic weapons, shotguns, tasers, pepper spray, beanbag and rubber projectiles, and flash bang grenades; when we overly militarize local police; when we allow peace officers to use drones, helicopters, and aircraft; when we give police the power to stop and frisk and search and question people with only scant justification; when a flawed investigation can put an innocent person behind bars or on death row, the public has a right to demand all the facts.

The Los Angeles Times or the Wall Street Journal should not be blocked when it exercises First Amendment rights to freedom of information on behalf of each of us all. Wearing a badge does not exempt an individual from accountability or a duty to explain. In fact, it's the other way around: When a government agent has the power to affect the lives of others and even to take that life without a judge or jury (in certain narrow circumstances of self-defense), accountability and responsibility are even greater, and the ability to hide behind an opaque wall must be narrowly limited to that which is reasonably necessary to protect officers and their families from reprisal— their names, addresses, and phone numbers, for example.

The lack of transparency in turn creates perceptions that law enforcement takes care of its own without regard to fault or blame or injury. The skepticism and cynicism found in communities of color in particular arise from this lack of candor, combined with the sad but indisputable fact that law enforcement uses force, stops, searches, and arrests disproportionately against members of those communities.

In order partially to correct misapprehensions and to put information about use of force before the public, we have thoroughly edited the Supervisor's Use of Force forms and investigations in CFRC or EFRC documentation to mask the identity of LASD personnel, suspects, and the time, date and place where force was deployed in order to meet whatever constraints California law may place on the disclosure of such facts. It is important, however, for the Board and all interested observers to see in the LASD's own words how it goes about examining a reportable use of force that goes up the chain of command to the CFRC or EFRC. What follows are summaries of the cases reviewed. The summaries are in the actual language of the reports themselves as edited to eliminate identifying information and as compressed to be readable.

To be sure, these recent cases reviewed at the instance of the Board and may not necessarily constitute a relevant sample as a statistician might devise. They nonetheless constitute actual cases and the actual written materials reviewed by the Commanders. Warts and all, the written materials presented here demonstrate, in the main, that the LASD is acquitting itself of the responsibility to be accountable better than in times past. We include our own observations at the end of some of the cases.

## V. CFRC Cases

### CRFC Case #1

On [date], the Custody Force Review Committee, consisting of [Commanders named] met to review the above referenced case. Listed below are the Committee's findings:

#### ISSUE FINDINGS

Pre-Incident Tactics: Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

#### Instructions:

The Committee members have issued the following instructions:

- Schedule a meeting with Custody Training Bureau and\_\_ personnel regarding training on take downs and other recent force related matters.
- Research other ways to secure problem inmates prior to transportation (i.e. separate enclosure, etc.).
- Ensure that a study is conducted regarding the radio "dead zones" within the\_\_ facility and compare it with the one conducted approximately two years ago. Provide a copy of what was rendered from the studies to Custody Division Headquarters.
- Follow up documentation shall be submitted to the Custody Division Headquarters.

At the time of this incident, Deputy A was in the process of initiating disciplinary action against Inmate K for roaming out of his assigned area and not following work instructions. Deputy A instructed Inmate K to walk toward the security holding area where the inmate sat down on the bench. Custody Assistants B and C followed along providing additional security. As Deputy A went to handcuff the notably cooperative inmate, the inmate suddenly pulled his arm away, stood up, turned toward Deputy A and aggressively flailed his arm into the air. Deputy A and Officers B and C immediately issued verbal commands for Inmate K to stop; however, Inmate K

moved toward Officer C. Officer C backed away, pulled out his OC Spray and eventually sprayed Inmate K in the face.

Officer C applied a control hold on Inmate K, but the inmate was able to lift Officer C off the ground and break free. Because of Inmate K's size (6'3", 230 lbs.), coupled with his combative and resistive behavior, Deputies A and D applied their OC Spray to Inmate K, as Officer C attempted a takedown. Deputies A and D, along with Officers B and C made several attempts to control Inmate K by forcing him onto the floor and attempting to apply their handcuffs. Deputy H reached down under the group, grabbed the inmate's pant legs and pulled the pant legs out from under him. This action was successful in causing the inmate to fall to the floor along with the security personnel.

As the inmate and in and in landed on his stomach, he immediately tried to pull his arms and legs under him in an attempt to again rise to his feet. At this time Deputy A, who had drawn his Taser and removed the cartridge, reached in and activated the Taser against the lower back area of the inmate. Once the Taser was deployed, Inmate K stopped trying to rise to his feet and remained lying down on the floor. Without other available options at the time, Deputy A applied his Taser by *Drive Stun* (direct body contact), as directed by Supervising Line Deputy E. Inmate K ceased his combative behavior and was ultimately handcuffed without additional use of force. Inmate K appeared to suffer only the ill effects of the OC Spray. Officer C sought medical attention to his injured right shoulder, and was released to light duty.

*Note - From the onset of this incident when Inmate K first became recalcitrant and combative, Deputy F, Officer G and Deputy H attempted to make radio broadcasts of their situation and need for additional personnel. However, due to portions of the x's security holding area having in the past experienced infrequent "radio dead zones," most of their broadcasts did not go out over the radio, including their location. A few days after this incident Sergeant R conducted a radio test of this area and discovered portions of his broadcasts were not transmitted. However, moving a few feet in either direction caused the problem to correct itself.*

*A technician in from Sheriff's Communication responded to the\_\_ over a year ago and concluded that there may be areas of the\_\_ that could experience infrequent (time-to-time) transmission/reception problem due to the buildings layout, building material and x equipment used. The recommendation made at the time was to be cognizant of these areas when using the radio. An additional request has been made to Sheriff's Communication for a reassessment of the\_\_ and of finding a better solution. All\_\_ personnel were briefed about being mindful of the "radio dead zones" and to practice good radio tactics in preparation for future events.*

## CONCLUSION / RECOMMENDATION

I [the Watch Commander] have viewed all video recordings, including the\_\_ facility CCTV and handheld camera footage of the interviews that document all aspect of this force incident. The statements from Sheriff's Department personnel are credible and consistent with what was recorded on the video surveillance cameras, which provided a good understanding of the events as they transpired. Inmate K's mental health history<sup>9</sup> and his belief that Deputy A was about to attack him, resulting in his actions against Deputy A, Officer B and Deputy C, created the situation that resulted in this defensive use of force.

I concur with Sergeant R's assessment in the *Training and Tactical Review* section of this document, including the familiarization with equipment and the importance of communications and complete radio broadcast being transmitted and received. When the decision was made to deploy the Taser, Deputy A had difficulties removing the Taser from its holster, thus causing a slight delay in its use. The radio broadcasts that were initiated were incomplete, thus not allowing responding personnel a location in which to respond. Although the incomplete broadcasts were understandable as their focus was clearly on Inmate K, the importance of ensuring radio broadcasts are received were understood by all personnel involved in this incident debriefing, and subsequent shift briefings.

Overall, I find that the tactics used by Sheriff's Department personnel to be within policy, and followed the progression of force from verbal commands, chemical agents (OC Spray), restraint techniques, and deployment of the Taser, as outlined in the Custody Division Manual Force Prevention Policy, section 3-02/035.00.

Therefore, based on the above information and the information contained in the attached video of this incident, the force used by Deputies A and D, and Officers C and B, during the deployment of OC Spray and Taser, restraint and takedown techniques, and the resistive handcuffing, was objectively reasonable to uphold their safety and the safety within the [facility]. Their force was properly reported and within the Department policy and guidelines. Additionally, the subsequent use of force by responding security personnel during the direction of the Taser, restraint techniques and resistive handcuffing of Inmate K was objectively reasonable to uphold their safety and the safety within the [facility] their force was properly reported and within the Department policy and guidelines. When Inmate K became resistive

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<sup>9</sup> During the interview with Inmate K, he stated he had previously been diagnosed with a mental health disorder while at S Penitentiary. Inmate K said he had been taking \_\_\_\_\_, which is an antipsychotic medication; however, he has not taken the medication for over a year. Inmate K stated he does not believe he has any mental illness, only a sleeping disorder. He said sometimes when he sleeps; he cannot wake up as he believes the "Spirits" are holding him down. This appears to have played a part in his belief about the "Spirits" and his belief of being attacked when Deputy C was simply going to handcuff him, which would not be a normal belief or response.

and assaultive, Department personnel were justified in their belief that Inmate K posed a physical threat to them and acted accordingly. I recommend this case stand as "review completed."

### ***Special Counsel Observations***

*There was insufficient explanation why the Taser needed to be used in stun mode, which causes intense pain without making the subject more compliant, as does the Taser in cartridge mode, which overrides the subject's motor nerves. As noted in prior semiannual reports, use of the Taser in this manner may not be the best policy:*

*Use of the Taser in drive stun or touch stun mode is discouraged except in situations where cartridge mode deployment is impossible and active aggression or aggravated aggression by the subject cannot be reasonably dealt with in any other safer fashion.*

*At the time the inmate was stunned, the inmate was on his stomach and partially under control.*

*A footnote suggests that the inmate was psychotic and off his medications. If this fact were known, perhaps inmate should have been handled differently. His statements indicate that he was actively hallucinating at the time. If the fact was not known, the question arises why the LASD had not reviewed the inmate's medical records from the penitentiary and classified him appropriately.*

## CRFC Case #2

On [date], the Custody Force Review Committee, consisting of [Commanders named] met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### Incident Details

K-10 inmates are classified as such for a variety of reasons, including, propensity for violence, numerous complaints against staff members, extraordinarily high bail, high profile cases, and escape risks. It is the policy of Custody Division that K-10 inmates be handcuffed and/or waist chained when they are not secured in their cells. It is also policy that K-10 inmates are escorted and supervised by deputy personnel when outside of their cells.

On [date], at approximately \_\_\_ hours, Deputy B was escorting K-10 Inmate K from a medical pass to his assigned cell near the middle of the tier. Inmate K is known to not cooperate with inmates in jail gang M and is charged with kidnapping, making him an attack target for the inmates on the row. Deputy B ordered Custody Assistant A working the W module to open cell #x to allow Inmate K to enter. After a brief delay, cell #x began to open. Simultaneously, the gate to cell #y near the back of the tier opened inadvertently, allowing K-10 Inmate Z, an M gang inmate who is being held on murder charges, to gain unhandcuffed access to the tier.

Deputy B was surprised by the emergence of Inmate Z from his cell; he stepped between Inmate K and Inmate Z. He ordered Inmate K to exit the tier toward Custody Assistant A. Custody Assistant A did not initially see Inmate Z exit his cell and did not grasp the situation. This is understandable as Inmate K, (who is very large) blocked Custody Assistant A's view down the narrow tier. Deputy B turned his attention toward Inmate Z who was advancing toward him on the tier. Inmate Z walked toward Deputy B in a combative manner with his fists clenched, ignoring several of Deputy B's orders to go back to his cell. Realizing the severity of the situation, Deputy B walked toward Inmate Z and deployed his OC spray in the direction of Inmate Z's face. Inmate Z stopped advancing approximately five feet in front of Deputy B. The

OC spray affected Inmate Z who complied with Deputy B's orders to lie on the floor and place his hands behind his back. Deputy B used his radio to call for assistance, however, he mistakenly broadcasted that he was in the Q module. This error caused a delay in assisting deputies arriving in the correct module. Deputy B corrected his location on the radio and waited for other deputies to arrive prior to attempting to handcuff Inmate Z.

As deputies began arriving at W module, Deputy B, who was also affected by the deployment of OC spray in the confined area, asked Custody Assistant A to handcuff Inmate Z. Deputy B and Custody Assistant A lifted Inmate Z onto his feet and stood directly behind him in preparation to walk him off the row. Responding Deputies H and J stood in front of Inmate Z as he began to walk. Inmate Z looked over his left shoulder, apparently confirming that Deputy B was close behind him. Inmate Z then lurched his head back intentionally head-butting Deputy B in the face, striking Deputy B in the mouth. Deputy B was momentarily dazed by the head-butt to the face and stumbled backwards.

Deputy H was standing in front and to the right of Inmate Z. Deputy J was in front of Inmate Z, to his left. Not knowing if Inmate Z had slipped his handcuffs or if he would continue his attack on them or Deputy B, H and J took immediate action to neutralize Inmate Z's aggressive behavior. Deputy H grabbed Inmate Z by the right shoulder with his left hand. Deputy J grabbed Inmate Z's left shoulder with his left hand.

They pulled forward on Inmate Z causing him to bend forward at the waist. Deputy H kneed Z in the upper body with his right leg, striking Inmate Z in the upper chest with the point of his knee and Inmate Z's face with his upper thigh. Deputy J simultaneously punched Inmate Z twice on his left cheek with his right fist. Deputies H and J continued pulling Inmate Z to the floor where Inmate Z landed on his face and chest. Once on the floor, Deputy J controlled Inmate Z by placing his knee on Inmate Z's back, giving him leverage needed to hold Inmate Z on the floor.

The elapsed time from Inmate Z head-butting Deputy B until he was struck by Deputies H and J and taken to the floor was approximately three to four seconds. Sergeant R arrived on the tier, along with several responding deputies, seconds after Inmate Z had been taken down. R ordered Inmate Z to be escorted off the row so that he could be medically evaluated. R saw a contusion on his left cheek, swelling around his left eye, and a contusion in the middle of his forehead. He was escorted to the main hallway by Deputy J who controlled Inmate Z by holding the back of his head and arms. Inmate Z appeared to be alert and oriented. R saw that Deputy B had a laceration on the inside of his upper lip, approximately a half inch long, which was bleeding slightly. He also sustained a small contusion to his left index finger.

Deputies not directly involved in the force on Inmate Z escort him to the Jail Clinic for treatment. The deputies involved in the use of force verbally reported their actions following the incident. While being escorted to the Jail Clinic, Inmate Z admitted to Deputy N that his assault on Deputy B was not personal. Inmate Z said he was being egged on by other M gang members on the tier and felt like he had to do something in order stay in good standing among his peers.

Sergeant R reported that he spoke with H, a Senior General Maintenance Worker, [regarding why cell y's door opened when cell door x was opened]. He explained that the horizontal locking bar on cell y was found to be faulty and was replaced. The bar had become bent causing it to malfunction. He suggested that rigorously opening and closing the gates should be avoided to help ensure the horizontal locking bars continue functioning properly.

R held a debriefing with the involved personnel and the rest of the floor personnel to discuss concerns raised during the incident. R stressed the importance of location awareness as it pertains to officer safety when asking for assistance over the radio. Deputy B initially broadcasted an incorrect location which caused a delay in deputies arriving at the correct location.

It is understandable that deputies would arrive en masse to a call for assistance, especially involving a K-10 inmate. R reminded the deputies that too many responders in a confined area such as a tier could become detrimental to personnel attempting to control a violent inmate. R also suggested that deputies escort potentially dangerous inmates, such as K-10's, in a shoulder to shoulder fashion while controlling at least one arm in order to minimize the risk of being head-butted or kicked. As the number of inmate takedowns has recently increased, R recommended additional force training, specifically in the area of team takedowns for custody personnel. R reminded Deputy J that there are instances when head strikes could be avoided. Deputy J understood and agreed with the advice. Additional training would likely reduce the number of injuries to deputies and inmates. R also recommended routine gate inspections and recurrent briefings to ensure that gates are operated with caution as they are old and can become damaged if manipulated too harshly.

Officer safety concerns included a single deputy escorting a K-10 inmate on a row, Deputy B's strategic positioning in relation to Inmate Z, and location awareness. In all circumstances, K-10 inmates are known to have a propensity for violence. The gates in this facility are old, impacting their integrity. It is a common circumstance for a gate to malfunction in some fashion in any of the modules, creating a potential security breach. Although it does not fall under a unit order, a minimum of two deputies should be present for the movement of any number of K-10 inmates,

common sense in officer safety prevailing in determining the ratio of deputies to K-10 inmates. This should include movement on and off of any K-10 row.

The safest position for an escort is on the side of the inmate, slightly to the rear. This keeps the deputy out of the peripheral vision of the inmate, and gives the deputy an advantage in overcoming resistance or assaults via defensive tactics. It is likely Deputy B would not have been struck by Inmate Z's head butt if he had positioned himself in a more tactical manner.

Based on the findings of this incident, a training regimen consisting of force policy familiarity, escorting of high security inmates, and broadcasting emergent radio traffic will be conducted by floor sergeants.

### CRFC Case #3

On [date], the Custody Force Review Committee, consisting of [Commanders named] met to review the above referenced case. Listed below are the Committee's findings:

#### ISSUE FINDINGS

Pre-Incident Tactics: Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

#### Instructions:

The Committee members have issued the following instructions:

Counsel and provide a performance log entry to Deputy A regarding his decision to use a trash can as an impact weapon which was deemed a poor use of force option.

On [date], at approximately \_\_ hours, Inmate M was in unit Z. Deputy V discovered that Inmate M was classified as K-6 Y (lewd act upon a child). Deputy V directed Inmate M to sit on the bench designated for special handles. Inmate M refused and began to argue with Deputy V. Deputy V gave inmate M several verbal commands to sit on the bench, at which time Inmate M stood up and said something to the effect of "send me to the hole".

Deputy Z heard Inmate M yelling at deputy personnel and walked to where Inmate M was located. Senior Deputy Z ordered Inmate M to get onto his knees in order to handcuff him. Inmate M initially complied and got onto his knees then, without warning, immediately rose to his feet and brought his fists upward near his head and turned toward Deputy T. Inmate M swung two times with his right hand attempting to strike Deputy T. Deputy T avoided the strikes by stepping backward.

[Custody Assistant (CA)] O observed the strikes toward Deputy T, and he used his right fist to strike Inmate M to his face on the right side. Almost simultaneously, Deputy Z utilized a nearby large plastic trash can to strike Inmate M one time in the upper back, to prevent further attack of Deputy T. The force of the trash can blow caused Inmate M to fall against the wall and bench. Deputy T grabbed onto the upper back of Inmate M and took him to the floor. CA P observed the fighting stance and subsequent attempt to strike Deputy T by Inmate M. CA P saw Inmate M attempt to push away from the bench/wall as Deputy T was taking Inmate M to the floor.

At this point, Deputy T successfully forced inmate M onto the ground and was able to place his arm across his (Inmate M) upper back, pinning inmate M to the floor. Deputy T gave commands to cease resisting and to place his hands behind his back. Inmate M ignored the commands and continued to resist. Inmate M held his right arm under his face and attempted to strike Deputy T with his left elbow.

Deputy O saw Deputy T and Custody Assistant O take Inmate M to the floor. He arrived to their location and saw that Inmate M was swinging his head from side to side, with his mouth open, attempting to bite at Deputy T's right arm. Deputy O said he feared Inmate M would be successful in biting Deputy T on the arm. In order to prevent this, he (Deputy O) crouched down and struck Inmate M two times with both of his fists to the face on the right side of Inmate M.

Deputy O said he paused to ascertain if his strikes affected Inmate M. Deputy O said Inmate M continued to swing his head back and forth with his mouth open. Believing Inmate M was still attempting to bite Deputy T. CA O said he struck Inmate M several more times, with his fists, to the right side of his face. O noted that these strikes ceased Inmate M biting attempts. Deputy V said he observed Inmate M extend and retract his right hand attempting to strike at Deputy O. Deputy V also saw Inmate M attempt to bite at the hand of O.

CA O placed his left leg across the back of Inmate M knees. He then placed his right hand along the back of the right knee and his left hand along the back of the left knee of Inmate M. Additional commands were given to cease resisting and to place his (Inmate M) arms behind his back, all were ignored. CA O struck Inmate M two times to the left shoulder with his (CA O's) right fist. This allowed the left arm of Inmate M to relax which lead to the ability of Deputy T to gain control of it and CA O placed a handcuff on it. Deputy V stated that he was able to pull Inmate M right hand out from under his face and guided it behind his (Inmate M) back. CA O has able to hand cuff the right hand of Inmate M.

Ultimately Inmate M was waist chained at the direction of Deputy Z. Sgt. M arrived at the conclusion of Inmate M being waist chained. Inmate M was placed into a safety chair at the direction of Sgt. M thus ending the confrontation. Just prior to the placing of Inmate M into the safety chair, Deputy Z ordered Deputy O to place a clean pair of inmate underwear over the head and face of Inmate M due to the fact that he attempted to bite and spit blood and/or saliva during the original incident. At the time there was not a spit mask available. There were no closed circuit television capabilities in the area of the incident. The necessary camera equipment has been installed however they are not due to be operational.

## **SERGEANT INCIDENT SUMMARY**

### **Debriefing held to discuss training and tactical issues.**

The incident was debriefed with the involved staff members. This incident evolved very quickly with Inmate M attempting to strike Deputy T.

Staff members acted quickly to neutralize the threat created by Inmate M. The dynamics were such that the use of a Taser to subdue Inmate M was not possible due to the fact that a Taser was not readily available to personnel at the time of this incident. None of the personnel involved had a taser on their person for rapid deployment. It was briefed with all shift personnel not just those involved, that a taser will be required to be worn by all lead deputies as well as senior deputies. Supervisors will ensure that this shift directive be enforced. The unavailability of the Taser appears to be what motivated Deputy Z to utilize a large plastic trashcan to strike Inmate M. This, coupled with the fact that Deputy Z was behind Inmate M, made the use of oleoresin Capsicum (OC) spray impractical.

Deputy T acted swiftly and appropriately to utilize a takedown to get Inmate M onto the floor in order to handcuff him. The use of personal weapons on the part of Custody Assistants O and P was swift and justified based on Inmate M violent and assaultive actions. The use of personal weapons to the face of Inmate M on the part of Deputy U upon his initial application appear reasonable given the fact that he observed what he perceived as an attempt by Inmate M to bite at Deputy T.

Deputy U initiated a second application of strikes to the face of Inmate M to which he described as several. These strikes may be considered a poor option since Deputy U stated he was preventing Inmate M from biting at Deputy T. A better option may have been to just hold Inmate M head in a direction where he could not bite and/or spit at Deputy T. The use of different options was discussed with the personnel involved, and it was stressed the importance of having a Taser readily available for instances such as these. It was also discussed to utilize the use of OC spray if able. I would recommend that all involved personnel attend additional force training classes such as critical decision making and/or ground defense tactics. I would also recommend recurrent briefings on current force policy and tactics to deputy and custody assistant personnel. Based on the above, coupled with my investigation, I determined the force utilized was objectively reasonable and within the policy of the Sheriff's Department.

## **WATCH COMMANDER'S SUMMARY**

I have viewed all video and audio recordings (including handheld camera footage of the incident, interviews, and photographs) that document any aspect of this force incident. There is no CCTV footage as the cameras in the Class Rear area are not functional. According to M, the

cameras are scheduled to go online by the end of December 2012. After reviewing the written reports, the statements made by the deputies, sergeant, witnesses, and the suspect, I determined the force used was justified, objectively reasonable and within Department Policy.

The actions of the involved deputies were dictated by the suspect's uncooperative/assaultive behavior. However, while I concur with Sergeant S's assessment that the force was objectively reasonable, I do have concerns over some of the force options that were used. Deputy U chose to use repeated head strikes to combat a suspect who was already being held down on the ground and attempting to bite and/or spit. Ideally, a better option would have been the taser but it was not available. While personal weapons are justified in combating an "assaultive/high risk" individual, I agree with Sergeant S that holding or controlling the head might have been a better option in this instance. I base this opinion on the fact there were five other employees already engaging the suspect, on the ground, at the time Deputy U chose to use the head strikes. In addition, Supervising Line Deputy Z wrote in his report that he had directed Deputy U to pin the suspect down on his stomach, by placing his body weight on the suspect's upper torso. Deputy U instead, chose to ignore this direction and use head strikes to overcome the suspect's resistance. I recommend sending Deputy U to Custody Force and Critical Decision Making training.

Supervising Line Deputy Z used a rubber trashcan as an impact weapon of opportunity against an "assaultive/high risk" suspect, who was attacking Deputy T. The trashcan is 27" tall and 21" in diameter. It is made of rubber and is pliable. The impact of the trashcan was spread over a large area and caused the suspect to fall forward to the ground. Deputy Z was successful in achieving his desired effect while minimizing injury to the suspect. I find no fault in his using the trashcan as an impact weapon of opportunity.

I am also concerned with the fact that a Taser was not available for use in this incident. Deputy Z wrote, in his supplemental report, he did not have his taser because it was early in the shift. Deputy Z's shift starting time is 1400 hours. At the time of this incident, he was approximately one hour into his shift. [Due to his status at this facility], he is required to have a taser on his person or readily available at all times. I personally counseled him on this matter and instructed Sergeant S to document this incident in a Unit Performance Log Entry.

T was working the second shift of his county double, when this incident occurred. He told Sergeant S that he made his relief and had not yet checked out a taser when the force occurred. Sergeant S counseled him on this matter and documented this incident on a Unit Performance Log Entry.

As a whole, this incident could have been handled better with the correct amount of resources and training.

I have directed the shift sergeants and seniors to strictly enforce Unit Order 8-39/000.00, with regards to the issuing and deployment of tasers. I have contacted Training Sergeant E and requested that all of the deputies involved in this incident, including Z, attend Custody Force training. I have asked Sergeant E to enroll Deputy U in the next Critical Decision Making class. This incident has been briefed and critiqued, on all three shifts, during the last three weeks. I have spoken with Sergeant E about giving in-service force training, utilizing our certified force instructors on staff. He has scheduled several classes beginning the second week of October.

In summary, I stand by my initial assessment that the force used was justified, objectively reasonable and within Department Policy. I do recognize that the force options used could have been better. I believe this is a training issue, which we have identified and already taking steps to correct. I recommend no further action in this matter.

***Special Counsel's Observations***

*Good, thoughtful analysis.*

## CRFC Case #4

On [date], the Custody Force Review Committee, consisting of [Commanders named] met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Not Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### Instructions:

The Committee members have issued the following instructions:

Brief all facility personnel regarding appropriate behavior after force incidents (i.e. walk the involved inmates away from the incident versus dragging them away, etc.). Complete performance log entries regarding the attentiveness of personnel during this incident.

### Summary of Event

Due to the recent increase in inmate assaults, deputy personnel assigned to the XY floor planned to conduct a search of module XYZ, Row "Q" for weapons and contraband. The inmates that are housed in the referenced module are classified as "K-10" inmates, and due to their violent nature, they are housed in single man cells. Inmates with "K-10" classification are not allowed out of their cells until they are stripped searched, waist chained and must be escorted within the jail facility by deputy personnel.

On X date, at approximately \_\_\_ hours, all personnel who were involved in the search operation attended a tactical briefing in the XY floor school. Upon conclusion of the briefing, the XY floor was placed on lock down at which time the search of the referenced module commenced. Thirteen "K-10" inmates were stripped searched, waist chained, removed from their cells and individually escorted to the lower end of the XY floor hallway. Upon the inmates being placed in the hallway, they were asked to sit on the floor and face the wall.

All of the inmates in the hallway complied with the orders given to them by deputy personnel. Deputies A and B were assigned to provide security for the inmates who were being detained in the hallway. For the security and safety of the inmates and deputy personnel on the floor, Deputies A and B were each assigned a "Penn Arms" 40mm. Prior to the deployment of the two (2) less lethal weapons, I discussed the advantages of their deployment with the day shift Watch Commander, Lieutenant C. We took into consideration that the inmates that were being detained in the hallway would be waist chained and confined to a general area. We concurred

that the 40mm would be the most effective option to maintain control of the number of inmates being detained in the hallway. We also felt that its munition (6325c"Exact iMpack" Sponge Round) had the ability to disable an assaultive inmate with no lasting harm. Based on our assessment, Lieutenant C authorized the deployment of the 40mm for security during the search operation.

While Deputies A and B were monitoring the inmates in the hallway, they saw Inmate N stand up and immediately kick Inmate V in the chest area with his right foot (CCTV 0806.54). Upon both Deputies witnessing the assault, they immediately ordered both inmates to get down on the floor. Both inmates continued fighting and failed to comply with the orders given to them. The other Hispanic inmates who were being detained in the hallway started to get up from their seated positions and it appeared that they were going to participate in the altercation. In order to prevent the involved inmates from being seriously injured and to prevent the other inmates from becoming involved, Deputy A fired one (1) 40mm munition at Inmate N, striking him in the left elbow, right knee and the rear of his left foot. Immediately after Inmate N was hit with the 40mm munition, he, Inmate V and the remaining inmates cooperated and sat down on the floor.

Deputy G, the XY Control Officer, saw the disturbance from his assigned work station and immediately broadcasted the location of the disturbance and requested additional assistance from W floor personnel. I arrived at the scene within six (6) seconds (CCTV 0807.00) of the onset of the disturbance and saw that several of the uninvolved Hispanic inmates appeared to be sitting back down on the floor.

I also saw that the inmate responsible for the disturbance (N) was seated on the floor, and it appeared that he had sustained an injury as a result of being struck with the 40mm munition. Although Inmate N had been injured by the munition, he continued to provoke Inmate V by yelling profanities and threatening him. In order to prevent any other altercations, I ordered Custody Assistant D to drag Inmate N away from the rest of the inmates. Custody Assistant D proceeded to grab Inmate N's upper right arm and dragged him approximately ten feet on the floor away from the other inmates. (CCTV 0807.1 0)

Lieutenant C was notified regarding the use of force by Deputy A and I at 0820 hours. Custody Force Response Team (CFRT) Lieutenant S was notified at 0840 hrs. CRFT Sergeants T and J responded to the [the facility] and arrived at approximately\_\_ hrs. IAB Lieutenant M was notified by Lieutenant C at \_\_ hrs.

### **Debriefing held to discuss training and tactical issues**

A debriefing was conducted at the conclusion of this incident with all personnel involved in the search Operation. We reviewed the Department's Use of Force Policy as it relates to dealing with "Resistive and Assaultive/High Risk inmates and the Department's "Use of Force Option's Chart." We discussed the deployment and use of the "Penn Arms" 40mm as it pertained to this incident. We also discussed the Department's policy regarding the intended purpose, application and deployment of Less-Lethal Weapons. I explained that the intended purpose of a Less-Lethal Weapon is to temporarily interrupt a suspect's behavior and that personnel should always be prepared to exploit the brief opportunity to safely restrain the suspects involved.

We also discussed the other options that could have been used in the referenced incident. We discussed the use of a "Taser" as an option, however we concurred that since the inmates were waist chained there was a foreseeable likelihood that the inmates could have been severely injured.

We discussed the use of Oleoresin Capsicum as an alternative option to Less-Lethal Weapons. We concurred that in some circumstances its use would be effective. However, in this particular incident it would have contaminated the inmates that were not involved and hindered the response of personnel responding to the disturbance.

We also discussed the option of having additional personnel on the floor as a show of force and command presence during a movement of multiple inmates.

### **Supervisor's Report on Use of Force**

Prior to the debriefing of the incident, Lieutenant C and I reviewed the CCTV footage from the\_\_ floor camera. We saw the start of the disturbance at approximately \_\_hours, and saw the immediate reaction of Deputies A and B. Deputies A and B appeared to evaluate the situation as it developed and Deputy A tactically positioned himself and discharged the 40mm munition which struck his intended target and defused the situation. Deputy B maintained the presence of mind to provide cover for Deputy A, who began to approach the disturbing party prior to the arrival of assisting personnel. Lieutenant C and I also evaluated the actions of both deputies prior to the incident and saw that after maintaining security in the hallway for almost one (1) hour. They appeared to leave their positions of advantage to converse with one another and were leaning up against the hallway wall in an effort to rest their feet.

Lieutenant C and I met with Deputies A and B in the Watch Commanders office shortly after the incident. We commended both of them regarding their actions and the tactics they employed in this incident. We sternly advised them about the importance of being cognizant of their

mission, officer safety and approaching High Risk/Assaultive suspects without sufficient back up. Deputies A and B welcomed our opinion and were receptive to our corrective criticisms.

It is my opinion that Deputies A and B were fatigued from being at a position for such an extended period. I discussed this issue with other Sergeants within the [facility], and recommended that personnel who are providing security with Less-Lethal Weapons such as the 40mm be relieved every fifteen to twenty minutes. This recommendation should alleviate any future fatigue factors which jeopardizes officer safety in these types of operations.

#### **Watch Commander's Summary**

Lieutenant C, after reviewing the facts and statements made regarding this use of force, agreed with Sergeant S's assessment that the force used was justified, objectively reasonable, and that no violations of Department Policy occurred. We discussed the importance of having other deputies involved in the security detail who are not in the immediate possession of the 40mm as to provide other force options should an incident arise such as the need to conduct rescue force. Also in cases where multiple sergeants are available in such search operations, one should remain with the deputy(s) armed with the 40mm as to provide specific directed force instructions. We additionally discussed the option of searching fewer cells at one given time or utilizing more cell searching personnel so that the security detail and the handcuffed inmates do not have to remain in their positions for an hour at a time.

## CRFC Case #5

On \_\_, the Custody Force Review Committee, consisting of \_\_ met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### Instructions:

The Committee members have issued the following instructions:

Brief supervisors and managers on the topic of force reporting, specifically supervisors involved in force incidents will not write the force documentation or be involved in the interviews.

### Incident Details (substantially compressed):

Sergeant F and I contacted Inmate C in front of his cell door, along with medical and deputy personnel. Nurse S treated Inmate C for the scratches on his arm. After treating him for the scratches, Inmate C bent down and tilted his head forward in front of the tray slot in order for Nurse S to remove the sutures from the top of his head. Due to the height of the inmate (6'-4", 315 pounds) and the low placement of the tray slot, Nurse S had difficulty removing the sutures from his head. Nurse S said she would continue to attempt to remove the sutures, but would not continue if it was too difficult. [Inmate C becomes verbally abusive]

Moments later Inmate C calmed down and stated he was not going to give custody personnel any problems if he exited the cell. Sergeant F, Nurse Y and Nurse S have had a good rapport with Inmate C in the past, and had been able to calm him down on several different occasions. Based on their rapport and past history, Sergeant F believed Inmate C would cooperate and not pose a threat to custody personnel at this time. Sergeant F made the decision to have Inmate C exit his cell to facilitate the removal of the sutures before they caused any more medical issues.

Prior to Inmate C exiting the cell, Sergeant F told Deputy P to [go] around the corner, out of view of Inmate C's cell, with a Taser. He instructed Deputy M to stand on the other side of Inmate C's cell with his OC spray. Sergeant F also told Deputy Z to waist chain Inmate C through the tray slot before having him exit the cell.

Once he was waist chained, Inmate C exited his cell and sat down on a milk crate which was placed directly in front of the outer hard door of his cell. Nurse S was able to remove the rest of

Inmate C's sutures from his head. As Inmate C sat on the crate he began yelling at and antagonizing the other inmates in module. Inmate C threatened to attack one of the inmates in the module with a waist chain.

After Nurse S removed the sutures from Inmate C's head, he asked Sergeant F, 'What are we doing now?' Sergeant F told him he was going back into his cell. Inmate C said, "Ok" and stood up and turned to his right in the direction of his cell. As he turned, he noticed Deputy P standing around the corner. [Inmate C becomes verbally abusive and possibly menacing]

...

Inmate C said, "I refuse to go back in the cell, you can spray me and get the Taser." Inmate C took two steps forward and leaned over in an aggressive manner. Deputy P and G stepped out in front of Inmate C to keep him from advancing out any further. Deputy P took control of Inmate C's right arm, and Deputy G controlled his left. At this time, Sergeant F was standing directly in front of Inmate C's cell and told him to go back inside the cell. Sergeant F, Nurse Y and Nurse S made several attempts to de-escalate Inmate C combative behavior; however, he refused to cooperate. He continued to yell [profanities].

...

Sergeant F ordered Inmate C to be cooperative and go into his cell. He ignored the orders, yelled profanities and forcefully pushed his upper torso forward at Deputy P and Sergeant F. He continued to be hostile and assaultive, using his body weight to push his way out of the threshold and into the deputies.

Inmate C's behavior quickly became more combative. He became tense and lunged violently forward, causing Sergeant F to defensively place his hand on Inmate C's chest. Sergeant F reacted by pushing Inmate C. Deputy P used both hands to control Inmate C's upper torso. I told Deputy Z to remove Deputy P's Taser from his right side holster, since Deputy P had both of his hands on the inmate and would be unable to deploy his Taser.

Sergeant F directed deputy personnel to take Inmate C down to the floor. Inmate C continued to be uncooperative as he resisted by making his body tense and more difficult for the deputies to take him to the ground. Deputy P and Deputy M placed him against the wall in order to control his movement then guided him down to the floor, hitting his head on the door lock of Cell #4 as he went down. Inmate C continued to struggle with the deputies by keeping his body rigid as they attempted to take him down. I directed Deputy Z to deploy the Taser on Inmate C. Deputy Z responded by utilizing his X-26 Taser to drive stun Inmate C in the middle of his back (one cycle approximately five seconds).

Deputy P ordered Inmate C to get down and not to move. Once on the floor, he continued to resist by lifting his upper body upward and kicking his legs. ... I directed Deputy C to utilize a Taser on Inmate C. Deputy C fired one round from his X-26 Taser at Inmate C with both darts striking him on the left side of his buttocks. The Taser had little to no effect. I directed him to deploy the Taser again. Deputy C complied by using the Taser to drive stun to the center of Inmate C's left shoulder blade. Deputy C pulled the trigger one time for a total of five seconds. Inmate C stopped fighting.

...

### **"Lessons Learned"**

Inmate C's behavior has always proven to be unpredictable. He can be calm and cooperative one second then hostile and combative the next. Due to his history of being hostile and combative, it may have been best to have him remain in the cell and reassess the necessity to remove him from the cell. Also, we should have maintained better communication with medical personnel and making a determination if the medical treatment is a medical urgency, life threatening, or if it could have been handled at another time. Additionally, we could have maintained better control of the area by moving the inmate away from other inmates who were antagonizing Inmate C and causing him to become more irate.

And, although they were attempting to be helpful by asking Inmate C to calm down and to cooperate, we should have had the nurses' step out of the module when Inmate C became uncooperative and it was apparent we would need to use force on him. There were too many voices telling Inmate C to cooperate and their (Nurses) presence was disruptive and added confusion to the situation.

...

### **Watch Commander's Review**

...I agree with Sergeant H's "Lessons Learned" assessment. In hindsight, it may have been ideal to leave Inmate C in the cell and attempt to remove the sutures at a later time. However, at the risk of causing infection, the sutures needed to be removed and he would have eventually needed to be removed from his cell for this to occur.

...

It is very likely this incident would have occurred even if they would have reassessed and waited to have him removed at a later time. It appears Inmate C was planning to be violent and combative with custody personnel regardless of which sergeant and/or deputy personnel were tasked with dealing with him.... Waiting to remove him at a later time would have only delayed the inevitable.

Additionally, Deputy C wrote in his Use of Force Report that at the direction of Sergeant H, he deployed his Taser and drive-stunned the center of Inmate C's back. This was while he was being held against the wall and they were attempting to take him to the ground. This was contrary to the statements of the involved deputies who all wrote in their reports that Z deployed his Taser when Inmate C was on the ground.

On \_\_, I spoke to Deputy Z regarding the discrepancy. He said he can recall Sergeant F directing the use of a Taser several times. He said he now recalls he deployed his Taser simultaneous to Sergeant H directing it. After he verbally explained this to me, I asked him to view videotaped footage of the incident. Prior to allowing him to review the videotape, I read the "Video Review Admonishment." He said he understood the Admonishment. After reviewing the video, he said he recalled having his Taser ready to deploy based on Inmate C's history of violent and assaultive behavior. He deployed it while they were trying to control Inmate C against the wall and attempting to take him to the ground. He deployed his Taser and drive-stunned Inmate C on the center of his back just prior to Sergeant H directing its use. Deputy Z wrote an additional Use of Force report to note the details of the incident that were different than he originally recalled in his first report. It is my opinion this discrepancy occurred as the incident evolved rapidly. It is extremely difficult, in these types of incidents, for an individual to remember, while under stress, their actions and the actions of others. The discrepancy occurred over a one to two second period of was only brought to our attention because the incident was recorded on videotape.

### ***Special Counsel's Observations***

*As in Case #1, questionable use of drive stun and possible Taser use generally. Very good "lessons learned" analysis.*

## CRFC Case #6

On \_\_, the Custody Force Review Committee, consisting of \_\_\_\_ met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Not Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### Instructions:

The Committee members have issued the following instructions:

Ensure that personnel are communicating with inmates when problems arise. Contact Custody Training and schedule team takedown related training.

### Incident Details (significantly compressed):

On \_\_, Deputies [and a custody assistant] were transferring inmates who associate themselves with "QR (criminal jail/prison gang)" from Dorm \_\_. Dorm \_\_ has been designated as an "Old Man" dorm where inmates are required to be 40 years or older and not gang affiliated to remain in the dorm. Throughout the week, numerous unqualified inmates are placed on a transfer list and placed in the dorm. On a weekly basis, deputies check the status of the inmates who are assigned to Dorm \_\_ to make sure they qualify to remain. Deputy J went inside the dorm and identified ten inmates who did not meet the parameters of that dorm. Deputy J told all of the ten identified inmates to retrieve their personal property and report to the front of the dorm for re-housing... Deputy J opened the door and all of the identified inmates were told to exit the dorm and walk into the Day Room. All of the inmates complied except for the last inmate, Inmate A... Inmate A was holding his property in his hands and said to me, "Sergeant, I need to talk to you." I explained to Inmate A that I would speak to him, however at the particular moment it was not a good time. Inmate A was angered because I would not stop and talk to him. Inmate A told me Deputy S had specifically placed him in Dorm \_\_ and he was not allowed to be transferred to another dorm. I asked him why he can't be in another dorm and he said in a very angry voice, "I am not going anywhere, J, you will pay for this - you will pay for this when I get out of jail."

[During the transfer to another dorm, Inmate A became irate and physically aggressive. It was ultimately pushed against the wall and then taken down. Inmate A claimed that he lost consciousness when pushed against the wall. Inmate A's head also struck against the floor during the takedown. The doctor later diagnosed a concussion.]

### **Watch Commander's Review**

I have reviewed all video and audio recordings (including handheld camera footage of the incident, interviews, and photographs) that document every aspect of this force incident. There is no CCTV system at this facility.... Inmate A became irate two separate times and started to become physically aggressive, so escorting deputies stopped walking him and made him face the wall. The second time this occurred, Inmate A claims Deputy L "Slammed" his head against the wall. Inmates A's forehead did in fact hit the wall first before his upper body; however, his head barely struck the wall and he did not receive his head injury at that time. When he started walking again, there was no visible injury to his forehead or any sign of blood on his forehead or the wall where it had made contact. It is clear on the digital recording that the head injury Inmate A did receive was from the team "Take Down" move Sergeant M directed the assisting deputies to use.

When the deputies utilized the take down move, Inmate A's forehead struck the floor causing a laceration to his right forehead area. This is evidenced by the sound his head made when it struck the floor and by the small amount of blood on the floor underneath the area where his head was after it struck the floor. After reviewing the video footage and submitted reports, it is apparent that Inmate A received his head injury during the take down procedure and not from getting his head "Slammed" into a wall as Inmate A alleged. ...

After reviewing the contents of this force investigation, it is my belief the force used was objectively reasonable, justified and within Department policy.

### ***Special Counsel's Observations***

*We are concerned about the concussion. Among other things, there should have been a Force Team rollout.*

## CRFC Case #7

On\_\_\_\_, the Custody Force Review Committee ... met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Not Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### Instructions:

The Committee members have issued the following instructions:

Custody Support Services will look at policy implementation regarding inmate ingesting of contraband.

### Incident Detail:

[Deputies are told that Inmate V may have contraband hidden on his body. Before the deputies or nurse could perform the needed inspection], Inmate V stepped inside Cell X [and] rapidly walked towards the toilet located in the back of the cell instead of stopping at the threshold. Inmate V reached towards his groin area with his right hand and rapidly placed his right hand inside of his mouth. Deputy W believed that Inmate V had removed the contraband... and was attempting to swallow the contraband. Deputy W followed behind Inmate V and quickly caught up to him. Deputy W grabbed both of Inmate V's arms and pulled them away from his mouth towards his back area. Inmate V went limp which resulted in him falling to his knees and pulling Deputy W down with him. Deputy W placed his body weight on top of Inmate V's back which pinned Inmate V's body to the floor in a prone position. Deputy W continued to control Inmate V's arms behind his back.

During this time, Deputy W yelled, "he swallowed it," in order to alert Senior Deputy K and Deputy U.... Deputy W was in fear that if Inmate V swallowed narcotics it could cause him serious injury or even death. S/V began thrusting his body up and down in an attempt to get up. Deputy W repositioned and placed his right knee on S/V' s upper back to prevent him from getting up. Deputy W told Inmate V to spit out the contraband and released some pressure from his back to allow him to do so. S/V refused to spit out the contraband and stated that he had swallowed it. Deputy W again told him to spit out the contraband and Inmate V stated, "It's under my tongue, let me spit it out."

Deputy W had now been joined by Deputy U. Deputy U assisted in controlling Inmate V by dropping to his right knee and placing his left hand on the back of Inmate V's head. Deputy U was also in fear that if Inmate V swallowed narcotics it could cause him serious injury or death. Deputy U placed his pen inside Inmate V's mouth in an attempt to sweep the contraband out of his mouth. Deputy U stated it was a split second decision and he decided to use his pen instead of his finger so that Inmate V would not bite him. Deputy U reported that the suspect bit down on the pen several times which prevented him from dislodging the contraband. Between bites, Deputy U was able to remove the pen. Inmate V then said that he had swallowed the contraband and that the contraband was tobacco.

Deputy W grasped the hand portions of Inmate V arms and with the assistance of Deputy U he was able to apply handcuffs to Inmate V. Once Inmate V was handcuffed, he quit resisting and no further force was used. After the incident, we discussed several issues.

## **TRAINING AND TACTICAL REVIEW**

### **Handcuffing prior to having him enter the doorway**

Inmates are frequently handcuffed in the threshold of a doorway. The practice is common and is done as a tactical advantage. By placing an inmate in the doorway, it allows personnel the option of disengaging from an inmate who suddenly becomes combative, by pushing him into the cell and closing the door. The suspect could have been handcuffed in place instead of having him step three feet to the right and standing in the cell door threshold. We discussed that it would have been tactfully preferred to handcuff the suspect immediately and deprive him of access to the contraband stored under his foreskin. They all agreed that was an option they would choose in the future.

### **Doing Mouth Sweep with a Pen**

Due to the actions of Deputy U, I inquired from him as to why he would make a split second decision to do a mouth sweep with the pen. Deputy U stated that he had read numerous articles and reports of people who had overdosed after ingesting narcotics. He also stated that he was aware he could do a finger sweep, but chose not to do so because of fear that Suspect V would bite his finger. His decision not to do a mouth sweep with his finger was a good choice because Suspect V could have severely injured Deputy U's finger.

Our department does not train in doing or not doing mouth sweeps to prevent swallowing narcotics. For instance, we have had instances of inmates overdosing on narcotics while housed at \_\_\_\_. Two months ago in the \_\_ Building, an inmate nearly died and CPR was administered to save his life after he overdosed on a narcotic. Deputy U was aware of that incident and other

overdose incidents. On a daily basis there are news reports of someone dying from an overdose of narcotics. If you do an internet search on the topic of a person overdosing after ingesting narcotics, you will receive hundreds of returns regarding incidents of that type. What is lacking is training material from our department documenting the dangers of ingesting narcotics versus preventing the ingestion of narcotics. Deputy U's split second decision to do a mouth sweep was an attempt to prevent severe injury or death and under the circumstances and with his training and experience it is reasonable as to why he did so.

#### **Possibility Sweep of Mouth Caused Broken Teeth**

I discussed the possibility with Deputy U that his pen sweep caused injury to Inmate V's teeth. Deputy U stated his sweep was not forceful and could not have damaged the teeth. He again described how Inmate V bit down hard on the pen several times. Biting down hard on an object can cause damage to teeth, but it is not certain if this caused the injury to Inmate V's teeth.

#### **Lack of Radio Traffic**

There was no radio traffic advising of the incident as it occurred. Those involved stated the incident lasted about a half minute and was over prior to them putting out radio traffic. The\_\_ booth was staffed by Deputy B, but he did not notice the incident because he was occupied with other duties. Those involved in the incident agree that they cannot always expect the\_\_ Booth Officer to see every incident or put out the radio traffic.

...

#### **Conclusion/recommendation**

...

As personnel of a jail facility the importance of retrieving narcotics versus the force used to attain the narcotics and potential injuries that could occur to both inmates and staff, I recommend in the future, should the occasion arise with an inmate ingesting contraband/narcotics an immediate securing of the inmate after ingestion and immediate medical care administered would be more advantageous.

## CFRC Case #8

On \_\_\_, the Custody Force Review Board... met to review the above referenced case. Listed below are the Committee's findings:

Pre-Incident Tactics: Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### **Instructions:**

The Committee members have issued the following instructions:

Look at ways to mitigate inmates running to the front of the dorm during count. There is a concern regarding a policy violation at the time after the use of force where the inmate was placed inside the day room. Initiate a unit level investigation to determine what had occurred.

Review facility unit order regarding the videoing of inmates during incidents. Ensure that the order specifies that the video shall be on the inmate or inmates at all times during their movement from one area to another.

Deputies M, Z, J, and Custody Assistant T entered Dorm\_\_\_ to conduct an inmate count. Deputies Z and J walked up the stairs to count the upper tier as Deputy M and Custody Assistant T remained on the lower tier. Deputy H was at the front dorm slider door and Senior Deputy G was at the staff station waiting to verify the inmate count.

Deputy M walked through the day room tables and toward bunk\_\_\_. He saw Inmate A get off of bunk \_\_\_ as Custody Assistant T was walking in that direction. Deputy M ordered the inmate to get back on his bunk. Inmate A refused his order and immediately ran between bunks and directly at Deputy M. Inmate A had his hands clinched in fists and looked directly at Deputy M. Deputy M ordered Inmate A to stop and he again refused to comply. Inmate A continued charging at Deputy M.

As Inmate A closed the distance, Deputy M attempted to stop the attack by striking Inmate A once on the left side of his face with his fist. The punch had no affect and Inmate A continued moving forward and into Deputy M. In order to stop the attack and create distance between them, Deputy M kicked Inmate A one time on the right hip area with his right foot. Inmate A pushed Deputy M out of his way with both hands. He continued running towards the front dorm slider door.

Deputy H was operating the front dorm slider door and began to close it as he saw Inmate A run towards him. Deputy M chased Inmate A and held him against the door. Inmate A continued to twist his body and swing his arms in attempt to strike Deputy M and break free from his hold. Deputy H then opened the door in order to allow personnel to exit the dorm. Deputy H took hold of Inmate A's shirt collar with his right hand and pulled him away from the door opening toward the floor. Inmate A turned around as he exited the dorm and fell to the ground. He continued to fight with Deputy Personnel and ignored orders to stop.

Senior Deputy G saw Inmate A get back up on his feet and struck him one time on his lower left leg with his expandable baton. Inmate A fell down on the ground with his back against the staff station. Deputies held Inmate A's arms and upper body as they rolled him onto his stomach. Deputy Z took hold of Inmate A's legs and placed his left leg across Inmate A's ankle. Deputy S responded and took hold of Inmate A's right arm and placed his right knee on Inmate A's shoulder to prevent him from getting up and continuing the attack. Deputy M was finally able to handcuff Inmate A without further incident.

Custody Assistant T had exited the dorm to retrieve the video camera. He started the video camera but Inmate A had already been handcuffed.

### **"Lessons Learned"**

We discussed the importance of having a Taser and O.C. spray readily available for quick and immediate use. I advised them to be prepared to use a Taser or O.C. spray if practical, in order to avoid injuries to deputy personnel as well as other inmates. We also reviewed the use and operation of the video camera.

Department personnel stated the incident happened so fast and Inmate A had their undivided attention that radio traffic was not transmitted until the incident was over. Although a supervisor was present, the incident should have been broadcasted. I believe the force used in this incident was objectively reasonable, within Department Policy, and was properly reported.

## CRFC Case #9 (compressed and edited)

On \_\_\_\_, the Custody Force Review Committee ... met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Not Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

### Instructions:

The Committee members have issued the following instructions:  
Check on status of force training update for all assigned personnel.

### Incident Detail:

...

E, the suspect, was housed in... a discipline dorm. The suspect was in the discipline dorm for "Creating a Disturbance" and "Challenging Deputy Personnel to Fight." He had recently received 29 days of discipline with the discipline diet and was serving his discipline time. The suspect had submitted a request to see the nurse; therefore, the nursing staff placed the suspect on their sick call list. This morning, Nurse P gave the sick call list to Deputy Z2. Upon reviewing the sick call list, Deputy Z2 noticed the suspect's name on the list. Deputy Z2 immediately notified Senior Deputy T that the suspect was on the sick call list. The "pass-on board" indicated either a senior or sergeant should be notified of any movement of the suspect. Senior Deputy T was the supervising line senior in the \_\_\_ building and therefore the notification was given to him. The "pass on board" did not indicate the suspect needed to be handcuffed, videotaped or that a sergeant must be present.

Deputy Z2 told the suspect to prepare for sick call. The suspect was escorted by Deputy Z2, Senior Deputy T [and two other deputies.] The suspect was cooperative and was not handcuffed when escorted to the \_\_\_ Clinic. The \_\_\_ Clinic was approximately 20 feet from the secured location.

Once the suspect was finished with his clinic appointment, Senior T ordered the suspect to face the wall in preparation for him to be re-located to a different cell. The suspect refused to follow orders and [became verbally uncooperative.]...

The deputies tried to de-escalate this situation by reasoning with the suspect and continuing to give the suspect directions to follow without closing the gap and approaching him. The suspect did not follow the directions and continued to be defiant by taking an aggressive stance, by crossing his arms across his chest, abruptly dropping his arms to his side, while clenching his fists and maneuvering his posture into a combative stance. The suspect's body was tensed and he paced back and forth. The suspect continued his belligerent behavior and Deputy Z2 feared the suspect was going to charge him or Senior Deputy T. It became apparent to the deputies the suspect was not going to listen to their commands and was displaying an aggression toward them. Deputy Z2 told the suspect he was going to spray him if he did not comply....

Approximately 10 to fifteen seconds elapsed from the time that Senior Deputy T issued his initial order to face the wall to when it appeared the suspect was going to charge at the deputies. Fearing an attack by the suspect, and as a last resort, Deputy Z2 sprayed the suspect with his department-issued OC Spray.

Deputy Z2 sprayed the suspect once with a two to three second burst. The burst of spray did not affect the suspect and appeared to make him angry. The suspect took off his shirt, threw it onto the ground and continued clenching his fist as he was flailing and swinging his arms. The suspect was shuffling his feet and moving them around underneath him as if he was preparing to assault the deputies. Senior Deputy T, along with the other deputies, was giving the suspect orders to comply. The deputies continued trying to reason with the suspect and gave him commands for him to lie on the floor. Deputy Z2 believed the suspect was going to punch either him or another deputy; therefore Deputy Z2 sprayed the suspect again with one burst which was two to three seconds long. The suspect became more hostile, agitated and [yelling profanity]. The deputies continued to give the suspect verbal commands to put his hands behind his back and to get on the floor. The non-compliant suspect continued yelling, [profanities and slurs.]

The suspect kept his combative stance as he flailed his body side to side while shuffling his feet. Deputy Z2 feared the suspect was going to attack him because of the suspect's body movements and noncompliance. Deputy Z2 grabbed the suspect's flailing left arm with his left hand in an attempt to handcuff him. The suspect immediately pulled his arm away from his grip. Deputy A grabbed the suspect's right wrist with both of his hands, then reached for the suspect's left arm with his left hand but was unable to grab it. Deputy Z2 maintained his grip on the suspect's left arm and placed his right hand on the suspect's back and pushed him forward to the ground. As Deputy Z2 was pushing the suspect forward, he (Deputy Z2) used his left foot and placed it in front of the suspect's leg and swept the suspect's legs out from underneath him. The suspect landed on the ground onto his left side of his stomach with Deputy Z2 on top

of the suspect's back. Deputy A held onto the suspect's right arm with his grip, to help lower the suspect to the ground with the momentum of the takedown.

The suspect continued to fight with deputies by moving his body, flailing his arms and kicking his legs. As Deputy A was trying to hold onto the suspect's right arm, Deputy Z2 felt the suspect's hand reaching for his (Deputy Z2) genitals. He also felt the suspect continue to kick his legs wildly in an effort to strike the deputies. As a last resort in an attempt to control the suspect and stop his assaultive behavior, Deputy Z2 slipped his right arm around the suspect's neck and attempted to initiate a carotid restraint. He had his right forearm and bicep on each side of the suspect's neck, which would have his arm in a "V" position. Deputy Z2's did not recall if the "V" portion of his arm came into contact with the suspect's front area of his neck. Deputy Z2 said he squeezed the suspect's neck for five to eight seconds. He said the suspect began to settle down, although he continued flailing his arms and kicking his feet.

Deputy Z2 said the suspect never lost consciousness. The application of the carotid restraint allowed Senior Deputy T to grab the suspect's left wrist with both of his hands and pull it away from the suspect's body. Senior Deputy T placed a handcuff on the suspect's left wrist. Suspect tried to pull his left arm away from Senior Deputy T and continued kicking his legs. Deputy H grabbed the suspect's right leg with both hands. Deputy G grabbed the suspect's left calf with his left hand and grabbed his left ankle with his right hand. The suspect continued to kick his legs, therefore Senior Deputy T directed the hobble to be placed onto suspect's legs. Deputy A placed his right knee on the suspect's right shoulder and continued holding onto the suspect's right wrist with his right hand. Deputy A removed the hobble from his boot and passed it toward the suspect's feet. He then placed his left hand next to his right hand which was holding onto the suspect's right wrist. Deputy A pulled the suspect's right arm toward his back and Senior Deputy T handcuffed the right arm. Custody Assistant H2 retrieved the hobble and placed the suspect's right leg, followed by his left leg into the hobble.

Deputy Z2 notified Central Control that a Deputy involved fight occurred. Deputy personnel and supervisors responded to the incident and upon arriving to the \_\_\_ building the fight was over and the suspect was handcuffed. Medical staff was requested and arrived to the \_\_\_ building with a gurney. The suspect was assisted onto the gurney and escorted with medical staff, Sergeant C and deputy personnel to the infirmary. Sergeant C informed the medical staff of the use of the carotid restraint.

## Lessons Learned

...

After the suspect received his medical care and he was exiting the \_\_\_ Clinic, the suspect became uncooperative when the deputies ordered him to face the wall to be handcuffed. As soon as the suspect became uncooperative, a radio broadcast should have been initiated requesting a sergeant to the building as well as informing other deputy personnel of the situation. Should the suspect appear to be a recalcitrant inmate, a notification should be broadcasted which would inform the sergeant and watch commander of the situation.

Although deputy personnel were fighting with the suspect, one of the deputies at the scene should have put out a radio broadcast of the deputy involved fight. This broadcast should be initiated as soon possible, pending any safety concerns, and preferably not after the fight. Deputy Z2 perceived the suspect as an assaultive inmate and attempted to administer the carotid restraint, but was unable to complete it. Although the suspect said he lost consciousness for about one minute, Deputy Z2 said the suspect never lost consciousness due to the suspect continuing to struggle with deputy personnel.

Deputy personnel should be aware of their surroundings and the tools available to them, such as a video camera and a taser. Deputy personnel at the incident did have a taser at their disposal; however, it was not used. It is possible this situation could have resolved itself if one of these tools had been utilized. Often times, when a suspect sees or hears a taser deployed, they may be more willing to cooperate.

In addition, when dealing with an uncooperative, combative or an inmate with a history of making false allegations, the inmate shall be escorted by two deputies or custody assistants, and one sergeant. This movement should be videotaped.

The escalation of force was appropriate. The deputies tried to de-escalate the situation by reasoning with the suspect and giving verbal commands to him. The verbal commands did not work, requiring the deputies to use their OC Spray. When it became apparent the OC Spray was not gaining compliance the deputies used a takedown in order to try to control the suspect. The suspect continued to fight with the deputies and as they tried to gain control of his limbs. Deputy Z2's use of the carotid restraint enabled the deputies to gain control of the suspect's legs to apply the hobble and ultimately subdue his assaultive behavior. In addition, we discussed various force options, such as the use of the Taser and impact weapons. The force was objectively reasonable considering the circumstances.

...

**Conclusion/Recommendation [of watch commander]:**

I have viewed all video and audio recordings (including handheld camera footage of the interviews and photographs) that document any aspect of this force incident. After reviewing the contents of this force investigation, I have determined that the force used by the staff members involved in this incident was reasonable, justified, and within Department policy. While the application of the forced used was reasonable and within Policy, I have some concerns relating to the events which led up to this force incident:

- The "Pass-On" board. This is an informal way for deputies assigned to the \_\_\_ Building to alert one another of problem inmates housed in the discipline building ranging from inmates who display minor "emotional/anger" issues, to inmates who have been in physical altercations with staff. The building sergeant makes the determination if an inmate needs to be placed on the pass-on board and indicates whether or not the inmate should have a sergeant or a senior present for the escort, and if video documentation is required. This is a great communication tool and plays a vital role in force prevention.

In this particular incident, we simply did not use this resource to its full benefit. Due to the suspect's prior force incident and his general behavior issues, his name was placed on the board. Regardless of whether or not the board indicated that a senior or sergeant escort was needed, or if a video camera should have been used to document his contact, once the deputies recognized the suspect was on the board, they should have taken the time to research the suspect's past activity and notify the building sergeant. A video camera should have been used to document all aspects of the contact with the suspect. At the very least, the suspect should have been handcuffed through the tray slot prior to being let out of his cell.

The pass-on board indicated that the movement of the suspect should be supervised by either a sergeant or building senior, and there was no mention that the movement recommended the use of video documentation. Currently, there are no Unit Orders pertaining to the pass-on board. Again, this is an informal way for \_\_\_ staff to give a "heads up" alert to each other of problematic inmates.

As such, the level of attention needed for each inmate on the board varies depending on the seriousness of the inmate's recalcitrance/past history. The suspect in this incident fell within the "lower" level of supervision recommended for his movement. Since the suspect had been cooperative prior to his nurse's visit, Senior Deputy T chose to allow the suspect to walk to the clinic under his supervision, un-handcuffed.

It is my recommendation that we create a Unit Order addressing the procedures on handling inmates placed on the pass-en board, to include the direction that any inmate placed on the board, regardless of his level of recalcitrance/history, be handcuffed prior to being let out of his cell. In addition, any such inmate SHALL have a sergeant supervise and document the movement on video.

I have briefed the personnel in the \_\_\_ building regarding the benefits of using the board and expressed my concern that they may become hesitant to place the necessary inmates on the board since the failure to take advantage of the information has now resulted in a critical review. I stressed the importance of using this information to help us fully prepare whenever we have contact with problematic inmates so that we can reduce the likelihood of a violent confrontation.

- The Sick Call List. The nurse assigned to the \_\_\_ building routinely makes his/her rounds throughout the building to distribute medication to the inmates. However, when conducting sick call, the inmates are removed from their housing locations and brought to the clinic adjacent to Y Control. While this practice might be acceptable for the majority of the general population inmates in \_\_\_, I have to believe we put ourselves at risk of physical confrontation whenever we remove inmates from their discipline cells, such as Dorm \_\_\_, to be brought to the nurse's station. Of particular concern would be problematic inmates who have been placed on the pass on board.

In those cases, I recommend the nurse be brought to the suspect's cell for his treatment. If for some reason the nurse cannot conduct the sick call procedure at the inmate's cell, then the building sergeant should be notified and the further need for removal can be weighed and evaluated at that time. If the issue cannot be resolved at the sergeant level, then the watch commander shall be notified to make a determination. We need to reduce the movement of inmates in the discipline module and having the inmates treated in their cells when possible will have a tremendous impact in such reduction.

- The radio broadcast. Senior Deputy T was present when the suspect displayed his initial act of recalcitrance. While his presence satisfied the supervisory notification requirement in the Recalcitrant Inmate Policy, it is always to our advantage to make radio notification to a sergeant to bring an additional resource to the problem. As it was in this case, approximately 10 to 15 seconds elapsed from the time Senior Deputy T gave his initial command to face the wall, to the time the first burst of OC spray was deployed. The suspect had been cooperative up until that point and Senior Deputy T simply did not

have the time to request a sergeant. I briefed that an immediate radio broadcast of a "deputy involved in a fight should have been initiated by a staff member who had the physical capability of doing so as the altercation was happening.

- Handcuffing of discipline inmates. The suspect should have been handcuffed through the tray slot prior to being released from his cell. In optimum circumstances, it would be preferable to handcuff and physically escort every inmate designated as discipline or pre-discipline during movement. In reality, staffing levels are often at minimum, rendering this preference impractical. \_\_\_ building prowlers are usually the first deputies designated for radio car runs and/or medical services emergencies because of the lock-down nature of the housing location. It is my recommendation that until we get the additional staffing to address this need, at the very least, we should handcuff all discipline inmates through the tray slot prior to their removal from the cells.

...

As a result of this incident, a Unit Order is in the process of being created to address the proper procedures for handling the movement of discipline inmates who are placed on the pass-on board in the ongoing efforts to prevent force.

On \_\_\_, two unit orders were created and put into effect addressing the above listed concerns. Unit Order 07-125/20 establishes the creation of the \_\_\_ Building Sergeant Video Movement Board and sets policies and procedures for placement of inmate names on the board. Unit Order 07-125/10 establishes policies and procedures regarding inmate movement of disciplinary inmates housed in Dorm \_\_\_ and pre-discipline inmates housed in Dorm \_\_\_. See attached orders.

## CRFC Case #10

On February 13, 2013, the Custody Force Review Committee... met to review the above referenced case. Listed below are the Committee's findings:

### ISSUE FINDINGS

Pre-Incident Tactics: Consistent with Force Prevention Policy

Applied Force: Consistent with Force Policy

Response to Force: Appropriate

On \_\_\_\_, at approximately \_\_\_ hours, Deputies X and Y, Custody Assistant Z and Sergeant K were conducting count in Module \_\_\_ [which] houses mental health "step down" inmates. As the personnel left \_ pod, they entered \_ pod through the connecting doors; Deputy Y on the top tier and the rest of the personnel on the bottom tier.

There were six inmates on bunks inside the \_\_\_ pod dayroom. There were several inmates that were scheduled to go to court seated at the tables in the dayroom. As Deputy X was counting the inmates, he passed Inmate Q, who was seated at a table, near the dayroom phones between, cells 8 and 10. Inmate Q suddenly jumped up and punched Deputy X in the mouth. Inmate Q continued swinging his fists wildly at Deputy X. Deputy X was stunned by the punch. He took a step back, ducked his head and held his arms up in front of him in an attempt to defend himself. He was unsure how many times Inmate Q struck him. Custody Assistant Z saw Inmate Q swinging wildly at Deputy X and ran over to assist Deputy X. As Custody Assistant Z tried to grab the inmate by the shirt, Inmate Q punched him with his right fist on the left side of his face near his cheek. Custody Assistant Z became disoriented and felt blood running down his face.

Deputy X grabbed Inmate Q by the shirt at the shoulders and held him with his back against the wall close to cell #14, in an attempt to prevent the inmate from further assaulting them. As he held him, Inmate Q continued to try and hit Deputy X. Sergeant K who was collecting inmate complaint forms at the back of the module heard a commotion behind him. He turned and saw Inmate Q against the wall with Deputy X on the left side and Custody Assistant Z on the right side of the inmate.

Deputy X grabbed the front of Inmate Q's shirt near the shoulders, while Custody Assistant Z grabbed the back shoulder portion of Inmate Q's shirt and pulled Inmate Q to the ground causing him to land on his chest/stomach area. While on the ground Custody Assistant Z took control of Inmate Q's right arm while Deputy X grabbed his left wrist and elbow. Custody

Assistant Z pulled Inmate Q's right arm behind his back as he resistively tried to pull his arms away while trying to be handcuffed. Deputy X pulled Inmate Q's left arm behind his back into a handcuffing position, however, Inmate Q was still resisting by trying to pull his arms away.

Deputy X used his left leg with his left foot and knee touching the ground to keep Inmate Q's arm locked in order to get him handcuffed. Sergeant K retrieved Custody Assistant Z's handcuffs and handcuffed Inmate Q without further incident. Deputy Y, who came from upstairs to assist, placed his hands on the legs of Inmate Q to secure them in case he began kicking at the deputies. Inmate Q was not kicking nor resisting at this time.

### **Training and Tactical Review**

This incident took place during count with all floor personnel and the floor sergeant present. Deputy X was not wearing his Taser during the incident. In speaking with him, he indicated he had just started shift and saw Sergeant \_\_\_ come on to the floor to conduct a count. All of the floor personnel went to assist Sergeant K in walking count, and he forgot to grab the taser from inside the booth. Deputy X indicated he normally wears it.

We discussed the current policy regarding Tasers and how the deputies working "F" spots on the in-service are now required to wear the Tasers at all times. Deputy X said he realized his mistake as soon as the incident occurred however; he would not have had time to deploy it in the current situation.

I spoke with the Deputy X and Custody Assistant Z about whether OC spray would have been an option in this case. Deputy X indicated that after being hit, he was stunned and he kept his hands up to deflect additional blows.

Custody Assistant Z said his first thought was to subdue Inmate M before he was able to assault Deputy X again. He felt physical restraint was the best option as OC spray would not prevent Inmate Q from striking Deputy X. Custody Assistant Z also said Inmate Q was so close to Deputy X, he felt he would further disable Deputy X if he had deployed OC spray.

We also discussed looking for red flags while walking in pods where there are dayroom sleepers and/or people not locked down, especially in a mental health module such as 262. We discussed how sometimes an inmate's actions can telegraph what they are about to do and how watching for these red flags can prevent personnel from being taken off guard when an unprovoked attack occurs.

## VI. EFRC cases

### EFRC Case #1

Deputies responded to the location regarding a mentally unstable person with a gun call. Upon arrival, they saw the individual (suspect) walking behind some buildings carrying a handgun. The suspect ran from the deputies and climbed over a small retaining wall followed by the deputies in their patrol cars. The suspect reached a six and half foot wrought iron fence, threw the gun over the fence, and attempted to climb over the fence but was unable to do so. The deputies climbed over the small retaining wall and attempted to detain the suspect. The suspect charged toward the deputies. One of the deputies attempted to strike the suspect in the body with his baton, but the suspect ducked and was inadvertently struck in the head. The deputies struggled with the resistive suspect and ultimately handcuffed him. The handgun, which turned out to be a pellet gun, was recovered at the scene. The Committee determined the force used to apprehend the resistive suspect was reasonable, necessary, and justified.

The Committee deemed as **Founded** the allegation that the tactics used by Deputy X1 were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and 3-01/030.10 Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents), on or about \_\_, while on duty Deputy X1 failed to conform to the work standards established for his position, and/or failed to employ sound tactical principles when he attempted to detain a potentially armed fleeing suspect. Deputy X1 failed to request and/or [sic] communicate with additional units and Department resources before approaching the suspect. Deputy X1 failed to utilize available cover and failed to establish a containment after observing the suspect in possession of what appeared to be a firearm. Deputy X1 confronted the suspect while attempting to control two Department weapons simultaneously, his duty weapon in one hand and a baton in the other hand.

#### **RECOMMENDATIONS:**

The Committee recommended Deputy X1 receive a **three (3) day suspension** and determined Education Based Discipline would not be appropriate in this matter.

Additionally, the Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

Lastly, the Committee recommended ... a checklist of required information/documentation by Internal Affairs investigators are available in the future to the affected unit to help ensure a complete investigation.

The Committee also deemed as Founded the allegation that the tactics used by Deputy X2 were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and 3-01/030.10 Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents), on or about February 13, 2012, while on duty Deputy X2 failed to conform to the work standards established for her position, and/or failed to employ sound tactical principles when she attempted to detain a potentially armed fleeing suspect. Deputy X2 failed to request and/or communicate with additional units and Department resources before approaching the suspect. Deputy X2 failed to utilize available cover and failed to establish a containment after observing the suspect in possession of what appeared to be a firearm.

**RECOMMENDATIONS:**

The Committee recommended Deputy X2 receive a written reprimand. Additionally, the Committee recommended the unit commander, Captain T, conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

## EFRC Case #2

Deputies responded to the X block of Y Avenue, [city], regarding a call for service. During the call for service, the deputies noticed several of the individuals had been drinking. Two of the individuals indicated they were going to take care of the suspect, even though he appeared to be intoxicated, and walked with him to the rear of the location.

While the deputies remained parked in front of the location, the suspect returned and approached the deputies. The suspect became hostile and belligerent, and the deputies decided to arrest the suspect for being drunk in public. The suspect became uncooperative and one of the deputies placed the suspect in a rear wrist lock and pinned the suspect against the patrol car as leverage. The suspect was ultimately handcuffed. During the rear wrist lock maneuver, one of the deputies heard a popping sound from the suspect's left arm.

The suspect was transported to the hospital where he was diagnosed with a fractured left elbow and left shoulder sprain.

The Committee determined the use of force in its totality was reasonable, necessary, and justified against the uncooperative suspect. The Committee also determined the tactics used by the involved personnel were within the Department's training standards.

### **RECOMMENDATIONS:**

The Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

### EFRC Case #3

A deputy, shortly after he got off duty at Z Station, picked up his girlfriend and was driving to a [fast food restaurant] to get some food at approximately x hours. As the deputy neared the restaurant, there was a vehicle traveling at a high rate of speed behind him. The occupants of the vehicle began to honk their horn and yell at him.

The deputy pulled into the [restaurant] parking lot and into the drive-thru lane to order food. The suspect vehicle pulled behind him and before the deputy had time to order, the suspects began to yell and make threats at him and his girlfriend. The deputy was unable to drive forward because there was a vehicle at the checkout window and a large curb to his right, preventing him from driving out of the drive-thru lane.

The two suspects exited their vehicle and began to approach the deputy, who was still seated in his vehicle. The deputy attempted to call 9-1-1, which was unsuccessful, and told his girlfriend to remain in the vehicle. As the suspects approached, the deputy opened his door and identified himself as a deputy sheriff. The suspects continued to approach as the deputy exited his vehicle with his firearm and identification. Again, the deputy identified himself as a deputy sheriff and told the suspects to back away.

The suspect made threats toward the deputy. The first suspect reached toward his waistband and pushed the deputy. Believing the first suspect was going to retrieve a weapon, or take his weapon, the deputy fired two rounds striking the suspect. Simultaneously, the second suspect, who was behind the first suspect, also had his hands concealed and began to move toward the deputy. Believing the second suspect was going to retrieve a weapon, or take his weapon, the deputy fired one round striking the second suspect.

Both suspects were transported to the hospital and received medical treatment for non-life threatening injuries.

The Committee determined the use of force in its totality was reasonable, necessary, and justified against the aggressive suspects. The Committee also determined the tactics used by the involved personnel were within the Department's training standards.

**RECOMMENDATIONS:**

The Committee recommended the unit commander conduct a tactical debriefing with the involved deputy regarding the circumstances of this incident.

***Special Counsel's Observations***

*This is a troubling off-duty "waistband" shooting. Deputy should have called the police rather than trying to handle the incident himself. The waistband justification on the first shooting was weak, and there was no reason to believe that second suspect was armed. No use of pepper spray or Taser. One wonders if the "waistband" rationale was made up after the fact. One also wonders whether the off-duty deputy lost control or wanted to show off for the girlfriend.*

#### EFRC Case #4

Deputies from Q were on patrol in the City of \_\_\_\_\_. While driving eastbound in the x block of Y Street, they saw the suspect crossing the street with a car battery in his hands. When the suspect noticed the deputies, he placed the battery on the sidewalk and began to jog two houses eastbound, then southbound down a long driveway.

The deputies went in foot pursuit of the suspect, but lost sight of him as the suspect climbed over a wall. The deputies returned to their vehicle and drove around the block. While driving westbound on R Street, the deputies saw the suspect and a second individual (Suspect #2) walking southbound down the driveway of an apartment complex located at S Avenue. The deputies exited their vehicle and ordered both suspects to stop. One of the deputies saw the second suspect climb over a wall with a handgun in his hand.

The deputies saw the first suspect crouch down in front of a parked vehicle. One of the deputies saw the suspect lift up his shirt revealing a handgun in his waistband. The deputy ordered the suspect to place his hands in the air and stop, but the suspect stood up and began to climb over a block wall. As the suspect got to the top of the wall, he turned toward one of the deputies and reached toward the handgun in his waistband, fearing for his life, one of the deputies fired two to three rounds at the suspect.

The suspect fell over to the other side of the wall. The deputy could hear the suspect communicating with whom he believed to be the second suspect. The deputy climbed on top of the wall and saw the suspect on the ground. Believing the suspect was reaching for the handgun in his waistband, and fearing for his life, the deputy fired another two to three rounds at the suspect.

Ultimately, a containment was set up in an attempt to locate the second suspect. An arrest team was established and the first suspect was taken into custody and brought out to the street where he was medically treated by waiting paramedics. The second suspect was not located. The Committee determined the force used to apprehend the resistive and armed suspect was reasonable, necessary, and justified.

The Committee deemed as Founded the allegation that the tactics used by Deputy X3 were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and 3-01/030.10 Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-06/105.00, Tactical Incidents, and 5-09/220.50, Foot Pursuits), on or about \_\_\_, while on duty, Deputy X3 failed to conform to the work standards established for his position, and/or

failed to employ sound tactical principles, and/or took independent action while attempting to detain a suspect fleeing on foot as evidenced by, but not limited to the following:

Failing to notify SCC within the first few seconds of initiating a foot pursuit, failing to take a position of cover and concealment once observing an armed suspect attempting to flee, failing to communicate with SCC and assisting units after initially firing on the suspect, and, after firing on the suspect, failing to seek and/or maintain a position of cover or concealment and instead partially climbing a nearby wall and, while holding himself on the top of the wall, re-engaging the suspect in a second shooting.

### **RECOMMENDATIONS:**

The Committee recommended Deputy X3 receive a ten (10) day suspension. Additionally, the Committee recommended Deputy X3 be placed on official Performance Mentoring and attend the eight-hour Tactics and Survival class (TAS I), the eight-hour LIFE class, the eight-hour Professional Development Ethical Decision Making class, the eight-hour Perishable Skills class, and the four-hour Arrest and Control for Field Operations class.

Lastly, the Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

The Committee deemed as Founded the allegation that the tactics used by Deputy X4 were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards; and 3-01/030.10 Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/220.50, Foot Pursuits), on or about \_\_, while on duty, Deputy X4 failed to conform to the work standards established for his position, and/or took independent action while attempting to detain a suspect fleeing on foot as evidenced by, but not limited to the following: Failing to notify SCC within the first few seconds of initiating a foot pursuit, failing to communicate critical information to his partner when he observed an outstanding suspect was armed with a handgun, and failing to notify SCC and assisting units that outstanding suspects were armed with handguns.

The Committee recommended Deputy X4 receive a three (3) day suspension. Additionally, the Committee recommended Deputy X4 attend the eight-hour Tactics and Survival class (TAS I), the eight-hour LIFE class, and the four-hour Arrest and Control for Field Operations class. The Committee also recommended Deputy Gonzalez conduct station briefings regarding the circumstances of this incident.

Lastly, the Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

## EFRC Case #5

Deputies received information that Suspect V was wanted for an Assault with a deadly weapon, Criminal Threats, Domestic Violence, and Grand Theft Auto, and he was going to be in the \_\_\_ area. Deputies developed an arrest plan and observed the suspect in a parking lot of a market. Once the suspect saw the deputies, he fled on foot. A short foot pursuit ensued and containment was established after the suspect fled over a wall.

The suspect forced entry in one residence, then left once discovered by the homeowner. The suspect forced entry into a second residence. Once the homeowner of the second residence returned home, he notified deputies that he believed someone was hiding in his residence.

Due to the suspect's violent history, \_\_\_ was requested and responded. Canine announcements were made in English and Spanish, and the homeowner provided written consent for the deputies to enter and search his residence for the suspect.

\_\_\_ deputies, along with \_\_\_ deputies, entered the victim's residence and made additional canine announcements. [In the absence of a] response from the suspect, the canine was released, located and bit the suspect hiding under a loveseat. Once it was determined the suspect was not armed, the canine was removed from the bite.

The suspect was initially treated at the scene by paramedics for his injuries (canine rakes and puncture wounds to his right arm and right upper torso), then transported to the hospital for additional medical treatment.

The Committee determined the use of force in its totality was reasonable, necessary, and justified against the uncooperative suspect. The Committee also determined the tactics used by the involved personnel were within the Department's training standards.

### **RECOMMENDATIONS:**

The Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident. The tactical debriefing is to include discussion on better articulation in the documentation and to ensure that supervisors are aware of the Manual of Policy and Procedures section with regard to not interviewing the suspect while being medically treated.

## EFRC Case #6

A crime scene containment was established as a result of a gunshot victim. Suspect G, who was belligerent and under the influence of alcohol, attempted to cross the yellow police tape and enter the crime scene. Several family members attempted to restrain the suspect and keep him from entering the crime scene. Despite the family's efforts and despite him being told by deputies to keep his distance from the injured party, the suspect entered the crime scene and attempted to approach the victim. One of the deputies attempted to stop the suspect; however, the suspect pushed the deputy's hands aside and tried to rush by him. Deputies attempted to control the suspect, but he flailed his arms at the deputies as they attempted to push the suspect against a parked vehicle and use it as leverage. The on-scene supervisor ordered the deputies to use a team takedown to control the suspect. Once the suspect was on the ground, deputies were able to force the suspect's hands behind his back and handcuffed him. Once handcuffed, the suspect continued to kick at the deputies and a Hobble restraint device was used on the suspect's legs to control them and gain his compliance.

The suspect complained of pain to his right elbow. He was treated by on-scene paramedics and transported to the hospital where he was diagnosed with a mildly displaced fracture of the right elbow.

The Committee determined the use of force in its totality was reasonable, necessary, and justified against the uncooperative suspect. The Committee also determined the tactics used by the involved personnel were within the Department's training standards.

### **RECOMMENDATIONS:**

The Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident. The tactical debriefing is to include the possible use of OC spray for similar instances in the future.

## EFRC Case #7

Deputies were working a Federal grant truancy program, known as "Operation Safe Passage," in the \_\_\_ area. The deputies observed an individual (subject), who appeared to be young, and decided to contact the subject believing he might be a truant. As the deputies stopped their vehicle near the subject, the subject fled on foot, climbed over a fence, and onto the Metrolink train tracks. Concerned for the subject's welfare and the welfare of the train passengers, the deputies drove to the nearby passenger station in an attempt to locate the subject [who] fled on foot, climbed over a fence, and onto the Metrolink train tracks. Both deputies went on the platform of the \_\_ utilizing opposite stairways. One deputy saw the subject on the train tracks. As the subject got closer, the deputy recognized the subject in gang attire and believed he was possibly armed. The deputy approached the subject near the train tracks. The subject ran from the deputy and climbed over a fence adjacent to the tracks.

Once the subject climbed over the fence, he stopped, reached toward his waistband, and turned toward the deputy. Believing the subject was arming himself with a handgun, the deputy fired two rounds at the subject, missing him. The subject fled the location as the deputy radioed he was involved in a shooting and gave a description of the subject. The subject was ultimately located in a park and taken into custody by \_\_\_ deputies.

The Committee determined the force used to apprehend the uncooperative and possibly armed subject was reasonable, necessary, and justified.

The Committee deemed as **Founded** the allegation that the tactics used by Deputy X5 were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards, on or about \_\_, while on duty Deputy X5 failed to conform to the work standards established for his position, while attempting to detain a subject whom he believed might be armed as evidenced by, but not limited to the following:

Leaving a position of cover and concealment to approach a potentially armed subject, thereby exposing himself to unnecessary risk and creating a potentially hazardous confrontation after forfeiting a position of tactical advantage.

### **RECOMMENDATIONS:**

The Committee recommended Deputy X5 receive a **two (2) day suspension**.

Additionally, the Committee recommended Deputy X5 attend the eight-hour Tactics and Survival class (TAS I), and the eight-hour LIFE class.

Lastly, the Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

The Committee deemed as Founded the allegation that the tactics used by Deputy X6 were in violation of the Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards, on or about \_\_, while on duty Deputy X6 failed to conform to the work standards established for his position, while attempting to detain a subject whom he believed might be armed as evidenced by, but not limited to the following:

Failing to communicate to his partner his belief that the subject they were attempting to detain was possibly armed.

**RECOMMENDATIONS:**

The Committee recommended Deputy X6 receive a **two (2) day suspension**.

Additionally, the Committee recommended Deputy X6 attend the eight-hour Tactics and Survival class (TAS I), and the eight-hour LIFE class.

Lastly, the Committee recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

## EFRC Case #8

During a Title 15 inmate welfare check, a deputy was attacked by Inmate/Suspect C. After violently being struck in the face and hit by the inmate, the deputy was dazed and confused. Due to the violent nature of the assault, and fearful of suffering great bodily injury to him and other Department personnel, the deputy struck the inmate in the face with his flashlight. The struggle continued for several minutes after assisting personnel were on scene.

The EFRC determined the force used to control the uncooperative and resistive inmate was reasonable, necessary, and justified. The EFRC deemed as Founded the allegation that the tactics used by Custody Assistant Z1 were in violation of the Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about \_\_, while on duty Custody Assistant Z1 failed to conform to the work standards established for his position, while conducting a Title 15 inmate welfare check, as evidenced by, but not limited to, the following:

Failing to broadcast a request via his handheld radio for assistance when his partner was violently attacked by an inmate during the course of the welfare check, and/or shout or otherwise attract the attention of nearby Departmental personnel to assist in the struggle, and/or render any assistance to control the inmate during the course of the violent physical struggle.

### **RECOMMENDATIONS:**

The EFRC recommended Custody Assistant Z1 receive a three (3) day suspension. Education-Based Discipline will be offered and submitted by Captain W.

Additionally, the EFRC recommended Custody Assistant Z1 be placed on two years Formal Performance Mentoring and attend the eight-hour Basic Force class.

The EFRC recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

The EFRC recommended the unit commander develop or modify existing unit orders with regard to the handling of inmate welfare checks and the availability of OC spray and Taser during those checks.

Additionally, the EFRC recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident and specifically address tactics used by Deputy X7.

***Special Counsel's Observations***

*Use of flashlight as an impact weapon unjustified as deputy was not under immediate threat of deadly force. Moreover, all flashlights that could be used as impact weapons should have been out of the jails months ago.*

## EFRC Case #9

Deputies responded to an attempted residential burglary. They established a containment with the assistance of an Aero Bureau airship. Personnel in the airship identified a location where they observed the suspect running through a backyard toward the deputies' containment.

The suspect who had stripped off most of his clothing, initially obeyed verbal commands from the deputies to show his hands and lay on the ground, but then began to run from deputies toward the rear of a residence which could have resulted in a foot pursuit, barricaded suspect situation, or possibly hostage situation. A Taser was deployed twice on the suspect and determined to be effective, allowing deputies to make physical contact in detaining the suspect.

The suspect struggled with deputies as they attempted to handcuff him. During the struggle, the suspect was punched twice in the face. The punches were effective, but resulted in a fracture to the suspect's jaw. The suspect was taken into custody.

The EFRC determined the force used to control the uncooperative and resistive suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used by the involved personnel were within Department policy.

### **RECOMMENDATIONS:**

The EFRC recommended Deputy X8 attend the eight-hour Tactical Leadership class, also known as Tactics and Survival training (TAS III).

Additionally, the EFRC recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident and specifically address other force options available to the deputies.

## EFRC Case #10

Deputies and police officer assigned to a multi-jurisdictional burglary task force were on surveillance at a storage facility in the city of Los Angeles. They secured a storage unit pending the approval of a search warrant. They were directed by their supervisor to detain any persons who entered the storage unit. During the surveillance, they observed the suspect drive onto the facility and enter the storage unit they were [sic]surveilling. One of the deputies contacted the Los Angeles Police Department (LAPD) and requested uniformed officer presence to detain the suspect for receiving stolen property.

After waiting nearly ten minutes, they were concerned the suspect would leave prior to the arrival of LAPD, or the suspect would not stop his vehicle if a traffic stop was initiated resulting in a vehicle pursuit. Based on these factors, they decided to detain the suspect pending the arrival of LAPD uniformed officers. A deputy and an officer approached the suspect and identified themselves as law enforcement officers, as they attempted to detain the suspect.

The suspect was confrontational with the officers and ran away from the storage unit. Both officers entered into a foot pursuit after the suspect. The suspect began to scale a chain link fence when he was pulled down by one of the officers. A significant struggle ensued, which was witnessed by several citizens, resulting in serious injuries to both officers.

The suspect made repeated attempts to obtain the officers' firearms, which was also witnessed by several citizens. During the struggle and after being seriously injured, along with fearing for his life and the life of his partner, one of the officers fired four rounds from his pistol striking the suspect in the leg, arm, and abdomen.

The EFRC determined the force used to control the violently aggressive suspect was reasonable, necessary, and justified.

The EFRC deemed as Founded the allegation that the tactics used by Deputy X9 were in violation of the Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about \_\_, while on duty Deputy X9 failed to conform to the work standards established for the position, while attempting to detain a suspect for possession of stolen property, as evidenced by, but not limited to, the following:

Failing to initiate a radio broadcast that \_\_ partners were in foot pursuit of the suspect, and/or failing to coordinate and/or request available Departmental personnel or

resources to respond to the scene of the foot pursuit or subsequently after hearing gunshots failing again to broadcast the information and/or coordinate and/or request available personnel or resources, and/or while engaged in a cellphone conversation with LAPD regarding the operation failing to communicate that Departmental personnel were in need of assistance while engaged in a foot pursuit and/or terminating the cellphone connection with LAPD thereby eliminating communication with a potential source of emergency assistance.

**RECOMENDATIONS:**

The EFRC recommended Deputy X9 attend the eight-hour LIFE class, the eight-hour Professional Development Ethical Decision Making class, and the eight-hour Dealing with Difficult People class.

Additionally, the EFRC recommended the unit commander conduct a tactical debriefing with the involved personnel regarding the circumstances of this incident.

The EFRC deemed as Founded the allegation that the tactics used by Deputy X10 were in violation of the Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about \_\_, while on duty Deputy X10 and failed to conform to the work standards established for his position, while attempting to detain a suspect for possession of stolen property, as evidenced by, but not limited to, the following:

Attempting to detain the suspect without the presence of sufficient personnel, and/or uniformed personnel, and/or failing to wait for the arrival of uniformed LAPD units, after requesting their response, choosing instead to contact the suspect without wearing a Departmental vest, raid jacket, or carrying a radio, who was at the time located within a storage unit and making no attempt to leave the location, and therefore required no immediate action.

Due to the injuries sustained by the subject in the incident and the numerous debriefings held by the Captain, the EFRC recommended Deputy X10 receive No Discipline.

The EFRC recommended that upon Deputy X10's return to work he will attend the eight-hour LIFE class, and the eight-hour Tactics and Survival training (TAS I).

Lastly, the EFRC recommended the Department's Field Operations Support Services meet with the Department's Training and Major Crimes Bureau to organize proper training for undercover

and plain clothes officers. This training is to be formalized in a new policy section governing all personnel on the Department who could be involved in this activity.