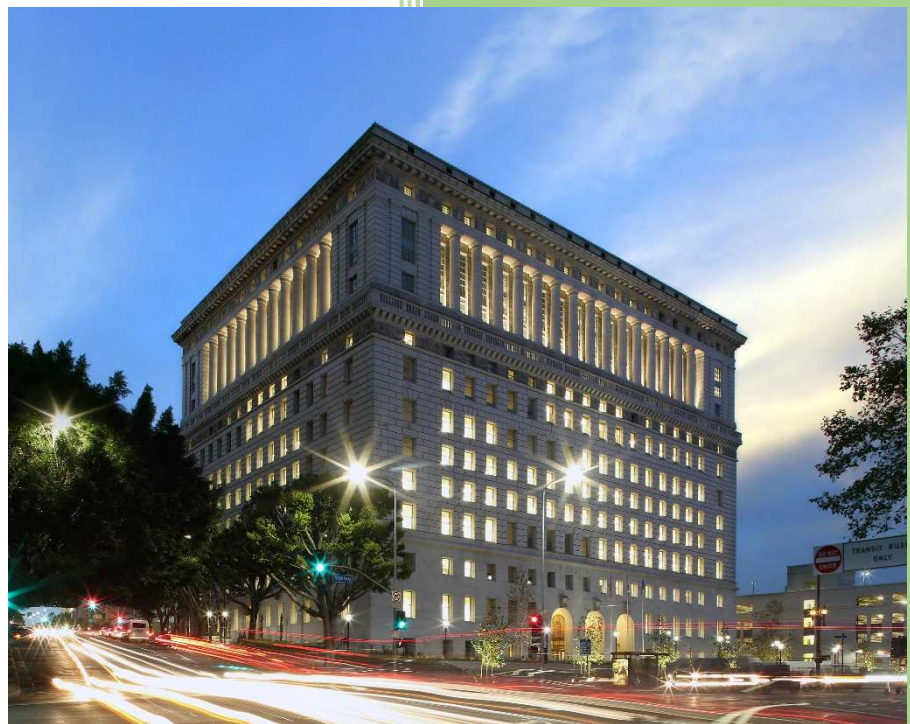


Los Angeles County Sheriff's Department

Audit and Accountability Bureau



Alex Villanueva, Sheriff

USE OF FORCE AUDIT

CUSTODY OPERATIONS -
CUSTODY SERVICES DIVISION -
SPECIALIZED PROGRAMS -
CENTURY REGIONAL
DETENTION FACILITY (CRDF)
Project No. 2022-3-A

June 21, 2022

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

**USE OF FORCE AUDIT – CUSTODY OPERATIONS
CUSTODY SERVICES DIVISION – SPECIALIZED PROGRAMS
CENTURY REGIONAL DETENTION FACILITY
Project No. 2022-3-A
AUDIT REPORT**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Use of Force (UOF) Audit – Custody Operations – Custody Services Division – Specialized Programs – Century Regional Detention Facility (CRDF) 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 CRDF complied with the Manual of Policy and Procedures (MPP), Custody Division Manual (CDM), and provisions of the Monitoring Plan and Compliance Measures¹ required by the Rosas Settlement Agreement² regarding the management, reporting, and overall evaluation of UOF incidents involving CRDF inmates.

The AAB conducted this audit under the guidance of the Generally Accepted Government Auditing Standards.³ 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 inmates are not subjected to excessive force in the Los Angeles County jails. As a result of the

¹ Revised Monitoring Plan and Compliance Measures, December 2018.

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

³ United States Government Accountability Office, Government Auditing Standards, July 2018.

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Rosas Settlement Agreement and the development of the action plan, changes were made to Department policies and procedures addressing UOF.

PRIOR AUDIT

This is the first audit regarding UOF incidents at CRDF conducted by the AAB.

METHODOLOGY

Scope

The audit encompassed five main objectives to ensure compliance with the MPP, CDM, and provisions⁴ 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) system⁵ and the electronic Line Operations Tracking system (e-LOTS)⁶ 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.

⁴ 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.

⁵ 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.

⁶ 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 is July 1, 2021, through September 30, 2021.

Audit Population

All Non-Categorized Force (NCI) Incidents and Category 1, 2, and 3 UOF incident investigations completed during the audit time period, were included in the population . Auditors identified 41 NCI and Category 1 incidents. There were no Category 2 or Category 3 UOF incidents during the audit time period. Of the 41 UOF incidents, CRDF provided 26 completed force packets. The 26 completed force packets were evaluated for all objectives. The remaining 15 force packets were not completed during audit field work and are appropriately identified as findings in Objective No. 5.

The UOF incidents population was identified through the Performance Recording and Monitoring System (PRMS), Force Module⁷ and each incident was reconciled to reference e-LOTS.

Table No. 1 – Use of Force Incidents

Incident Type	Completed Packets	Incomplete Packets
Non-Categorized Force Incident	7	2
Category 1 Incident	19	10
Category 2 Incident	0	3
Category 3 Incident	0	0
Total 41	26	15

⁷ The PRMS provides systematic recording of data relevant to incidents involving uses of force, shootings, and commendations/complaints involving Department personnel. The Force Module contains information on use or force incidents.

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Table No. 2 – Status of Incomplete UOF Investigations

Incident Type	Status	No. of Packets
NCI	Packet Completed Subsequently to Testing Stage	2
Category 1	Packet Completed Subsequently to Testing Stage	9
Category 1	Packet with Division Commander	2
Category 2	Packet Completed Subsequently to Testing Stage	1
Category 2	Packet with Compliance Team	1
	No. of Packet Not Evaluated in Audit	Total 15

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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 3-10/009.00, Force Prevention and De-escalation Principles (June 2021), states:

Whenever feasible, Department members should endeavor to de-escalate confrontations through tactical communication, crisis intervention, advisements, warnings, verbal persuasion, and other common sense methods (such as utilizing alternative tactics) which can prevent the need to use force, or reduce the amount of force, that is required.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 2.2, states:

The Department's Custody use of force policies should provide that force used by Department members: (a) must be used as a last resort; (b) must be the minimal amount of force that is necessary and objectively reasonable to overcome the resistance; (c) must be terminated as soon as possible consistent with maintaining control of the situation; and (d) must be de-escalated if resistance decreases.

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. Two of the 26 UOF incidents were excluded from evaluation. The two force incidents occurred suddenly and without warning, therefore making de-escalation efforts unfeasible. Auditors evaluated 24 UOF incidents for this objective.

Results

Twenty-two of the 24 (92%) UOF incidents met the criteria for this objective. The remaining two UOF incidents did not meet the criteria because the incidents had 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, or holding cell.

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review – Sergeant Responsibilities (June 2021), states:

Transporting Suspects

...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 escort or transport the suspects to a medical facility. If compelling circumstances require that the suspect be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 9.2, states:

The Department's Custody use of force policies should provide that, following a use of force or interaction with a recalcitrant inmate, the staff member escorting an inmate to medical, holding or segregation should not be the same staff member involved in the confrontation or use of force unless there is no other staff member reasonably available 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 one of the 26 UOF incidents because the involved inmate was not escorted to a separate location after the UOF. Auditors reviewed 25 UOF incidents for this objective.

Results

All 25 (100%) UOF incidents met the criteria for this objective.

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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 3-10/038.00, Reportable Use of Force and Force Categories (June 2021), states:

Reportable Force Categories

There are four categories of reportable force:

Non-Categorized Force Incident involves any of the following where there is no injury or complaint of pain from the suspect, and no allegation of unreasonable force or other misconduct:

- *Resisted Hobble application;*
- *Resisted searching and handcuffing techniques; and/or*
- *Resisted firm grip, control holds, come-alongs, or control techniques.*

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

- *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/or*
- *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 intentional head or neck strikes with an impact weapon;*
- *Kicks or knee strikes intentionally delivered to a person's head or neck;*
- *Intentionally striking a person's head against a hard, fixed object;*
- *Skeletal fractures caused by any Department member, with the exception of minor fractures of the nose, fingers or toes;*
- *Any use of Improvised Weapons and/or Techniques;*
- *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.*

Procedures

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

Results

All 26 (100%) UOF incidents met the criteria for this objective.

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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 - Department Member Responsibilities (June 2021), states:

Responsibilities of Department Members Using Force

...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 their actions and observations prior to the member going off duty.

Responsibilities of Department Witnesses

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 (with a minimum rank of sergeant). The supervisor responsible for the investigation, if known at the time, and available, will determine whether the separate report by the member witness is required prior to the member going off duty...

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 15.1, states:

The Department's Custody use of force policies should provide that every Department member who uses or assists in the use of Reportable Force, and every supervisor who directed that force be used, should be required to complete a separate and independent written report before going off duty, unless the Watch Commander/Supervising Lieutenant determines that there are exigent circumstances such as the Department member's physical or medical condition that impair the Department member's ability to complete the report before going off duty, in which case the report should be completed as soon as possible and the reasons for the delay should be documented.

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Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 15.2, states:

The Department's Custody use of force policies should provide that every Department member who witnesses the use of force by another Department member should be required to prepare an independent written report unless the Watch Commander/Supervising Lieutenant specifically designates which witness will write reports because there are a large number of Department members who witnessed the same incident.

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

Twenty-five of the 26 (96%) UOF incidents met the criteria for this objective. The remaining UOF incident did not meet the criteria because the incident did not include a written report from an involved Department member.

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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 - Department Member Responsibilities (June 2021), states:

Responsibilities of Department Members Using Force

...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 their actions and observations prior to the member going off duty.

Responsibilities of Department Witnesses

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 (with a minimum rank of sergeant). The supervisor responsible for the investigation, if known at the time, and available, will determine whether the separate report by the member witness is required prior to the member going off duty. If their supervisor used force, witnesses shall notify watch commander.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 15.1, states:

The Department's Custody use of force policies should provide that every Department member who uses or assists in the use of Reportable Force, and every supervisor who directed that force be used, should be required to complete a separate and independent written report before going off duty, unless the Watch Commander/Supervising Lieutenant determines that there are exigent circumstances such as the Department member's physical or medical condition that impair the Department member's ability to complete the report before going off duty, in which case the report should be completed as soon as possible and the reasons for the delay should be documented.

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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

Twenty-three of the 26 (88%) UOF incidents met the criteria for this objective. The remaining three UOF incidents did not meet the criteria because they contained 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 - Department Member Responsibilities (June 2021), states:

Responsibilities Regarding Force Reports

...Each member reporting force in a report or 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. Department members shall document any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, in the first report, supplementary reports.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 15.3, states:

The Department's Custody use of force policies should provide that a Department member who uses force should describe in his or her written report the force used by any other Department member in response to an inmate's action during the incident as well as his or her own force.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 15.4, states:

The Department's Custody use of force policies should provide that a Department member using force or witnessing force should describe in his or her written report, any visible or apparent injuries to Department members, inmates or other persons involved in a use of force.

Procedures

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

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Results

Twenty-two of the 26 (85%) UOF incidents met the criteria. The remaining four did not meet the criteria, because the reports did not document 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

Manual of Policy and Procedures, Section 3-10/112.00, Use of Force Review - Unit Commander Responsibilities (June 2021), 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 generated 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.⁸ The PDE Force Summary Report included the date of each incident as well as the date it was entered into the PDE System.

Results

Twenty of the 26 (77%) UOF incidents met the criteria for this objective. The remaining six UOF incidents did not meet the criteria because they were not entered into the PDE system within 24 hours and there was not a documented reason for the delay.

⁸ 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 (December 2020), states:

- *...Review and analyze timely entries into the Performance Recording and Monitoring System (PRMS), e-LOTS, and the Custody Automated Reporting and Tracking System (CARTS)...*

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 5.1, 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 or Internal Affairs investigator assigned to conduct the initial investigation should enter the use of force incident or the force 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

Nineteen of the 26 (73%) UOF incidents met the criteria for this objective. The remaining seven UOF incidents did not meet the criteria because they were not entered into e-LOTS by the supervisor no later than the end of the shift during which each incident occurred.

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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 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities (June 2021), 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.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 12.2, states:

Inmate witnesses to force incidents should be asked to be interviewed, and interviewed, away from other inmates.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 12.3, states:

No Department member involved in the use of force incident should be present for, or participate in, the request for interview or the interview itself absent exigent circumstances, which must be justified in the supervisors' subsequent reports.

Procedures

Auditors reviewed the suspect and witness inmate interviews as well as other related source documentation 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.

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Results

Twenty-three of the 26 (88%) UOF incidents met the criteria for this objective. The remaining three UOF incidents did not meet the criteria because the inmate suspect was not interviewed, or an involved employee was present during the suspect interview.

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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

Manual of Policy and Procedures, Section 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities (June 2021), states:

The watch commander or supervising lieutenant shall ensure that the interview of the suspect is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain suspect 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

Twenty-four of the 26 (92%) UOF incidents met the criteria for this objective. The remaining two UOF incidents did not meet the criteria because they contained no recorded inmate suspect interviews and/or photographs of inmate suspect injuries.

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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

Manual of Policy and Procedures, Section 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities (June 2021), 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. Auditors excluded one of the 26 UOF incidents because UOF incident investigation did not contain a recorded inmate suspect interview. Auditors reviewed 25 UOF incidents for this objective.

Results

Twenty-one of the 25 (84%) UOF incidents met the criteria for this objective. The remaining four UOF incidents did not meet the criteria because the interviews did not mention either the time, location, or the information of all Department members who were present.

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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

Manual of Policy and Procedures, Section 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities (June 2021), states:

Interviewing Suspects

When interviewing suspects regarding use of force incidents, the watch commander or supervising lieutenant shall ask the suspect if they have any injuries, the nature of the injuries, and if they want medical treatment...

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. Auditors excluded three of the 26 UOF incidents because one UOF incident did not contain a recorded inmate suspect interview, and in two of the UOF incidents the inmate was uncooperative and could not be interviewed. Auditors reviewed 23 UOF incidents for this objective.

Results

All 23 (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 - Sergeant Responsibilities (June 2021), states:

Immediate Supervisor's Responsibilities

Responding to Force Incidents

- *Photograph and/or record the member's injuries, if appropriate...*

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 16.2, states:

With reasonable accommodations for privacy, the Department should require supervisors investigating force incidents to photograph any injury, swelling or redness sustained by each Department member who asserts orally or in a written force report that the Department member was assaulted by an inmate or note the absence of any injury, swelling or redness in the force package.

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. Twenty-three of the 26 UOF incidents were excluded because no injuries to Department members were documented in the UOF incident investigation package. Auditors reviewed the remaining three UOF incidents.

Results

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

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

Criteria

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review - Sergeant Responsibilities (June 2021), states:

Immediate Supervisor's Responsibilities

Responding to Force Incidents

- *Locate and interview all potential witnesses (and canvass for witnesses if necessary), including Department personnel and, in-custody force cases, medical 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;*

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 4.2, states:

The Department's Custody use of force policies should require supervisors investigating the use of force by Department members to interview any mental health professionals who witnessed the force incident and/or attempted to resolve the incident without force, about the members' use of force and the mental health professional's efforts to resolve the matter without the use or force...

Procedures

Auditors reviewed the UOF incident investigation package to determine whether all potential witnesses were identified and interviewed. Five of the 26 UOF incidents were excluded from this objective as there were no witnesses to the incident. Auditors reviewed 21 UOF incidents.

Results

Twenty of the 21 (95%) UOF incidents met the criteria for this objective. The remaining incident did not have all potential witnesses 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

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review - Sergeant Responsibilities (June 2021), states:

Immediate Supervisor's Responsibilities

Responding to Force Incidents

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

Procedures

Auditors reviewed the UOF Medical Report and the Supervisor's Report for all 26 UOF incidents to determine whether the attending physician or other qualified medical personnel were interviewed when inmates were taken to a medical facility for examination.

Results

All 26 (100%) UOF incidents met the criteria for this objective.

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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 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities (June 2021), states:

Completion of Investigations

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

Manual of Policy and Procedures, Section 3-10/110.00, Use of Force Review - Sergeant Responsibilities (June 2021), states:

Immediate Supervisor's Responsibilities

Responding to Force Incidents

In cases where the field sergeant or immediate supervisor directed the use of force, the watch commander shall be advised of the supervisor's involvement and a different supervisor shall be requested to respond and conduct the investigation. If no other supervisor is available, the involved supervisor shall document the reason why they were directed to conduct the inquiry/investigation and the name of the person who directed it.

Rosas Revised Monitoring Plan and Compliance Measures (December 2018), Section 12.4, states:

Force investigations should not be conducted by the direct supervisor of the Department members involved in the use of force incident if the supervisor directed, participated in, or planned the use of force.

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Procedures

Auditors reviewed the Supervisor's Report on UOF as well as other related source documentation and audio and/or video files for each incident to determine whether an uninvolved supervisor completed the force investigation.

Results

All 26 (100%) UOF incidents met the criteria for this objective.

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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

Manual of Policy and Procedures, Section 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities (June 2021), states:

Force Packages

The watch commander or 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 all 41 UOF incidents to determine whether the UOF incident investigation package was submitted to the Unit Commander within 21 days of the incident, unless otherwise directed.

Results

Eight of the 41 (20%) UOF incidents met the criteria for this objective. The remaining 33 UOF incidents did not meet the criteria because they 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 3-10/112.00, Use of Force Review - Unit Commander Responsibilities (June 2021), states:

Force Packages

Any force package requiring division review shall be forwarded within 35 days of the incident, unless otherwise directed by the chief or division director.

Procedures

Auditors reviewed the Unit Commander's UOF Review and Incident Analysis Report for all 41 UOF incidents to determine whether the UOF incident investigation package was forwarded to the Division within 35 days of each incident, unless otherwise directed. Seven of the 41 UOF incidents were excluded from evaluation because they are NCI incidents and do not require Division review. Auditors reviewed 34 UOF incidents.

Results

None of the 34 (0%) UOF incidents met the criteria for this objective. None were forwarded to the Division within 35 days of each incident.

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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

Manual of Policy and Procedures, Section 3-10/112.00, Use of Force Review - Unit Commander Responsibilities (June 2021), states:

Force Packages

...Force packages not submitted to the Discovery Unit within 60 days of the unit commander's or concerned division's final approval of the force investigation will be considered overdue. Thirty day extensions may be authorized by the division commander.

Procedures

Auditors generated the Force Case Detail Report from PRMS for all 41 UFO incidents 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. Seven UOF incidents were excluded from evaluation because they are NCI incidents and submission to the Discovery Unit is not required. Auditors reviewed 34 UOF incidents.

Results

None of the 34 (0%) UOF incidents met the criteria for this objective because they were not submitted to the Discovery Unit within 60 days of each incident.

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SUMMARY OF RESULTS

The audit yielded the following results for 26 completed packets of the 41 total incidents:

Objective No.	Audit Objectives	Met the Criteria
1	USE OF FORCE PREVENTION	
1(a)	<i>Determine if Department members attempted to de-escalate the incidents.</i>	92%
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>	100%
2	USE OF FORCE CATEGORIZATION	
	<i>Determine if the incidents were appropriately categorized.</i>	100%
3	USE OF FORCE REPORTING	
3(a)	<i>Determine if all Department members that were involved in, directed, assisted with, or witnessed the incidents submitted written reports.</i>	96%
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>	88%
3(c)	<i>Determine if Department member reports included the required details.</i>	85%
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>	77%
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>	73%
4	USE OF FORCE INTERVIEWS	
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>	88%
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>	92%
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>	84%
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>	100%
4(e)	<i>Determine if photographs and/or video recordings were taken of Department member injuries related to each incident.</i>	100%
4(f)	<i>Determine if all potential witnesses were identified and interviewed.</i>	95%
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>	100%
5	USE OF FORCE INCIDENT INVESTIGATIONS	
5(a)	<i>Determine if a non-involved supervisor completed the use of force investigation.</i>	100%

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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 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>	20%
5(c)	<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>	0%
5(d)	<i>Determine if use of force incident investigation packages were submitted to the Discovery Unit within 60 days of each incident.</i>	0%

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OTHER RELATED MATTERS

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

Incomplete Use of Force Investigation Package

During the onset of this audit, it was discovered that of the 41 UOF investigations for the audit time period, only 26 investigations were completed. The remaining 15 UOF investigations were incomplete and could not be submitted for audit evaluation. The noncompliance caused by these incomplete UOF investigations is reflected in timeliness section of this audit (Objectives 5(b), 5(c), and 5(d)).

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.

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 supervisors receive documented rebriefings on CDM, Section 7-07/030.00, Compliance Lieutenant, CDM, Section 7-07/000.00, Use of Force Review Procedures, and the MPP, Section 3-10/112.00, Use of Force Review - Unit Commander Responsibilities, regarding the importance of entering UOF incidents into PDE and e-LOTS in a timely manner. (Objective No. 3(d) and Objective 3(e))
2. It is recommended Custody Operations management review the UOF investigative package submission requirements. The current timeframes may not be manageable as evident by the findings. (Other Related Matters)

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Views of Responsible Officials

On June 21, 2022, CRDF submitted a formal response to the AAB concurring with the audit results.

A copy of this audit was provided to the Office of the Inspector General for their review.

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This audit was submitted on this 21 day of June 2022, by the Audit and Accountability Bureau.

Original signature on file at AAB

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