

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



USE OF FORCE AUDIT
NORTH PATROL DIVISION
PALMDALE STATION
No. 2017-4-A

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SHERIFF

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LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

USE OF FORCE AUDIT – NORTH PATROL DIVISION – PALMDALE STATION
Project No. 2017-4-A
Audit Report

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Use of Force Audit – Palmdale Sheriff's Station (Palmdale 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) Palmdale 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)¹.

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.² 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.³

The Manual of Policy and Procedures (MPP) authorizes Department members to use only that force which is objectively reasonable to perform their duties.⁴ 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.

¹ 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.

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

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

⁴ 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.⁵ 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):⁶

- 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 Palmdale Station supervisors.

PRIOR AUDITS

This was the first Use of Force Audit – North Patrol Division – Palmdale Station by AAB. A Use of Force audit was conducted involving the East Patrol Division (Project No. 2016-14-A) and North Patrol Division – Lancaster Station (Project No. 2017-5-A). The audit recommendations are being addressed by the respective divisions.

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⁵ 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!"*

⁶ 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.⁷

The audit encompassed six audit objectives regarding Palmdale 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 deputies 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.

⁷ 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 Palmdale Station use of force incidents from the Performance Recording and Monitoring System (PRMS)⁸ and reconciled these incidents with the Station/Bureau Administration Portal (SBAP).⁹ Auditors verified these use of force incidents with Palmdale Stations 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 22 use of force incidents involving Palmdale Station during the audit time period. The final audit population of 22 use of force incidents comprised of 14 Category 1 and eight Category 2 Use of Force incidents.

SUMMARY OF AUDIT FINDINGS

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

Palmdale Station achieved excellent results in the following areas:

- Force Prevention Principles
- Use or Force Reporting
- Medical Treatment-Suspect Transport
- Medical Treatment-Transport by Non-Involved Personnel or Justification
- Immediate Supervisor's Responsibilities-Witness Interview
- Immediate Supervisor's Responsibilities-Photograph and/or Video Record Scene of Incident
- Immediate Supervisor's Responsibilities-First and Supplemental Reports
- Watch Commander Responsibilities-Mandatory IAB Notification
- Watch Commander Responsibilities-Determination of Legality

Palmdale Station achieved varied results for the remaining objectives, which did not meet the desired standard. The results are summarized in Table No. 1 on the following page.

⁸ Effective January 11, 2017, the Personnel Performance Index (PPI) was changed to the Performance Recording and Monitoring System (PRMS). The PRMS will retain the full functionality of PPI. Future enhancements to PRMS are planned. As defined in the Personnel Performance Index User's Guide, 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.

⁹ As defined in the Station/Bureau Administration Portal User's Manual, 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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Table No. 1 - Summary of Use of Force Audit Findings

Objective No.	Audit Objective	Met the Standard
1	FORCE PREVENTION PRINCIPLES	
	<i>To determine if reasonable efforts were made to de-escalate confrontations by using tactical and/or verbal communication</i>	100%
2	USE OF FORCE REPORTING	
	<i>To determine if Department personnel, who used or witnessed force, made a verbal notification to their immediate supervisor</i>	100%
3	MEDICAL TREATMENT	
3(a)	<i>Suspect Transport</i>	100%
3(b)	<i>Transport by Non-Involved Personnel or Justification</i>	100%
3(c)	<i>Suspect Refusal and Documentation</i>	50%
4	IMMEDIATE SUPERVISOR'S RESPONSIBILITIES	
4(a)	<i>Witness Interviews</i>	100%
4(b)	<i>Photograph and/or Video Record Scene of Incident</i>	100%
4(c)	<i>External Media</i>	91%
4(d)	<i>First and Supplemental Reports</i>	100%
4(e)	<i>Physician Interview</i>	89%
5	WATCH COMMANDER RESPONSIBILITIES	
5(a)	<i>Suspect Interview</i>	95%
5(b)	<i>Interview Procedures</i>	45%
5(c)	<i>Required Questions</i>	77%
5(d)	<i>Uninvolved Supervisor in Directed Force</i>	86%
5(e)	<i>Mandatory IAB Notification</i>	100%
5(f)	<i>Determination of Legality</i>	100%
5(g)	<i>Completeness of Use of Force Package</i>	77%
6	TIMELINESS	
6(a)	<i>Timely Submission to the Unit Commander</i>	27%
6(b)	<i>Timely Submission to the Division Chief</i>	0%

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

Findings

All 22 (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 22 Force Packages to determine if the involved and/or witness personnel advised their immediate supervisor of the force incident.

Findings

All 22 (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...

- *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 22 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 involved in a Category 1 Use of Force who had pre-existing medical conditions, or complications from their suspect's intoxicated state. Of the 22 Force Packages, three use of force incidents were excluded because the suspects did not require transportation to a medical facility. Therefore, 19 Force Packages were reviewed for this objective.

Findings

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All 19 (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 19 Force Packages from Objective 3(a) where the suspects were transported for medical examination and/or treatment.¹⁰ Ten Category 1 Use of Force incidents did not require medical transport by non-involved Department members and were excluded from this objective. Therefore, nine 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

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

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.

¹⁰ 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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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 19 Force Packages from Objective No. 3(a) and 17 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

One of the two (50%) Force Packages met the standard for this objective. Auditors found no documentation regarding the medical treatment refusal in the other Force Package.

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

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Auditors reviewed all 22 Force Packages to determine if the immediate supervisor located and interviewed all potential witnesses, including Department personnel.

Findings

All 22 (100%) Force Packages met the standard for this objective.

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:

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 22 Force Packages to determine if the immediate supervisor photographed and/or video recorded the scene.

Findings

All 22 (100%) Force Packages met the standard for this objective.

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

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*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 all 22 Force Packages to determine if the immediate supervisor documented the existence or absence of any external recordings such as surveillance video and/or witness cell phone recordings.

Findings

Twenty of the 22 (91%) Force Packages met the standard for this objective. Two of the Force Packages made no mention of an attempt to locate any external media recordings.

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...

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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;*

...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.*

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Auditors reviewed all 22 Force Packages to determine if the immediate supervisor ensured the required reports were prepared and that they described in detail the actions of the suspect necessitating the use of force.

Findings

All 22 (100%) Force Packages met the standard for this objective.

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 22 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 and displayed no visible injuries. One Force Package was excluded because the suspect was taken to an emergency room, but was not treated. Instead, the suspect was admitted to the hospital's psychiatric ward for a 72-hour psychiatric hold. Nineteen Force Packages were reviewed for this objective.

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Findings

Seventeen of 19 (89%) Force Packages met the standard for this objective. Two of the Force Packages did not contain documentation of a physician interview.

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 22 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

Twenty-one of 22 (95%) Force Packages met the standard for this objective. One Force Package indicated the Palmdale Station watch commander requested for the County Services Bureau watch commander to conduct the interview at Olive View – UCLA Medical Center (Psychiatry Services). The County Services Bureau watch commander was unable to interview the suspect because the suspect was under sedation. Auditors did not find documentation to denote that a follow up interview was attempted by a Palmdale Station watch commander while the suspect was in the hospital.

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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 22 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

Ten of the 22 (45%) Force Packages met the standard for this objective. Twelve Force Packages contained Watch Commander interviews where the watch commander either failed to indicate the interview location, person's present, his/her name, date or a combination of all.

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

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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...

Audit Procedures

Auditors reviewed all 22 Force Packages to determine if the watch commander asked the proper 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

Seventeen of the 22 (77%) Force Packages met the standard for this objective. Four Force Packages contained Watch Commander Interviews where the watch commander either failed to ask the suspect if they were injured, the nature of the injuries, if they wanted medical treatment or a combination of all three questions. One Force Package did not contain a Watch Commander interview documented in the report and auditors did not find a video and/or audio recording of a Watch Commander interview included in the media file of that Force Package.

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

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a supplemental report, or memo, detailing their actions for inclusion with the force package.

Audit Procedures

Auditors reviewed all 22 Force Packages and identified seven that involved Directed Force.¹¹ The other 15 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 documentation was provided to explain why the involved supervisor completed the initial investigation.

Findings

Six of the seven (86%) Force Packages met the standard for this objective. One Force Package addressed the assignment of the Force Package to supervisor who directed the force but did not provide justification for that assignment.

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*

¹¹ 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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- *Category 2 or 3 Force used by any Department member during or 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 22 Force Packages and identified eight that required Mandatory IAB Notifications.

Findings

All eight (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 22 Force Packages to determine if the watch commander concluded that the force used was consistent with Federal, State and Case law as well as being within Department policy. Auditors verified the compliance for this standard by either the watch commander’s concurrence with the opinion of the supervisor completing the investigation or by an independent statement in the Watch Commander’s Review section of the SH-R-438P.

Findings

All 22 (100%) Force Packages met the standard for this objective.

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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 URN¹²*

Audit Procedures

Auditors reviewed all 22 Force Packages to determine if the Watch Commander approved and submitted a complete Force Package with all requisite documentation and media. Failure to include any applicable document or recording was deemed to have not met the standard for this objective.

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

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Findings

Seventeen of the 22 (77%) Force Packages met the standard for this objective. One Force Package was missing the In-Service roster for the involved shift. Four Force Packages did not contain medical documentation for suspects who were treated and/or examined 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 22 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.

Findings

Six of the 22 (27%) Force Packages met the standard for this objective. Sixteen cases were submitted after the 21-day threshold. Auditors found one case where it was documented the handling watch commander retired during the course of the Use of Force investigation and the reassignment to another lieutenant delayed the timely submission of the Force Package. This Force Package was given credit for having met the objective.

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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 22 Force Packages and determined that 19 of the 22 Force Packages required submission to the Chief of North Patrol Division. 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.

Findings

Zero of the 19 (0%) Force Packages met the standard for this objective. Auditors did not find justifications for the 19 late submissions.

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ADDITIONAL INFORMATION

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

- *Force used on a resistive, yet restrained suspect (AV Agreement item No. 104)* - There were seven incidents that were identified. Five of the incidents involved a suspect who continued to resist after being handcuffed and placed in the back seat of the radio car. Three of those suspects attempted to spit at deputies during the course of their use of force incident while another tried to kick out the radio car windows. One handcuffed suspect refused to sit in the hospital waiting room. Deputies used control holds while the hospital staff placed the suspect in a “four-point restraint”¹³ application before sedating the suspect. The final incident involved a handcuffed suspect who attempted to flee from deputies, continued to kick and flail at deputies while on the ground. The use of OC spray ultimately subdued the suspect.
- *Force as a result of the suspect “Disrespecting” Department member (AV Agreement item No. 105)* - North Patrol Division Administration described “Disrespecting” as taunting or spitting at Department employees. There were no cases where “Disrespecting” was the primary causal factor for the use of force.
- *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) – Department Members* - There were no force incidents that arose when members of the public audio or video recorded Department members.
- *Tactical and/or training deficiencies identified* – There were five Force Packages where the investigation identified tactical or training deficiencies. All were remediated during de-briefings and/or supervisor discussions.
- *Administrative Investigations* – No incidents 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 or Department policies and procedures.

¹³ The four-point restraint application is a restraints on both arms and legs at once. When employed as psychiatric care procedure, the restraints used are padded cuffs which are applied to a patient to prevent the patient from causing harm to him/herself or to others.

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Unofficial Forms

Auditors found Force Packages contained seven 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 five incident reports and three 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 10 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 Palmdale 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 Palmdale 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. (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 October 23, 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 25th day of October 2017, by the Audit and Accountability Bureau.

Original signature on file at AAB

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