

# Los Angeles County Sheriff's Department

Audit and Accountability Bureau



## USE OF FORCE AUDIT

INMATE RECEPTION CENTER

Project No. 2023-1-A



Robert G. Luna, Sheriff

November 02, 2023

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

**USE OF FORCE AUDIT – INMATE RECEPTION CENTER  
Project No. 2023-1-A  
AUDIT REPORT**

**PURPOSE**

The Audit and Accountability Bureau (AAB) conducted the Use of Force (UOF) Audit – Inmate Reception Center (IRC) 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 IRC complied with the Custody Division Manual (CDM) and Custody Operations Directives (COD), Section 17-006, regarding the prevention, categorization, reporting, interviews, and investigations of the UOF incidents involving inmates at IRC.

The AAB conducted this audit under the guidance of the Generally Accepted Government Auditing Standards.<sup>1</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 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 outlined in the Report of the Citizens' Commission on Jail Violence dated September 2012.

In September 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 developing an action plan entitled "Monitoring Plan and Compliance Measures" designed to ensure 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> United States Government Accountability Office, Government Auditing Standards, July 2018.

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#### **The Los Angeles Sheriff Department's Inmate Reception Center**

The Los Angeles Sheriff Department's (LASD) Inmate Reception Center (IRC) is the primary intake and release facility of male inmates for the Los Angeles County jail system.

All male arrestees entering the Los Angeles County jail system, who are not initially released on citation, bail, or other legal means are processed through LASD's IRC. LASD processes approximately 120,000 inmates per year through IRC.

The IRC is the transfer and pickup point for inter facility transfers, custody transfers and custody releases to the state prison system, Homeland Security, and other governmental agencies.

The IRC is managed by LASD's Custody Division, and has 847 employees which include 301 sworn, 147 custody assistants and 399 professional staff.

#### **Risk Management Data Systems**

The Performance Recording and Monitoring System (PRMS) provides systematic recording of data relevant to incidents involving uses of force, shootings, and complaints regarding Department personnel. In addition, PRMS tracks the progress of administrative investigations, civil claims and lawsuits, discovery motion, employee commendations, preventable traffic collisions, custody complaints, and special conditions that are handled by the Department.

The PRMS contains a Preliminary Data Entry (PDE) feature that provides an initial data entry point where key Service Comment, Force, Investigation, Traffic Collision, Custody Complaint, and Special Conditions information is entered.

#### **Jail Management Systems**

The Custody Division's Electronic Line Operations Tracking System (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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### **PRIOR AUDIT**

This is the first UOF audit at IRC conducted by the AAB.

### **METHODOLOGY**

#### **Scope**

The audit encompassed five main objectives to ensure compliance with the CDM and COD, Section 17-006, regarding UOF prevention, categorization, reporting, interviews, and investigations.

- Objective No. 1 – Use of Force Prevention – To determine if Department personnel attempted to de-escalate the incidents. In addition, to determine if Department personnel involved in a UOF, including participants, witnesses, and supervisors directing the force, did not escort the inmate to the clinic, housing, a holding cell, etc., except in the most compelling of circumstances.
- 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 personnel that were involved in, directed, assisted with, or witnessed the incidents submitted written reports, as required. In addition, to determine if preliminary data was entered into the PDE system within the first 24 hours of each incident, or as soon as possible thereafter.
- Objective No. 4 – Use of Force Interviews – To determine if inmates involved in the UOF, all potential witnesses, and attending physicians or other qualified medical personnel were interviewed, as required. In addition, to determine if photographs and/or video recordings were taken of Department personnel injuries, swelling, or redness sustained during the UOF.
- Objective No. 5 – Use of Force Investigations – To determine if sergeants who planned, directed, or participated in the UOF did not complete the investigation of the incident. In addition, to determine if the UOF investigation packages were submitted to the Unit Commander for all reviews not conducted by the Internal Affairs Bureau (IAB) Force/Shooting Response Team as soon as possible, but no later than 21 days after each incident, unless otherwise directed.

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The incidents that did not meet the criteria for each objective were evaluated to determine if any patterns existed. If auditors identified any patterns, details were noted in the corresponding results section for that objective.

#### **Audit Time Period**

The audit time period is January 1, 2022, through March 31, 2022.

#### **Audit Population**

Some characteristics of the audit objectives require that the audit population differ due to the applicable criteria. Below details the audit population evaluated to examine the different aspects of the five audit objectives:

- **Objective No. 1 through Objective 5(a)** – Auditors reviewed all completed Non-Categorized Incidents (NCI) of force and Category (CAT) 1 and 2 UOF investigations. There were no CAT 3 UOF incidents noted during the audit time period. For purposes of this audit, NCIs were considered completed when reviewed and approved by the watch commander at IRC. CAT 1 and CAT 2 UOF investigations were considered completed when reviewed and approved by Custody Services Division.
- **Objective No. 5(b)** – Auditors reviewed all CAT 1 and 2 UOF investigations, including the incidents where the investigations were not completed.

For the audit time period, a population of 74 UOF incidents were identified. After further review, three incidents were excluded from the population. Two of the three incidents were not an IRC UOF. The remaining incident was combined with another incident since they occurred simultaneously. Of the remaining 71 incidents, 67 incidents were completed. Of the 67 UOF incidents, 18 were NCIs, 39 were CAT 1 UOF incidents, and 10 were CAT 2 UOF incidents (see Table No. 1 on the following page). For the remaining four incidents, the investigations were not completed prior to audit testing (see Table No. 2 on the following page). As a result, the corresponding UOF packets were only evaluated for Objective No. 5(b).

The UOF incidents population was identified through the PRMS, Force Module and reconciled to e-LOTS.

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**Table No. 1 – Summary of UOF Incidents**

Incident Type	Completed Investigations	Incomplete Investigations	Total Packets
NCI	18	0	18
CAT 1	39	1	40
CAT 2	10	3	13
<b>Total</b>	<b>67</b>	<b>4</b>	<b>71</b>

**Table No. 2 – Status of Incomplete UOF Investigations<sup>2</sup>**

Incident Type	Incident Date	Status	Total Packets
CAT 1	3/8/22	Packet with the Custody Force Review Committee	1
CAT 2	3/12/22	Investigation Completed Subsequent to Audit Testing	1
CAT 2	2/24/22	Packet with the Division Commander	2
<b>Total</b>			<b>4</b>

<sup>2</sup> The status for each UOF packet was as of May 2023.

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**SUMMARY OF FINDINGS**

The audit yielded the following results:

**Table No. 3 – Summary of Audit Findings**

<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 personnel attempted to de-escalate the incidents.</i>	<b>98%</b>
1(b)	<i>Determine if Department personnel involved in a UOF, including participants, witnesses, and supervisors directing the force, did not escort the inmate to the clinic, housing, a holding cell, etc., except in the most compelling of circumstances.</i>	<b>75%</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 personnel that were involved in, directed, assisted with, or witnessed the incidents completed written reports.</i>	<b>100%</b>
3(b)	<i>Determine if Department personnel reports were submitted prior to going off duty, unless otherwise directed by the watch commander/supervising lieutenant.</i>	<b>96%</b>
3(c)	<i>Determine if Department personnel reports included the required detail.</i>	<b>66%</b>
3(d)	<i>Determine if the Unit Commander ensured that preliminary data was entered into the PDE system within the first 24 hours of each incident, or as soon as possible thereafter.</i>	<b>96%</b>
<b>4</b>	<b>USE OF FORCE INTERVIEWS</b>	
4(a)	<i>Determine if Department personnel involved in the UOF, including supervisors directing the force, participants, and witnesses were not present when the interviews of the involved inmates and witness inmates were conducted, except in the most compelling of circumstances.</i>	<b>93%</b>
4(b)	<i>Determine if the watch commander/supervising lieutenant ensured that the interviews of the inmates involved with the UOF were recorded on video and, if appropriate, photographs were taken.</i>	<b>100%</b>
4(c)	<i>Determine if, prior to the beginning of the interviews of the inmates involved in the UOF, 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>69%</b>
4(d)	<i>Determine if, when interviewing the inmates involved in the UOF, the watch commander/supervising lieutenant asked the inmates if they had any injuries, the nature of the injuries, and if they were medically treated.</i>	<b>81%</b>
4(e)	<i>Determine if photographs and/or video recordings were taken of Department personnel injuries, swelling, or redness sustained during the UOF.</i>	<b>100%</b>
4(f)	<i>Determine if all potential witnesses were identified and interviewed.</i>	<b>69%</b>
4(g)	<i>Determine if the attending physician or other qualified medical personnel were interviewed when the inmates involved in the UOF were taken to a medical facility for examination.</i>	<b>100%</b>
<b>5</b>	<b>USE OF FORCE INVESTIGATIONS</b>	
5(a)	<i>Determine if sergeants who planned, directed, or participated in the UOF did not complete the investigation of the incident.</i>	<b>100%</b>
5(b)	<i>Determine if the watch commander/supervising lieutenant prepared and submitted the UOF investigation package to the Unit Commander for all reviews not conducted by IAB Force/ Shooting Response Team as soon as possible, but no later than 21 days after each incident, unless otherwise directed.</i>	<b>25%</b>

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**DETAILED FINDINGS**

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

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

**Criteria**

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.*

**Procedures**

Auditors reviewed the UOF investigation package, including audio and/or video files, for each incident to determine whether Department personnel attempted to de-escalate the incident. Ten of the 67 UOF incidents were excluded from evaluation because the incidents occurred suddenly and without warning, making de-escalation efforts unfeasible. Auditors evaluated 57 UOF incidents for this objective.

A UOF investigation package met the criteria for this objective if Department personnel attempted to de-escalate the incident.

**Results**

Fifty-six (98%) of the 57 UOF incidents met the criteria for this objective. The remaining incident did not meet the criteria for this objective because not enough information was articulated in the incident report to determine if de-escalation was attempted.



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**Objective 1(b) – Determine if Department personnel involved in a UOF, including participants, witnesses, and supervisors directing the force, did not escort the inmate to the clinic, housing, a holding cell, etc., except in the most compelling of circumstances.**

#### Criteria

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.*

#### Procedures

Auditors reviewed the UOF investigation package, including audio and/or video files, for each incident to determine whether Department personnel who were involved in, directed, assisted with, or witnessed the incident escorted the inmate(s) to the clinic, housing, holding cell, etc. Three of the 67 UOF incidents were excluded from evaluation because the involved inmate was not escorted to a separate location after the UOF. Auditors evaluated 64 UOF incidents for this objective.

A UOF investigation package met the criteria for this objective if Department personnel who were involved in, directed, assisted with, or witnessed the incident did not escort the inmate(s) to the clinic, housing, holding cell, etc., except in the most compelling of circumstances.

#### Results

Forty-eight (75%) of the 64 UOF incidents met the criteria for this objective. The remaining 16 incidents did not meet the criteria for this objective because Department personnel who used force and/or Department personnel that witnessed the UOF escorted the inmate(s) to the clinic, housing, holding cells, etc., and an exception was not documented (see Table No. 4 on the following page).

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**Table No. 4 – Summary of Escorting Personnel**

<b>Escorting Personnel</b>	<b>Number of Incidents</b>
Department Personnel that Used Force	5
Department Personnel that Witnessed Force	5
Department Personnel that Used and Witnessed Force	6
<b>Total</b>	<b>16</b>

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**Objective No. 2 – Use of Force Categorization**

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

Criteria

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (April 2020), 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;*
- *Takedowns;*
- *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.*

Custody Operations Directives, Section 17-006, Handling Non-categorized Incidents (September 2017), states:

***OVERVIEW***

*An NCI is any of the following uses of force:*

- *Resisted hobble application;*
- *Resisted searching and handcuffing techniques;*

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- *Resisted firm grip, control holds, come-alongs, or control techniques.*
  - *Examples include, but are not limited to, pushing/pulling a resistive inmate into a cell; pushing an advancing/hostile inmate away in order to create a safe distance; pushing/pulling an inmate who grabs onto a fixed object in order to avoid being handcuffed*

*When there is NO injury or complaint of pain from the inmate once the force incident has concluded, and there are no allegations of excessive force or misconduct.*

Procedures

Auditors reviewed the UOF investigation package, including audio and/or video files, for each incident to determine whether the incident was appropriately categorized.

A UOF investigation package met the criteria for this objective if the incident was appropriately categorized as an NCI, a CAT 1, or a CAT 2.

Results

All 67 (100%) UOF incidents met the criteria for this objective.

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

**Objective 3(a) – Determine if all Department personnel that were involved in, directed, assisted with, or witnessed the incidents completed written reports.**

#### Criteria

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (April 2020), states:

#### ***Responsibilities for Reporting the Use of Force***

*Each member who uses reportable force and each supervisor who directed the force which was used, shall complete a written first report of the force incident ...*

*Each assisting member who used force, including partners, shall submit a separate supplementary report detailing their actions ...*

*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 ... 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.*

#### Procedures

Auditors reviewed the UOF investigation package, including audio and/or video files, for each incident to determine whether all Department personnel that were involved in, directed, assisted with, or witnessed the incident completed written reports.

A UOF investigation package met the criteria for this objective if Department personnel that were involved in, directed, assisted with, or witnessed the incident completed written reports.

#### Results

All 67 (100%) UOF incidents met the criteria for this objective.

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**Objective 3(b) – Determine if Department personnel reports were submitted prior to going off duty, unless otherwise directed by the watch commander/supervising lieutenant.**

### Criteria

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (April 2020), states:

#### ***Responsibilities for Reporting the Use of Force***

*Each member who uses reportable force and each supervisor who directed the force which was used, shall complete a written first report of the force incident prior to going off duty. If the watch commander determines exigent circumstances such as the member's physical or medical condition impair their ability to complete the report, 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 their 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 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.*

### Procedures

Auditors reviewed the reports submitted by Department personnel for each incident as well as the corresponding IRC's Shift In-Service Rosters to determine whether the reports were submitted prior to Department personnel going off duty, unless otherwise directed by the watch commander/supervising lieutenant.

A UOF investigation package met the criteria for this objective if Department personnel submitted their reports prior to going off duty, unless otherwise directed by the watch commander/supervising lieutenant.

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Results

Sixty-four (96%) of the 67 UOF incidents met the criteria for this objective. Three incidents did not meet the criteria for this objective (see Table No. 5). For one of the three incidents, Department personnel did not submit the report prior to going off duty. For the remaining two incidents, not enough information was available to determine if Department personnel submitted the reports prior to going off duty.

**Table No. 5 – Summary of UOF Incident Reports not Submitted as Required**

Incident Type	Incident Date	Report Date	No. of Days Beyond the End of Shift
NCI	3/22/22	Not Provided	Unable To Determine
CAT 1	2/5/22	2/9/22	4 Days Beyond the End of Shift
CAT 1	3/30/22	Not provided	Unable to Determine
<b>3</b>	<b>Total</b>		

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**Objective 3(c) – Determine if Department personnel reports included the required detail.**

Criteria

Custody Division Manual, Section 7-06/000.00, Use of Force Reporting Procedures (April 2020), states:

***Responsibilities for Reporting the Use of Force***

*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 which 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 each report submitted by Department personnel as well as related source documentation (e.g., Supervisor's Report on UOF) and audio and/or video files for each incident to determine whether the reports included the required details.

Each report is to include a statement regarding the tactics leading up to the UOF, the actions of the suspect necessitating the UOF, the specific force used in response to the suspect's actions, any force Department personnel observed that was used by other Department personnel, and any medical treatment or refusal of medical treatment if observed by Department personnel who wrote the report.

Regarding injuries, per IRC Operations, each written report is required to include a statement on whether the Department personnel who wrote the report observed or did not observe any visible or apparent injuries to Department personnel, inmates, or other involved persons during the UOF. As a result, auditors reviewed the reports to determine if each report included a statement regarding injury even if injuries were not observed.

A UOF investigation package met the criteria for this objective if each report written by Department personnel specifically for that incident included all the required details.



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Results

Forty-four (66%) of the 67 UOF incidents met the criteria for this objective. The 23 remaining incidents did not meet the criteria for this objective. The reports did not include a statement on whether any visible or apparent injuries were or were not observed and/or if any medical treatment or refusal of medical treatment was observed. For the 23 incidents, a total of 121 reports were written by Department personnel who were involved in or witnessed the UOF. Of the 121 reports, 35 did not include the required statements regarding injuries and/or medical treatment (see Table No. 6).

**Table No. 6 – Summary of Reports without a Statement Regarding Injuries or Medical Treatment**

Type of Statement not Included in Report	No. of Incidents with Reports that did not Include the Statement	No. of Reports without the Statement	No. of Reports Written for the Incidents
Injury	17	25	87
Medical	4	5	23
Injury and Medical	2	5	11
<b>Total</b>	<b>23</b>	<b>35</b>	<b>121</b>

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**Objective 3(d) – Determine if the Unit Commander ensured that preliminary data was entered into the PDE 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:

***Unit Commander's Responsibilities***

*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 PRMS to determine whether the preliminary data of the incidents was entered into the PDE system within the first 24 hours of each incident or as soon as possible thereafter. For auditing purposes, IRC was considered in compliance with the criteria if the preliminary data of the incident was entered into the PDE system up to the day after the incident. The PDE Force Summary Report includes the date of each incident as well as the date the preliminary data for each incident was entered into the PDE System.

A UOF investigation package met the criteria for this objective if the preliminary data of the incident was entered into the PDE system within the first 24 hours of the incident or as soon as possible thereafter.

Results

Sixty-four (96%) of the 67 UOF incidents met the criteria for this objective. The remaining three incidents did not meet the criteria for this objective because preliminary data for the incidents was not entered into the PDE system within the first 24 hours of each incident (see Table No. 7 on the following page).

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**Table No. 7 – Summary of UOF Incidents not Entered into PDE as Required**

Incident Type	Incident Date	Date Preliminary Data was to be Entered into PDE	Date Entered into PDE	No. of Days Beyond the Required 24 Hours
NCI	1/1/22	1/2/22	1/15/22	13 Days
CAT 1	1/3/22	1/4/22	4/1/22	87 Days
CAT 2	1/23/22	1/24/22	3/1/22	36 Days
<b>3</b>	<b>Total</b>			

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

**Objective 4(a) – Determine if Department personnel involved in the UOF, including supervisors directing the force, participants, and witnesses were not present when the interviews of the involved inmates and witness inmates were conducted, except in the most compelling of circumstances.**

Criteria

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

***Watch Commander/Supervising Lieutenant’s Responsibilities***

***Interviewing Inmates***

*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.*

Custody Operations Directives, Section 17-006, Handling Non-categorized Incidents (September 2017), states:

***Watch Commander’s Responsibilities***

- *Interview the involved inmate using the same protocol outlined in Custody Division Manual (CDM) section 7-07/000.00, “Use of Force Review Procedures”*

Procedures

Auditors reviewed the interviews of the inmates involved in or who witnessed the UOF as well as other related source documentation (e.g., Department personnel UOF reports) for each incident to determine whether Department personnel involved in the UOF, including supervisors directing the force, participants, and witnesses were not present when the interviews were conducted, except in the most compelling of circumstances. If circumstances required their presence, auditors determined whether detailed justification was included in all supervisors’ subsequent reports.

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A UOF investigation package met the criteria for this objective if Department personnel involved in the UOF, including supervisors directing the force, participants, and witnesses were not present when the interviews of the involved inmates and witness inmates were conducted, except in the most compelling of circumstances.

Results

Sixty-two (93%) of the 67 UOF incidents met the criteria for this objective. Five incidents did not meet the criteria for this objective. For three of the five incidents, Department personnel that used force, directed the UOF, or witnessed the UOF were present during the witness interviews. For the two remaining incidents, not enough information was available to determine if the Department personnel present during the witness inmate interviews were involved in the UOF because they did not identify themselves by name, rank and/or employee number during the interview.

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**Objective 4(b) – Determine if the watch commander/supervising lieutenant ensured that the interviews of the inmates involved with the UOF were recorded on video and, if appropriate, photographs were taken.**

Criteria

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

***Watch Commander/Supervising Lieutenant’s Responsibilities***

***Interviewing Inmates***

*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 interviews of the inmates involved in the UOF were video recorded and, if appropriate, photographs were taken.

A UOF investigation package met the criteria for this objective if the interviews of the inmates involved in the UOF were video recorded and, if appropriate, photographs were taken.

Results

All 67 (100%) UOF incidents met the criteria for this objective.

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**Objective 4(c) – Determine if, prior to the beginning of the interviews of the inmates involved in the UOF, 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:

***Watch Commander/Supervising Lieutenant's Responsibilities***

***Interviewing Inmates***

*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 interviews of the inmates involved in the UOF for each incident to determine whether, prior to the beginning of the interviews, the time, date, and location of the interviews were clearly stated, along with the names, ranks, and employee numbers of all persons present.

A UOF investigation package met the criteria for this objective if, at any time during the interviews of the inmates involved in the UOF, the time, date, and location of the interviews were clearly stated, along with the names, ranks, and employee numbers of all persons present.

Results

Forty-six (69%) of the 67 UOF incidents met the criteria for this objective. The remaining 21 incidents did not meet the criteria for this objective because the interviews did not mention the time, date, or location of the interview, or the required information of all Department personnel present during the interviews (see Table No. 8 on the following page).

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**Table No. 8 – Summary of Information Not Stated During the Suspect Interviews**

Required Information Not Stated During the Suspect Interviews	Number of Incidents
Time, Date, and/or Location of Interview	10
Name, Rank, and/or Employee Number of All Persons Present	9
Time, Date, Location of Interview and/or Required Information of All Persons Present	2
<b>Total</b>	<b>21</b>

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**Objective 4(d) – Determine if, when interviewing the inmates involved in the UOF, the watch commander/supervising lieutenant asked the 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:

***Watch Commander/Supervising Lieutenant’s Responsibilities***

***Interviewing Inmates***

*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 interviews of the inmates involved in the UOF for each incident to determine whether the inmates were asked if they had any injuries, the nature of their injuries, and if they were medically treated.

A UOF investigation package met the criteria for this objective if the inmates involved in the UOF were asked if they had any injuries, the nature of their injuries, and if they were medically treated.

Results

Fifty-four (81%) of the 67 UOF incidents met the criteria for this objective. The remaining 13 incidents did not meet the criteria for this objective because the questions regarding medical treatment or inmate injuries and the nature of the injuries were not asked during the interviews.

For 12 of the 13 incidents, the question regarding medical treatment was not asked. For the remaining incident, the questions regarding inmate injuries were not asked.

Additionally, the same lieutenant conducted eight of the 13 interviews where the watch commander did not ask the question regarding medical treatment. IRC Management was made aware of this identified pattern.

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**Objective 4(e) – Determine if photographs and/or video recordings were taken of Department personnel injuries, swelling, or redness sustained during the UOF.**

Criteria

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

***Immediate Supervisor’s Responsibility***

***Responding to Force Incidents***

- *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 personnel injuries, swelling, or redness sustained during the UOF. If no injuries were sustained, auditors determined whether the absence of injuries was documented.

A UOF investigation package met the criteria for this objective if photographs and/or video recordings were taken of Department personnel injuries, swelling, or redness sustained during the UOF or if the absence of injuries was documented.

Results

All 67 (100%) UOF incidents met the criteria for this objective.

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**Objective 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 (January 2017), states:

***Immediate Supervisor's Responsibility***

***Responding to Force Incidents***

- *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 investigation package, including audio and/or video files for each incident to determine whether all potential witnesses were identified and interviewed.

A UOF investigation package met the criteria for this objective if all potential witnesses were identified and interviewed.

Results

Forty-six (69%) of the 67 UOF incidents met the criteria for this objective. The remaining 21 incidents did not meet the criteria for this objective because not all potential witnesses were identified and interviewed. For 16 of the 21 incidents, the potential witnesses not identified were inmates.

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**Objective 4(g) – Determine if the attending physician or other qualified medical personnel were interviewed when the inmates involved in the UOF 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:

***Immediate Supervisor’s Responsibility***

***Responding to Force Incidents***

- *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 the inmates involved in the UOF were taken to a medical facility for examination.

A UOF investigation package met the criteria for this objective if the attending physician or other qualified medical personnel were interviewed when the inmates involved in the UOF were taken to a medical facility for examination.

Results

All 67 (100%) UOF incidents met the criteria for this objective.

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

**Objective 5(a) – Determine if sergeants who planned, directed, or participated in the UOF did not complete the investigation of the incident.**

Criteria

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

***Watch Commander/Supervising Lieutenant’s Responsibilities***

***Completion of Investigations***

*After interviewing an inmate in incidents involving directed or planned force, the watch commander/supervising lieutenant shall determine who should complete the initial investigation. Sergeants who planned, directed, or participated in the use of force shall not complete the investigation of the incident.*

Custody Operations Directives, Section 17-006, Handling Non-categorized Incidents (September 2017), states:

*Sergeants who witness, plan, or direct the NCI use of force can conduct the inquiry and complete the NCI Report (SH-J-438N). In instances when a sergeant is an involved employee in the use of force, another sergeant will be designated to complete the NCI Report (SH-J-438N) and package.*

Procedures

Auditors reviewed the Supervisor’s Report on UOF as well as other related source documentation (e.g., Department personnel UOF Reports) and audio and/or video files for each incident to determine whether sergeants who planned, directed, or participated in the UOF did not complete the investigation of the incident.

A UOF investigation package met the criteria for this objective if sergeants who planned, directed, or participated in the UOF did not complete the investigation of the incident.

Results

All 67 (100%) UOF incidents met the criteria for this objective.

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**Objective 5(b) – Determine if the watch commander/supervising lieutenant prepared and submitted the UOF investigation package to the Unit Commander for all reviews not conducted by IAB 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:

***Watch Commander/Supervising Lieutenant's Responsibilities***

***Force Packages***

*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 Watch Commander's and Unit Commander's UOF Review and Incident Analysis reports to determine whether the UOF investigation package was submitted to the Unit Commander for all reviews of force not conducted by an IAB Force/Shooting Response Team no later than 21 days after each incident, unless otherwise directed. For this objective, auditors evaluated all CAT 1 and CAT 2 UOF incidents, including the incidents where the investigations have not been completed.

A UOF investigation package met the criteria for this objective if the UOF investigation package was submitted to the Unit Commander no later than 21 days after each incident, unless otherwise directed.

Results

Thirteen (25%) of the 53 UOF incidents met the criteria for this objective. The remaining 40 incidents did not meet the criteria for this objective because the corresponding UOF investigation packages were submitted to the Unit Commander four to 139 days after the required date (see Table No. 9 on the following page). Sixteen of the 40 UOF investigation packages were returned to the supervisor completing the investigation for additional detail, which caused a delay in the final submission to the Unit Commander.

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**Table No. 9 – Summary of UOF Investigation Packages Submitted to the Unit Commander After the Required Date**

No. of Incident	No. of Days UOF Investigation Package was Overdue to the Unit Commander
20	1 to 30 Days Overdue
9	31 to 60 Days Overdue
5	61 to 90 Days Overdue
4	91 to 120 Days Overdue
2	Over 121 Days Overdue
<b>40</b>	<b>Total</b>

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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.

*Discrepancies Between the CDM and the Manual of Policy and Procedures*

Per the CDM, Section 7-07/000.00, Use of Force Review Procedures (January 2017), the Unit Commander shall ensure that completed/approved UOF investigation packages are either submitted to the Discovery Unit or forwarded to the Division. The UOF investigation packages not submitted to the Discovery Unit within 60 days will be considered overdue. The auditors noted that the CDM does not specify the date from which the 60-day count starts.

To further clarify the policy, the auditors contacted the Custody Support Services Bureau, Custody Training and Standards Bureau, Custody Compliance and Sustainability Bureau, and Risk Management Bureau. The shared perspective from each Bureau is that the UOF investigation packages are to be submitted to the Discovery Unit within 60 days of the incident date.

The Manual of Policy and Procedures (MPP), Section 3-10/112.00, Use of Force Review – Unit Commander Responsibilities (June 2021), regarding the submission requirements of the approved UOF investigation packages to the Discovery Unit conflicts with the CDM. Per the MPP, the Unit Commander shall ensure that completed/approved UOF investigation packages are either submitted to the Discovery Unit or forwarded to the Division. The UOF investigation packages not submitted to the Discovery Unit within 60 days of the Unit Commander's or the concerned Division's final approval of the UOF investigation will be considered overdue. A thirty-day extension may be authorized by the Division Commander.

Since the CDM and the MPP are conflicting, ambiguous, and lacking specificity, the auditors did not make a determination if the UOF investigation packages were submitted to the Discovery Unit within 60 days. The CDM and the MPP need to be reviewed and revised accordingly.

*Inconsistencies between PRMS and e-LOTS*

In determining the population of UOF incidents that would be reviewed for the audit time period, a reconciliation of PRMS to e-LOTS was conducted. Several inconsistencies were noted. Specifically, there were seven instances where the UOF category and/or the Uniform Report Number was different in PRMS and e-LOTS. In addition, there were four instances where a UOF was noted in PRMS but not in e-LOTS or vice versa. Per the



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CDM, Section 7-07/030.00, Compliance Lieutenant (December 2020), a reconciliation of PRMS and e-LOTS is required. Once IRC was notified of the inconsistencies, the necessary corrections were made.

*Incomplete UOF Investigation Packages*

During the onset of this audit, it was discovered that of the 71 UOF investigations for the audit time period, 67 investigations were completed. The remaining four UOF investigations were incomplete prior to audit testing. As previously noted in Table No. 2, two of the four incidents occurred in February 2022. The two remaining incidents occurred in March 2022.

*Issues Noted During the Audit not identified by IRC in the UOF Packages*

Auditors discovered that most of the issues noted during the audit were not identified by IRC when completing the review of the corresponding UOF investigation packages. In addition, corrective action was not often noted for the instances where the issues were identified and addressed by IRC in the UOF investigation packages (see Table No. 10).

**Table No. 10 – Summary of Noted Issues Identified by IRC**

Objective No.	No. of Issues Noted During the Audit	No. of Issues Identified by IRC	No. of Issues where a Corrective Action was Noted
1(a)	1	0	0
1(b)	16	8	7
3(b)	3	0	0
3(c)	23	19	6
3(d)	3	0	0
4(a)	5	3	3
4(c)	21	3	1
4(d)	13	0	0
4(f)	21	7	3
5(b)	40	40	0

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**SUMMARY OF RECOMMENDATIONS**

**Table No. 11 – Recommendations**

Recommendation No.	Recommendations
1	It is recommended that IRC management prepare a standardized recurring briefing on the importance of Department personnel UOF reports including the required detail such as any injuries or complaint of injuries. (Objective No. 3)
2	It is recommended that Custody Support Services and Field Operations Support Services review the UOF investigative package submission timeline requirements. The current timeframe of 21 days for submitting the UOF investigation package to the Unit Commander after the incident date may not be manageable as evident by the findings for that Objective. The discrepancies between the CDM and the MPP regarding the approved UOF investigation packages being submitted to the Discovery Unit within 60 days also need to be reviewed. (Objective No. 5 and Other Related Matters)
3	It is recommended that IRC management prepare a standardized recurring briefing on the importance of reconciling the data on PRMS and e-LOTS to ensure the data is consistent among both applications. A timeframe should also be established for reconciling the data in a timely manner. (Other Related Matters)
4	It is recommended that IRC management establish procedures to ensure corrective action is implemented for all issues noted during the completion of each UOF incident investigation and documented in the corresponding UOF investigation package. (Other Related Matters)

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**Views of Responsible Officials**

On November 2, 2023, IRC submitted a formal response to the AAB concurring with the audit results.

Audit and Accountability Bureau presented the final audit report to the Division Director, Office of Constitutional Policing.

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This audit was submitted on this 2nd day of November 2023, by the Audit and Accountability Bureau.

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Audit and Accountability Bureau  
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