

Custody Services Divisions – Response to the Office of Inspector General Report Card on Reform Implementation

PROTECTING VULNERABLE COMMUNITIES: A REVIEW OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S HATE CRIME POLICIES, PROCEDURES, AND TRAINING

Recommendation 2: The Los Angeles County Department of Human Resources provides a required Implicit Bias Reduction training via the Learning Link system. All Sheriff's Department employees are required to take this training.

RESPONSE TO CIVILIAN OVERSIGHT COMMISSION AD HOC COMMITTEE INQUIRY ON EXCESSIVE FORCE

Recommendations 1, 2: Regarding Custody Services Divisions handling of complaints and use of force, Custody thoroughly investigates every complaint and allegation of force, and documents the results of said investigation, regardless of the alleged mental state of the complainant. Any allegation of a use of force is tracked through the electronic Line Operations Tracking System.

REVIEW OF THE INMATE RECEPTION CENTER INTAKE EVALUATION PROCESS, NOVEMBER 2019

Recommendation 1: This should be marked as complete/not applicable. The Sheriff's Department does not have control over Urgent Care referrals. Urgent Care referrals are solely done at the discretion of Correctional Health Services (CHS). The Sheriff's Department agrees routinely transporting patients to Urgent Care from IRC increases the chances of a use of a force incident and unnecessarily ties up personnel. The Inspector General should inquire with CHS as to the appropriateness of referring individuals with severe mental illness to Urgent Care.

Recommendation 2: This should be marked as complete with respect to the Sheriff's Department. The Sheriff's Department has had sufficient staffing to operate Urgent Care 24 hours per day, 7 days per week since 2019. The Inspector General might be referring to CHS staffing, which, for obvious reasons, might affect the operating hours of urgent care.

Recommendation 3: This should be marked as complete. While the now cancelled Mental Health Treatment Center (MHTC) would have appropriately addressed this concern, the Sheriff's Department has, nevertheless, added nearly 1,000 Medium Observation Housing (MOH) beds since this report was published. The Sheriff's Department has also identified multiple new modules for High Observation Housing (HOH). As of the date of this report, we do not have individuals waiting for mental health housing. While the Sheriff's Department can continue to identify new housing options, CHS will need additional resources to support additional housing.

Recommendation 4: The MHTC project included provisions for improved IT infrastructure and a modern, connected system that would have combined Sheriff's jail management, CHS data, and data from our justice partners. Unfortunately, the Board of Supervisors cancelled MHTC. As we're sure the Inspector General is aware, the Board of Supervisors, not the Sheriff's Department, controls funding for large projects, such as the one that would be required to implement this recommendation.

Recommendation 5: This should be marked completed since the recommendation was to “explore the feasibility” of changing the bus schedule. The Sheriff’s Department’s bus schedules are based on the court calendar. This issue has been broached before with the Superior (and then Municipal) Courts, going back to the 1980s when the Board of Supervisors attempted to gain additional funding for more variable court hours. Unfortunately, the Superior Court schedule does not permit a change in the bus schedules and “more frequent” busses would not alleviate the large influx of newly remanded individuals in the afternoon and evening hours. Understanding this, the Sheriff’s Department has adapted its staffing model at IRC over the years to accommodate this influx.

Recommendation 6: Unfortunately, significant personnel curtailments by the Board of Supervisors prevents the Sheriff’s Department from fully implementing this recommendation. Despite the curtailments, the Sheriff’s Department continues to try to be as creative and flexible as possible to maintain proper staffing levels in the IRC Clinic.

Recommendation 8: This should be marked as completed. As of the date of this report, the Sheriff’s Department and CHS have collaboratively implemented sufficient strategies to eliminate backlogs at IRC. Individuals are routinely untethered and moved to housing within four (4) hours at IRC. Wait times for individuals who are not tethered do not exceed 24 hours. Additionally, the Sheriff’s Department has expanded the cleaning and sanitization efforts in the IRC Clinic, including the use of additional outside custodial staff (Servicon) to clean treatment/high traffic areas.

Recommendation 9: The Sheriff’s Department continues to work collaboratively with CHS, the Office of Diversion and Recovery (ODR), and other justice partners to divert individuals from custody. Further, under the Rutherford settlement, the Sheriff’s Department has a release mechanism when the jail lacks sufficient housing. This release authority, however, is limited to a few specific circumstances. Individuals lawfully remanded to the custody of the Sheriff generally cannot be released absent a court order or through the sufficient posting of bond/bail. Additionally, Rutherford release criteria is contingent on the jail being overcrowded. Notwithstanding the lack of legal authority, the Sheriff’s Department will not release individuals waiting to be seen by a medical and/or mental health provider without an adequate plan of care into Downtown Los Angeles.

SECOND REPORT BACK ON THE LASD’S DEPARTMENT’S PLAN TO UPGRADE THE DATA SYSTEMS USED TO TRACK JAIL VIOLENCE

Recommendations 1, 2, and 3: In Custody Services Divisions, Custody Support Services Bureau (CSSB) does a yearly audit of both systems to make sure they coincide with each other. This audit has been taking place since 2015 when OIG first brought the request to the Sheriff’s Department’s attention. The audits are one year behind to allow all updates from the individual units to be completed. If CSSB finds any discrepancies, they notify the units of the corrections needed. Once the corrections are complete, a memorandum is sent to the Discovery Unit to make the changes and a copy of the memorandum and emails to the Discovery Unit are forwarded to CSSB. While CSSB did, understandably, fall behind during the onset of the COVID-19 pandemic, CSSB has now caught up and will begin working on the 2022 data reconciliation after the first of the year.

REFORM AND OVERSIGHT EFFORTS: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT APRIL TO JUNE 2021

Recommendation 3: Homicide Bureau only limits information disclosed in the collaborative death review process when the incident is being investigated as a murder. This is done to preserve/protect information that may be utilized for a criminal prosecution. Even then, this only done under the most compelling of circumstances and limited as much as practically possible.

REFORM AND OVERSIGHT EFFORTS: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT JULY TO SEPTEMBER 2021

Recommendation 3: County Counsel has previously performed reviews of existing laws and case decisions to find additional laws or decisions that could allow the Sheriff's Department to release additional individuals. No new or additional authority not already known or used by the Sheriff's Department has been discovered.

The Sheriff's Department continues to work with CHS and ODR to identify individuals suitable for community placement. Unfortunately, ODR has continued to face a shortage of suitable placement beds and individuals with court orders to an ODR program have remained in custody for extended periods of time pending the availability of a community bed.

The Sheriff's Department already uses the extraordinary authority granted under the Rutherford settlement to release individuals when the jail population exceeds the conditions outlined in Rutherford. Unfortunately, absent a court order, the Sheriff's Department generally lacks the legal authority to release individuals lawfully remanded to the custody of the Sheriff.

REFORM AND OVERSIGHT EFFORTS: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT OCTOBER TO DECEMBER 2021

Recommendation 1: This should be marked as complete. The recommendation was the Department "should determine its authority to release people in custody..." As discussed previously, the Sheriff's authority is generally limited. This issue has been explored and studied by the Sheriff's Department and County Counsel in the past and is consistent with the opinion of the Superior and Federal courts.

Regarding pregnant individuals, there are several issues with the representation in this report. CHS and the Sheriff's Department met and created an enhanced medically prescribed diet for pregnant individuals that exceeds Title 15 regulations. Regarding exercise, exercise is provided as clinically appropriate. A review of every pregnant person in the custody of the Sheriff is conducted at regular intervals by the Population Management Bureau with the goal of diverting or releasing as many as possible. Unfortunately, most of the individuals remaining in the custody of the Sheriff are in custody for serious or violent felonies, have custody holds from other jurisdictions, or cannot otherwise be release due to a lack of legal authority.

Recommendation 2: The Sheriff's Department does hold individuals accountable when they fail to comply with policies and directives. There are written policies regarding pregnant individuals and CRDF personnel are held accountable to those policies.

Recommendation 3: There are several physical plant issues with providing proper outdoor exercise time. Classroom and outdoor recreation space is limited at CRDF. Additionally, there is only one funded item

for monitoring pregnant individuals. Continued personnel curtailments by the Board of Supervisors make this a challenge.