

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



USE OF FORCE AUDIT  
NORTH PATROL DIVISION  
LANCASTER STATION  
No. 2017-5-A

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SHERIFF

September 28, 2017

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT**  
**Audit and Accountability Bureau**

**USE OF FORCE AUDIT – NORTH PATROL DIVISION – LANCASTER STATION**  
**Project No. 2017-5-A**  
**Audit Report**

**PURPOSE**

The Audit and Accountability Bureau (AAB) conducted the Use of Force Audit – Lancaster Sheriff's Station (Lancaster Station), under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) Lancaster Station adhered to the Department's policies and procedures related to the management, reporting, and overall evaluation of use of force incidents. The audit also took into consideration the correlation between the findings and related requirements of the United States Department of Justice (DOJ) Antelope Valley Settlement Agreement (AV Agreement)<sup>1</sup>.

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.<sup>2</sup> The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.

**BACKGROUND**

The Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after use of force incidents. This includes force prevention efforts, effective tactics, dispassionate and objective review, and analysis of every incident.<sup>3</sup>

The Manual of Policy and Procedures (MPP) authorizes Department members to use only that force which is objectively reasonable to perform their duties.<sup>4</sup> When force is applied, incidents are documented in order to conduct thorough, fair, and objective reviews. Department supervisors are required to respond to the location of a force incident, identify and secure evidence, gather all reports, document members who used or witnessed force, and follow-up with medical staff. Additionally, management evaluates force incidents to determine if the conduct of personnel was within policies and/or consistent with Department procedures, if the tactics involved were consistent with Department training, and whether Department members used and/or deployed proper safety equipment.

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<sup>1</sup> United States of America v. The County of Los Angeles and The Los Angeles County Sheriff's Department, Case Number CV 15-03174, Section VIII "Use of Force" (pp.24-29), April 2015.

<sup>2</sup> United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards, 2011 Revision.

<sup>3</sup> The MPP §3-10/000.00, Preamble to the Use of Force Policy, July 2013.

<sup>4</sup> The MPP §3-10/020.00, Authorized Use of Force, July 2013.

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Use of force incidents which are unreasonable or excessive, not only compromise the Core Values of the Department, but represents a significant risk exposure for the County of Los Angeles.<sup>5</sup> Comprehensive reviews of force incidents allow the Department to increase its capacity to mitigate liability concerns that arise from the use of force.

Reportable force incidents are distinguished into three categories, summarized below, contingent on the type of force used and the injuries, if any, sustained by the suspect(s):<sup>6</sup>

- Category 1 Use of Force involves Department personnel using force techniques to overcome the resistance of a suspect which does not result in injury to the suspect.
- Category 2 Use of Force involves the application of force to overcome the resistance of a suspect, which results in identifiable injury or complaint of pain.
- Category 3 Use of Force involves a more serious nature either in the application of force or the resulting injury and are typically not investigated at the station level.

Auditors evaluated Category 1 and Category 2 Use of Force incidents investigated by Lancaster Station supervisors. Category 3 Use of Force incidents are investigated by the Internal Affairs Bureau (IAB), and therefore were not evaluated for this audit.

**PRIOR AUDITS**

This was the first Use of Force Audit – North Patrol Division – Lancaster Station by AAB. A Use of Force audit was conducted involving the East Patrol Division (Project No. 2016-14-A) and the audit recommendations are being addressed by East Patrol Division.

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<sup>5</sup> Los Angeles County Sheriff's Department Core Values: *"With integrity, compassion, and courage, we serve our communities—protecting life and property, being diligent and professional in our acts and deeds, holding ourselves and each other accountable for our actions at all times, while respecting the dignity and rights of all. Earning the Public Trust Every Day!"*

<sup>6</sup> All categories of "Use of Force" are defined in the MPP §3-10/100.00, Use of force Reporting Procedures, September 2014.

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**METHODOLOGY**

**Scope**

The audit included an evaluation of Use of Force Packages which were reviewed and completed at the station level. The MPP Section 3-10/110.00, Use of Force Review Procedures, states, Use of Force Packages consist of the following: a Supervisor's Report on Use of Force (SH-R-438P), Incident Report (SH-R-49), In-Service rosters, supplemental reports, audio files, video files, memorandums, photos, and medical forms. For purposes of this audit, the Use of Force Package will be referred to as the "Force Package." Additionally, the term "suspect" is used to refer to any individual upon whom force has been used.<sup>7</sup>

The audit encompassed six audit objectives regarding Lancaster Station use of force incidents. The applicable MPP sections and the Station Jail Manual were used in reviewing all Category 1 and 2 Use of Force reports to determine if the use of force incidents were properly managed and investigated.

- Force Prevention Principles - De-Escalation Efforts – To determine if reasonable efforts were made to de-escalate confrontations by using tactical and/or verbal communication.
- Use of Force Reporting – To determine if involved and witness employees made the appropriate notifications to a supervisor.
- Medical Treatment – To determine if medical transportation, examination, and treatment procedures were adhered to.
- Immediate Supervisor's Responsibilities – To determine if the immediate supervisor followed prescribed procedures for the initial investigations, external recordings, documentation and medical treatment needs of the suspect.
- Watch Commander Responsibilities – To determine if the Watch Commander followed prescribed procedures for the interview of suspects, the assignment of an uninvolved supervisor to write the report, Mandatory IAB notifications, the legality of the force, and the completeness of the Force Package.
- Timeliness – To determine if the Force Packages were submitted to the Unit Commander and, when applicable, to the Division Chief, in the manner set forth in policy.

**Audit Time Period**

To ensure the Use of Force Packages had been completed, the time period for this audit was from July 1, 2016, through September 30, 2016.

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<sup>7</sup> As defined in the MPP §3-10/100.00, Use of Force Reporting Procedures, September 2014, found in the "NOTE" section.

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### **Audit Population**

Auditors extracted a list of Lancaster Station use of force incidents from the Performance Recording and Monitoring System (PRMS)<sup>8</sup> and reconciled these incidents with the Station/Bureau Administration Portal (SBAP).<sup>9</sup> Auditors verified these use of force incidents with Lancaster Station's Operations staff. Use of force reports were retrieved from the PRMS while Use of Force media files (video and audio recordings and photographs) were provided by the Discovery Unit of the Risk Management Bureau.

Auditors identified 26 use of force incidents involving Lancaster Station during the audit time period. One incident was a Category 3 Use of Force that was investigated by the Internal Affairs Bureau and therefore, was excluded from this audit. The final audit population of 25 use of force incidents comprised of eight Category 1 and 17 Category 2 Use of Force incidents.

### **SUMMARY OF AUDIT FINDINGS**

The management and staff at Lancaster Station were accommodating and cooperative in providing the necessary information and in validating the findings.

Lancaster Station achieved excellent results in the following areas:

- Force Prevention Principles
- Use or Force Reporting
- Medical Treatment-Suspect Transport
- Medical Treatment-Suspect Refusal and Documentation
- Immediate Supervisor's Responsibilities-First and Supplemental Reports
- Immediate Supervisor's Responsibilities-Physician Interview
- Watch Commander Responsibilities-Suspect Interview
- Watch Commander Responsibilities-Mandatory IAB Notifications
- Watch Commander Responsibilities-Determination of Legality

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<sup>8</sup> Effective January 11, 2017, the Personnel Performance Index (PPI) was converted to the Performance Recording and Monitoring System (PRMS). The PRMS retained the full functionality of PPI. Future enhancements to PRMS are planned. As defined in the Personnel Performance Index User's Guide, dated March 2015, the PPI is a web-based application that provides systematic recording of data relevant to incidents involving uses of force, shootings, and commendations/complaints regarding Sheriff's Department personnel.

<sup>9</sup> As defined in the Station/Bureau Administration Portal User's Manual, dated December 2012, "*The Station/Bureau Administration Portal was designed for the primary purpose of being an access point for multiple applications. It was designed to better maintain, manage and deploy multiple applications for multiple Stations and Bureaus. Additionally, it has placed all applications in one centralized location.*"

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Lancaster Station achieved varied results for the remaining objectives, which did not meet the desired standard. The results are summarized in Table No. 1 below.

**Table No. 1 - Summary of Use of Force Audit Findings**

<b>Objective No.</b>	<b>Audit Objective</b>	<b>Met the Standard</b>
<b>1</b>	<b>FORCE PREVENTION PRINCIPLES</b>	
	<i>To determine if reasonable efforts were made to de-escalate confrontations by using tactical and/or verbal communication</i>	<b>100%</b>
<b>2</b>	<b>USE OF FORCE REPORTING</b>	
	<i>To determine if Department personnel, who used or witnessed force, made a verbal notification to their immediate supervisor</i>	<b>100%</b>
<b>3</b>	<b>MEDICAL TREATMENT</b>	
3(a)	<i>Suspect Transport</i>	<b>100%</b>
3(b)	<i>Transport by Non-Involved Personnel or Justification</i>	<b>82%</b>
3(c)	<i>Suspect Refusal and Documentation</i>	<b>100%</b>
<b>4</b>	<b>IMMEDIATE SUPERVISOR'S RESPONSIBILITIES</b>	
4(a)	<i>Witness Interviews</i>	<b>96%</b>
4(b)	<i>Photograph and/or Video Record Scene of Incident</i>	<b>92%</b>
4(c)	<i>External Media Recordings</i>	<b>68%</b>
4(d)	<i>First and Supplemental Reports</i>	<b>100%</b>
4(e)	<i>Physician Interview</i>	<b>100%</b>
<b>5</b>	<b>WATCH COMMANDER RESPONSIBILITIES</b>	
5(a)	<i>Suspect Interview</i>	<b>100%</b>
5(b)	<i>Interview Procedures</i>	<b>64%</b>
5(c)	<i>Required Questions</i>	<b>96%</b>
5(d)	<i>Uninvolved Supervisor in Directed Force</i>	<b>88%</b>
5(e)	<i>Mandatory IAB Notification</i>	<b>100%</b>
5(f)	<i>Determination of Legality</i>	<b>100%</b>
5(g)	<i>Completeness of Use of Force Package</i>	<b>88%</b>
<b>6</b>	<b>TIMELINESS</b>	
6(a)	<i>Timely Submission to the Unit Commander</i>	<b>72%</b>
6(b)	<i>Timely Submission to the Division Chief</i>	<b>25%</b>

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**Objective No. 1 – Force Prevention Principles**

**Criteria**

Manual of Policy and Procedures, Section 3-10/005.00, Force Prevention Principles, (July 2013), states:

*Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible.*

**Audit Procedures**

Auditors reviewed all Force Packages to determine if de-escalation efforts were made by Department members. Auditors reviewed all written reports, documentation, photos, videos, and recorded Sheriff's radio transmissions included in the force package and noted the methods used by Department members.

**Findings**

All 25 (100%) Force Packages met the standard for this objective.

**Objective No. 2 – Use of Force Reporting**

**Criteria**

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures (September 2014), states:

**Responsibilities for Reporting the Use of Force**

*In all cases in which members use Reportable Force, they shall make a verbal notification to their immediate supervisor (with a minimum rank of Sergeant) as soon as safely possible...*

*...Department members witnessing Reportable Force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor...*

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**Audit Procedures**

Auditors reviewed all Force Packages to determine if the involved and/or witness personnel advised their immediate supervisor of the force incident.

**Findings**

All 25 (100%) Force Packages met the standard for this objective.

**Objective No. 3 – Medical Treatment**

**Objective No. 3(a) – Suspect Transport**

**Criteria**

Manual of Policy and Procedures, Section 3-10/105.00, Medical Treatment and Transporting Suspects, (July 2013), states:

**Medical Treatment**

*A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:*

- *suffers a gunshot wound;*
- *strikes their head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a member, regardless of how minor any injury to the head/face may appear. The member transporting the suspect shall inform the doctor that the suspect was struck on the head or struck their head;*
- *is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not they are rendered unconscious. The member transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not they were rendered unconscious;*
- *is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, Pepperball projectile, etc.);*
- *is subjected to a Taser used in the drive stun mode;*
- *sustains a canine bite resulting in any bleeding or penetration of the skin;*
- *has injuries that appear to require medical treatment;*
- *alleges any injury and requests medical treatment, whether or not they have any apparent injuries;*

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- *alleges that substantial force was used against them, whether or not they have any apparent injuries or requests medical treatment;*
- *was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field); or*
- *has the Total Appendage Restraint Procedure (TARP) applied on them (unless qualified medical clearance is obtained in the field). Refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure, for additional information.*

The Station Jail Manual, Page 50, Booking Policy and Procedures (November 2012), states:

**Medical Procedures for Booking Inmates**

**Injured Inmates**

*Any inmate with visible injuries or who complains of injuries, which were not medically treated prior to booking, shall receive medical treatment by paramedics or be transported to the local contract hospital for care...*

The Station Jail Manual, Page 52, Classification and Segregation (November 2012), states:

**Sundance Decision**

*...In some cases a pre-existing medical condition, or complications from the inmate's intoxicated state, or any combination thereof, will require that the inmate be medically evaluated by a licensed professional in order to establish the appropriateness of detention at a Station Jail, or IRC where medical staff is readily available....*

**Audit Procedures**

Auditors reviewed all Force Packages to determine if the Department member transported the suspect to a medical facility when required. This includes suspects who were transported for injuries as a result of a Category 2 Use of Force as well as suspects arrested with pre-existing medical conditions, or complications from the suspect's intoxicated state. Of the 25 Force Packages, one use of force incident was excluded because the suspect did not require transportation to a medical facility. Therefore, 24 Force Packages were reviewed for this objective.

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**Findings**

All 24 (100%) Force Packages met the standard for this objective.

**Objective No. 3(b) – Transport by Non-Involved Personnel or Justification**

**Criteria**

Manual of Policy and Procedures, Section 3-10/105.00, Medical Treatment and Transporting Suspects, (July 2013), states:

*...Except in the most compelling of circumstances, personnel involved in a Category 2 or 3 Force, including participants, witnesses, and supervisors directing force, shall not transport the suspects. If compelling circumstances require that the suspect be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports.*

**Audit Procedures**

Auditors reviewed all 24 Force Packages from Objective 3(a) where the suspects were transported for medical examination and/or treatment.<sup>10</sup> Seven Category 1 Use of Force incidents did not require a medical transport by non-involved Department members and were excluded from this objective. Therefore, 17 Category 2 Force Packages were reviewed to determine whether a non-involved Department member transported the suspect or if a detailed justification was provided in the supervisor report(s).

**Findings**

Fourteen of the 17 (82%) Category 2 Force Packages met the standard for this objective. Two Force Packages did not meet the standard because the supervisor did not provide a detailed justification for the involved personnel transporting the suspect to a medical facility. One Force Package did not mention transporting deputies on any form of documentation.

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<sup>10</sup> The MPP §3-10/105.00, Medical Treatment and Transporting Suspects, July 2013. Policy applies to transport by non-involved Department member in Category 2 Use of Force incidents.

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**Objective No. 3(c) – Suspect Refusal and Documentation**

**Criteria**

Manual of Policy and Procedures, Section 3-10/105.00, Medical Treatment and Transporting Suspects, (July 2013), states:

*If the suspect refuses medical treatment in any of the cases previously described, they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment.*

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

**Audit Procedures**

Auditors reviewed all 24 Force Packages from Objective No. 3(a) and 22 were excluded because the suspect did not refuse medical treatment. Therefore, two Force Packages were reviewed for this objective. Auditors determined if the Force Packages contained the name of the medical personnel to whom the suspect indicated their refusal of treatment and the name of the medical staff who authorized the booking.

**Findings**

Both of the two (100%) Force Packages met the standard for this objective.

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**Objective No. 4 – Immediate Supervisor’s Responsibilities**

**Objective No. 4(a) – Witness Interviews**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Immediate Supervisor’s Responsibilities*

*Responding to Force Incidents*

*With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:*

*Locate and interview all potential witnesses, including Department personnel...*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the immediate supervisor located and interviewed all potential witnesses, including Department personnel.

**Findings**

Twenty-four of the 25 (96%) Force Packages met the standard for this objective. One Force Package made no mention of an attempt to locate witnesses.

**Objective No. 4(b) – Photograph and/or Video Record Scene of Incident**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Immediate Supervisor’s Responsibilities*

*Responding to Force Incidents*

*With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:*

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*Photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate...*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the immediate supervisor photographed and/or video recorded the scene.

**Findings**

Twenty-three of the 25 (92%) Force Packages met the standard for this objective. Two Force Packages did not include photographs or video recordings of the scene and justification for the omission was not found.

**Objective No. 4(c) – External Media Recordings**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Immediate Supervisor's Responsibilities*

*Responding to Force Incidents*

*With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:*

*...Determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so...*

**Audit Procedures**

Auditors reviewed the Force Packages to determine if the immediate supervisor documented the existence or absence of any external media recordings such as surveillance video and/or witness cell phone recordings.

**Findings**

Seventeen of the 25 (68%) Force Packages met the standard for this objective. Eight of the Force Packages made no mention of an attempt to locate any external media recordings.

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**Objective No. 4(d) – First and Supplemental Reports**

**Criteria**

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures (September 2014), states:

*Responsibilities for Reporting the Use of Force,*

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

*Each assisting member who used force, including partners, shall submit a separate supplementary report detailing his or her actions prior to the member going of duty...*

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Immediate Supervisor's Responsibilities*

*Responding to Force Incidents*

*With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:*

- *Ensure that Department members who used force or witnessed force prepare required reports in a timely manner;*
- *Review first reports and separate supplemental reports or memorandums to ensure that, consistent with this section, they describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions;*

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*...The force package shall include the following items:*

- *“Supervisor’s Report, Use of Force” (SH-R-438P);*
- *Copy of SH-R-49 and related supplemental reports and/or memos;*
- *Copy of in-service rosters for the concerned shift(s);*
- *Documentation showing suitable treatment from qualified medical personnel was sought and/or received;*
- *Photographs and/or video recordings of suspect’s injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation);*
- *Copies of any recorded interviews conducted by supervisors during the investigation;*
- *Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.;*
- *The video and related material shall be placed in a 6” x 9” manila envelope. A “Use of Force Package – Attachments” label shall be affixed on the top, front of the envelope. The label itemizes related material and identifying data from the Use of Force Package; and*
- *All videos and related material contained in the envelope shall be labeled with the Use of Force Package URN.*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the immediate supervisor ensured the required reports were prepared and described in detail the actions of the suspect necessitating the use of force.

**Findings**

All 25 (100%) Force Packages met the standard for this objective.

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**Objective No. 4(e) – Physician Interview**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Immediate Supervisor's Responsibilities*

*Responding to Force Incidents*

*With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:*

*Interview the attending physician or other qualified medical personal, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported...*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the immediate supervisor interviewed the physician or other qualified medical personnel in those cases where the suspect was taken to a medical facility for a medical examination. Two Force Packages were excluded because the suspects claimed to have not been injured as a result of the use of force, displayed no visible injuries, and did not receive a medical examination. Therefore, 23 Force Packages were reviewed for this objective.

**Findings**

All 23 (100%) Force Packages met the standard for this objective.

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**Objective No. 5 – Watch Commander Responsibilities**

**Objective No. 5(a) – Suspect Interview**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant's Responsibilities*

*Interviewing Suspects*

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

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the watch commander personally examined and interviewed the suspect. Auditors reviewed written documentation and viewed video recordings of the Watch Commander interviews.

**Findings**

All 25 (100%) Force Packages met the standard for this objective.

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**Objective No. 5(b) – Interview Procedures**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant's Responsibilities*

*Interviewing Suspects*

*...Prior to beginning the interview, the time, date and location of the interview shall be clearly stated, along with the names, ranks and employee numbers of all person present.*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the watch commander followed the stated interview protocols. Auditors watched video recordings of the Watch Commander interviews. Failure to state any one of the obligatory introductory interview items was deemed to have not met the standard for this objective.

**Findings**

Sixteen of the 25 (64%) Force Packages met the standard for this objective. Nine Force Packages contained Watch Commander interviews wherein the watch commander failed to indicate the interview location.

**Objective No. 5(c) – Required Questions**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant's Responsibilities*

*Interviewing Suspects*

*When interviewing suspects regarding use of force incidents, the Watch Commander/Supervising Lieutenant shall ask the suspect if they have any injuries, the nature of the injuries, and if they want medical treatment. These questions must be asked whether or not the suspect has any apparent injuries...*

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Auditors reviewed all 25 Force Packages to determine if the watch commander asked the required interview questions of the suspect. Auditors watched video recordings of the Watch Commander interviews. Failure to ask any one of the three required questions was deemed to have not met the standard for this objective.

**Findings**

Twenty-four of the 25 (96%) Force Packages met the standard for this objective. One Force Package contained a Watch Commander interview wherein the suspect was not asked if he had any injuries.

**Objective No. 5(d) – Uninvolved Supervisor in Directed Force**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant's Responsibilities*

*Completion of Investigations*

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

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**Audit Procedures**

Auditors reviewed all 25 Force Packages and identified eight that involved Directed Force.<sup>11</sup> The other 17 Force Packages were excluded. Auditors reviewed all documentation in the identified Force Packages and watched all included video recordings and photos to determine if a non-involved supervisor was assigned to complete the initial investigation or if justification was included to explain why the involved supervisor completed the initial investigation.

**Findings**

Seven of the eight (88%) Force Packages met the standard for this objective. The initial investigation of one incident was completed by the supervisor who directed the force. However, auditors found no written documentation justifying why the involved supervisor conducted the initial investigation.

**Objective No. 5(e) – Mandatory IAB Notification**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant's Responsibilities*

*Requesting an IAB Force/Shooting Response Team*

*The Watch commander/Supervising Lieutenant is responsible for making an immediate verbal notification to the on-call Internal Affairs bureau Lieutenant in any of the following situations:*

- *All shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots and shooting at animals*
- *All incidents in which Deputy personnel are shot*
- *Hospitalizations due to injuries caused by any Department member*
- *Skeletal fractures caused by any Department member*
- *Category 2 or 3 Force used by any Department member during or*

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<sup>11</sup> The MPP §3-10/050.00 Directed Force Defined July 2013 states: *Force used in the execution of one's duties under the immediate direction of a supervisor shall be classified as Directed Force.*

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- following a vehicular or foot pursuit*
- *All large party situations where Category 2 or 3 Force is used*
  - *Injury or complaint of injury to a person's head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to Oleoresin Capsicum spray, Freeze+P or Deep Freeze aerosols, or Pepperball projectile powder)*
  - *All head strikes with impact weapons*
  - *Kick(s) to an individual's head with a shod foot*
  - *Knee strike(s) to an individual's head*
  - *Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g. roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.)*
  - *Canine bites resulting in medical treatment*
  - *Any death following a contact with any Department member*
  - *All inmate deaths*
  - *Any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel or*
  - *At any scene where the Sheriff's Response Team (SRT) is deployed*

**Audit Procedures**

Auditors reviewed all 25 Force Packages and identified 10 which required Mandatory IAB Notifications.

**Findings**

All 10 (100%) Force Packages met the standard for this objective.

**Objective No. 5(f) – Determination of Legality**

**Criteria**

Manual of Policy and Procedures, Section 3-10/020.00 Authorized Use of Force (July 2013) states:

*Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety*

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*of the member or others, and whether the suspect is actively resisting, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and have a duty to protect the lives of others.*

Manual of Policy and Procedures, Section 3-10/030.00 Unreasonable Force (September 2014) states:

*Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the totality of the circumstances presented to Department members involved in using force. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.*

*NOTE: The basis in determining whether force is “unreasonable” shall be consistent with the Supreme Court decision of Graham v. Connor, 490 U.S. 386 (1989).*

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant’s Responsibilities*

*Force Packages*

*...The Watch Commander/Supervising Lieutenant is responsible for detailing the results of his or her review and recommendation as to whether further action or investigation is warranted in the appropriate section of the SH-R-438P....*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the watch commander concluded that the force used was consistent with Federal and State laws as well as being within Department policy. Auditors verified compliance for this standard by either the watch commander’s concurrence with the opinion of the supervisor completing the investigation or by independent statement in the “Watch Commander’s Review” section of the SH-R-438P.

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**Findings**

All 25 (100%) Force Packages met the standard for this objective.

**Objective No. 5(g) – Completeness of Use of Force Package**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015) states:

*Watch Commander/Supervising Lieutenant's Responsibilities*

*Force Packages*

*...The Watch Commander/Supervising Lieutenant is responsible for detailing the results of his or her review and recommendation as to whether further action or investigation is warranted in the appropriate section of the SH-R- 438P. The force package shall include the following items:*

- *“Supervisor’s Report, Use of force” (SH-R-438P)*
- *Copy of SH-R-49 and related supplemental reports and/or memos*
- *Copy of in-service rosters for the concerned shift(s)*
- *Documentation showing suitable treatment from qualified medical personnel was sought and/or received*
- *Photographs and/or video recordings of suspect’s injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation)*
- *Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos etc.*
- *The video and related material shall be placed in a 6” x 9” manila envelope. A “Use of Force Package-Attachments” label shall be affixed on the top, front of the envelope. The label itemizes related material and identifying data from Use of force Package; and*
- *All videos and related material contained in the envelope shall be labeled with the Use of Force Package URN<sup>12</sup>*

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<sup>12</sup> The MPP § 4-02/010.00 Uniform Report Number (URN), December 2013, defines the Uniform Reporting Number.

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**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the Watch Commander approved and submitted a complete Force Package with all requisite documentation and media recordings. Failure to include any applicable document or recording was deemed to have not met the standard for this objective.

**Findings**

Twenty-two of the 25 (88%) Force Packages met the standard for this objective. One Force Package was missing an In-Service roster for one of the two shifts involved in the incident. Two Force Packages did not contain medical documentation for suspects who were treated at a medical facility.

**Objective No. 6 – Timeliness**

**Objective No. 6(a) – Timely Submission to Unit Commander**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

**Watch Commander/Supervising Lieutenant Responsibilities**

**Force Packages**

*The Watch Commander/Supervising Lieutenant shall prepare and submit a force package to the Unit Commander for all reviews of force not conducted by an IAB Force/Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed....*

**Audit Procedures**

Auditors reviewed all 25 Force Packages to determine if the Watch Commander submitted a completed Force Package to the Unit Commander no later than 21 days after the incident. If a case was submitted more than 21 days after the incident, auditors checked the Force Package for documentation justifying the delay in submission.

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**Findings**

Eighteen of the 25 (72%) Force Packages met the standard for this objective. Seven cases were submitted after the 21-day threshold and auditors did not find justification for the late submissions.

**Objective No. 6(b) – Timely Submission to the Division Chief**

**Criteria**

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Unit Commander's Responsibilities*

*Force Packages*

*Any force package requiring Division review shall be forwarded within 35 days of the incident, unless otherwise directed by the Chief or Division Director.*

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (May 2015), states:

*Unit Commander's Responsibilities*

*Force Packages*

*The Division Chief or Division Director shall review all use of force incidents in which the on-call IAB Lieutenant was notified or in which a suspect was transported to a medical facility for treatment.*

**Audit Procedures**

Auditors reviewed all 25 Force Packages and determined that 24 of the 25 Force Packages required submission to the Division Chief of North Patrol Division. One Force Package did not require medical transport nor an IAB notification. Auditors then reviewed the selected packages to determine if they were submitted to the Division Chief within 35 days of the incident. If a case was not submitted to the Division Chief within 35 days after the incident, auditors checked the Force Package for documentation justifying the delay in submission.

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**Findings**

Six of the 24 (25%) Force Packages met the standard for this objective. Eighteen Force Packages were submitted to the Division Chief after the 35-day threshold and auditors did not find justifications for the late submissions.

**ADDITIONAL INFORMATION**

At the request of North Patrol Division Administration, auditors evaluated the Force Packages for trends in the following areas:

- *Force used on a resistive, yet restrained suspect (AV Agreement item No. 104) -* There were eight incidents that were identified. Five of the incidents involved a suspect who continued to resist after being handcuffed. There were two incidents where the suspect was handcuffed and seated in the back seat of the patrol vehicle and the suspect attempted to kick out the vehicle windows. One incident involved a handcuffed suspect who fled from deputies followed by a short foot pursuit and a subsequent takedown. Auditors found these incidents to be reasonable and within Department policy.
- *Force as a result of the suspect “Disrespecting” Department member (AV Agreement item No. 105) –* There were no cases where “Disrespecting” of any type was the primary causal factor for the use of force.<sup>13</sup>
- *Force as a result of the Department Members being audio or video recorded prior to the use of force incident (AV Agreement item No. 106) –* There were no force incidents as a result of a member of the public audio or video recording Department members.
- *Tactical and/or training deficiencies identified –* There were eight Force Packages where the investigation identified tactical or training deficiencies. Five incidents identified tactical or training deficiencies and were remediated during de-briefing and/or supervisor discussions. Two incidents necessitated the attendance of formal training classes and one resulted in a Performance Log Entry (PLE).
- *Administrative Investigations –* No cases resulted in the initiation of an Administrative Investigation.

**OTHER RELATED MATTERS**

Other related matters are pertinent issues discovered during the audit, but were not objectives that are measureable against federal, state laws or Department policies and procedures.

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<sup>13</sup> One Force Package involved a suspect spitting at deputies during de-escalation efforts. The suspect inflicted injuries to his head and deputies used force to prevent him from further injuring himself.

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*Unofficial Forms*

Auditors found Force Packages contained eight different versions of the Supplemental Report form [SH-R-77 (Red Tip)] with revision dates of either “11/94” or “06/99.” Most of the forms had been altered. One version for example, used a cut and paste method to add portions of the Incident Report (SH-R-49) to the Supplemental Report.

*Late or Missing Approval Date*

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures, (September 2014), states that Department members who used force must submit the required reports to the handling supervisor prior to the member going off duty. However, there is no policy that dictates how much time a supervisor has to approve a report. Auditors found six incident reports and five supplemental reports were approved after the date of the incident (not counting reports where the approval overlapped by one shift). Auditors were also unable to determine the approval dates for 13 supplemental reports because there was no section to indicate the approval date. Auditors found that some supervisors wrote an approval date/time in an available space.

**CONCLUSION**

During the course of this audit, auditors assessed the policies, procedures, and practices related to use of force, and identified several areas in need of improvement.

**RECOMMENDATIONS**

The resulting recommendations coincide with the findings and conclusion from the objectives and other related matters. They are intended to provide Department management with a tool to correct deficiencies and improve performance.

1. It is recommended that the Lancaster Station Unit Commander ensures that supervisors tasked with investigating and approving Use of Force incidents are re-briefed regarding the immediate supervisor and watch commander responsibilities located in the Use of Force policies. (Objective Nos. 3, 4, 5)
2. To avoid delays regarding Force Package submission deadlines, it is recommended that the Lancaster Station Unit Commander implement a system to notify when deadline dates are approaching. (Objective No. 6)
3. To assist the Department in managing delays of submissions of Force Packages, it is recommended that the Department review the MPP to determine if a deadline extension procedure should be implemented. (Objective No. 6)

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4. It is recommended that the Department revise the Red Tip supplemental report to include space for the author and reviewer to indicate the date and time of submission and approval. It is further recommended that the Department direct to all personnel to use the most current revision of this form. (Other Related Matters)
5. It is recommended that the Department evaluate the current Use of Force Review Procedures to determine if a resolute time requirement for the approval of written reports would assist in avoiding unnecessary delays for submission. (Other Related Matters)

**Views of Responsible Officials**

On September 27, 2017, the Chief of the North Patrol Division submitted a formal response to AAB expressing agreement with the audit findings. A copy of the audit report was provided to the Office of the Inspector General (OIG) to offer them an opportunity to comment. The OIG did not provide any feedback.

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This audit was submitted on this 28<sup>th</sup> day of September 2017, by the Audit and Accountability Bureau.

*Original signature on file at AAB*

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