



THE PPOA PLAN:

IMPROVING THE LA COUNTY JAILS &
ENHANCING UNINCORPORATED PATROL

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INTRODUCTION

In recent months, the Los Angeles County Sheriff's Department (LASD) has been scrutinized regarding their management of the Los Angeles County jail system. Specifically, they have been criticized regarding excessive uses of force, gang-like behavior of deputy personnel, and criminal conduct including smuggling of illegal narcotics into the jails. In addition, the ACLU filed a lawsuit and produced a report alleging a long-standing pattern of violence by deputies against inmates. The report says in part that, *"Sheriff Lee Baca, Undersheriff Paul Tanaka, and Chief Dennis Burns are responsible for ensuring that their subordinates do not engage in a pattern of unspeakable acts of violence against inmates,"* said Peter Eliasberg, legal director of the ACLU/SC. *"But in the face of a longstanding pattern of deputy abuse they have deliberately and knowingly failed to put in place the basic pieces of an accountability system – sound policies on the use of force, adequate training, careful investigation of force incidents and a rigorous system of discipline. This suit is directed at them because they have allowed deputies to go unpunished, covered up their behavior and for years made no effort to reform this broken system."*

The urgency in dealing with the problems in the LA County jails is compounded by the passage of Assembly Bill 109 (AB 109), the state realignment plan that shifts responsibilities for some state prisoners, adult parolees, and juvenile offenders to local jurisdictions. With the addition of the financial burden created by AB 109, the LASD and the County of Los Angeles need to consider how to finance the additional responsibilities as well as overall fiscal responsibility and effective management of resources. More on point with the ACLU allegations, the LASD must also address deficiencies within their jail management BEFORE taking on additional responsibilities and prisoners. To accept additional responsibilities and prisoners will only compound the problem and abuses if these issues are not thoroughly addressed.

"The urgency in dealing with the problems in the LA County jails is compounded by the passage of AB 109... The LASD must address deficiencies within their jail management before taking on additional responsibilities and prisoners."

In response to the recent incidents and allegations, the LASD formed an exploratory committee to delve into the specific problems and to provide solutions. However, some critics believe that having LASD management investigate themselves will not produce a productive, accurate, and unbiased solution. It is always best to incorporate an outside perspective and complete transparency to avoid any appearance of impropriety; however, it is equally important to include the expertise of those working within the LA County jails.

This report is prepared by the Los Angeles County Professional Peace Officers Association (PPOA). PPOA is comprised of over 8,600 members, including sergeants, lieutenants, and custody assistants with extensive experience working in the LA County jails. Yet, PPOA also maintains the unbiased "outside perspective" as an organization that has been critical of the LASD management and as an organization that has demanded greater accountability and responsibility from the LASD executives. PPOA is uniquely positioned to provide a true understanding of jail operations and LASD culture while maintaining an outsider's approach to accountability and transparency.

"It is our hope that Sheriff Baca, the Board of Supervisors, and local civil rights organizations will analyze our recommendations and coalesce around our solutions to ensure the best custodial environment for prisoners as well as a professional and safe working environment for jail staff members."

This report will focus primarily on providing solutions and recommendations regarding existing problems within the LASD, as well as providing suggestions on how to prevent inappropriate uses of force and misconduct. We will examine some of the recommendations by others, including Sheriff Baca, and examine the appropriateness and effectiveness of such recommendations. It is our hope that Sheriff Baca, the Board of Supervisors, and local civil rights organizations will analyze our recommendations and

coalesce around our solutions to ensure the best custodial environment for prisoners as well as a professional and safe working environment for jail staff members.



Brian Moriguchi, President
Los Angeles County Professional Peace Officers Association



EXECUTIVE SUMMARY

In analyzing complaints from inmates and visitors, as well as LASD investigations of employee misconduct, it is clear that there is a problem within the LASD jail system that needs reform. Though many of those allegations may be true, it is important to note that the majority of jail personnel – whether custody assistants, deputy sheriffs, sergeants, or lieutenants – perform their jobs very well with integrity and respect for the prisoners they supervise.

The Los Angeles County jail system processes 200,000 to 300,000 arrestees each year. The jail currently houses in excess of 18,000 prisoners, the largest jail in the country. It houses some of the most violent individuals in our society, including thousands of gang members, murderers, and rapists. Use of force by staff and inmate-on-inmate violence is inevitable in such an environment.

Though the problems in the jails are complex, the core issues can be narrowed down to three basic problems:

Use of force is not only appropriate at times, but also necessary. What is not necessary is the inappropriate use of force or the encouragement of inmate attacks against one another by Sheriff's personnel.

1. Deputy sheriffs joined the LASD to be “catchers,” not “keepers.” As sworn peace officers, they are trained primarily to investigate crime and arrest criminals, a function primarily for patrol assignments. They are then placed in a custody environment for far too long. That has a serious impact on employee morale and deputies’ attitudes toward inmates. Custody is the wrong environment for this employee classification and should be a temporary assignment for training purposes only.
2. Insufficient quantity and/or excessive workload for supervisors impacting direct supervision of subordinates.
3. Budget problems have adversely affected the LASD's ability to provide for an adequate custody environment.

These three basic problems are intertwined and the LASD should take a holistic approach to finding solutions. In this proposal, PPOA will provide a comprehensive plan to address the problems involving the LA County jails.

Many of the problems in the jails can be improved upon through basic changes such as the installation of cameras in interactive areas and advanced training; however, some problems stem from a systemic and cultural problem such as the placement of newly hired deputy sheriffs into the jails for many years and the use of jail assignments as disciplinary acts against supervisors. These systemic and cultural problems are difficult to

change, as they require a complete paradigm shift in the way the LASD conducts its business and a change in deeply rooted cultural thinking by executives, management, and line staff personnel. We recognize that these systemic and cultural changes are challenging, but it is our professional opinion that these changes are the most effective methods to improve the jails and improve the service provided by the LASD.

“The custody assistants provide a stable workforce in the jails while the newly hired deputy sheriffs provide only temporary staffing before moving to patrol and other assignments.”

Historically, the LASD has placed newly hired deputy sheriffs in the jails as their first assignment. Many of these newly hired deputy sheriffs spend several years in the jails before transferring to a patrol assignment. For several decades, the LASD has successfully utilized custody assistants, a permanent jailer position, to augment the staffing of the jails. The custody assistants provide a stable workforce in the jails while the newly hired deputy sheriffs provide only temporary staffing before moving to patrol and other assignments.

Similarly, newly promoted supervisors are often assigned to the jails as their first assignment as a supervisor. However, the LASD suffers from a cultural problem where working the jails is looked upon as "lost time" for those seeking to further their careers and future promotions. Therefore, many supervisors attempt to avoid working in the jails. Compounding the problem, the LASD also places unwanted or disliked supervisors in the jails, which is perceived as punishment and impedes their careers and pursuit of future promotions. This jail culture and practice negatively impacts the effectiveness of the supervision in the LA County jails.

Though the problems within the LA County jails are complex, the solutions are quite simple. Many of our recommendations revolve around a simple theme: Match the skills and wants of the employees to the jobs for which they were trained and desire.

Deputy sheriffs are trained and want to work in patrol. Custody assistants are trained and want to work in the jails. Placing these employees in the jobs for which they were hired is important in preventing low morale, indifference to job duties, and even abusive conduct. For supervisors, changing the jail into a more desirable place to work and stopping the practice of disciplinary assignment to the jails will vastly improve the quality of supervision as well.

The concept of matching skills and wants of the employees to the jobs for which they were trained and desire will become more evident as we address specific problems in this report.

Match the skills and wants of the employees to the jobs for which they were trained and desire.

Listed below is a brief summary of our recommendations to improve the quality of the Los Angeles County jail system. Further, our recommendations will provide additional resources for the patrol function of the LASD. (The details and explanations for these recommendations will be outlined elsewhere in this report.)

Summary of Recommendations

- Reduce time spent in the jails to one year for newly hired deputy sheriffs.
- Convert current Custody Assistant classification to a new classification, "Sheriff's Custody Jailer," a non-sworn professional category.
- Transition approximately 1,200 Deputy Sheriff positions to Custody Jailer positions throughout Custody Division.
- Increase ratio of supervisors (sergeants) to staff for greater supervision and oversight.
- Change existing transfer and assignments for supervisors and place greater value in jail assignments.
- Provide more training and mentoring for staff in the handling of inmates, specifically mentally ill prisoners and state prisoners transferred to counties under AB 109.
- Increase intake review screening for mental illness and segregate mentally ill prisoners in separate wards with specially trained staff and increased medical staffing.
- Install cameras with audio and visual capabilities in common areas in all jail facilities.
- Create Custody Force Investigation Teams comprised of uninvolved supervisors to handle major force investigations and review all custody force complaints.
- Increase patrol deputy positions in unincorporated areas.

Unlike many of the proposals by the LASD, PPOA's recommendations can be implemented with multi-million dollar cost savings to the LASD.

Savings from PPOA Plan

	<u>Custody Assistant</u>	<u>Deputy Sheriff with Advanced POST</u>
Base Pay	\$55,303	\$88,389
LACERA Employer Normal Contribution*	\$6,996	\$20,055
Other Benefits & Payroll Costs**	<u>\$17,850</u>	<u>\$18,330</u>
Total	\$80,148	\$126,774
Number of Staff	<u>1,234</u>	<u>1,234</u>
Cost	\$98,902,822	\$156,438,738
Savings:		<u>\$57,535,916</u>

**Source: LACERA 2011 Comprehensive Annual Financial Report, Employer Normal Contribution Rates for Plan D and Safety Plan B, 10/1/10-9/30/11.*

***Source: Los Angeles County Chief Executive Officer. Calculation based on 2012 Choices contribution at the 3-party rate.*

Critically, the above recommendations will provide:

- Improved efficiency.
- Greater accountability.
- Improved medical care for mentally ill prisoners.
- More effective use of personnel.
- Greater supervision.
- Additional resources to handle AB 109 costs.
- Personnel cost savings that can be used to fund other recommendations.

BACKGROUND

In September 2011, the ACLU released a report, *Cruel and Unusual Punishment: How a Savage Gang of Deputies Controls LA County Jails*. This report alleges extraordinary abuses and excessive uses of force, mostly by deputy sheriffs within the LA County jails. The ACLU's conclusions are based primarily on prisoner complaints, eyewitness accounts by civilian staff, and ACLU monitors working within the jails.

Even prior to the ACLU, jail abuses and excessive uses of force by deputy sheriffs have been reported by watchdog organizations. In 1992, the Kolts Commission released a report alleging deputy sheriff brutality within the LA County jail system. The Los Angeles County Board of Supervisors hired Merrick Bobb in the early 1990s as civilian police oversight. Merrick Bobb has produced semi-annual reports regarding deficiencies within LASD and alleged jail abuses and excessive uses of force numerous times over the past two decades. More recently, the Office of Independent Review, another police oversight group hired by the Los Angeles County Board of Supervisors, has examined the more severe cases of alleged misconduct and excessive uses of force in the LA County jails.

On December 10, 2010, a fight amongst deputy sheriffs occurred at a Christmas party in Montebello. These deputies were known as the "3000 Boys" and were assigned to the 3rd floor at Men's Central Jail, LA County's oldest jail facility. This incident led to accusations of gang-like behavior by deputy sheriffs who flash hand signs and display tattoos common in gang culture. As a result, further attention was focused on the jail environment and whether deputy sheriffs were behaving like gang members and using excessive force against prisoners.

In addition, an LA County deputy sheriff was caught trying to smuggle tar heroin into a courthouse jail by using a burrito to conceal the drugs. In 2011, another LA County deputy sheriff assigned to the jails was caught trying to smuggle contraband to an inmate who turned out to be an FBI informant. Investigations into both of these incidents are ongoing.

As a result of the recent problems involving deputy sheriffs assigned to the LA County jail facilities, Sheriff Baca formed a special task force to investigate the allegations against deputy sheriffs assigned to the LA County jails. In addition, the LA County Board of Supervisors established a citizens' commission on jail violence to address reports of deputies abusing inmates incarcerated in the LA County jails.

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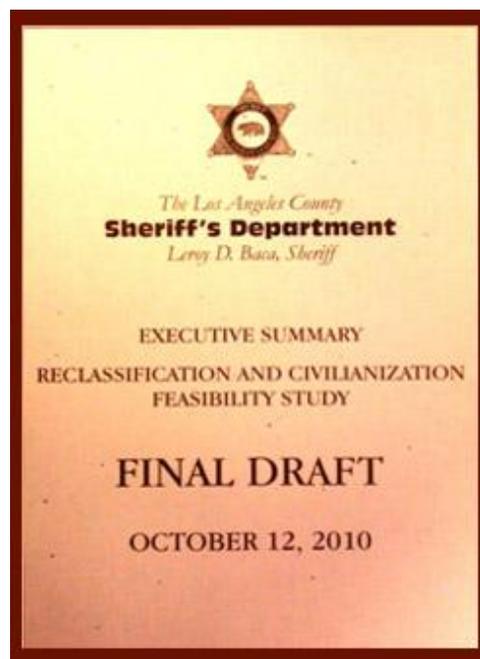
Several years ago, the LASD conducted a feasibility study to increase civilianization within the jails. This was a joint labor-management effort between the LASD and PPOA. This study was led by a department Commander and a retired chief, and included experts from custody administration, civilian jail staff (Custody Assistants), sworn deputy sheriffs assigned to custody, employee relations personnel, and labor representatives.

On October 12, 2010, the LASD produced an *Executive Summary, Reclassification and Civilianization Feasibility Study* (attachment A) outlining recommendations to replace some of deputy sheriffs assigned to the jails with civilian jail specialists.

Currently, there are approximately 1,118 civilian jailers known as Custody Assistants serving in the jails and the recommendations in the study would:

1. Increase their numbers by 1,234,
2. Create a career path for the civilian jailers, and
3. Save the County of Los Angeles nearly \$60 million annually when fully implemented.

PPOA strongly supported the recommendations in the study to reduce deputy sheriffs in the jails and replace them with professional civilian jailers (even prior to the recent use of force allegations involving deputy sheriffs); however, the LASD has resisted any further civilianization of the jails.



The LASD recommended increased civilianization of the jails in 2010, but the recommendations were not implemented.

CHALLENGES, SOLUTIONS, & RECOMMENDATIONS

The following are the major challenges faced by the LASD, along with solutions and recommendations. This proposal not only addresses problems within the LA County jails, but also provides funding to address other deficiencies to improve overall public safety.

HIRING PRACTICES AND ASSIGNMENT TO THE JAIL FOR NEW DEPUTIES

In 2006, the LASD is believed to have loosened its hiring standards in order to hire an unprecedented 1,000+ deputy sheriffs in a single year. An Office of Independent Review report claims that LASD hired applicants with criminal records, drug and alcohol problems, as well as financial problems. Some new hires were alleged to have gang affiliations and some were fired from other police agencies for excessive use of force. This "relaxing of the standards" may well have contributed to the recent problems with young deputy sheriffs in the jail environment. The LASD has denied any relaxing of the standards during this hiring push; however, many LASD background investigators have confirmed this practice. This negligent hiring is becoming more evident with the increase in problems with newly hired deputy sheriffs; however, it is by no means the sole reason that problems exist in the jails.

"In the years 2005, 2006, and 2007, there was a significant push for hiring by LASD that resulted in over 2,500 deputies being hired... This "holistic" approach to hiring resulted in applicants being hired who would have been automatically disqualified in years past and provided little principled guidance to those tasked with deciding who should be hired."

Los Angeles Office of Independent Review,
"Review of Los Angeles Sheriff's Department
Background Investigation Process,"
Feb. 18, 2009.

Even with the relaxed hiring practice, it is important to note that most of the deputy sheriffs hired during that period are very qualified and most would have met the high standards of the past. However, it is clear that only a few problem employees can make a tremendous difference in the quality of service and the reputation of the organization as a whole.

To prevent these extreme negligent hiring cycles, **the LASD must maintain a consistent process and better predict their personnel needs.** Historically, the LASD has utilized ineffective hiring practices whereby it hires a large number of deputy sheriffs one year and then stops hiring altogether the next year. This extreme "boom or bust" cyclical

practice results in the need to lower standards to meet the high demand for applicants in the years of high volume hiring. The hiring process is a long and complicated process involving months of examinations and background investigations. It cannot be started and stopped on a dime without lowering standards or performing incomplete or shoddy background evaluations of applicants. This problem has existed for decades within LASD and is common knowledge - yet it continues even today.

RECOMMENDATION: *The LASD should develop a long term hiring plan of at least five years – based on industry-standard economic forecasts – and maintain its high standards for hiring at all times. Department managers and executives should resist the urge to implement immediate changes in hiring to meet short-term goals. Minimally, academy classes should run continuously to meet attrition needs of the department rather than start and stop based on budgetary fluctuations.*

The LASD assigns deputy sheriffs primarily to the jails upon completion of the sheriff's academy. Most of these deputy sheriffs applied for the job with a desire to work patrol and detective assignments, not to work in the County jail system. In fact, many qualified applicants have chosen to apply with police agencies other than the LASD to avoid the requirement of working in the LA County jail. Other applicants choose to apply with the LASD because the attraction of working in the largest Sheriff's Department is appealing despite the requirement to work the County jail as their first assignment. However, many of these newly hired deputy sheriffs opt to leave the LASD after completing the academy in frustration with the lengthy assignment in the jails.



Deputy sheriffs desire to work patrol and detective assignments, not work in the jails.

Placing deputy sheriffs in the jails for many years after training them how to be street cops is an ineffective use of resources and budget.

In the past, some police agencies used this knowledge and actively recruited our top academy graduates, luring them away with the promise of avoiding lengthy jail assignments. The results: high quality individuals are lost to other agencies and the LASD is forced to lower its standards to meet its hiring needs. In addition, morale is very low as deputy sheriffs are forced to work lengthy jail assignments instead of working in patrol where they desire to be. **Low morale negatively impacts the performance of an employee and deputy sheriffs are no exception.** The key element in recruiting and keeping qualified deputy sheriffs is to maintain the highest hiring standards, minimize the

length of the assignment to the jails, and to get the deputy sheriffs into the positions that they desire to work: patrol and detective assignments.

In addition, the training of a new deputy sheriff is inefficient when they are confined to a jail assignment for an extended period of time. During the academy, deputy sheriffs are taught skills relative to patrol assignments such as arrest techniques, field tactical operations, and firearms training. Then, the new deputy sheriff is assigned to a jail for several years, some as long as 6-7 years. The perishable skills taught in the academy are lost after years spent in the jails.

Deputy sheriffs should spend a very limited amount of time in the jails, only long enough to acclimate to the criminal element and their behaviors, study criminal gang culture and tattoos, and learn about narcotics usage (e.g., injection/track marks). This period in the jails should be no longer than one year and should be viewed as an extension of their academy training to learn, and be around, the criminal element.

RECOMMENDATION: *The LASD should limit jail assignments for newly hired deputy sheriffs to one year or less. This would increase the quality of applicants, reduce the number of quality deputy sheriffs that leave for other police departments, improve morale of deputy sheriffs assigned to the jails, and reduce the loss of perishable skills learned during the academy training.*

JAIL TRAINING OF NEWLY ASSIGNED DEPUTY SHERIFFS

The problems described in the preceding section are compounded with the jail training for new deputy sheriffs. Many of these new deputies are young and impressionable with limited life experiences and have not previously faced difficult dilemmas and peer pressure like that faced in the jails. They are placed in a volatile jail environment and rely on the advice of other deputy sheriffs, many of whom have less than one year of experience themselves. This inexperience and lack of knowledge about jail operations by both the trainee and the training officer can lead to bad habits being formed and shortcuts being taken, or even more severe problems such as excessive uses of force and misconduct.



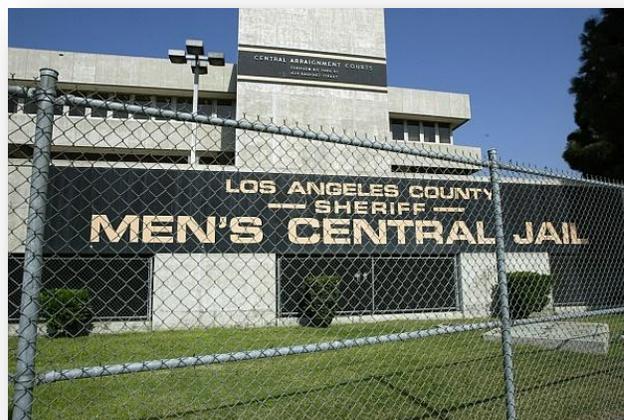
Newly hired deputy sheriffs should be transferred to patrol assignments within one year.



Improper training leads to cultural and systemic problems within the jails.

This flawed training process quickly multiplies into a systemic problem and becomes embedded into the jail culture. The newly trained deputy sheriff will not only believe that the use of excessive force is appropriate, but he/she will eventually train others in the same manner. It is not entirely the new deputy's fault as he/she is led to believe that this is normal and acceptable behavior within the jail environment. Before long, an entire section of the jail, or an entire jail facility, develops this practice of abuse and excessive use of force.

The LASD needs to place greater emphasis on jail training to prevent young deputy sheriffs from developing bad habits that are passed on from deputy sheriff to deputy sheriff. One solution would be to utilize more experienced jail staff as training officers and to continuously train personnel on department policies regarding uses of force and unacceptable behavior.



Greater emphasis needs to be placed on proper training by experienced jailers

RECOMMENDATION: *The LASD should stop the practice of using inexperienced deputy sheriffs as training officers. Training officers should be selected among qualified experienced deputy sheriffs **and custody assistants** and selected through a comprehensive process. Currently, the LASD does not utilize custody assistants for training of deputy sheriffs, even though the long-term custody assistants have far more knowledge and experience in custodial policies and procedures than newly hired deputy sheriffs. This is largely due to a belief that sworn staff (deputy sheriffs) are somehow superior to non-sworn staff (custody assistants).*

This sworn versus non-sworn problem permeates throughout the LASD and should be addressed by department executives; however, many executives (who are sworn) subscribe to this belief themselves, making changes very difficult. The LASD executives should acknowledge the skills and talents of the custody assistants and utilize these skills and talents for the betterment of the jail operations.

DEPUTY GANGS

Allegations of deputy gangs or gang-like cliques have been around for many years; however, the recent assault of fellow deputies at a Christmas party involving the "3000 Boys," a group of deputies assigned to the third floor at Men's Central Jail, has brought this issue to the forefront.

An in-depth analysis should be taken by the LASD into the evolution of so-called deputy gangs and how they contribute to excessive force in the jails. The media enjoys using the term "gangs" in describing these deputy groups, but it is important to make the distinction between criminal gangs and so-called deputy gangs. Deputy gang-like cliques are not based on criminal enterprise. They do not exist to commit crimes for personal gain. Their similarities to gangs are based more on the fellowship and camaraderie among peers. That's not to dismiss the harmful consequences from the existence of these gang-like cliques as evidenced by the attack by the 3000 Boys at the Christmas party and the abusive behavior in the jails.



“Sheriff Baca needs to ensure that his executives and managers are not encouraging, nor participating in, this type of behavior.”

The LASD should discourage any type of exclusive association or clique that requires permission from an individual or individuals to join, including deputy gangs/cliques, tattoos, or coin clubs. Sheriff Baca needs to ensure that his executives and managers are not encouraging, nor participating in, this type of behavior.

RECOMMENDATION: *The LASD should discourage the formation of deputy gangs/cliques, tattoos, and coin clubs with exclusivity requirements. The LASD should encourage camaraderie and department pride and enforce current policies in professionalism. Further, the LASD should re-institute regular briefings, and institute post-incident team briefings, to develop camaraderie around excellence.*

CIVILIANIZATION

In the early 1980s, the LASD conducted a study into civilianization of the LA County jails. **Studies showed that a stable workforce and experience through permanent jailers were beneficial for the effective operation of jails.** As a result, the LASD created a new civilian jailer classification, Sheriff's Custody Assistant. This new classification was to have no inmate contact and was simply to assist sworn deputy personnel in the jails. Over the decades, the custody assistants have performed exceptionally well, resulting in their responsibilities expanding to full inmate contact. Today, custody assistants do everything a deputy does in the jails except the duties where firearms are necessary (e.g., transportation of prisoners off jail property).

In the late 1990s, the LASD created a new classification of sworn deputy sheriffs known as modified deputies. These deputies went through a limited training academy and had limited police powers. The intent of this new classification was to allow a new sworn classification to work exclusively in the jails and receive less training than other deputies. Within a few short years, this program was declared a failure and cancelled. There were many problems with this new classification. These modified deputies were looked upon differently by other deputy sheriffs and

“Sheriff Baca recognized that the custody assistant program created a cost-effective, stable workforce and increased the experience level in the jails without the problems associated with the modified deputy program.”

treated as “2nd class” deputies. They were commonly referred to as “Steputies” because they were unable to achieve the final pay step due to their inability to go to patrol. There was no distinction in appearance between a modified deputy and other deputies, making it difficult for supervisors to know the training levels and capabilities of their deputy sheriff personnel.

Morale was low and conflict was more prevalent with the modified deputies, leading to an increase in hostile work environments and separation of classes among the employees. Although the intention to create a stable workforce and produce a permanent sworn component in the jails was admirable, the problems outweighed the benefits. Sheriff Baca recognized the problems with the modified deputy classification and ended the program. However, the custody assistant program continued and grew. Sheriff Baca recognized that the custody assistant program created a cost-effective, stable workforce and increased the experience level in the jails without the problems associated with the modified deputy program.



Custody assistants have proven to be effective in the LA County jails with a lower percentage of uses of force and administrative investigations.

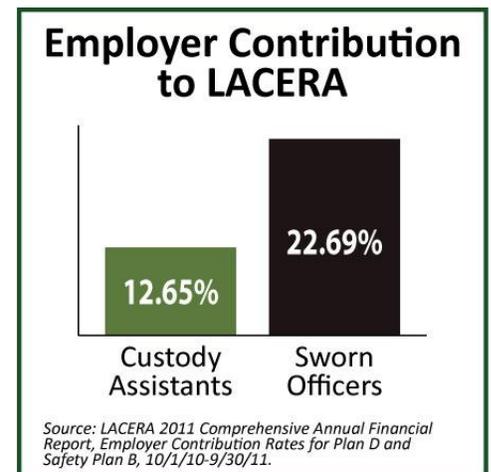
Due to the expansion of the custody assistant responsibilities and their effectiveness in the LA County jails, the LASD conducted a feasibility study in 2008 to examine the reclassification of custody assistants and overall increased civilianization of the jails. In October 2010, this committee produced an Executive Summary titled, *Reclassification & Civilianization Feasibility Study*, and recommended the following:

- Rename the Custody Assistant classification to Sheriffs Custody Jailer to more accurately reflect their duties.
- Create a rank structure for the Sheriffs Custody Jailer (Note: PPOA disagrees with the recommendations in the report to create ranks of sergeants and lieutenants for Custody Jailers as this would cause confusion and conflict with sworn positions of sergeants and lieutenants).
- Replace approximately 1,234 sworn deputy sheriff positions with Custody Jailers.

The advantages of reclassifying the custody assistants and overall increased civilianization of the jails were significant:

- Create a more stable workforce in the jails.
- Increase morale (both deputy sheriffs and civilian jailers).
- Make the department more inviting for recruitment of candidates.
- Create significant cost saving (\$12 million the first year, increasing to nearly \$60 million/year savings by the fifth year).

PPOA believes the *Reclassification & Civilianization Feasibility Study* underestimates the potential savings in their proposal. In discussing the report with its author, the savings mentioned in the report only covers the salary savings by converting 1,234 deputy sheriffs to custody jailers. It did not take into consideration the decreased cost in overtime expenditures, the reduction in pension costs and liability to the county, the reduction in training costs, and reduction in Worker's Compensation insurance. Any serious consideration to this proposal should include a comprehensive examination of these additional savings.



The Reclassification & Civilianization Feasibility Study does, however, outline challenges to implementing their proposal, but these challenges can be overcome. We addressed and examined each of the challenges outlined in the study. Our responses are listed below.

 Challenge: Board of Supervisors May Seize Savings from Sheriff's Budget

Response: The LASD is fearful that the County Board of Supervisors will reduce the LASD budget based on the savings created through the civilianization proposal. We have been told this is one of the main concerns by department executives. Although it may be appropriate to reduce the LASD budget if it is capable of operating more efficiently, we believe Sheriff Baca and the Board of Supervisors should look at ways of utilizing the savings to further improve public safety. In recent years, the LASD budget has been cut in excess of \$138 million.

With revenues declining and AB 109 expanding the role and responsibilities of the LASD, the cost savings could be used to restore services that were previously cut due to budget problems and to improve overall public safety.

This would include:

- Increasing patrol in the unincorporated areas of the county,
- Improving jail operations,
- Increasing medical staff and supervisors in the county jails, and
- Funding for additional staff related to AB 109.

We hope the Board of Supervisors will recognize that the LASD is underfunded and that these cost savings can be utilized to improve public safety in the county.

RECOMMENDATIONS: *The Board of Supervisors should allow the LASD to utilize the savings from this proposal to improve other areas of the jail operations, as well as improve public safety in the unincorporated areas of the county.*

 Challenge: Continuation of Savings

Response: The Reclassification & Civilianization Feasibility Study states, "Some agencies have experienced a loss in savings as their custody civilianization programs have evolved, mostly due to union negotiations for equal pay for equal work." However, it goes on to state that the LASD has not experienced this phenomenon with the custody assistant program and, in fact, the salary gap has widened between deputy sheriffs and custody assistants in recent years. PPOA is in agreement with the recommendation that salaries

between deputy sheriffs and custody jailers should not be compressed. The jobs should be separate and distinct in responsibilities. **PPOA is willing to sign an agreement to ensure that the salary gap between deputy sheriffs and the custody jailer career series be maintained.** By doing so, the issue of losing the continuation of savings will be mitigated.

RECOMMENDATIONS: *The LASD should meet with PPOA to reach an agreement to preserve the salary gap between deputy sheriffs and the custody jailer series.*

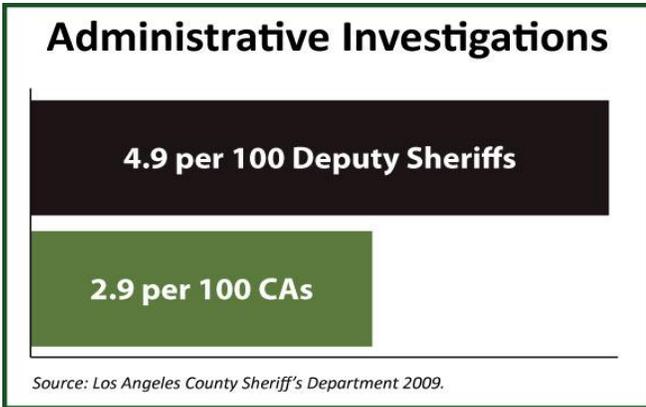
Challenge: Kern County Sheriff's Experience

Response: The Reclassification & Civilianization Feasibility Study references consultation with the Kern County Sheriff's Office in regards to their use of detention deputies in their jails. The primary reference is in regards to a loss of cost savings over time as the detention deputies secured safety retirement and salary increases that put them in line with their patrol deputy counterparts. Just as the use of modified deputies failed in LA County, the use of detention deputies failed in Kern County. Based on the LASD's own analysis, it is clear that creating a custody deputy, a sworn peace officer, is not the answer.

To the contrary, the use of civilian jailers has proven to be very effective in LA County. We attempted to compare the use of force statistics between sworn deputy sheriffs and custody assistants; however, the LASD claimed that these statistics are not comparable since deputy sheriffs are placed in more confrontational situations than custody assistants. We disagree. Today, the LASD uses custody assistants and deputy sheriffs interchangeably, with the exception of armed assignments (e.g. perimeter patrol, visitor parking and gate control at Pitchess Detention Center and transportation of prisoners off jail facilities). Custody assistants are used in high confrontation situations such as emergency response teams, special weapons deployment (non-lethal), and searching of inmates.

PPOA examined the alleged incidents of inappropriate conduct reported in the ACLU report and noted that of the 74 incidents, only two involved custody assistants. Of the two incidents, only one involved a use of force. Even though custody assistants are actively engaged in the daily operation of the jails and have full inmate contact, their uses of force are significantly lower than deputy sheriffs. This is a critical consideration in reducing inappropriate uses of force as it provides empirical evidence that allegations of excessive uses of force primarily involve deputy sheriffs.

“PPOA examined the alleged incidents of inappropriate conduct reported in the ACLU report and noted that of the 74 incidents, only two involved custody assistants.”



In addition, the Reclassification & Civilianization Feasibility Study provided a comparison of administrative investigations between deputy sheriffs and custody assistants and the data is quite revealing. For the calendar year 2009, "on-duty" and "off-duty" administrative investigations were opened at a rate of 4.9 investigations per 100 deputy sheriffs. In contrast, "on-

duty" and "off-duty" administrative investigations were opened at a rate of 2.9 investigations per 100 custody assistants. This data supports our conclusion that a professional civilian jailer series adds stability and consistent, long-term experience to the workforce.

Challenge: Department Budgeted Sworn Personnel Strength

Response: The Reclassification & Civilianization Feasibility Study noted that the replacement of some deputy sheriffs with civilian custody jailers would result in a reduction in overall sworn personnel strength of the department. Although true, this does not diminish the ability of the LASD to provide law enforcement services. In fact, it enhances it. The PPOA proposal would allow an increase in the number of sworn personnel to patrol the unincorporated areas of the county. It also allows new deputy sheriffs to be assigned to patrol within one year, further enhancing the patrol function of the LASD. Our proposal allows over 1464 deputy sheriffs to remain assigned to the jails who can be utilized in department-wide emergencies much more easily while custody jailers operate the County jail functions.

The goal of the LASD is to provide the best law enforcement services. The size of the sworn classification does not necessarily accomplish that goal. Placing the proper people in the proper job assignments is far more important than simply having a large quantity of deputy sheriffs.

Challenge: Creation of New Sheriff Custody Jailer

Response: The creation of a new classification series is complex and requires examination and approval of the County Chief Executive Officer. The conversion of custody assistants to the new custody jailer series should have been done when the duties and responsibilities of a custody assistant were expanded to more than just "assisting" deputy

sheriffs. Their duties today are more in line with a custody jailer series responsible for all jail functions.

In deciding if the creation of a custody jailer series is appropriate, the CEO should consider:

- The actual duties performed by current custody assistants.
- The additional duties that can be added for a new series of custody jailer.
- The cost savings over the creation of a custody/modified deputy classification.
- The cost savings compared to a career path in custody for regular deputy sheriffs.

We believe the CEO will conclude that the custody jailer series classification is not only appropriate to reflect the duties performed, but also much more cost effective than the current use of deputy sheriffs or the creation of a custody/modified jail deputy classification.

RECOMMENDATIONS: *The County should immediately conduct a classification study and authorize the creation of a new custody jailer series. This new classification will more accurately reflect the duties of LASD civilian jailers, create career opportunities within the classification, AND save the county significant personnel costs.*

Challenge: Law Enforcement Cost Model Implications

Response: The Reclassification & Civilianization Feasibility Study describes the impact of their proposal on the Law Enforcement Cost Model (LLCM), a complex accounting study to determine the rate charged to contract cities. The study states that the rate change is likely de minimis. We concur with the recommendation that a thorough examination should be conducted on the impact this may have on the LLCM.

Challenge: MOU with ALADS

Response: The current MOU with the Association of Los Angeles Deputy Sheriffs (ALADS) does not allow custody assistant totals to exceed 35% of the total staff in the jails. Our proposal benefits ALADS members greatly and increases officer safety for their members in patrol. Thus, we believe ALADS will see the benefit of our proposal since it will help their members get to patrol much quicker and increase their numbers in the unincorporated patrol areas. It is true; ALADS will see a slight decrease in their membership through the reduction of deputy sheriffs in

ALADS members will benefit greatly from this proposal. Deputy sheriffs will go to patrol within one year and officer safety will be increased with additional patrol deputies in unincorporated

the jails. But similarly to the previously mentioned concern about a reduction in sworn personnel strength, the benefit to their members and to the functionality of the LASD outweighs the concern over the size of the membership.

In 2010, PPOA was faced with a similar dilemma when PPOA facilitated the merger of the Office of Public Safety into the LA County Sheriff's Department. In the process, PPOA lost 320 members and ALADS gained 210 members based on the reclassification of the individuals who transferred over in the merger. Although PPOA lost members in the process, PPOA recognized that the benefits for these members and the benefits for the LASD were far greater than the decrease in membership. We hope ALADS will concur.

RECOMMENDATIONS: *The County should meet with ALADS to modify the existing MOU to allow for the increase in civilian custody jailers. The ratio of deputy sheriffs to custody assistants should be removed or modified in the MOU. The county should also meet with PPOA to modify the MOU involving the conversion of custody assistants to custody jailer classification.*

Challenge: Reduction in Number of Sworn Personnel to Respond to Emergencies

Response: This challenge is similar to the challenge regarding overall sworn personnel strength. The concept that a reduction in sworn personnel will negatively impact the department's ability to respond to emergencies is unsupported by the facts and historical evidence. First, the conversion of more deputy sheriffs to civilian jailers still allows over 1464 sworn deputy sheriffs to be assigned to the jails to carry out duties requiring armed peace officers and to handle emergencies. Second, when an emergency occurs department-wide, the LASD still has a responsibility to maintain jail security and provide for the safety of the prisoners. Increasing the civilian jailers allows the LASD to utilize the sworn personnel where they are needed most during emergencies, in patrol, while maintaining a fully operational jail system.

In the history of the LASD there has never been an emergency deployment from the jails of more than a few hundred deputy sheriffs. The LASD has handled catastrophic earthquakes, riots, and fires without the need for a large cadre of sworn personnel assigned to the jails. A reduction in sworn personnel assigned to the jails will not impact the department's ability to respond to emergencies.



Emergency situations require fully trained patrol deputies, not untrained custody deputies.

Challenge: Recruitment/Transition

Response: Recruitment and transition are mentioned in the Reclassification & Civilianization Feasibility Study study as challenges; however, they are easily overcome through a well thought out strategic plan. The recommendation to transition the plan over a five-year period is a good one. It is important to maintain a gradual change to minimize recruitment problems. We concur that the replacement of deputy sheriff positions should be accomplished through attrition. We do not advocate the laying off of any deputy sheriffs.

Challenge: Reduction in Opportunities for Sworn Personnel

Response: The concept of providing vast assignment opportunities for sworn personnel is neither fiscally responsible nor operationally effective. Sworn personnel should be utilized for jobs that require a law enforcement background and experience. Peace officers should not be assigned as computer technicians, budget analysts, or psychologists. Those jobs should be filled by specially trained civilians with expertise in those areas.

The Reclassification & Civilianization Feasibility Study describes a reduction in promotional opportunities due to the custody jailers having a rank structure, including sergeants and lieutenants. We disagree with the use of the rank classifications of sergeant and lieutenant for the custody jailers. Such use would cause confusion in a paramilitary organization where rank indicates supervisor and subordinate relationships and would cause further confusion between sworn and non-sworn personnel. We believe that custody jailers should use the bonus terminology to indicate those custody jailers with additional responsibilities such as training or administrative positions. They would be classified as Custody Jailer, Custody Jailer Bonus I, and Custody Jailer Bonus II. They would not have supervisory responsibilities over sworn personnel.

Challenge: Reconciling Supervisor / Subordinate Relationship

Response: As stated above, we do not advocate for the creation of a supervisory position for custody jailers. As stated in the Reclassification & Civilianization Feasibility Study study, such a structure (civilian supervision over sworn) would create many problems and require a change in the current organizational perspective. We recommend a career path for custody jailers that includes proper recognition and pay.

In conclusion, increasing civilianization of the jails offers many benefits. The LASD has already completed the study to increase the usage of civilian jailers in the LA County jails.

We concur with their analysis and agree with much of their recommendations. The success of the custody assistant classification over the past few decades has provided insight into the value of increasing their numbers to improve the quality of service in the LA County jails. We do not advocate for complete civilianization of the jails. There is still a role that sworn deputy sheriffs play in the custody environment. Sworn deputy sheriffs will still be needed to perform police functions as necessary.

It should also be noted that many of the arguments above would have been applicable to the conversion of the LASD patrol station jailers from deputy sheriffs to custody assistants many years ago. This conversion faced similar opposition and has proven not only to be successful, but a significant cost savings as well. Again, it is about putting the right employee classification into the right job assignments for that classification. It worked for the patrol station jailer position and it can work for the jail facilities as well.

RECOMMENDATION: *Increased civilianization of the jails can produce a considerable cost savings, which can be used to finance other important reforms to improve the level of service in the LA County jails. The reduction of deputy sheriffs in the jails and the creation of a professional civilian custody jailer series will create a more stable workforce, increase experience levels in the jails, and still maintain a cadre of sworn deputy sheriffs to handle emergency situations. We recommend that the LASD reclassify the custody assistant position to more accurately reflect their duties. They no longer "assist" and should be reclassified to Sheriffs Custody Jailer. In addition, the classification should contain a career path to include the positions of Custody Jailer Bonus I and Bonus II to reflect the responsibilities and duties performed. An added benefit to increasing the use of civilian jailers is the ability to reduce the amount of time a deputy sheriff spends in a custody environment. Deputy sheriffs should spend no more than one year in the jails before going to a patrol assignment.*

The operational culture of the jails needs to shift from custody personnel assisting deputy sheriffs to deputy sheriffs assisting custody personnel, and managed by sergeants committed to improving the custody division. The deputy sheriff's role in custody should be to handle peace officer related matters, such as transportation of prisoners, and should be looked at as an extension of training for newly hired deputy sheriffs. This requires a huge paradigm shift in how the LASD operates the largest jail system in the country. But based on current problems and allegations of misconduct and excessive uses of force by deputy sheriffs, it is time to seriously reconsider the effectiveness of the current system and look for viable alternatives to improve the efficiency of personnel.

SUPERVISION

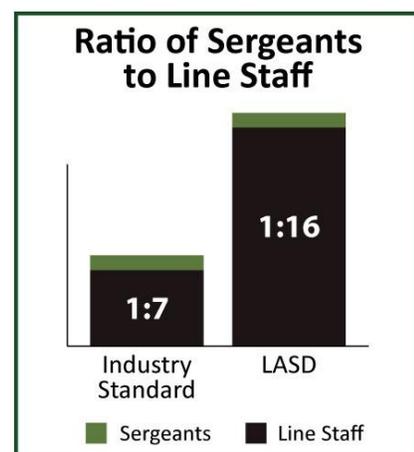
Some argue that supervision is the problem in the LA County jails and that supervisors are responsible for the unreasonable uses of force occurring in the jail facilities. We believe the problems with supervision involve a systemic and cultural problem as well as limitations placed on supervisors that reduce the effectiveness of supervision. These factors have adversely affected custody supervision:

- Increased workload and administrative collateral duties prevent direct supervision.
- Ratio of supervisors to staff is insufficient for proper supervision.
- Lower hiring standards increases problematic employees.
- Use of force investigations are time consuming.
- Administrative investigations for on and off duty misconduct are on the rise.
- Citizen and inmate complaints are increasing.
- Problematic transfer and assignment policy for supervisors.
- Change in culture of the population under public safety realignment (AB 109).

Sergeants, in particular, need to be out of their offices and directly supervising and mentoring their subordinates every day. The current structure of supervision in the jails prevents sergeants from walking the floors and interacting with their staff. The current ratio in the LA County jails of sergeants to staff is approximately 1:16.* This ratio is unacceptable. The International Association of Chiefs of Police reported the average span of control for supervisors and subordinates in law enforcement was 1:7 based on a survey conducted with 140 agencies reporting.** Although there is no industry standard and many variables could impact the ratio, we believe the highly volatile environment in the LA County jails, the allegations of inappropriate uses of force, and the high risk of litigation in the jails warrant a lower ratio of supervisors to subordinates in the LA County jail system.

**This ratio is based on current budgeted staffing levels for Custody Division and includes the ratio between sergeants and deputy sheriffs/custody assistants.*

***Data obtained from the October 2006 issue of The Police Chief, the official publication of the International Association of Chiefs of Police.*



The LA County jails are severely understaffed with supervisors.

RECOMMENDATION: *With the cost savings realized from the PPOA civilianization proposal, we recommend increasing the ratio of sergeants per staff member within jail facilities to industry standards. To accomplish this, LASD would need to increase the ratio from the current 1:16 to 1:7. We also recommend defining line sergeants and watch sergeants separately, and to regularly assign sergeants to one category. This will allow continuity, especially at the line sergeant position, and allow subordinates to interact with the same sergeants day in and day out. It would also aid in pinpointing any problems with supervision by identifying any sergeants who are not performing to standard.*

One of the problems affecting supervision is the transfer policy and assignment to Custody Division for sergeants and lieutenants. Currently, **a custody assignment is held in low regard and is avoided by most supervisors whenever possible.** Highly regarded supervisors or up-and-comers make every attempt to avoid custody assignments since it is looked upon as "lost" time for one's career and, once there, it is difficult to get out. There is currently no benefit in working a custody assignment. As such, many of the best supervisors and those who scored highly on promotional examinations avoid custody and go to patrol assignments upon promotions.

Department executives use custody assignments as unofficial disciplinary action to punish supervisor who are disliked by the executive. This practice degrades the good supervisors in the jails and unjustly labels them as poor supervisors, unmotivated supervisors, or disgruntled employees.

To compound the problem, department executives use custody assignments as unofficial disciplinary action to punish those who are disliked by the executive. Some may be sent to custody because they are viewed as poor employees and others may be good employees who are sent to custody simply because they are "out of favor" with executives or managers. The end result is the assignment of many supervisors to custody who do not want to be there. This method of assigning supervisors to a jail facility leads to unhappy supervisors, very low morale within the jails, and a higher ratio of poor supervisors in the jails. Unfortunately, this practice also degrades the good supervisors in the jails and unjustly labels them as poor supervisors, unmotivated supervisors, or

disgruntled employees.

This practice must be reversed and custody assignments must either be mandatory as a first assignment for newly promoted supervisors or must provide some career benefit such as additional credit towards further promotions. As previously stated, the LASD needs to place supervisors in the jails who want to be there, whether it be because of a promotional benefit or improved reputation of the jails. **Better supervision will be**

achieved with a more equitable process for assigning supervisors to the jails and an increase in morale.

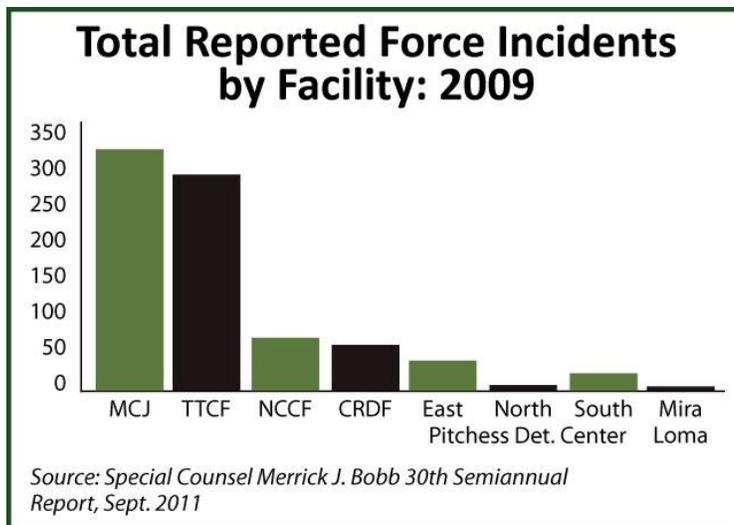
RECOMMENDATION: *The LASD should develop a written policy for promotions and first assignments for supervisors. It should also examine methods to improve the image of custody assignments and/or the value of custody assignments for future advancement within the organization. We recommend the LASD form a Labor Management Committee with PPOA to examine alternatives and solutions to the current problems involving supervision.*

USE OF TECHNOLOGY

The use of technology can certainly provide some assistance in improving the overall performance of the LA County jails. The use of cameras has already proven to be very beneficial in proving and disproving individual accounts of jail incidents. It has aided supervisors in investigations where accounts of an incident vary greatly between deputy sheriffs, civilian staff, and prisoners themselves. It has been shown to reduce uses of force in facilities outfitted with cameras. At East Facility, there are 89 cameras installed in the common areas of the facility. A comparison of uses of force per facility shows that East Facility is far below the average among LA County jail facilities. We believe the use of cameras is a major deterrent of excessive uses of force while also preserving an accurate account of any occurrence.

In a comparison between East Facility (with cameras) and Men's Central Jail (without cameras), use of force is 4 times greater at Men's Central Jail per inmate housed.

Based on reported uses of force by facility for 2009 as reported in PARC 30th Semiannual Report and current inmate populations at Men's Central Jail and East Facility.



Cameras are not the "end all, be all" solution and should only be considered a tool in a thorough investigation. They do not capture all the angles of an incident, nor do they capture the elevated emotions of an incident. Cameras without audio capabilities also do not capture important dialogue preceding and during uses of force.

The LASD uses cameras in a very limited capacity within the jail facilities and should consider expanding their use. Ideally, cameras should be installed in all areas where staff and prisoners have contact: dorms, cells, hallways, etc. Cameras should not be installed in areas where privacy is appropriate such as staff locker rooms, bathrooms, or showers where no inmate contact occurs. Cameras should record data 24/7 and be preserved for a minimum of 90 days to allow for retrieval in cases of allegations of misconduct or use of force investigations. A longer period of preservation is preferable, but may not be possible due to the large number of cameras utilized. Cameras should be equipped to capture both audio and video and have reasonable resolution to identify individuals as well as possible objects in the hands of the officers or inmates.

The cost of such a proposal would normally be prohibitive; however, the proposal outlined in this report makes it possible due to savings created from the civilianization of the jails.

RECOMMENDATION: *The LASD should conduct a cost analysis to outfit each individual jail facility with cameras with audio and video capabilities. These cameras should be installed in all common areas of the jail where jail staff have contact with prisoners. Based on the cost analysis, the LASD should utilize the cost savings from the PPOA proposal to begin installation starting with the facilities with the highest uses of force, Men's Central Jail and Twin Towers Correctional Facility.*

CUSTODY FORCE INVESTIGATION TEAMS

The creation of specially trained Custody Force Investigation Teams would resolve several problems:

- Create consistent and thorough investigations.
- Remove allegations of collusion by having uninvolved supervisors conducting the investigations.
- Alleviate line supervisors from handling investigations, allowing them more time to directly supervise line staff.

Following the recent allegations of excessive uses of force, the LASD instituted a similar Force Investigation Team; however, **the team is currently unfunded** and it is undetermined if they will handle force investigations or simply assist local supervisors in investigating force incidents. PPOA believes it would be more beneficial to remove the investigative responsibility from line

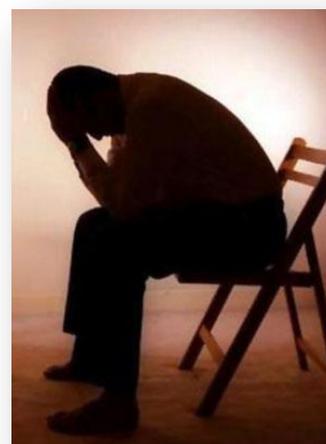
“PPOA believes it would be more beneficial to remove the investigative responsibility from line supervisors and have specially trained, experienced, uninvolved supervisors handle the investigations.”

supervisors and have specially trained, experienced, uninvolved supervisors handle the investigations. This would permit the line supervisors to concentrate on direct supervision of their subordinates and would remove any allegations that the supervisors are in collusion with staff in covering up inappropriate uses of force.

RECOMMENDATIONS: *The LASD should develop a policy identifying what uses of force are to be handled by a Custody Force Investigation Team. Unit line supervisors would handle immediate supervision of a force scene and complete a memorandum regarding his/her actions. The LASD should create North and South Custody Force Investigation Teams and split LA County into two regions. Each team should consist of an adequate number of sergeants to be able to respond in pairs to any use of force assigned to the Custody Force Investigation Teams. The funding for these teams would be provided from the cost savings from instituting the civilianization recommendations in this report.*

MENTAL ILLNESS AND TREATMENT

The handling of mentally ill inmates has drawn attention in the discussion on uses of force by deputy sheriffs. Many of the deputy-on-inmate incidents reported have involved mentally ill inmates, both in mental health housing and in general population. Custody assistants, deputy sheriffs, and sergeants have minimal training on how to assess and react to the aggressive, erratic, and manipulative behavior of mentally ill inmates.



Creating a stable workforce of custody jailers who have received, and continue to receive, adequate training as proposed by PPOA could significantly increase the efficiency in dealing with mentally ill inmates and reduce staff-on-inmate incidents.

Further, there are simply not enough beds to house the mentally ill inmates leading to the declassification of inmates to general population, and there are not enough options in the segregated housing that will allow for better control of the mentally ill inmate population.

Finally, the implementation of a permanent custody jailer career series would provide a stable workforce of properly trained staff who understand and manage individual inmate behaviors, and to serve as the “eyes and ears” of Mental Health staff so that they can

adequately maintain order in the jails.

RECOMMENDATIONS: The LASD should increase dedicated space in the jails for prisoners with mental illness and increase training for staff related to the special handling needs for those suffering from mental illness. In addition, we recommend adding specially trained medical staff to provide better care for mentally ill prisoners. The funding for these recommendations would be provided from the cost savings from instituting the civilianization recommendations in this report.

UNINCORPORATED PATROL INCREASE

With the budget cuts and reduction in staffing levels, along with the requirement to staff contract cities in accordance with their contracts with LASD, the patrol services in the unincorporated areas of the county have been drastically affected. Many areas receive little to no proactive enforcement and deputy sheriffs respond only when a call for service is requested. Officer safety becomes a factor in the unincorporated areas where one-person patrol cars are common and no back up exists. In emergencies, deputies assigned to contract cities will respond, but their response



Increased patrol in unincorporated areas will improve public safety as well as officer safety.

“With the cost saving from the implementation of the civilianization of the jails proposed in this report, additional patrol deputies can be added to the unincorporated areas at no additional cost.”

times are extended. When this occurs, the contract cities are deprived of their contracted patrol services as well and must be repaid.

With the cost savings from the implementation of the civilianization of the jails proposed in this report, additional patrol deputies can be added to the unincorporated areas at no additional cost. Better law enforcement services can be provided to the citizens in the unincorporated areas who have historically received a decrease in services during budgetary crises.

RECOMMENDATIONS: The LASD should conduct a study of patrol services currently provided to the unincorporated areas of the county and note the deficiencies and cuts in services. Based on the cost savings from the PPOA proposal, the LASD and the Board of Supervisors should agree on an increase in patrol services to provide adequate public safety services to the unincorporated areas of the county.

ANALYSIS OF OTHER PROPOSALS

The LASD formed a Commander Management Task Force to evaluate the jail issues and is in the process of developing several solutions. Many of these solutions do not address the root problems of custody and some of the solutions actually exacerbate the problems. PPOA stands ready to review those solutions and to work with the county and the LASD – as well as other impacted unions – to help achieve realistic solutions that will help resolve the costly and dangerous conditions that exist in the County jails.

The following are a few of the recommendations from the Commander Management Task Force (CMTF):

CMTF Recommendation: Creation of a Core Values Policy

Analysis: The LASD has proposed the creation of a custody core values policy consistent with the department's current core values statement that includes specific examples of behavior inconsistent with the core values of the department. For many decades, the department has had a Core Values Statement:

As a leader in the Los Angeles County Sheriff's Department, I commit myself to honorably perform my duties with respect for the dignity of all people, integrity to do right and fight wrongs, wisdom to apply common sense and fairness in all I do and courage to stand against racism, sexism, anti-Semitism, homophobia and bigotry in all its forms.

This mantra has been ingrained in every department member since they were first hired. Over the years, despite having a Core Values Statement, these values have been diminished by unethical leadership that espouses the mantra but acts contrary to those values. When managers and executives fail to act in accordance with the Core Values, subordinates follow suit and disregard the Core Values themselves, thus rendering a Core Values Statement useless. We support the concept of core values, but strongly encourage Sheriff Baca to enforce the Core Values with his command staff and encourage them to lead by example. The rippling effect will improve behavior in the rank and file, improve morale, and instill faith in the department's Core Values as intended. Placing words on a piece of paper in the form of a policy is meaningless without action and support by leadership.

“We support the concept of core values, but strongly encourage Sheriff Baca to enforce the Core Values with his command staff and encourage them to lead by example.”

CMTF Recommendation: Changes to the Use of Force Policy

Analysis: The LASD is proposing changes to its use of force policy. The purpose of these changes is to discourage inappropriate uses of force as well as detail proper and improper actions that may lead to a use of force. We support the changes in policy, but caution the LASD in creating a policy that hampers department members from using reasonable and appropriate uses of force. The job requirements of LASD staff in the jails is a dangerous one and the application of force is sometimes necessary. The LASD must walk a thin line to ensure they do not create an overly restrictive policy causing staff to fail to take action in the use of appropriate force resulting in injury or death of staff or the inmates in their care. Critically, whatever force policies are ultimately implemented, deputies, custody assistants, and sergeants must all be fully trained on the policy, and whenever an incident occurs, a thorough debriefing must occur within that unit so that all team members can learn from the experience.

It is our recommendation that the LASD create a single force policy that is applicable to custody as well as patrol. Instituting two separate policies is problematic and confusing to employees. It also creates problems in the future when one policy is modified and the other is not, causing these policies to conflict with one another.

CMTF Recommendation: Rotation of Assignments

Analysis: The LASD implemented a mandatory rotation of assignments for deputy sheriffs and custody assistants assigned to the jails. The purpose was to reduce cliques from forming and to reduce deputy sheriffs forming their own "floor culture." This was in direct response to the information about the "3000 Boys" at Men's Central Jail. The mandatory rotation of deputy sheriffs is not only inefficient, it is not likely to prevent inappropriate uses of force or "floor culture" from forming.

This policy does not address the root problem: the inappropriate conduct of some deputy sheriffs. The LASD should focus on ensuring that ALL employees conduct themselves in accordance with the LASD Core Values and department policies. This should be handled through improved hiring practices, greater supervision, and instilling a sense of professionalism in the employees. When problematic employees are identified, they should be dealt with appropriately, not transferred around to another jail facility. Such transfers only spread the problem around to other facilities like a cancer.

Rotation of personnel doesn't appropriately deal with problem employees; it only moves them around to infect other areas of the jail.

The rotation of personnel gives the appearance of addressing the problem, but it really only masked the real issue: dealing with inappropriate employee conduct. The PPOA proposal to move deputy sheriffs to patrol within one year would also render this policy unnecessary.

CMTF Recommendation: Two-Tiered Custody Deputy Career Path

Analysis: The LASD has proposed a two-tiered custody deputy career path whereby deputies can choose a career path in the jails or a career path elsewhere (e.g., patrol, detectives, courts). If they choose a career path in the jails, they would be permitted to promote through custody up to the rank of chief; however, they would only be allowed to do so while remaining in Custody Division. If they change their mind and desire to work elsewhere after being promoted, they would be required to demote to deputy and work their way back up through the ranks in another division.

This proposal has serious flaws and we are deeply concerned with the current "fast-track" pursuit of this proposal. **We were particularly surprised since Sheriff Baca previously dismantled the modified deputy program, a program similar to this one, and expanded the custody assistant program.** This proposal will have a long-term damaging effect on the organization that will be difficult to recover from once implemented. Some of the more obvious problems include:

- **Creates an ineffective use of training.**
- **Increases personnel costs and County pension contributions.**
- **Limits skill sets and knowledge.**
- **Limits career opportunities.**
- **Creates a compaction problem between supervisor and subordinate salaries.**
- **Increases costs to conduct multiple promotional examinations.**
- **Exacerbates use of force problem.**
- **Creates caste culture among deputies.**

The two-tiered custody deputy career path proposes to have the new custody deputies attend the full sheriff's academy, though much of what is taught in the full academy is inapplicable to the custody environment. Currently, upon graduating the full academy, deputies must also attend an eight day custody training course to prepare them for a custody assignment. This is not the case for custody assistants who receive their custody training

"The Sheriff's proposal is far more costly than the PPOA custody jailer career series proposal and provides no measurable benefits."

during their academy. The academy training curriculum for these two employee classifications further demonstrates that deputies are primarily trained for patrol assignments and custody assistants are trained for custody assignments. To send a two-tiered deputy through a full academy that concentrates on patrol functions is an ineffective use of training. In fact, over time, these "permanent" jail deputies will lose their perishable police skills simply from lack of use working as jailers in the LA County jails. We again reiterate that deputy sheriffs should be utilized as peace officers and custody assistants should be utilized as jailers.

During testimony at the Board of Supervisors' meeting on February 14, 2012, Sheriff Baca reported that this plan is cost neutral. We disagree. Although the proposal does not increase the total number of deputy sheriffs assigned to the jails, the salary levels are altered with the two-tiered custody deputy structure. The LASD proposal moves new deputy sheriffs with the lowest paid salary levels out of the jails and replaces them with long-term, more experienced deputy sheriffs who will be at higher paid salary levels. With the tremendous amount of overtime being expended in the jails, this cost could be significant. The Sheriff's proposal is far more costly than the PPOA custody jailer career series proposal and provides no measurable benefits. In fact, in the 31st Semi-Annual Report by Special Counsel Merrick Bobb, published in May, 2012, Mr. Bobb stated, *"It is not in the interest of the County to pay for an artificially high number of deputies rather than lower-paid custody assistants."*

Creating a class of custody deputies severely limits the skill sets of the custody deputy and even more so for supervisors who promote and remain in the jails. As previously stated by the LASD, the reason for having a large number of sworn deputies in the jails is to provide a cadre of deputies for emergencies, such as riots and earthquakes. The problem with this argument is that these custody deputies will have no patrol experience and will have lost any perishable skills needed to be effective in a patrol environment, which will be compounded in an emergency situation. Such deputies should not be placed in such critical situations – one of the major problems with the now defunct modified deputy program.

The situation is even worse for supervisors. In an emergency, these supervisors could be called upon to lead deputies in difficult tactical situations when emergencies strike. Their lack of patrol knowledge and experience could be devastating and lead to loss of life for deputies and as well as the public at large. The liability to the County to place untrained, inexperienced deputies and supervisors in field situations in emergencies should be taken into account in the evaluation of

"The liability to the County to place untrained, inexperienced deputies and supervisors in field situations in emergencies should be taken into account in the evaluation of this proposal."

this proposal.

This proposal also limits career opportunities for anyone who selects to follow a career path in custody. Unlike custody assistants who are hired specifically to operate the jails, deputy sheriffs have a plethora of opportunities beyond the jails: patrol, detectives, and administrative assignments. Choosing a career path in the jails would severely limit one's options. This is why **82% of supervisors said they would not choose to permanently remain in custody if provided the opportunity.** This survey was conducted by the LASD and included in their Dual Track Career Path Feasibility Study.

Another issue of concern is the compaction between supervisor and subordinate salaries outlined in the LASD proposal. It is more likely under this proposal that a tenured two-tiered deputy receive a higher salary than a newly promoted supervisor. Los Angeles County Code provides that supervisors receive at least \$1 more than deputy sheriffs they supervise. Under this proposal, there would likely be an unforeseen cost due to the requirement to pay supervisors more than the subordinates they supervise.

This proposal also requires that a separate and distinct promotional exam be prepared for those wanting to promote in the jails. The proposal permits patrol certified personnel to be allowed to test for custody positions and this new examination process could be quite costly. Costs would certainly be significant for the preparation, administration of, scoring and appeal processes for this separate examination.

One area that the LASD seriously overlooked in the creation of this proposal is the fact that the alleged inappropriate uses of force documented by the ACLU and other oversight organizations was largely committed by deputy sheriffs. To add even more long-term deputy sheriffs into the jails seems contrary to addressing the problem. Decreasing the time deputy sheriffs spend in the jails should be the goal. Again, deputy sheriffs are primarily trained and desire to work patrol, not jail assignments.

The creation of a custody deputy would undoubtedly create a caste problem within the LASD. There would likely be an increase in hostile work environments and a separation in classes as a result of the new classification of deputies.

Much like the modified deputy program, the creation of a custody deputy would undoubtedly create a caste problem within the LASD. The return of labels such as "Steputies" will rise as fully trained patrol deputies frown upon the custody deputies who have limited experience (i.e., not patrol trained). As previously stated, there will likely be an increase in hostile work environments and a separation in classes as a result of this new classification of deputies. We would all like to believe that this would not happen, but we can rely on historical evidence to show that it will, despite any efforts to prevent it. This caste system, along with the

lengthy assignment to the jails and potential pay differential, will unavoidably drive some of these custody deputies to seek employment with other California police agencies. These deputies will take their POST Certification and find jobs with higher pay and without the problems within LASD. In essence, LASD will incur the training cost for other agencies as custody deputies seek more rewarding jobs elsewhere.

The two-tiered custody deputy career path proposal has all of the problems outlined above and really doesn't address the root problem in the LA County jails. Custody assistants are hired to maintain a secure jail environment and choose this as their career path at a much lower cost than fully-trained deputy sheriffs. Deputy sheriffs become deputy sheriffs to arrest and put criminals in jail. The LASD should match the job duties with the right classification of employees.

CMTF Recommendation: Mandatory Two-Year Assignment for Supervisors in the Jails

Analysis: The LASD has instituted a new policy mandating that newly assigned supervisors remain at their jail assignment for a minimum of two years, replacing the previous mandate of one year. This policy change is intended to create greater stability and experience in the jails. The LASD has missed the mark by hastily creating this policy without evaluating the supervision issues in the jails. The LASD advised PPOA they had no empirical evidence to indicate that supervision problems were linked to tenure. In fact, the tenure of current sergeants and lieutenants assigned to jails is approximately 38 months. Based on current data, this policy change would have no effect in creating greater stability and experience in the jails. If the LASD believes supervisors are not performing to standards, regardless of tenure, the LASD should handle it as a performance problem and correct the behavior rather than force the supervisor to work in the jails longer.

The average length of time in custody for sergeants is currently 38 months. A mandatory two-year assignment will not resolve the supervision problem. The LASD must address the supervision problems as described elsewhere in this report.

This two-year mandatory assignment of supervisors actually creates a bigger problem for the LASD. We previously stated how department executives have used custody as a disciplinary assignment to unofficially punish some supervisors.

This increase to a two-year mandatory assignment would allow department executives to continue to utilize custody assignments as punishment against some supervisors for an even longer period of time.

That action would decrease the effectiveness of supervision in the jails through decreased morale among supervisors. To force supervisors to stay even longer is NOT the solution.

The LASD should focus on changing the perception of custody and to provide incentives to work in the jails. Such changes would improve morale and would result in high quality supervisors desiring to work the jails. PPOA recommends the LASD rescind this policy of mandatory assignment and opt for the more positive approach of improving the value and image of working a custody assignment. It would certainly be better to have supervisors who want to work in custody as opposed to those who are forced to work there.

CMTF Recommendation: Personal Video Recording Device

Analysis: The LASD plans to implement an evaluation of several personal video recording devices. These recording devices would be worn by LASD staff in the jails to record volatile incidents between staff and inmates. This proposal is less effective than a stationary video and audio recording system.

Personal (Body Worn) Video Recording Devices – Disadvantages

- Worn on the body and susceptible to poor quality recording during altercations (e.g., shaking, poor focus).
- Audio capability is not feasible, so it will be impossible to capture a real understanding of the incident.
- Captures only images based on position of staff person wearing the camera. If the staff person is on the ground, the camera will likely capture only an image of the ground. If the staff person is engaged in a fight, but not facing the inmate, recording will not capture the incident. If the inmate and staff move around (as would be typical in an altercation), the recording may or may not capture critical images.
- Must be activated by the staff person in "anticipation" of an altercation. This will result in pre-incident information not being captured on video. It will also result in many incidents not being captured at all due to staff error, which would be expected during elevated stress situations.
- Staff acting inappropriately will not activate the device and, therefore, inappropriate actions will not be captured on video.
- Susceptible to breakage during a fight and unnecessary wear and tear from daily usage.

Stationary (Permanently Mounted) Video/Audio Recording Devices – Advantages

- Not susceptible to motion of staff during altercation.
- Captures entire altercation regardless of position of staff.
- Does not require activation by staff.
- Always recording thus capturing critical pre-incident data.
- Less susceptible to damage.



Mounted cameras are far more effective than body worn cameras

In addition, the use of body worn recording devices increases the likelihood of other problems unrelated to uses of force between staff and inmates. These devices could be activated in inappropriate locations including staff locker rooms and bathrooms or during private conversations in violation of privacy laws. They could also be used to harass or to capture sexually inappropriate images common with today's cell phone cameras and other handheld recording devices. The implementation of even an evaluation period will subject the LASD and the County of Los Angeles to unnecessary litigation.

Another problem with body worn recording devices is the recording for inappropriate reasons including profit. When Paris Hilton was in custody, the LASD banned all cellular phones inside the jails to prevent the temptation to photograph Miss Hilton and sell the photo to the media. Body worn recording devices face a similar problem and may be used to photograph celebrities in the jail for profit.

CMTF Recommendation: Change in Policy Regarding Flashlights

Analysis: In response to allegations of excessive and inappropriate uses of force, the LASD is considering changing the flashlight requirements to reduce the size and material of all flashlights used by staff in the jails. Statistically, we have been told by the LASD that flashlights account for less than 5% of all uses of force in the jails.

The reduction in the size of the flashlights will not reduce any abuses of force in the jails. What this policy does is remove a valuable self-defense tool for staff in dealing with dangerous and violent prisoners. It exposes staff to greater harm or even death at the hands of inmates as well as forces staff to resort to using other self-defense tools such as batons and Tasers®. With the change in policy, the LASD can expect the usage of these other self-defense weapons to increase as well as an increase in staff and inmate injuries.

Address the behavioral problems of specific employees rather than take away a valuable officer safety tool.

The flashlights are not inherently bad. The inappropriate usage of a flashlight is bad. The LASD should focus on the "inappropriate" usage of flashlights and address the conduct of staff rather than take away a valuable tool that protects staff and minimizes force against prisoners.

SUMMARY OF RECOMMENDATIONS

The LASD must address the issues in their jail facilities and must acknowledge the problems before it can ever start to attempt to find resolutions. We have outlined how the lengthy assignment of new deputy sheriffs to the jails is problematic and we have outlined how the increased use of civilian custody jailers would improve efficiency and decrease excessive uses of force and misconduct. We have outlined the cost savings associated with this proposal and provided recommendations on using this cost saving to improve supervision, install cameras, improve mental health care, and even improve patrol in unincorporated areas.

Fiscal Analysis of the PPOA Plan

	<u>Civilian Custody Asst.</u>	<u>Deputy Sheriff with Adv. POST</u>
Base Pay	\$ 55,303	\$ 88,389
LACERA Employer Normal Contribution*	\$ 6,996	\$ 20,055
Other benefits & payroll costs**	<u>\$ 17,850</u>	<u>\$ 18,330</u>
Total	\$ 80,148	\$ 126,774
# of Staff	<u>1,234</u>	<u>1,234</u>
Cost	\$ 98,902,822	<u>\$ 156,438,738</u>
Savings from civilianization:		\$ 57,535,916

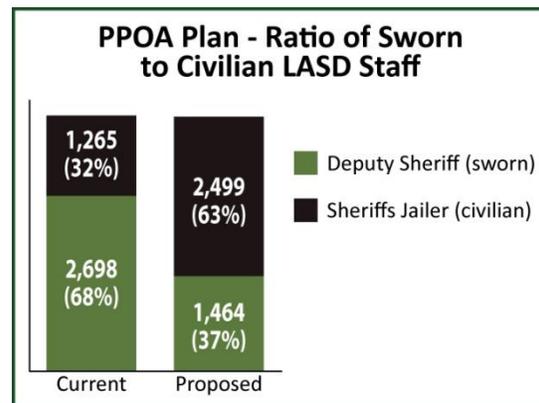
**Source: LACERA 2011 Comprehensive Annual Financial Report, Employer Normal Contribution Rates for Plan D and Safety Plan B, 10/1/10-9/30/11.*

***Source: Los Angeles County Chief Executive Officer. Calculation based on 2012 Choices contribution at the 3-party rate.*

Under the PPOA plan, 1,464 deputy sheriffs will remain in custody.

Overview of Recommendations

1. Reclassify the current custody assistant position to Sheriffs Custody Jailer to more accurately reflect their duties. Create a career path and professionalize this classification through the use of Bonus I and Bonus II levels for those custody jailers with added responsibilities such as training and administrative responsibilities.
2. Convert 1,234 deputy sheriff positions in the LA County jails to Sheriff Custody Jailer positions through attrition of deputy sheriffs and increased hiring efforts for the custody jailers. The custody jailers would then fill the vacated deputy sheriff positions at significant cost savings.
3. Increase the ratio of sergeants and lieutenants to staff personnel to be more aligned with industry standards.
4. Develop a transfer policy for the jails and stop the use of custody assignments as punishment. Implement new policies related to jail assignments/experience to place value in working a custody assignment. Such policies could include mandatory custody experience for promotional purposes or additional credit for jail experience in promotional examinations for lieutenant and captain.
5. Install cameras with audio and video capabilities in the primary areas where staff/inmate contact occurs in all of the jail facilities.
6. Create North and South Custody Force Investigation Teams to handle specified use of force investigations. These teams should consist of sergeants with experience and training in custody force policies and investigations.
7. Create a policy discouraging deputy gangs/cliques, tattoos, and coin clubs.
8. Increase designated areas of the jails for mentally ill inmates to prevent mentally ill inmates being assigned to general population. These areas should be staffed with specially trained custody jailers, deputy sheriffs, and sergeants.
9. Increase medical staff for mental illness and improve initial screening for mental illness upon incarceration.
10. Increase patrol items for patrol in unincorporated areas of the county where police services have been curtailed due to budget cuts.



**All of these recommendations can be accomplished
at no additional cost to the current budget!**

We conducted a thorough review of the LASD proposals and outlined their strengths and deficiencies. We recommend the LASD take another look at their proposals and truly analyze if they achieve their goals to reduce jail violence, to increase accountability, and to improve supervision. The LASD has worked hard in developing solutions and we commend them for their effort; however, many of the recommendations fall short of addressing the problems. PPOA has developed solutions and recommendations and prepared this report to afford the LASD with a different perspective. It is our hope that the LASD will review this report and recognize the valuable recommendations contained herein.

CONCLUSION

Complaints about the LA County jails have existed for decades. Due to recent publicity involving jail violence and deputy misconduct, the LASD is currently working on "solutions" that fall short of the mark and avoid the root problems. The LASD is focused on making minor policy changes, but policies are not the issue. Failure to follow existing policies is the problem. The LASD is focusing on the creation of a new custody deputy career path, but the concept is extremely costly and, again, does not address the root problems. In fact, it quite possibly makes it worse. Their proposal generates significant costs with no recommendations on how to fund these proposals.

The funding revenue generated from this proposal will finance other necessary reforms to improve jail operations and law enforcement services in general.

In contrast, PPOA's proposal expands the use of custody jailers, a more appropriate classification for custody operations, places deputy sheriffs in patrol much more quickly, and creates a significant cost savings that can be used to install cameras, improve mental health services, and expand public safety services in the unincorporated areas of the county.

We hope Sheriff Baca, the Board of Supervisors, the ACLU, and other organizations will review our recommendations and provide feedback to PPOA. Together, we are confident that the issues can be addressed effectively and the jail environment will be better – for prisoners as well as for staff.