

# Los Angeles County Sheriff's Department

Audit and Accountability Bureau



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## USE OF FORCE AUDIT

CUSTODY OPERATIONS –  
CUSTODY SERVICES DIVISION –  
SPECIALIZED PROGRAMS –  
TWIN TOWERS CORRECTIONAL  
FACILITY

Project No. 2021-1-A

July 7, 2021

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

**USE OF FORCE AUDIT – CUSTODY OPERATIONS  
CUSTODY SERVICES DIVISION – SPECIALIZED PROGRAMS  
TWIN TOWERS CORRECTIONAL FACILITY  
Project No. 2021-1-A  
AUDIT REPORT**

**PURPOSE**

The Audit and Accountability Bureau (AAB) conducted the Use of Force (UOF) Audit – Custody Operations – Custody Services Division – Specialized Programs – Twin Towers Correctional Facility (TTCF) under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) and the TTCF complied with the Manual of Policy and Procedures (MPP), Custody Division Manual (CDM), and provisions of the Monitoring Plan and Compliance Measures<sup>1</sup> required by the Rosas Settlement Agreement<sup>2</sup> regarding the management, reporting, and overall evaluation of UOF incidents involving TTCF inmates.

The AAB conducted this audit under the guidance of the Generally Accepted Government Auditing Standards.<sup>3</sup> The AAB determined the evidence obtained was sufficient and appropriate to provide reasonable assurance for the results based on the audit objectives.

**BACKGROUND**

Following allegations of excessive UOF by Department personnel in the Los Angeles County Jails, the Citizens' Commission on Jail Violence (Commission) was mandated in October 2011, by the Los Angeles County Board of Supervisors, to conduct a review of the nature, depth, and cause of UOF in the jails. As a result of the review, the Department agreed to implement several recommendations regarding the Department's UOF policy and procedures which were outlined in the Report of the Citizens' Commission on Jail Violence dated September 2012.

In September of 2014, the Department entered into the Rosas Settlement Agreement to address UOF incidents and inmate injuries within the Los Angeles County jails. The Rosas Settlement Agreement called for the development of an action plan entitled "Monitoring Plan and Compliance Measures" that was designed to ensure that inmates are not subjected to excessive force in the Los Angeles County jails. As a result of the Rosas Settlement Agreement and the development of the action plan, changes were made to Department policies and procedures addressing UOF.

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<sup>1</sup> Revised Monitoring Plan and Compliance Measures, December 2018.

<sup>2</sup> Rosas v. Sheriff, 2:12-CV-000428 (C.D. Cal.), September 2014.

<sup>3</sup> United States Government Accountability Office, Government Auditing Standards, July 2018.

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**METHODOLOGY**

**Scope**

The audit encompassed five main objectives to ensure compliance with the MPP, CDM, and provisions<sup>4</sup> of the Monitoring Plan and Compliance Measures related to UOF prevention, categorization, reporting, interviews, and investigations.

- Objective No. 1 – Use of Force Prevention – To determine if Department members intervened in an effort to de-escalate, control, stop, or prevent the UOF.
- Objective No. 2 – Use of Force Categorization – To determine if the incidents were appropriately categorized.
- Objective No. 3 – Use of Force Reporting – To determine if all Department members that were involved in, directed, assisted with, or witnessed the incidents submitted written reports as required. In addition, to determine if the incidents were entered into the Preliminary Data Entry (PDE) system<sup>5</sup> and the electronic Line Operations Tracking system (e-LOTS)<sup>6</sup> within the mandated timeframes.
- Objective No. 4 – Use of Force Interviews – To determine if inmates and attending physicians were interviewed as required and if photographs and/or video recordings were taken of Department member injuries related to the incidents.
- Objective No. 5 – Use of Force Incident Investigations – To determine if a non-involved supervisor completed each UOF incident investigation and if they were submitted for review and approval to the Unit Commander, Division, and Discovery Unit within the mandated timeframes.

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<sup>4</sup> The provisions of the Monitoring Plan and Compliance Measures evaluated for this audit are encompassed in the MPP and CDM section stated as the criteria in the Audit Objectives and Results section of this report.

<sup>5</sup> The PDE system provides an initial data entry point where key Service Comment, Force, Investigation, Traffic Collision, Custody Complaint, and Special Conditions information is entered.

<sup>6</sup> The e-LOTS is a tracking application that enables Department facilities and stations to track the progress of certain types of projects or incidents such as UOF, ongoing inmate complaints, and traffic collisions.

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**Audit Time Period**

The audit time period was from January 1, 2020, through March 31, 2020.

**Audit Population**

All TTCF's Category 1, 2, and 3 UOF incident investigations completed during the audit time period were included in the population and reviewed.<sup>7</sup> For purposes of this audit, Category 1 and 2 UOF incident investigations were considered completed when received by the Discovery Unit. Category 3 UOF incidents were considered completed when the investigations were finalized by the Internal Affairs Bureau (IAB). Auditors identified and reviewed all 44 Category 1, 13 Category 2, and 1 Category 3 UOF incidents.

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<sup>7</sup> Custody Operations Directive No. 17-006, Handling Non-Categorized Incidents (NCI), describes NCIs as low level UOF incidents where there is no injury or complaint of pain from the inmate. NCIs include resisted hobble applications, resisted searching and handcuffing techniques, and resisted firm grips, control holds, come-alongs, or control techniques. NCIs were not within the scope of this audit.

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**AUDIT OBJECTIVES AND RESULTS**

**Objective No. 1 – Use of Force Prevention**

**Objective 1(a) – Determine if Department members attempted to de-escalate the incidents.**

Criteria

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

*...Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible...*

Custody Division Manual, Section 7-01/010.00, Force Prevention Principles (January 2017), states:

*...Reasonable efforts, depending on each situation, should be made by jail personnel to de-escalate incidents by first using sound verbal communications when possible or the use of time and distance...*

*...Force must be terminated as soon as possible consistent with maintaining control of the situation and must be de-escalated if resistance decreases...*

*When Department members witness force that they know is excessive, the member shall attempt, when feasible, and when it does not jeopardize the safety of the inmate or staff, to intervene in an effort to de-escalate, reduce, control or stop the force being used...*

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Procedures

Auditors reviewed the UOF incident investigation package, including audio and/or video files for each incident to determine whether Department members attempted to de-escalate the incident through tactical communication, warnings, and other methods preventing the need to use force. Nineteen of the 58 UOF incidents were excluded for evaluation. The 19 force incidents occurred suddenly and without warning, therefore making de-escalation efforts unfeasible. Auditors evaluated 39 UOF incidents for this objective.

Results

Thirty-six of the 39 (92%) UOF incidents met the criteria for this objective. The remaining 3 did not meet the criteria due to the fact that there was no indication deputy personnel attempted to apply appropriate de-escalation techniques.

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**Objective 1(b) – Determine if Department members who were involved in, directed, assisted with, or witnessed the incidents escorted the suspect inmates to the clinic, housing, holding cell, etc.**

Criteria

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

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

Custody Division Manual, Section 7-01/010.00, Force Prevention Principles (January 2017), states:

*Except in the most compelling of circumstances, personnel involved in a use of force or an interaction with a recalcitrant inmate, including participants, witnesses, and supervisors directing the force, shall not escort the inmate to the clinic, housing, a holding cell, etc., unless there are no other personnel reasonably available to escort the inmate...  
to escort the inmate...*

Procedures

Auditors reviewed the UOF incident investigation package, to determine whether Department members who were involved in, directed, assisted with, or witnessed the incident escorted the inmate(s) to the clinic, housing, holding cell, etc. Auditors excluded 3 of the 58 UOF incidents because the involved inmate was not escorted to a separate location after the UOF. Therefore, auditors reviewed 55 UOF incidents for this objective.

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Results

Fifty-two of the 55 (95%) UOF incidents met the criteria for this objective. The three remaining UOF incidents did not meet the criteria. Department personnel who were present during the UOF incident also escorted the involved inmate(s). There was no documentation to provide justification for the escort.

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**Objective No. 2 – USE OF FORCE CATEGORIZATION**

**Determine if the incidents were appropriately categorized.**

Criteria

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures (September 2019), states:

*Reportable Force Categories*

*There are three categories of Reportable Force:*

**Category 1 Force** involves any of the following where there is no injury:

- *Searching and handcuffing techniques resisted by a suspect;*
- *Hobbling resisted by a suspect;*
- *Control holds or come-alongs resisted by a suspect;*
- *Take downs; and/or*
- *Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.*

**Category 2 Force** involves any of the following:

- *Any identifiable injury;*
- *A complaint of pain that a medical evaluation determines is attributable to an identifiable injury; and*
- *Any application of force other than those defined in Category 1 Force, but does not rise to the level of Category 3 Force.*

**Category 3 Force** involves any of the following:

- *All shootings in which a shot was intentionally fired at a person by a Department member;*
- *Any type of shooting by a Department member which results in a person being hit;*
- *Force resulting in admittance to a hospital;*
- *Any death following a use of force by any Department member;*
- *All head strikes with impact weapons;*

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- *Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;*
- *Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;*
- *Deliberately or recklessly striking an individual's head against a hard, fixed object;*
- *Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member;*
- *All canine bites; or*
- *Any force which results in a response from the IAB Force/Shooting Response Team, as defined in MPP section 3-10/130.00, Activation of the IAB Force/Shooting Response Teams...*

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (March 2016), states:

***Reportable Force Categories***

*There are three categories of Reportable Force.*

***Category 1 Force*** involves any of the following where there is no injury:

- *Searching and handcuffing techniques resisted by a suspect*
- *Hobbling resisted by a suspect*
- *Control holds or come-alongs resisted by a suspect*
- *Take downs*
- *Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain*

***Category 2 Force*** involves any of the following:

- *Any identifiable injury*
- *A complaint of pain that a medical evaluation determines is attributable to an identifiable injury*
- *Any application of force other than those defined in Category 1 Force, but does not rise to the level of Category 3 Force*

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**Category 3 Force involves any of the following:**

- *All shootings in which a shot was intentionally fired at a person by a Department member*
- *Any type of shooting by a Department member which results in a person being hit*
- *Force resulting in admittance to a hospital*
- *Any death following a use of force by any Department member*
- *All head strikes with impact weapons*
- *Kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor*
- *Knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object*
- *Deliberately or recklessly striking an individual's head against a hard, fixed object*
- *Skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member*
- *All canine bites*
- *Any force which results in a response from the Internal Affairs Bureau (IAB) Force/Shooting Response Team, as defined in MPP section 3-10/130.00, Activation of the IAB Force/Shooting Response Teams...*

Procedures

Auditors reviewed the UOF incident investigation package, to determine whether the incident was appropriately categorized.

Results

All 58 (100%) UOF incidents met the criteria.

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**Objective No. 3 – Use of Force Reporting**

**Objective No. 3(a) – Determine if all Department members that were involved in, directed, assisted with, or witnessed the incidents submitted written reports.**

Criteria

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures (September 2019), states:

*...Unless otherwise specifically directed by the Watch Commander/Supervising Lieutenant, the member shall complete a written first report of the force incident prior to the member going off duty.*

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

*Department members witnessing Reportable Force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor, and submit a separate report/memorandum. The immediate supervisor of the member witness shall determine whether the separate report/memorandum by the member witness shall be written prior to the member going off duty.*

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (March 2016), states:

*Each member who uses reportable force and each supervisor who directed that force which was used shall complete a written first report of the force incident prior to going off duty, unless the watch commander determines that exigent circumstances such as the member's physical or medical condition impair their ability to complete the report, in which case the report shall be completed as soon as possible and the reasons for the delay should be documented.*

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

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*Department members witnessing reportable force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor and prepare an independent written report before going off duty unless the watch commander specifically designates which witnesses will write the reports because a large number of members witnessed the same incident. If their immediate supervisor used or directed force, witnesses shall make their advisement to the watch commander who will determine whether a separate report/memorandum by the witness is required because of the number of witnesses prior to going off duty...*

Procedures

Auditors reviewed the UOF incident investigation package to determine whether all Department members that were involved in, directed, assisted with, or witnessed the incident submitted written reports.

Results

All 58 (100%) UOF incidents met the criteria.

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**Objective No. 3(b) – Determine if Department member reports were submitted prior to going off duty, unless otherwise specifically directed by the watch commander/supervising lieutenant.**

Criteria

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures (September 2019), states:

*...Unless otherwise specifically directed by the Watch Commander/Supervising Lieutenant, the member shall complete a written first report of the force incident prior to the member going off duty.*

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

*Department members witnessing Reportable Force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor, and submit a separate report/memorandum. The immediate supervisor of the member witness shall determine whether the separate report/memorandum by the member witness shall be written prior to the member going off duty.*

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (March 2016), states:

*Each member who uses reportable force and each supervisor who directed that force which was used shall complete a written first report of the force incident prior to going off duty, unless the watch commander determines that exigent circumstances such as the member's physical or medical condition impair their ability to complete the report, in which case the report shall be completed as soon as possible and the reasons for the delay should be documented.*

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

*Department members witnessing reportable force used by another Department member or by anyone working with or on behalf of the Department shall similarly*

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*advise their immediate supervisor and prepare an independent written report before going off duty unless the watch commander specifically designates which witnesses will write the reports because a large number of members witnessed the same incident. If their immediate supervisor used or directed force, witnesses shall make their advisement to the watch commander who will determine whether a separate report/memorandum by the witness is required because of the number of witnesses prior to going off duty...*

Procedures

Auditors reviewed the UOF incident investigation package, to determine whether Department members that were involved in, directed, assisted with, or witnessed the incident submitted their report prior to going off duty, unless otherwise directed.

Results

Fifty-two of the 58 (90%) incidents met the criteria. Six UOF incidents did not meet the criteria. There was no documentation explaining why Department members did not submit their reports prior to going off duty.

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**Objective No. 3(c) – Determine if Department member reports included the required details.**

Criteria

Manual of Policy and Procedures, Section 3-10/100.00, Use of Force Reporting Procedures (September 2019), states:

*Each member reporting force in a report or memorandum shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda...*

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (March 2016), states:

*Each member reporting force in a report or memorandum shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, the specific force used in response to the suspect's actions, and any force the member observed was used by other members. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment shall be documented in the first report, supplementary reports, or memoranda...*

Procedures

Auditors reviewed the UOF incident investigation package, to determine whether the reports submitted by Department members included the required details of the incident.

Results

Fifty-six of the 58 (97%) UOF incidents met the criteria. The remaining two did not meet the criteria, due to the fact the reports did not include the observance of injuries/non-injuries and the escorting of suspect inmates for medical evaluation/treatment.



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**Objective No. 3(d) – Determine if the Unit Commander ensured that preliminary data was entered into the Preliminary Data Entry system within the first 24 hours of each incident, or as soon as possible thereafter.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*The unit commander shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of the force incident, or as soon as possible thereafter...*

Procedures

Auditors generate the PDE Force Summary Report from the Performance Recording Monitoring System (PRMS) to determine whether each incident was entered into the PDE system within 24 hours, or as soon as possible thereafter.<sup>8</sup> The PDE Force Summary Report included the date of each incident as well as the date it was entered into the PDE System.

Results

All 58 (100%) incidents met the criteria.

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<sup>8</sup> The web-based PRMS application provides systematic recording of data relevant to incidents involving uses of force, shootings, and commendations/complaints regarding Sheriff's Department personnel. In addition, PRMS tracks the progress of administrative investigations, civil claims and lawsuits, discovery motions, employee commendations, and preventable traffic collisions, custody complaints and special conditions that are handled by the Department.

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**Objective No. 3(e) – Determine if the supervisor entered the incidents into the electronic Line Operations Tracking System no later than the end of the shift during which each incident occurred.**

Criteria

Custody Division Manual, Section 7-07/030.00, Compliance Lieutenant (March 2018), states:

*As soon as practical, but no later than the end of the shift during which the use of force incident or allegation of force occurred, the supervisor should enter the use of force incident, or the force allegation, into the electronic Line Operations Tracking System (e-LOTS) with a summary description of the force incident or allegation and the category of the force incident as it is known at the time...*

Procedures

Auditors reviewed the e-LOTS Use of Force Records Report to determine whether the incidents were entered into e-LOTS by the supervisor no later than the end of the shift during which each incident occurred. The e-LOTS Use of Force Records Report included the date of each incident as well as the date it was entered into e-LOTS.

Results

All 58 (100%) UOF incidents met the criteria.

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**Objective No. 4 – Use of Force Interviews**

**Objective No. 4(a) – Determine if suspect and witness inmates were interviewed separately from anyone who was involved in, directed, assisted with, or witnessed the incidents, except in the most compelling of circumstances.**

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (April 2019), states:

*Except in the most compelling of circumstances, personnel involved in a use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports...*

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*Personnel involved in a use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is requested or conducted without approval from the on duty watch commander. If exigent circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports...*

Procedures

Auditors reviewed the suspect and witness inmate interviews as well as other related source documentation (e.g. Commander's Use of Force Review and Incident Analysis) for each incident to determine whether the suspect and witness inmates were interviewed separately from anyone who was involved in, directed, assisted with, or witnessed the incidents, except in the most compelling of circumstances.

Results

Fifty of the 58 (86%) UOF incidents met the criteria. Eight UOF incidents did not meet the criteria. Those incidents included suspect and/or witness interviews that were

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conducted in locations where a person who was involved in, directed, assisted with, or witnessed the incident may have been present.

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**Objective No. 4(b) – Determine if the watch commander/supervising lieutenant ensured that suspect inmate interviews were recorded on video and, if appropriate, photographs were also taken.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*The watch commander/supervising lieutenant shall ensure that the interview of the inmate is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain inmate consent for photographing injuries hidden by clothing)...*

Procedures

Auditors reviewed the media files (e.g., photographs, audio, and/or video files) for each incident to determine whether the suspect inmate interviews were video recorded and, if appropriate, photographs were taken.

Results

All 58 (100%) UOF incidents met the criteria for this objective.

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**Objective No. 4(c) – Determine if, prior to the beginning of suspect inmate interviews, the time, date, and location of the interviews were clearly stated, along with the names, ranks, and employee numbers of all persons present.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

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

Procedures

Auditors reviewed the suspect inmate interviews for each incident to determine whether the time, date, and location of the interviews were clearly stated, along with the names, ranks, and employee numbers of all persons present.

Results

Fifty-two of the 58 (90%) UOF incidents met the criteria. The remaining six UOF incidents did not meet the criteria due to the fact the time, date, location and the information of all Department members present were not stated.

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**Objective No. 4(d) – Determine if, when interviewing suspect inmates regarding the incidents, the watch commander/supervising lieutenant asked the suspect inmates if they had any injuries, the nature of the injuries, and if they were medically treated.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*When interviewing inmates regarding use of force incidents, the watch commander/supervising lieutenant shall ask the inmate if they have any injuries, the nature of the injuries, and if they were medically treated...*

Procedures

Auditors reviewed the suspect inmate interviews for each incident to determine whether the suspect inmates were asked if they had any injuries, the nature of their injuries, and if they were medically treated.

Results

All 58 (100%) UOF incidents met the criteria for this objective.

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**Objective No. 4(e) – Determine if photographs and/or video recordings were taken of Department member injuries related to each incident.**

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (April 2019), states:

*Photograph and/or record the members' injuries, if appropriate...*

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*Photograph and video record the members' injuries, swelling, or redness sustained during the use of force or document the absence of injuries...*

Procedures

Auditors reviewed the media files (e.g. photographs, audio, and/or video files, for each incident to determine whether photographs and/or video recordings were taken of Department member injuries. Fifty UOF incidents were excluded because no injuries to Department members were documented in the UOF incident investigation package. Therefore, auditors reviewed eight UOF incidents.

Results

Five of the eight (63%) UOF incidents met the criteria for this objective. The remaining three UOF incidents did not meet the criteria as media files of the Department member's injuries were not provided.

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**Objective No. 4(f) – Determine if all potential witnesses were identified and interviewed.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (April 2019), states:

*Locate and interview all potential witnesses, including Department personnel, medical/mental health staff, chaplains, and any other civilians who may have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident...*

Procedures

Auditors reviewed the UOF incident investigation package to determine whether all potential witnesses were identified and interviewed. Nine UOF incidents were excluded from this objective as there were no witnesses to the incident. Therefore, auditors reviewed 49 UOF incidents.

Results

Forty-two of the 49 (86%) UOF incidents met the criteria. The remaining seven UOF incidents did not meet the criteria as all potential witnesses were not identified and interviewed.

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**Objective No. 4(g) – Determine if the attending physician or other qualified medical personnel were interviewed when inmates were taken to a medical facility for examination.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

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

Procedures

Auditors reviewed the UOF Medical Report and the Supervisor's Report on UOF for each incident to determine whether the attending physician or other qualified medical personnel were interviewed when inmates were taken to a medical facility for examination. Three UOF incidents were excluded because there was documentation indicating the inmate(s) refused to be examined. Medical personnel completed a UOF Medical Report indicating that the inmate refused to be examined for each of those three incidents.

Results

All 55 (100%) UOF incidents met the criteria.

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**Objective No. 5 – Use of Force Incident Investigations**

**Objective No. 5(a) – Determine if a non-involved supervisor completed the use of force investigation.**

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (April 2019), states:

*When a Unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation...*

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*Sergeants who planned, directed, or participated in the use of force shall not complete the investigation of the incident...*

Procedures

Auditors reviewed the Supervisor's Report on UOF as well as other related source documentation (e.g., Department member UOF Reports) and audio and/or video files for each incident to determine whether an uninvolved supervisor completed the force investigation. Thirty UOF incidents were excluded because the investigating supervisor was not involved in the UOF.

Results

All 28 (100%) UOF incidents met the criteria.

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**Objective No. 5(b) – Determine if the watch commander/supervising lieutenant prepared and submitted the use of force incident package to the Unit Commander for all reviews not conducted by an Internal Affairs Bureau Force/Shooting Response Team as soon as possible, but no later than 21 days after each incident, unless otherwise directed.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

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

Procedures

Auditors reviewed the Unit Commander's UOF Review and Incident Analysis Report for each incident to determine whether the UOF incident investigation package was submitted to the Unit Commander within 21 days of the incident, unless otherwise directed. One UOF incident was excluded from evaluation because the IAB Force/Shooting Response Team investigated the incident.

Results

Thirteen of the 57 (23%) UOF incidents met the criteria for this objective. The remaining 44 UOF incidents did not meet the criteria because the investigation packages were not submitted to the Unit Commander within 21 days of the incident.

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**Objective No. 5(c) – Determine if use of force incident investigation packages requiring Division review were forwarded within 35 days of each incident, unless otherwise directed by the Chief or Division Director.**

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review Procedures (April 2019), states:

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

Procedures

Auditors reviewed the Unit Commander's UOF Review and Incident Analysis Report for each incident to determine whether the UOF incident investigation package was forwarded to the Division within 35 days of each incident, unless otherwise directed. One UOF incident was excluded from evaluation because the IAB Force/Shooting Response Team investigated the incident.

Results

None of the 57 (0%) UOF incidents met the criteria for this objective.

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**Objective No. 5(d) – Determine if use of force incident investigation packages were submitted to the Discovery Unit within 60 days of each incident.**

Criteria

Custody Division Manual, Section 7-07/000.00, Use of Force Review Procedures (January 2017), states:

*...Force packages not submitted to the Discovery Unit within 60 days will be considered overdue...*

Procedures

Auditors generated the Force Case Detail Report from PRMS for each incident to determine whether the UOF incident investigation package was submitted to the Discovery Unit within 60 days of each incident. The Force Case Detail Report includes the incident date as well as the date Discovery received the Package. One UOF incident was excluded from evaluation because the IAB Force/Shooting Response Team investigated the incident.

Results

None of the 57 (0%) UOF incidents met the criteria for this objective.

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**SUMMARY OF RESULTS**

The audit yielded the following results:

<b>Objective No.</b>	<b>Audit Objectives</b>	<b>Met the Criteria</b>
<b>1</b>	<b>USE OF FORCE PREVENTION</b>	
1(a)	<i>Determine if Department members attempted to de-escalate the incidents.</i>	<b>92%</b>
1(b)	<i>Determine if Department members who were involved in, directed, assisted with, or witnessed the incidents escorted the suspect inmates to the clinic, housing, holding cell, etc.</i>	<b>95%</b>
<b>2</b>	<b>USE OF FORCE CATEGORIZATION</b>	
	<i>Determine if the incidents were appropriately categorized.</i>	<b>100%</b>
<b>3</b>	<b>USE OF FORCE REPORTING</b>	
3(a)	<i>Determine if all Department members that were involved in, directed, assisted with, or witnessed the incidents submitted written reports.</i>	<b>100%</b>
3(b)	<i>Determine if Department member reports were submitted prior to going off duty, unless otherwise specifically directed by the watch commander/supervising lieutenant.</i>	<b>90%</b>
3(c)	<i>Determine if Department member reports included the required detail.</i>	<b>97%</b>
3(d)	<i>Determine if the Unit Commander ensured that preliminary data was entered into the Preliminary Data Entry system within the first 24 hours of each incident, or as soon as possible thereafter.</i>	<b>100%</b>
3(e)	<i>Determine if the supervisor entered the incidents into the electronic Line Operations Tracking System no later than the end of the shift during which each incident occurred.</i>	<b>100%</b>
<b>4</b>	<b>USE OF FORCE INTERVIEWS</b>	
4(a)	<i>Determine if suspect and witness inmates were interviewed separately from anyone who was involved in, directed, assisted with, or witnessed the incidents, except in the most compelling of circumstances.</i>	<b>86%</b>
4(b)	<i>Determine if the watch commander/supervising lieutenant ensured that suspect inmate interviews were recorded on video and, if appropriate, photographs were also taken.</i>	<b>100%</b>
4(c)	<i>Determine if, prior to the beginning of suspect inmate interviews, the time, date, and location of the interviews were clearly stated, along with the names, ranks, and employee numbers of all persons present.</i>	<b>90%</b>
4(d)	<i>Determine if, when interviewing suspect inmates regarding the incidents, the watch commander/supervising lieutenant asked the suspect inmates if they had any injuries, the nature of the injuries, and if they were medically treated.</i>	<b>100%</b>
4(e)	<i>Determine if photographs and/or video recordings were taken of Department member injuries related to each incident.</i>	<b>63%</b>
4(f)	<i>Determine if all potential witnesses were identified and interviewed.</i>	<b>86%</b>
4(g)	<i>Determine if the attending physician or other qualified medical personnel were interviewed when inmates were taken to a medical facility for examination.</i>	<b>100%</b>
<b>5</b>	<b>USE OF FORCE INCIDENT INVESTIGATIONS</b>	
5(a)	<i>Determine if a non-involved supervisor completed the use of force investigation.</i>	<b>100%</b>
5(b)	<i>Determine if the watch commander/supervising lieutenant prepared and submitted the use of force incident package to the Unit Commander for all</i>	<b>23%</b>

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	<i>reviews not conducted by an Internal Affairs Bureau Force/ Shooting Response Team as soon as possible, but no later than 21 days after each incident, unless otherwise directed.</i>	
<b>5(c)</b>	<i>Determine if use of force incident investigation packages requiring Division review were forwarded within 35 days of each incident, unless otherwise directed by the Chief or Division Director.</i>	<b>0%</b>
<b>5(d)</b>	<i>Determine if use of force incident investigation packages were submitted to the Discovery Unit within 60 days of each incident.</i>	<b>0%</b>

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**OTHER RELATED MATTERS**

Other related matters are pertinent issues discovered during the audit, but were not objectives which were measureable against Department policies and procedures.

*Use of Force Investigation Package Review Process*

The due dates for UOF investigative packages may not provide sufficient time for completion under the current UOF investigative process. None of the UOF investigative packages reviewed were submitted prior to the 60-day time limit. Auditors determined that several factors could be preventing packages from being completed before the 60-day time limit. The following may be contributing factors:

- The review process for each package includes up to five levels of review at the facility before it reaches division personnel. Each level of review could include several rounds of back-and-forth corrections.
- The process bottlenecks at multiple points. The TTCF employs one compliance sergeant who is responsible for reviewing and correcting each UOF package. The process bottlenecks again when the packages are reviewed at the unit commander level and when the packages are sent to division for the commander's review.
- According to TTCF staff, the facility does not have enough sergeants to perform the first-level reviews.

Although the approval process prolongs the investigative process, auditors noted that the multiple levels of review have ensured that policy violations and tactical deficiencies are identified and addressed.

The following are the average days-to-completion for each timeliness requirement:

1. Days until the package is submitted to the Unit Commander (21-day limit): **55**
2. Days until the package is submitted to Division (35-day limit): **219**
3. Days until the package is submitted to Discovery (60-day limit): **323**

**CONCLUSION**

The AAB considers the results of this audit to be a helpful management tool for all Department personnel. Auditors performed analyses and made assessments to identify areas in need of improvement. The evidence presented provides reasonable assurance that Department personnel are not fully adhering to the MPP and CDM.

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**RECOMMENDATIONS**

A lack of adherence to policies and procedures may increase the likelihood of negative risk outcomes for the Department. Risks may include injury or death to Department members or inmates and increased liability to the Department. Department management should disseminate the results of this audit to its personnel. Additionally, as best practice, Department management is encouraged to conduct recurring and ongoing briefings of policies and procedures.

1. It is recommended Custody Operations management consider reviewing the UOF investigative package timeliness policies and procedures to more closely align policy with realistic timeframes. (Other Related Matters)

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**Views of Responsible Officials**

On June 22, 2021, Custody Services Division command staff submitted a formal response to AAB concurring with the audit results.

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This audit was submitted on this 7<sup>th</sup> day of July 2021, by the Audit and Accountability Bureau.

*Original signature on file at AAB*

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Audit and Accountability Bureau  
Los Angeles County Sheriff's Department

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