



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



May 4, 2020

The Honorable Kathryn Barger
Chair, Board of Supervisors
County of Los Angeles
869 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisor Barger:

CUSTODY SERVICES DIVISION BUDGET RELATING TO SETTLEMENT AGREEMENTS

This letter is in response to the Board of Supervisors' meeting held on Tuesday, April 28, 2020, wherein Chief Executive Officer Sachi Hamai, advised the Los Angeles County Sheriff's Department (Department) has received \$158 million in funding and 858 items associated with settlement agreements. As previously presented in our numerous ongoing meetings associated with the budget deficit, Custody Services Division's operational needs associated with the \$49.6 million are not strictly settlement-related. Please see the following detailed explanation regarding the \$49.6 million:

Departmental - \$27.5 million:

Jail Operations – \$12 million

Currently, Deputy Jail Operations is a six-week course averaging 65 students per class. The total cost for one class is \$1.1 million, and Custody Services Division has a reimbursed annual budget of \$2.6 million. The average number of classes in one year is approximately five. In Fiscal Year (FY) 2019/2020, 13 classes are scheduled for a total of \$14.6 million required in backfill overtime, this will result in unfunded overtime totaling \$12 million.

The Department is continually looking outside-the-box on ways to offset expenses. Since State Training Curriculum (STC) courses have drawn to a minimum during the COVID-19 pandemic, we were able to work with the Board of State and Community Corrections and received approval to redirect the

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current balance of approximately \$714,000 in STC funds to the remaining two Jail Operations classes this FY.

Delta – \$5 million

Beginning in FY 2016/2017, Body Scanner, Unfunded Posts, and DMH Expansion Phase I, overtime funds were approved by the Chief Executive Office (CEO) for the purpose of unmet needs during the CCJV and Rosas/DOJ Settlement Agreements. There is a significant gap in overtime funding from FY 2016/2017 rates versus current FY overtime rates which were never considered and or realized.

Hospital Runs – \$7.2 million

Custody Services Division experiences an extensive amount of hospital runs for which it has no direct overtime allocation. Current monthly average expenditures equates to \$600,000 for a FY projection of \$7.2 million.

Loans – \$3.3 million

Custody Services Division currently has 30 deputy sheriff generalist, custody assistants, and professional staff on loan to units outside of the division. The unfunded backfill FY overtime is projected to be \$3.3 million. These loans facilitate critically needed support in homicide and human trafficking investigations.

Custody Litigation (Unfunded Posts) - \$22.1 million

The information below reflects the majority of non-reimbursed monitored, and directed overtime as it relates to settlement agreements. Due to a continued increase in the mental health population, the Department has expanded the number of mental health housing locations available within the County jails. The increase of our mentally-ill population was not considered during the 2015 recommendation negotiations. This resulted in an increase in the number of staff required to provide the DOJ mandated mental health services, programs, and treatment to meet compliance. In 2015, the mentally ill population represented 22 percent, this population has steadily increased year after year and continues to increase during the COVID-19 pandemic and jail depopulation, under the current emergency orders. In January 2020, prior to the COVID-19 pandemic, our mentally ill population represented 35 percent. However, as of April 28, 2020, the mentally ill population continued to grow and has increased to 39 percent.

In order to remain in compliance with settlement agreements, the following detailed unfunded posts are mandated and were included in our recommended budget request:

Rosas – Safety Checks – \$8.2 million

- 35 Posts (28 Deputy Sheriff Generalists, 7 Custody Assistants) equaling 58 items (with relief)

Additional staff needed to provide added mandated safety-checks (an increase from every 60 minutes to every 15-30 minutes) and supervision.

CCJV/Rosas – Force (Rosas/CCJV Overlap) – \$3.8 million

- 18 Posts (15 Sergeants, 3 Deputy Sheriff Generalists) equaling 18 items (with relief)

Workload increase of dedicated workforce to support the expanded collection, documentation, tracking, and investigation of grievances and excessive uses of force within 15 days of incident. Six of the 15 sergeants are assigned to commanders whose duties expanded without support staff.

DOJ and DMH Phase I/II – Out of Cell – \$3 million

- 18 Posts (2 Sergeants, 11 Deputy Sheriff Generalists, 5 Custody Assistants) equaling 21 items (with relief)

In order to meet the DOJ mandate of providing 20-hours of out-of-cell treatment and recreation, the expansion of housing for the increase in high observation, and medium observation population resulted in additional needed resources.

ADA – Detox Housing – \$1.4 million

- 9 Posts (9 Custody Assistants) equaling 15 items (with relief)

To provide housing security, safety checks, and supervision for inmates that are detoxing from alcohol and other controlled substances.

The Board of Supervisors approved funding for ADA – Detox Housing within the Inmate Reception Center on October 1, 2019, via AB-109 one-time only funds for this FY, in conjunction with Substance Treatment and Reentry Transition (START) and Medicated Assisted Treatment (MAT). Continuation of these programs would require ongoing funding to be allocated to the budget to address ADA Detox Housing, START and MAT in FY 2020/2021.

Prison Rape Elimination Act (PREA) – \$1.4 million

- 6 Posts (1 Sergeant, 4 Deputy Sheriff Generalist, 1 Custody Assistant) equaling 9 items (with relief)

Additional workload associated with Prison Rape Elimination Act (PREA) monitoring and tracking allegations, ensuring posters, electronic information, inmate education, and audits are provided and available to inmates. PREA ensures the alleged victim of sexual abuse or sexual harassment is monitored for

and protected from retaliation in compliance with PREA standards and Department policies. Since the \$49.6 million documentation was introduced, additional posts were created at Century Regional Detention Facility in order to meet compliance which resulted in an increase of unfunded overtime related to PREA not represented in the figure above.

CCJV/Rosas – Grievance Tracking – \$1.3 million

- 8 Posts (1 Lieutenant, 2 Sergeants, 5 Custody Assistants) equaling 8 items (with relief)

CCJV and Rosas requirements directed an increase in centralized oversight which affected workload. In addition, all complaints related to assigned personnel would now require an investigation by a supervisor. The additional posts support a monthly average of 1,944 grievances including those in which personnel are part of the complaint.

DOJ – Custody Compliance and Sustainability Bureau – \$1.1 million

- 7 Posts (4 Deputy Sheriff Generalists, 3 Custody Assistants) equaling 7 items (with relief)

Additional workload associated with providing comprehensive compliance monitoring for both DOJ and Rosas settlement agreements. The bureau was only staffed and funded with consideration for DOJ. Additional staffing is required for Rosas, encompassing an additional 104 provisions with 440 complex measures.

Rosas – Additional Captain's Support Staff – \$1 million

- 4 Posts (2 Lieutenants, 2 Sergeants) equaling 4 items (with relief)

The additional captains are required to monitor safety and security, address quality of life issues, ensure compliance with inmate constitutional rights, and ensure access to care for the inmate population in each of their respective facilities. These captains did not receive the required support staff needed to address the significant administrative duties associated with this workload.

Rosas – DeVRT Training – \$900,000

- 3 Posts (3 Sergeants) equaling 3 items (with relief)

The sergeant instructors are required to provide support and facilitate the Custody Assistant Academy and Jail Operations classes. Additionally, Custody Training Bureau is also responsible for implementing training requirements arising from the CCJV, Rosas, Johnson, and DOJ settlements. Currently, custody assistants are mandated to attend DeVRT training (which was not funded as part of the settlement agreement), averaging 35 students for 32-hours (3 times a year totaling \$176,097).

The figures above were calculated based on overtime rates at top step plus bonuses in August 2019. In order to avoid confusion, we have left these figures as-is to relate to the ongoing discussions surrounding the \$49.6 million. However, these figures will need to be refreshed for FY 2020-2021. Also, since the above referenced unfunded programs were introduced, Correctional Health Services (CHS) has expanded Urgent Care and MCJ Clinics causing additional unfunded overtime for security requirements as outlined below:

CHS Expansion of Urgent Care (Twin Towers Correctional Facility) and Clinics (Men's Central Jail) – \$3.5 million

CHS expanded Urgent Care operations in Twin Towers Correctional Facility, from two beds 16-hours per day, to 15 beds 24-hours per day, 7-days a week, which requires increased security. CHS has plans to further expand operations to 24 beds 24-hours per day, 7-days a week requiring additional overtime and or budgeted positions not represented in these totals. The Department included this request in the recommended budget. Additionally, after the recommended budget submission, CHS expanded clinic operations in Men's Central Jail. Again, Custody Services Division must provide additional security for these expanded services for the safety of Department staff, CHS staff and the inmate patients. Custody Services Division included a request for additional staffing as part of its Final Changes submission.

While CHS has the ability to expand services through hiring staff via registries, the Department does not have this option. However, we recognize that our partnership with CHS exists to provide inmate patients their right to a community standard of healthcare.

All the above programs are represented in overtime by posts, budgeted positions would require relief not included in the totals provided.

The Department by no means wants to proceed with the curtailment of critical posts associated with high level investigations, healthcare and settlement compliance. However, absent discussion and funding for these posts, it will require curtailments and noticing federal monitors, the courts, and CHS of our inability to continue these mandates. Under normal circumstances, this would expose the County to significant liability, but it is also exacerbated by the current COVID-19 pandemic.

Supervisor Barger

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May 4, 2020

I eagerly look forward to meeting with you and your staff as soon as possible. Should you have any questions, please contact Assistant Sheriff Bruce Chase, Custody Operations, [REDACTED].

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Villanueva', with a stylized flourish at the end.

ALEX VILLANUEVA
SHERIFF

AV:BC:ac
(Office of the Sheriff)

cc: Supervisor Hilda L. Solis, First District, Board of Supervisors
Supervisor Mark Ridley-Thomas, Second District, Board of Supervisors
Supervisor Sheila Kuehl, Third District, Board of Supervisors
Supervisor Janice Hahn, Fourth District, Board of Supervisors
Sachi Hamai, Chief Executive Officer, Chief Executive Office
Mary Wickham, County Counsel, Office of the County Counsel