

The Los Angeles County

Sheriff's Department

9th Semiannual Report by

Special Counsel Merrick J. Bobb & Staff

June 1998

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Special Counsel appreciates and acknowledges the help and support provided by Morrison & Foerster LLP and the pro bono assistance of Munger, Tolles & Olson and Tuttle & Taylor.

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I n t r o d u c t i o n

This is the **Ninth Semiannual Report** of Special Counsel Merrick Bobb and staff discussing the Sheriff's Department (LASD). These reports are prepared at the direction of the Los Angeles County Board of Supervisors pursuant to its appointment of Special Counsel for a term currently running to December 31, 1999. This **Ninth Semiannual Report** contains:

- a focused inquiry into the Century Station, the Sheriff's Department's most active station, in order to figure out why it had an unusually high number of deputy-involved shootings during the period 1994-1997;
- an update of jail operations, including recent movement forward on medical and mental health issues by the Sheriff's Department and the Department of Mental Health;
- a progress report on efforts to schedule a sergeant's exam and provide wider opportunities for deputies;
- an examination of flagging efforts by the Department to deal with issues of women in policing;
- an encouraging appraisal of the Department's risk and liability management efforts as reflected in litigation trends and results;
- an overview of new policies regarding training in the use of force;
- and an update on the Sheriff's Department's canine program.

As is often the case with the semiannual reports, this report focuses on problems in the Sheriff's Department. One should not, however, fail to note and celebrate some outstanding successes:

- dramatic drops in litigation exposure, as described in the litigation chapter herein;
- the initiation of the Sheriff's Critical Issues Forum (SCIF), where captains are brought together monthly and held to account for targeted reductions in crime and liability risk;
- outstanding community-based policing efforts, where deputies go door to door to learn of a neighborhood's problems and priorities; and

- innovative town hall meetings, in which the Department and the residents get together to formulate plans for attacking the community's problems.

The Purpose of the Semiannual Reports

Some within the Department liken these semiannual reports to a student's report card. The analogy holds, but only partly so. To be sure, these reports assess progress, but the purpose of **Kolts** is not to compute a grade point average. Rather, the Supervisors have asked for an ongoing candid appraisal of the Department's problems and its efforts to cure previously-identified deficiencies. Our semiannual reports therefore give greater emphasis to describing shortcomings and difficulties than to touting successes. **Kolts** is neither a checklist nor a report card as such. At base, **Kolts** is a blueprint for vigilance and internal oversight by LASD executives and managers in order to reduce the risk of police misconduct, public dissatisfaction and mistrust, and liability. These semiannual reports — and the investigation and monitoring that undergird them — are done to keep the Board of Supervisors and the public regularly informed in detail about the Department and to provide an ongoing mechanism to hold the LASD accountable.

The events in the early 1990's which gave rise to the Christopher Commission investigation of the LAPD and the Kolts investigation of the LASD created a consensus for greater civilian involvement with law enforcement; more rigorous monitoring, oversight, appraisal, and critical questioning of police performance and practices; a sustained search for reliable and objective ways to assess performance by law enforcement; a movement to make law enforcement's internal practices and procedures more transparent, accessible, and responsible; and a demand that accurate and timely data on internal operations be generated and made available for external consideration. To measure police performance is no longer only a question of the crime rate and the number of arrests, important as these numbers may be. It also looks at the numbers and fact patterns to assess whether law enforcement is doing its job in the soundest and most professional

way without unnecessary compromise of the safety and well-being of law enforcement officers and those with whom they come in contact.

In one way or another, this shift to greater public accountability has become much more than a transitory part of the environment for Los Angeles law enforcement agencies. We venture to guess that the days will not return when the heads of law enforcement agencies essentially had carte blanche and the power to monopolize information behind the “blue curtain” by excluding outsiders — be it the press, elected or appointed officials, the Supervisors, or a public commission. The rigor and degree of monitoring may wax and wane, but heightened vigilance and public scrutiny appear to be here to stay.

Does this mean that the law enforcement agencies like the Sheriff’s Department are doomed to a forced march toward an ever-receding horizon of “enough progress” as defined and re-defined endlessly by lawyers, commissioners, supervisors, special counsel, inspectors general, integrity officers, compliance monitors, court-appointed masters, judges, community activists and advocates, and consultants? The answer is no. In this post-Rodney King era, Los Angeles law enforcement agencies have begun to rebuild internal morale, generate more trust and community approval, and enhance confidence in the quality of their leadership. It is good and healthy that this is so. Law enforcement agencies have stopped reeling and have regained the initiative and confidence to move forward. In the Sheriff’s Department, this is reflected in SCIF and similar programs to adapt various of our external monitoring and investigative tools to internal oversight and more rigorous internal accountability.

Those of us in a position to monitor and oversee should respond accordingly. Vigilant monitoring and scrutiny need not be heavy-handed nor antagonistic nor adversarial nor unduly suspicious and untrusting nor insulting nor invasive of the legitimate discretion and operational expertise of law enforcement officials. Nor will it fulfill the mandate, however, if those who are charged with scrutinizing law enforcement are gullible, unquestioning, lacking in tenacity, and easily satisfied or diverted or manipulated.

But in any event, heightened external monitoring, vigilance, and scrutiny appear to have become a fact of life for law enforcement agencies.

The Sheriff's Department seems to so recognize, and the LASD is no longer treating **Kolts** as a checklist or a fad to be gotten over with and beyond. To the extent that implementation of **Kolts** represents a calculation by the Sheriff's Department that overall its best interests are served by voluntary acquiescence to greater accountability and ongoing external scrutiny, the Department has proved itself capable of good politics, good statesmanship, and growth. Rather than a passing trend to be patronized and waited out, **Kolts** has helped nurture a new relationship between and among government, the body politic, and the Sheriff's Department. We hope that the viability of that relationship is sustained and guaranteed, at least in part, through our external monitoring and semiannual reporting.

Should voluntary effort by law enforcement and external monitoring prove insufficient to solidify greater public accountability, there is always the specter of litigation, be it by private plaintiffs or by the government. The Department of Justice — with expanded powers to attack patterns and practices of police misconduct, and through pending investigations and consent decrees — has made it clear in a number of cities across the country that if law enforcement agencies stonewall reform or stiff-arm efforts to make them more accountable, DOJ is ready to step in.

Again, it is to the Sheriff's Department's credit that in general it is not enmeshed in protracted adversary proceedings. Among its greatest current successes has been its ability to avoid litigation and to curtail whatever penchant it may have had in the past to issue sharply antagonistic responses to those who point out problems. Part of the **Kolts** effort has been to aid the Department to assemble the needed data, analyze it, and establish the mechanisms to act on problems before they fester. The Department is getting better at recognizing and anticipating problems; being less reactive. But in the interim, it is again to the Department's credit that when confronted with a real problem, top

management asks “how can we fix it?” rather than “how can we fight it?”

It is important to give the LASD due credit for this. To be sure, the LASD has chafed under and complained vigorously about adverse news coverage and criticism as its many problems have come to light. But one ultimately comes to respect management which nonetheless has the confidence to forge ahead to solve problems. One has only to recall former police leaders, long since gone, whose only action was to impugn the messenger and try to stifle the news. The **Kolts Report** and these semiannual reports have brought some bad news, or at least have made some of that news more accessible and visible. In so doing, the mettle of the LASD has been repeatedly tried. Through it all, the LASD has in the main faced problems forthrightly and constructively and put many of them on the road to solutions.

Conscious that the Supervisors, in the public interest, have asked for a candid exposure of problems areas, we now turn to our semiannual report in which again problems and difficulties seem to predominate. But this is not a report card; the As and Bs are not emphasized as much as the Cs and Ds. To those who struggle to appraise the Department’s achievements overall, please keep that in mind.

1 . T h e C e n t u r y S t a t i o n

Introduction

In this Chapter, we focus on Century Station, which patrols a troubled 13 square miles in the heart of South Central Los Angeles County where the number of homicides, aggravated assaults, weapons seized, and crimes of violence exceed by a substantial margin any other area patrolled by the Department. Our reasons for focusing on Century were three-fold. First, in our **Seventh Semiannual Report**, we noted that the number of deputy-involved shootings (“DI shootings”) at Century was surprisingly high. Particularly stark were the numbers from 1995 and 1996: Century had *three* times as many shootings as any other station. 1997 produced another high number of shootings. 1998, thus far, however, has seen substantially fewer shootings.

Second, Century has troubled antecedents. Century was formed in 1994 when two problematic stations, Lynwood and Firestone, merged and annexed additional high-crime territory previously patrolled by the Carson Station. Since then, Century has had time to create a station culture and esprit that differ from the overly aggressive atmosphere of the Lynwood and Firestone stations of years ago. An examination of Century, therefore, would test the progress of the LASD in the years since the **Kolts Report** in a particularly rigorous way. Enough time has passed since the Lynwood and Firestone days to look at Century in a new light. Century stands on its own, and we wanted to look at it afresh.

Third, we chose to spend time at Century to test how Department-wide policies regarding reporting of force and citizen’s complaints — and the tracking of such events in the Personnel Performance Index (PPI) — were working on the station level. In our **Third Semiannual Report**, issued almost four years ago when these policies were in their infancy and the PPI was still gestating, we reviewed the reception of the new policies at three stations. Now, four years later, the policies have had a chance to “season,” and the PPI is now on-line. For this reason, we thought it would be useful to conduct another station-level review. As indicated above, however, this review was intended less as an “audit” of Century’s performance than as an opportunity to get feedback from a station as

to how the policies and the PPI were working. We chose Century simply because its status as the “fastest” station in the Department arguably made it uniquely qualified to provide such feedback.

As will be developed in this Chapter, our examination gave us a greater appreciation and deeper respect for management at Century and its deputies. The Department has not dealt this station’s management team an easy hand to play. The LASD has put its least experienced deputies in its most violent and challenging territory with marginal supervision. The LASD has time and again imposed an intolerably heavy training burden on the station, swamping the station with as many as 30 rookies at a time, resulting in questionably adequate training for some of the trainees. In some admittedly extreme instances, relatively inexperienced deputies with less than two years in patrol have been called upon to train rookies. A scandal erupted in the ranks of FTOs at Century in 1996, at a time when the training burden on Century was at its heaviest, when a training officer pled no contest to criminal charges after being accused by his trainee of planting false evidence and persuading his trainee to go along.

Century’s problems are aggravated by the station’s high turnover: Many deputies, sergeants, and lieutenants come to Century to “get their ticket punched” — to stay a short time and transfer as rapidly as possible to less busy stations closer to their homes. Those deputies, sergeants, and lieutenants who stay at Century too long believe they are stigmatized and have difficulty arranging good transfers.

The area the station patrols is overwhelmingly Latino and African-American. More than half the Latino population, in the station’s estimation, speak only Spanish. Yet the station has an inadequate complement of deputies who speak Spanish and far too few African-American deputies. The station has few women in patrol.

Given these problems, it is hard to understand why there has not been a more sensible allocation of staff and resources to this station. Century management, especially the staff of lieutenants, work hard to assert control and manage the assets they have been handed.

But at the end of the day, the Department needs to deal Century a fairer hand. The risks are too high.

There is no denying the high rate of violence in the area — for example, there were 96 homicides in 1995, double the number in the next highest station's territory. Century personnel assert that, when viewed in the context of such violence — which they claim reflects the danger posed to its patrol deputies — Century's *rate* of deputy-involved shootings is not excessive but in fact is well within Department norms. Ambient violence may contribute to the alarming number of DI shootings during 1994-97, but a more powerful and convincing explanation, in our judgment, is that there is a serious mismatch between the experience level of Century personnel and the amount of supervision, on one hand, and the demands placed on the station, on the other.

To test our thesis, we spent several weeks stretched over five months at the station, reviewing documents, interviewing station management, speaking with deputies, learning about the community, and gathering facts. We also rode along with deputies on patrol and “flew along” with a helicopter crew that provides air support to LASD patrol operations. We engaged a police officer, who had worked in the two south Los Angeles Police Department stations adjoining Century, to work with three of our team members and help us interpret what we saw. The police officer, on leave from the LAPD, is currently a law student at USC law school where he is performing near the top of his class.

All four members of our team concluded that without question, the personnel at Century in general go about their jobs with dignity and integrity under very difficult circumstances. Given the violent surroundings, the overwhelming number of contacts between Century personnel and the community go without a hitch. Century station is not at “war” with the community that it serves. Indeed, Century is exemplary in a number of respects. Its community relations programs seem to operate well, and it has many special programs, such as a youth employment program. There is a promising program where a psychologist from the LASD's Psychological Services Unit comes to

the station for regular consultation and assistance. And, in general, Century seems to be improving when its 1997 performance on several critical issues is compared to 1996. We nonetheless believe that Century Station has chronic serious problems that flow ultimately from a misconception about how this station best can function.

Our Examination of Century Station

Deputy Involved Shootings at Century Station

As discussed above, in the **Seventh Semiannual Report**, issued in April 1997, we noted that the number of DI shootings at Century was much higher than any other station. Senior Department management responded by requesting that Century take a “hard look” at the number of shootings involving its deputies. Thus, in the summer after the release of the **Seventh Semiannual Report**, Century Station issued its own study of DI shootings in its area from 1994-1996

(“Shooting Study”). The numbers in the Shooting Study were indeed dramatic: During the period studied, Century had 38 shootings, while the next highest station had 14, followed by 3 stations with 8 shootings each. Century station averaged 12.7 shootings annually during

Station	Intentional hit and non-hit DI shootings from 1994-1997
Century	52
Lennox	19
Temple	15
Lakewood	11
East L.A.	10
Carson	10

the study period, while the Department average was 7.5. This trend continued in 1997. Table One shows the top six stations in terms of the number of DI shootings from 1994-1997.

In the Shooting Study, Century undertook to determine if the high number of shootings was different from the Department norm in a statistically significant way. Put in another way, Century attempted to determine whether its rate of DI shootings was truly unusual or whether it was consistent with the high rate of violence in the area serviced by the station.

Thus, Century sought to isolate variables that reflected ambient violence which could be linked to a deputy's decision to intentionally fire a gun at another person. Century selected four such variables — criminal homicides, aggravated assaults, firearm seizures, and Part I Crimes. The Shooting Study next attempted to correlate these “violence variables” with the frequency of DI shootings. For example, the Shooting Study concluded that DI shootings and criminal homicides were correlated in a statistically significant way, such that DI shootings increased in a predictable way as criminal homicides increased. The Shooting Study concluded in the end that, given the violence variables, the number of DI shootings at Century was well within Department norms. According to the Shooting Study, the “number of [Century] shootings is consistent with departmental norms when viewed in relation to validated predictors of shooting frequencies.”

In the last five months, we undertook our own analysis of data. In addition, we did a preliminary analysis of a contiguous area patrolled by the LAPD to see if the “relative violence” model held up there as well. **Our own review has led us to conclude that the Shooting Study's conclusions were overstated.** First, as the Shooting Study admits, the variables it isolated were *assumed* to be related closely to decisions by deputies to shoot. We question the reliability of the assumptions. For example, we question how well the number of criminal homicides relate to DI shootings, given that many such homicides occurred between related parties rather than strangers. But even if one went along with the assumed causal links between the violence variables chosen by Century station and the frequency of DI shootings, it would only prove something if the variables were correlated with DI shootings in a significant way. Otherwise, the variables would be of little use as predictors of the frequency of shootings.

This is precisely where the Shooting Study turned out to be at its weakest. The Shooting Study stated that a correlation of “.85 or higher is generally accepted as a threshold above which a relationship may be concluded.” Yet only one of the four variables — criminal homicides — met this threshold, and this was for only one of the

three years reviewed by the Shooting Study. In fairness to Century, certain of the violence variables do appear to be mildly correlated with DI shootings. Moreover, the raw numbers of criminal homicides within the Century’s area are higher than the Department norm. **At the end of the day, however, none of the violence variables was related to shootings strongly enough to be of any use in explaining the high number of shootings within the Century station patrol area.**

Many of the Century personnel said that the LAPD’s Southeast Station, which patrols the Watts neighborhood in the City of Los Angeles contiguous with Century Station, is an area that is just as “violent” as is Century. This prompted us to undertake a comparison between Southeast and Century using the violence variables used in Shooting Study. We looked principally at data for 1996. The results of our comparison are listed in Table Two.

Station	Shootings	Homicides	Ag. Assaults	Part I crimes	Guns seized or destroyed
Century	14	96	2664	10,816	1387
Southeast	3	92	2831	10,663	791

Table Two shows that Century and Southeast had an almost identical number of homicides, aggravated assaults and Part I crimes in 1996 (three of the four violence variables used in the Shooting Study), but that **Century had more than three times as many deputy involved shootings.** Although we were unable to compile equivalent statistics for each year from 1994-1997, the LAPD provided the number of intentional hit and non-hit shootings for two of its stations contiguous to Century for each of those four years. The results are set forth in Table Three.

While Tables Two and Three do not tell the whole story, they do raise doubts

	Southeast	Newton	Annual Total
1994	4	9	13
1995	5	4	9
1996	3	9	12
1997	5	4	9
Totals	17	26	43

about any attempt to explain the high number of shootings at Century solely by reference to the high number of violent acts occurring in the patrol area. Although Table Two is limited to one year's data, it tends to undercut the Shooting Study's thesis that the level of ambient crime and violence is the distinguishing factor in the number of shootings. Table Three raises the question why Century had 52 shootings between 1994-1997 whereas two contiguous LAPD stations, combined, had 43 shootings.

As Table Two shows, the one variable on which Century apparently out-paced Southeast was guns seized. These numbers, however, must be read with care, and we cannot state with certainty that they are comparing identical situations. The number for Century reflects the number of guns confiscated by Century station personnel that were *destroyed* in 1995, rather than the number of guns actually seized in 1995. We are not certain whether the number for Southeast similarly reflects guns destroyed rather than guns seized; nor do we know if the distinction would make a significant difference in the numbers. Moreover, it appears that the "guns seized" figure for Century station includes guns seized by the specialized units housed at Century station, such as the Gang Enforcement Team. The LAPD numbers, we were told, does not include guns seized by the LAPD gang enforcement unit. Thus, the Century figure may be inflated for purposes of comparison with Southeast. Neither the figures for officer and deputy-involved shootings at Century and Southeast, however, include shootings by members of the specialized units.

Assuming for the moment that the comparison of guns seized or destroyed between Century and Southeast is accurate, we wondered whether it could serve as a better measure of deputy contact with potentially dangerous suspects than the other variables used in the Shooting Study. This prompted us to decide to compare Century and Southeast on the number of arrests per year, another generally good measure of contact with potentially dangerous suspects. We found that, in 1996, Century deputies made 13,273 arrests, while Southeast officers made 9,991. We do not know whether the apparent differences in guns seized and arrests indicate different LAPD and LASD policies, or deployment strategies,

or greater initiative on the part of LASD deputies than LAPD officers. But if the figures can be taken at face value, it does appear that (in 1996 at least) deputies at Century were having more contacts or encounters with suspects than officers at Southeast. This might impact the frequency of shootings at the respective stations. But even if this were so, Table Three still leads us to conclude that Century has a disproportionately high number of shootings compared to Southeast and Newton. Table One shows that Century has a disproportionately high number of shootings compared to its contiguous LASD Region II stations, Lennox and Carson. And, as Tables Four and Five show, Century's numbers are quite high compared to the rest of the LASD, the LAPD, and the NYPD as a whole.

In sum, the Shooting Study's quantitative analysis did not convince us. The Shooting Study did not end, however, with a quantitative analysis of deputy-involved shootings. The Shooting Study also undertook a *qualitative* analysis of the shootings as well. This analysis raised an apt concern about foot pursuits, in particular whether the splitting of partners during such pursuits increased the likelihood of a shooting. The Shooting Study concluded that partner splitting during foot pursuits did appear to increase the likelihood of a shooting. The Shooting Study also noted that the Department was training deputies to chase and capture fleeing suspects. The Shooting Study suggested that an alternative strategy — following suspects at a distance and setting up a containment — would result in fewer shootings because chasing at close distance more likely to put a deputy at risk of using a firearm.

We also reviewed all 14 DI shootings at Century station in 1997. Among other observations, we were struck that three of the shootings involved trainees, two of whom had been on patrol for less than two months. In one of the shootings, the trainee acted in exemplary fashion. Without in any way concluding that the training of the two other shooters was deficient, we had concerns about the tactics and strategy employed. We also noted that of the 14 shootings that we reviewed, more than half occurred during pursuits — four foot pursuits and four vehicle pursuits. This is consistent with the Shooting Study

Officer-Involved Shootings Incident Comparisons

	1994	1995	1996
LASD (jurisdiction population = 2.5 million)¹			
Hit shooting incidents	28	34	26
Non-hit shooting incidents	21	26	19
Total hit & non-hit shooting incidents	49	60	45
Hit & non-hit incidents per 100,000	2.0	2.4	1.8
Suspects killed	17	10	14
Suspects killed per hit shooting incident	.61	.29	.54
Suspects killed per 100,000 population	.68	.40	.56
Suspects wounded	11	24	12
Suspects wounded per hit shooting incident	.39	.71	.46
Suspects wounded per 100,000 population	.44	.96	.48
LAPD (jurisdiction population = 3.4 million)²			
Hit shooting incidents	41	45	51
Non-hit shooting incidents	33	34	35
Total hit & non-hit shooting incidents	74	79	86
Hit and non-hit incidents per 100,000	2.2	2.3	2.5
Suspects killed	13	17	20
Suspects killed per hit shooting incident	.32	.38	.39
Suspects killed per 100,000 population	.38	.50	.59
Suspects wounded	28	28	31
Suspects wounded per hit shooting incident	.68	.62	.61
Suspects wounded per 100,000 population	.82	.82	.91
NYPD (jurisdiction population =- 7.3 million)³			
Hit shooting incidents	N/A	N/A	N/A
Non-hit shooting incidents	N/A	N/A	N/A
Total hit & non-hit shooting incidents	179	166	167
Hit and non-hit incidents per 100,000	2.5	2.3	2.3
Suspects killed	30	26	30
Suspects killed per hit shooting incident	N/A	N/A	N/A
Suspects killer per 100,000 populations	.41	.36	.41
Suspects wounded	61	55	44
Suspects wounded per hit shooting incidents	N/A	N/A	N/A
Suspects wounded per 100,000 population	.84	.75	.60

¹Source: LASD Homicide Bureau, & Executive Force Review Committee database²Source: LAPD Human Resources Bureau, force Review Section³Source: NYPD Deputy Commissioner, Public Information & Firearms Discharge Review Board

Hit Shooting Incidents¹							
	1991	1992	1993	1994	1995	1996	1997
Number of Incidents	56	47	29	28	34	26	35
Number of Suspects Wounded	40	31	12	11	24	12	17
Number of Suspects Killed	23	18	22	17	10	14	20
¹ Incidents during which an LASD officer intentionally fired at and hit a suspect							
Non-Hit Shooting Incidents²							
	Aug / Dec						
	1993	1994	1995	1996	1997		
	14	21	26	19	20		
² Incidents during which an LASD officer intentionally fired at a citizen/suspect but missed							
Deputies Shot³							
	1991	1992	1993	1994	1995	1996	1997
Number Wounded by Gunfire	10	6	4	4	2	2	8
Number Killed by Gunfire	0	2	0	0	2	0	2
³ Does not include accidental discharges							
Incidents Resulting in PSTD Rollouts							
	Aug / Dec						
	1993	1994	1995	1996	1997		
	47	109	131	136	124		
Incidents in Which a Deputy was Shot							
	1994			1997*			
	06-18-94	Carson		01-05-97	Lennox		
	09-10-94	Carson		05-14-97	Lancaster		
	11-29-94	Safe Streets Bureau		06-10-97	Special Enforcement Bureau**		
	12-10-94	Walnut		08-14-97	Pitchess East		
				09-03-97	Lakewood		
				10-30-97	Century		
				12-09-97	East L.A.***		
	1995			1998			
	05-12-95	Safe Streets Bureau		01-15-98	Safe Streets Bureau		
	07-18-95	Court Services / Central					
	11-24-95	Norwalk					
	12-26-95	Carson					
	1996						
	08-02-96	Lancaster					
	11-30-96	Lakewood					
<p>* 08-13-97 MCJ #SH1121382 deputy stabbed in head ** 3 deputies *** 2 deputies</p> <p>Note: Source for 1991-1993 figures is Homicide Bureau. Source for 1994-1997 figures is Force Review Committee database, Internal Affairs Bureau and Homicide Bureau</p>							

and general research confirming that shootings (and force incidents) are more likely to occur at the end of a pursuit. Thus, a tightening of the standards for pursuits should help reduce the number of shootings. In fact, this has already occurred at Lennox Station, an adjoining LASD station, where there are significantly fewer shootings than at Century, and where new rules for foot pursuits were instituted a couple of years ago. One lieutenant told us that he believed that Century deputies in 1998 were in fact engaging in fewer foot pursuits than in earlier years and hence were getting involved in fewer shootings (although another supervisor stated the contrary view that foot pursuits were actually “way up”).

For whatever reason, the shooting statistics for 1998 are much more promising. As of the writing of this report in May 1998, there has been only one DI shooting thus far this year. This may prove far more than the Shooting Study and tend to validate the **Kolts Report's** emphasis on holding deputies and management accountable. Certainly, the ambient crime and violence in the area patrolled by Century has not undergone a sea change since 1997. The dramatic drop so far in 1998 suggests that management focus and attention can impact on the number of shootings. To that end, management at Century in 1997 instituted critical incident debriefings, among other programs, and credit these steps with the drop in shootings. In these debriefings, supervisors critically review training and strategic issues with the involved deputies.

As noted above, nearly a third of Century shootings in 1997 involved trainees. This was of particular interest to us in light of comments from personnel at Century station that the station bore an overly-heavy training burden. This prompted us to take a closer look at the demographics of Century station. In essence, given that we were being told that Century station was located in "by far" the most violent area patrolled by the Department, we wanted to see how the LASD had chosen to staff its "fastest" station, and whether those staffing choices might play a role in the frequency of shootings by Century deputies.

The Age And Experience of Century Deputies

We looked at the age and experience of the patrol deputies at Century. The results were both surprising and disturbing. **Century has the youngest group of deputies in the Department.** The average age of patrol deputies at Century is 33.71 years old. Only three other stations in the department have an average age below 36. Moreover, Century's patrol deputies are relatively inexperienced when compared to the rest with an average of 9.04 years of experience in the LASD, the *second lowest* level of experience of any patrol station. (Only Crescenta Valley Station, whose patrol area does not approach

the ambient levels of crime and violence as Century's, has a slightly lower average.) Keep in mind also that an average of 9.04 years of experience does not mean nine years as a *patrol deputy*. Sheriff's deputies go through the Academy and spend significant amounts of time — five or six years — serving in custody facilities before transferring to patrol. Accordingly, lieutenants at Century stated that the average number of years on patrol of Century deputies was approximately *three*.

Supervisors at Century station readily confirmed that the deputies under their command were too young and inexperienced. Our own observations at Century Station reinforced the view. Station supervisors gave two reasons for this — the heavy training burden borne by the station, and the turnover among deputies and supervisors. In effect, then, there are two separate revolving doors, one for trainees and one for others.

The Training Burden at Century Station

At present, 24 out the 180 patrol deputies at Century Station are trainees, a higher percentage than anywhere else in patrol. At times, Century has had an even greater number of trainees; at one time, as many as 31. Two reasons are given for placing such a heavy training burden on Century. The first is practical: Century is one of the few stations that has two-deputy patrol cars, which are useful for training. The second is philosophical: Because Century station is so “fast,” it is considered a good place for trainees to learn the ropes.

Whatever the validity of the rationale, it has high costs. First, a station that has a lot of trainees needs a lot of **trainers**. Century has been forced to dig far too deep into its ranks of deputies to fill all the training positions (trainers are called Field Training Officers, or FTOs). Indeed, while rare, there have been times when deputies with only a year and a half of experience have served as FTOs at Century. One manager at the station told us that a recent group of deputies who were interviewing for FTO positions were so poorly prepared and unqualified that they gave conflicting answers to questions on basic

departmental policy (on such important topics as use of force) even though they had known of the questions *before* the interview. A second cost of bearing such a heavy training burden is that the station's relationship with the community suffers. We were told that the surrounding community was aware that Century was a training station, and on occasion had expressed dissatisfaction that they were always getting "new" and inexperienced deputies. **In the short run, the Department should reduce the training burden on Century Station. At most, station management state the number of trainees should not exceed 18. In the long run, the Department should implement the centralized field training program we and the Advanced Training Bureau advocated in 1996.**

In Chapter Four of the **Fifth Semiannual Report**, dated February 1996, in the wake of grave problems that had surfaced in the field training program at the Century Station, and at a time when Century was overburdened with more than 30 trainees, we reported that there was "widespread skepticism" within the Department about the field training program. "[E]xisting field training resources and personnel are inadequate to satisfactorily train... many new patrol deputies at one station and at one time; there is too high a risk of overwhelming the station. Moreover, the risks are great that a weak, marginal, or even unsatisfactory candidate will be chosen for an FTO spot when captains and lieutenants have to scour the ranks to find 30 or so FTOs at one facility." **Fifth Semiannual Report**, page 18.

In 1996 we strongly recommended that:

- a) the FTO program be centralized;
- b) formal, rigorous standards be adopted for selection of FTOs and that the power of captains to select FTOs for their stations be diluted or shifted to a central Department-wide selection board;
- c) the number of trainees at any one station be sharply restricted;
- d) trainees rotate through different stations with different FTOs;
- e) trainees work at progressively more challenging assignments and stations;

- f) there be scheduled returns to the Academy during the course of training for periodic checkups on the progress of the trainee and the accountability of the FTO, and
- g) there be expansion of the curriculum for FTO school.

Even though the Advanced Training Bureau agreed, few of these recommendations were ultimately adopted by the LASD executives, and those that were adopted were implemented in tepid fashion. Although we have observed general improvement in the procedures for the selection of FTOs, current practice is a far cry from what the Advanced Training Bureau and we advocated in 1996. Our disappointment at the LASD's failure to overhaul its FTO program more thoroughly is high. The current consequences of that failure, at least at Century, underscore our concerns.

One common theme that we heard at Century was that the position of FTO needed to be upgraded on the pay scale and made into a longer term, more professional position. Currently, FTO is the first "bonus" position available to deputies. This has two unfortunate consequences. First, the deputies in these positions tend to be junior and tend to move on to more prestigious positions at the earliest opportunity. Being an FTO is thus rarely an end in itself; it is more just another "ticket" to be "punched." Second, because it would be viewed as a career step backwards, few, if any, deputies return to the FTO position after moving to positions deemed more desirable.

The Department should consider means by which to give deputies incentives to stay FTOs and for more experienced deputies to return to the FTO position after accumulating valuable field experience in various other bonus positions (such as serving as a detective). One common suggestion that we heard was that the Department should make FTO a Bonus II position. A number of supervisors at Century, echoing our earlier suggestions with respect to a centralized, professional cadre of FTOs, recommended creating a "master FTO" position, who could be assigned to "fast" stations such as Century to provide not only professional training but also additional needed field support to the deputies.

The Stigma of Working at Century Station

An additional reason for the relative youthfulness and inexperience of the deputies at the station is that Century is seen by some as an undesirable assignment to stay for a significant time. A consequence of this turnover is that, in the words of one lieutenant, “everyone at Century tends to be junior.” Not surprisingly, Century is an undesirable long term assignment for some precisely because it is so “fast.” Many sworn personnel, especially those with families and homes some distance from Century, find it undesirable to stay for any more time than is necessary to set oneself up for a decent transfer to a more desirable position. And it should be pointed out that almost none of the personnel at Century live near the station.

Moreover, we were told that there was a “stigma” attached to those who did stay at Century for any length of time. The implication seemed to be that by simply remaining at Century, a person risks being “tainted” by Century’s reputation (lingering from Firestone and Lynwood days) that in the long run Century is a desirable long term assignment only for “cowboys” — officers habituated to respond overly-aggressively and on occasion brutally to any hint of resistance or disrespect by a suspect (perceived or imagined) and who brook no serious interference by sergeants or lieutenants.

Although Century’s current reputation in this regard is significantly influenced by the dismal reputation of its predecessor stations, and we specifically disavow any implication that Century currently has any deputies who are running amok, Century over time has produced more than its share of at-risk officers. We reviewed in depth the performance of deputies currently at the station or who had trained at the station and moved elsewhere or had some other previous connection with the station. We examined them from the multiple perspectives of liability risk, possible use of excessive force, generation of founded investigations for misconduct, generation of litigation wherein it appeared likely that misconduct had occurred, and generation of founded citizen complaints. We paid particular attention to those whose careers had led management to conclude that

the individuals needed special scrutiny and, on occasion, extra vigilant supervision.

Century had more than its fair share of such individuals. Additionally, our investigation gave us a continuing concern that individual officers or small groups of Century officers may at times stray outside of thorough control by station-level management.

The Century stigma did not appear limited to deputies. Few sergeants and lieutenants stay at Century for the long haul, and those who do may on occasion suffer unfairly when they try to leave or transfer. In summary, then, Century deputies are relatively young and inexperienced relative to deputies in the Department as a whole. By pointing this out, we do not intend to equate youth and inexperience with a lack of initiative or dedication. Indeed, our own observations, echoed by supervisors at the station, were that the deputies as a group were extremely dedicated and proactive under very difficult circumstances. Nor do we intend to suggest that the relative youthfulness and inexperience of the deputies at Century is a primary cause of the frequency of deputy-involved shootings by Century deputies, although in two of three instances we examined of rookie shootings, we believe that lack of experience played a decisive role. Moreover, as we discussed above, Century station itself has suggested a relationship between shootings and foot pursuits, and our review suggested that shootings were more likely to occur in the context of some kind of pursuit. But it is not unreasonable to question whether younger and less experienced deputies are more likely than their more experienced peers to engage in such pursuits or to manage them less effectively. It is important to remember that even some “in policy” shootings may be preventable.

Inadequacy of Numbers of Supervisors at Century Station

Given that the deputies at Century station are a relatively young and inexperienced crew, a logical question is whether the station can provide the extra supervision required. But there is high turn over among the supervisors as well as among the deputies. As with deputies, there is a tendency for sergeants and lieutenants to stay at Century only so long

as necessary to “pay their dues” and move on to a more desirable assignment.

Indeed, there is a **shortage** of supervisors at Century. Almost everyone we spoke to at the station complained about the inadequate number of supervisors. We were told, for example, that before they were merged into Century Station, Lynwood and Firestone Stations had 13 lieutenants between them; Century Station now has eight, even though it has added responsibilities (Century is responsible for part of Carson as well as the City of Lynwood and the area formerly covered by Firestone Station). Moreover, the sergeant-to-patrol deputy ratio at Century ranges over time from about 20-25 to 1, whereas the station management believes that an **8-1** ratio would be optimal. A common theme voiced by supervisors, in the words of one lieutenant, is that Century “suffers greatly” from the lack of line supervisors. While few of the supervisors were willing to conclude that the barely adequate levels of supervision at Century directly translated into more shootings or more unnecessary or excessive uses of force, they clearly conceded that increased supervision in the field was not only desirable in the abstract but currently necessary to help deputies better manage suspects and events.

This does not mean that the quality of individual sergeants and lieutenants at Century is low. Indeed, we found extraordinary quality and dedication. In particular, the station seems to have a number of dedicated and able lieutenants. Nonetheless, as noted above, the hand they have been dealt is a difficult one. Our strong sense is that the Century Station has not been particularly carefully managed and supervised with respect to liability management, training, and deputy performance issues. Nor has the station been managed so as to attract and retain women and minorities.

Women and Minorities at Century Station

Another set of worrisome facts is that Century lacks the optimal mix of personnel given the area it patrols. We perceive a lack of a “fit” between Century and the demands imposed upon it by its surroundings. Although diversity itself is a worthy objective and

there may be advantages in having station demographics parallel community demographics, we are not specifically speaking here about whether that Century's demographics should more precisely mirror the racial, ethnic, or gender characteristics of the area Century patrols. The "fit" we are talking about has more to do with responding to community needs than race or ethnicity. For example, to us it is relatively more important to have Spanish-speaking deputies at Century — whatever their race, background, or ethnicity — than to simply have large numbers of Latino deputies without regard to whether they can speak Spanish.

Century prides itself on having one of the highest percentages of Latino deputies in the Department — about 31 percent. That is good as far as it goes, but about 50 percent of the Latino community is estimated to be fluent only in Spanish. Century, however, has only a few Spanish-speaking deputies. This paucity of Spanish-speaking deputies obviously impacts the ability of the deputies to understand the community and vice versa; it also means that the small number of deputies at the station who do speak Spanish must take time from their own patrol duties to translate for their non-Spanish speaking peers.

We are additionally concerned that women and Blacks may avoid the station. Century has the third lowest percentage of female deputies of any station in the Department. We were given many explanations for this — that female deputies, more than male deputies, do not want to work in such a fast station, particularly if they are raising children or planning on having a family; that female deputies may experience more pressure from their families to work closer to home; that there are positions within the Department (e.g., court services and the jails) that allow for more predictable work or a 9-to-5 schedule as opposed to swing or night shifts; and that some females believe that male deputies at Century do not want them there. To its credit, the management of Century appears to recognize the benefits of having female deputies on patrol. Yet Century management says the issue of the number of female deputies at the station is largely out of its hands. We disagree. Century needs to aggressively recruit, and it needs

to do what is necessary to make it a feasible and friendly work environment for a female deputy to work.

Only six percent of the patrol deputies at Century are African-American, representing a deterioration from the racial diversity of its predecessor stations in 1991. At the time of the **Kolts Report**, the Lynwood Station patrolled an area that was 33 percent African-American with a staff that was 11 percent Black. Firestone patrolled an area that was 17 percent Black with a staff that was eight percent African-American. The current six percent figure for African-American deputies at Century is a cause for serious concern.

Some African-American deputies are assertedly reluctant to come to Century in part because of the troubled reputation of its predecessor stations, particularly Lynwood. We were told that, because of this past, some Black deputies fear that they will not get a “fair shake” at Century. To their credit, station management — which includes two outstanding and dedicated African-American lieutenants — appears desirous of increasing the number of African-American deputies. We also note that within the station, there are units which are notable for their relatively small numbers of African-American and female deputies. The situation needs to be rectified.

Deputy Safety Issues

One of the biggest complaints voiced by Century deputies was the unavailability of helicopter support. The helicopters are important to deputies for reasons of personal safety, particularly in foot and vehicle pursuits — the very type of incidents that posed the greatest risk of injury to deputies, suspects, and bystanders alike. The helicopters are able to follow suspects from the air, allowing the deputies on the street to maintain a safer distance from the suspects. Moreover, a helicopter’s ability to illuminate an area at night — and to use infrared to locate a hiding suspect — substantially lowers risks of injury or death for deputies. A recent *Los Angeles Times* article on the LAPD’s helicopter corps echoed the LASD deputies’ view of the importance of air support. The commander

of LAPD's air support division stated that he believed that "if you go to any station and talk to any patrol officer, they'd tell you they just can't do business without us."

(Los Angeles Times Metro section, March /2/98. Page B3.)

We interviewed personnel at the Department's Aero Bureau, "flew along" with a helicopter crew, and reviewed data about the Aero Bureau. We came away impressed with the support offered by the Aero Bureau, but also understood why Century deputies were frustrated. In fiscal year 1990-91, the Aero Bureau assisted in 501 vehicle pursuits and 376 foot pursuits. In 1992, budget cuts resulted in the loss of seven pilots and two deputy observers. Thus, in calendar year 1997, the Aero Bureau assisted in only 235 vehicle pursuits and 219 foot pursuits. There are not that many fewer pursuits, if there are fewer at all. Rather, Aero Bureau is providing less assistance because it has fewer pilots. Indeed, with so few pilots, there are times when there is only one helicopter available for the entire Los Angeles County basin. As a result, Aero Bureau "misses" a staggering number of calls for assistance (many of which come from Century Station). The LAPD has twice as many ships covering half the space.

It is our understanding that the Department has included in its budget request for the next fiscal year an additional \$1.2 million for the Aero Bureau. This money would allow Aero Bureau to add seven pilots, three observers and one Sergeant, and thus increase significantly the hours in which a helicopter will be able to assist patrol units. We urge the Board of Supervisors to approve this budget item, as it appears that air support can help patrol units avoid the type of risky situations that threaten the deputies' safety as well as raise liability concerns for the Department.

C o n c l u s i o n s

As alluded to above, the overall impression of Century station is a lack of "fit" between the station and the environment in which it operates. In essence, the station is being forced to patrol an extremely dangerous area with a deputy corps that is relatively

young and inexperienced; that at times has had inadequate training; whose long term interest and commitment to policing in the Century area has not been demonstrated; who, for the most part, are unable to speak the predominant language of a substantial portion of that community; and who must perform their work with at best a marginally adequate number of supervisors. Indeed, this lack of “fit” caused one senior manager at Century Station to liken the station to a “bad experiment” — putting volatile and perhaps incompatible elements in a test tube, shaking it up, and seeing what happens.

The Department should give some serious thought to how the Century Station fits within the LASD overall. It is not the youngest and most inexperienced deputies who should staff Century Station. Rather, it should have the cream of the crop — those experienced, well-trained officers with excellent records on use of force who have a long term interest in the challenge of policing an area like Century. It should not be the station with the heaviest training burden. Rookies should go to Century in small numbers for the last stage of phased training after they have gained experience in less violent and active surroundings.

There should be incentives (financial and otherwise) for the best of the best to stay at Century and not transfer out at the first opportunity. In that connection, we note that Mayor Giuliani in New York has spoken favorably of a proposal to create a class of “special assignment” patrol officers who would receive a \$1400 yearly pay increase to stay on the beat in high crime areas: Selection for the program will be based on proven performance, and officers will have to be re-certified annually. Dedicated and committed lieutenants who have served ably at Century should be rewarded handsomely; not stigmatized. Century should have a large contingent of Spanish-speaking deputies, and there should be rewards and incentives to do so. Century should have one of the lowest ratios of deputies to supervisors; not among the highest. Century should have a share of Department assets and resources, from helicopters to supervisors, in proportion to the challenges faced in policing the area. It does not have a fair share today.

For far too long we have observed Department executives wringing their hands, first about Firestone and Lynwood; now about Century and Lennox. And until we had spent lots of time there, we too tended to wonder why Century could not better solve its own problems. Without in anyway letting Century management off the hook — and there are issues about internal management at Century that left us uneasy — it strikes us that Century’s problems flow to a large degree from the mismatches and lack of fit discussed above. This is an issue for the executives, and it cannot be solved by Century alone.

Documenting Use of Force and Citizen Complaints

We also chose to spend time at Century to test how Department-wide policies regarding reporting of force and citizen’s complaints — and the tracking of such events in the Personnel Performance Index (PPI) — were working on the station level. Our goal was to use Century as an example, not to make an example out of Century.

Documenting And Investigating Use of Force

We reviewed all of Century station’s force investigations for 1997. Generally, we were marginally satisfied with quality of the investigations and the documentation of the investigations. Yet many of the force review packages that included an allegation of injury by the suspect did not include either photographs or videotapes of the body part that had allegedly been injured. Moreover, many of the force review packages did not contain any record of interviews of either the suspect or witnesses or both. Finally, several investigative reports omitted potentially important suspect and witness statements (e.g., one report omitted the fact that the suspect had alleged racial slurs and verbal abuse in addition to force, an omission that might appear to a plaintiff’s attorney as an attempted cover-up). While these criticisms may seem trivial, it is important that the force review packages be as complete as possible to protect the deputy and the Department in the event of litigation and to provide a full record upon which to determine if further investigation or disciplinary action may be warranted.

Documentation and Investigation of Citizen Complaints

We were particularly interested in reviewing the documentation and investigation of citizen complaints at Century Station because the station experienced a sizeable increase in the number of such complaints from 1996 to 1997. Station supervisors were seemingly at a loss to explain this increase. Among the theories offered for this increase were: better publicity for the complaint process in the community; heavy turnover in the watch commanders' ranks; and better auditing of the process. While we do not question the sincerity of these explanations, there are, of course other explanations: that the increase in the number of complaints was due either to an increase in alleged deputy misconduct or to a correction of prior lax procedures surrounding the taking of complaints. We did not find increased misconduct but did find prior lax procedures. We urge the Department to watch Century closely on this issue. We were troubled that Century failed on two out of three tests or "service review quality control audits" conducted by the Department between April 1996 and December 1997. Only one station scored lower than Century while two others matched Century's poor performance.

In our visits to Century, we noticed two obstacles to persons who come to the station to file complaints. The first obstacle is, unfortunately, probably not unique to Century. The front desk at Century was not particularly "citizen friendly" at various times we observed. During some of our visits to the station, we observed lines of people having to wait 10 to 15 minutes at the counter before they received attention. This wait is likely to chase some citizens away from the station and to increase the frustration level of those who stay. We urge the station to attend to this issue.

The second obstacle is unique to Century Station: People visiting the station must pay \$2 to park. To its credit, the station validates parking tickets, so that people who come to the station to file a complaint can (in theory) recoup their \$2 on the way out. But it was our consistent experience that one had to know beforehand that the station would validate and specifically request validation. We have no doubt but that most indi-

viduals who come to the front desk are unaware that the station validates parking tickets. While this may seem like a trivial point, it should be remembered that Century station serves a community where \$2 is not a trivial sum. Moreover, the station is located in an inaccessible area, such that the choice is between paying the \$2 to park in the County lot, parking illegally across the street from the station, or foregoing visiting the station altogether. It is our understanding that visitors were originally charged on their way out, but that too many people “skipped out” without paying and so the County switched to the current “pay first” approach. Again, this is not a criticism of Century Station (almost everyone we talked to at the station was in favor of making it free to park in the County lot), but rather a criticism of the County’s practice of charging for use of the lot. At the very least, a sign should be prominently displayed near the ticket booth that informs persons of the station’s validation policy. Better yet, there should be a similar sign at the front desk at the Century Station and deputies at the desk should volunteer to validate rather than wait to be asked. Best of all, however, would be for the parking fee to be eliminated. Although we are sympathetic with County attempts to generate revenue, it is ultimately unseemly and offensive to require someone to pay to enter a police station.

With respect to the documentation of the citizen complaints, we were pleased in the main with the quality of the files that we reviewed at Century station. Our principle quibble is a relatively minor one; the “disposition” letter sent by Century station management to persons who have filed a complaint often lacked the name and phone number of a person that the complainant can call if he or she had additional comments or questions.

Although we were pleased with the quality of the files we reviewed, the files did raise certain questions about the complaint process as a whole. First, there appears to be some confusion as to whether a supervisor completing the service comment (citizen complaint) form is supposed to place a check mark besides all of the types of misconduct alleged by the citizen or only by the misconduct that represents the “crux” of the citizen’s complaint. It is our understanding is that Department policy requires the former. Perhaps the

Department should remind the stations about this policy. Second, there appears to be some confusion as to whether the service comment form should be completed at the time the complaint is first lodged or after the investigation has been completed. The Department needs to clarify this issue for the stations.

It also appears that supervisors may be confused as to when a particular deputy is to be included in the “involved personnel” section of the form rather than the “witness” section. This distinction is critical, given that an “involved” deputy will receive an entry on the PPI whereas a deputy merely listed as a “witness” will (and should) not. We found a number of forms in which a deputy who appeared to be at most a witness to an alleged incident was included in the “involved personnel” section and therefore received a “tick mark” on her PPI. We do not know why this has occurred, but are pleased to report that the Department is investigating this matter and will take corrective action if needed.

Finally, current Department practice may be leading to a distortion in the kind and nature of complaints reported and may lead to an underreporting of citizen complaints about force. If a suspect arrested by a Century deputy complains of excessive force in connection with the arrest *after* he has been taken into custody, his complaint will not be treated as a citizen complaint but rather will be dealt with, if at all, as an inmate complaint. On the other hand, if the same suspect is released on bail and comes into the Century Station the next day to file a citizen’s complaint arising from excessive force in connection with his arrest, a service comment form will be filled out. This practice has the effect, we believe, of reducing substantially the number of citizen complaints alleging excessive force in connection with arrests. That is not to say that the force itself is not reported and reviewed — there are internal procedures mandating that deputies report force and supervisors review it. But it does mean that uninformed observers from outside the Department may conclude, erroneously, that the Department or Century Station receives few complaints about use of force. This problem should be addressed and possible ambiguities in the current Department policies should be resolved in favor of at least counting

and reporting all force-related complaints whether or not the specific circumstances under which the complaint was made triggered a service comment form.

In that connection, we are pleased to report that the Department's recently enhanced Division inspection process entails auditing of both the use of force and citizen complaint process at the station level. The problem raised in the previous paragraph should be addressed by the auditing teams in their reviews. It is our understanding that the inspections will focus on many of the same issues that we focused on in our review of Century Station for this report and in our prior review of three stations in the **Third Semiannual Report**. It is important that the Department internalize our audit procedures in this way, so that they become part of the Department culture rather than an intrusion from the outside.

The PPI

The much anticipated, and, in the case of some deputies, much feared PPI, has now been "on-line" for almost a year. For this reason, we wanted to see how the PPI was faring at the station level. We also wanted to see if the deputies' fears had been reduced or realized.

We found that the PPI continues to be demonized by many deputies. The biggest fear continues to be that deputies will lose out on promotions or transfer opportunities because the unit commander deciding their fate will simply count the "tick marks" on their PPIs without regard for either the legitimacy of the complaints or the "speed" of the station at which the complaints were accumulated. In essence, then, the fears about the PPI boil down to a distrust of how unit commanders will use the data. The deputies apparently don't expect their unit commanders to be conscientious and look behind the numbers.

We found this lack of trust very disturbing. Yet, it is very difficult to conclude that this distrust is justified. Almost everyone we talked to Century Station — and this

includes many supervisors as well as deputies — had on the tip of his tongue the name of at least one deputy who had been wronged by misuse of the PPI — who had lost out on a transfer or a promotion because a “lazy” or “fearful” unit commander rejected the deputy because of the mere number of “tick marks” on the deputy’s PPI. We investigated but could not confirm any of these cases. For example, we found that, in at least one case, the deputy who had allegedly been wronged by misuse of the PPI actually lost out on a promotion **before** the PPI was on-line. In another case, it was evident that the glacial pace of the disciplinary process was responsible for a missed promotional or transfer opportunity; not the PPI.

The PPI has been demonized to such a degree that it is being used as a bogeyman of sorts. Yet this does not mean that the deputies’ fears are entirely illegitimate. For example, we were disturbed to hear from a supervisor at Century Station that other unit commanders who were considering a Century deputy for a transfer almost never traveled to Century Station to review the backup documentation that supported and explained the various PPI entries for the particular deputy. In other words, there did not appear to be much of an effort to go beyond the PPI tick marks, just as deputies feared. This issue will be somewhat alleviated in the future because the backup documents for incidents occurring after July 1997 are being inputted into the PPI database itself, so there will be a procedure whereby a deputy’s unit commander will be able to access this information with a click of the mouse. The unit commander will also be able to share the information on a confidential basis with the unit commander screening the applicant. But this still means that a unit commander interested in reviewing the backup documentation for incidents occurring before July 1997 will still have to travel to the deputy’s current station to do so.

We are pleased to report that the Department has taken important steps to alleviate deputies’ fears about misuse of the PPI. First, the Department has moved to address the deputies’ worry that the PPI will be loaded with frivolous or malicious complaints.

The Department has developed new guidelines for disposition of present and former false complaints providing that a deputy be “exonerated” if it can be shown “by clear and convincing evidence” that the complaint was “demonstrably false and brought in demonstrable bad faith” or, if even true, would not “in any circumstance” constitute a violation of law or Department policies. The PPI will also reflect positively when a deputy agrees to participate in conflict resolution of a citizen complaint, thus giving deputies an incentive to participate in this trust-building process.

In addition, we are pleased to report that the Department has undertaken an audit of unit commanders’ use of the PPI. We intend to conduct such an audit ourselves to determine whether unit commanders are complying with Sheriff’s Manual section 3-02/085.30, which states that “managers and executives shall not use the number of incidents as the basis for the evaluation of or for the personnel decisions affecting an employee.” We believe that it is only fair that the Department take a closer look at whether its unit commanders are using the PPI appropriately. Simply put, if the deputies’ conduct is to be scrutinized and tracked, the unit commanders’ use of that tracking system must be scrutinized as well. With the PPI, the Department is well on its way to having the most sophisticated personnel tracking system in the country. By and large, it appears that the PPI is working very well, but it is important that the Department not lose sight of the need to address the fears and concerns of the deputies.

2 . T h e J a i l s

Our last three semiannual reports focused in detail on the operations of the Los Angeles County jail system. Our decision to do so reflected our perception of a breakdown in key systems on the Custody side of the Sheriff's Department, particularly with respect to the delivery of medical and mental health services. We noted that the Department of Justice was examining the provision of mental health services in the jails and shared our concerns about a near-collapse in accountability and responsibility for mentally-disturbed inmates.

Our prior reports and the Justice Department investigation have had the intended effect of galvanizing the Department and others to take action, including a switch of personnel in charge of Custody to Chief Robert Pash, who has had substantial experience in the area. Accordingly, this report will only briefly discuss the jails. It is best for now to keep a careful eye on the Department's actions and appraise the pace and extent of progress more fully in an upcoming semiannual report. The balance of this Chapter will touch briefly on the medical and mental health issues, the move of inmates to Twin Towers, the status of custody automation, and statistical data from the Custody operations.

Mental Health Issues

In the critical areas of medical and mental health, there are grounds for optimism. In the last six months, there has been progress in attacking the problems we raised. A task force under the direction of Assistant Sheriff Graham took charge and immediately implemented the bulk of our recommendations for a thorough and focused re-examination of how medical and mental health services are provided. The Department of Mental Health (DMH) responded cooperatively to Graham's task force and, after an initial perplexed and unhappy reaction to the **Eighth Semiannual Report**, also began to move forward on some of our last report's key recommendations in the mental health area. Most importantly, DMH made ironclad commitments for substantial, sustained staffing increases.

In particular, DMH was quick to forge good working relationships with the LASD for purposes of moving mentally-disturbed inmates to Twin Towers and preparing for the visit by the Department of Justice (DOJ). This, in turn, led to a useful series of meetings where DOJ and its experts observed and acknowledged recent progress by the Sheriff's Department and DMH. In the wake of the visit, DOJ recently set forth in writing its expectations of the LASD and DMH and benchmarks from which to measure implementation. In light of promised commitments by the LASD and DMH, DOJ has, for the moment, stayed its hand with respect to the filing of a lawsuit; as DOJ stated, it did not believe it "necessary to initiate litigation at this time."

The commitments made by the LASD and DMH are ambitious. They are also critically dependent on sustained increases in staffing by DMH over a relatively short time period. We view DMH's commitments to sustained increases in staffing as irreversible. So does the Sheriff's Department. We are confident that the Department of Justice sees them in the same way.

Among the steps taken to date which enhanced confidence that the jail mental health program can improve is the recent hiring by DMH of Dr. Ellen Reitz, a highly-regarded psychiatrist from the University of Southern California School of Medicine, to head its jail mental health services program. She, in turn, has brought a talented group of new psychiatrists into the program. She has established good working relationships with the LASD.

Indeed, LASD officials claim that the overall relationship and level of cooperation with DMH has improved. There has been a marked and welcome improvement in the initial screening of incoming inmates for mental health problems, and, although troubles remain, it appears that DMH staff is more quickly able to see at least those inmates who screen positive for serious mental problems. Combined teams of DMH and custody personnel have been acting affirmatively to locate inmates who may have been missed by the screening process, although more such teams are needed to cover all facilities with necessary frequency.

The Department and DMH are currently working to establish better procedures for prescription renewals for inmates receiving psychotropic medications. Whereas in the past, prescriptions simply seemed to lapse, the nursing staff has been urged to be more responsive to expiring prescriptions, giving DMH the opportunity to act more quickly to renew them. Again, staffing commitments by DMH are key to success here. We will closely monitor this area to ensure that progress is made.

In April 1998, line level employees from Custody, Mental Health, and Medical Services began to meet daily pursuant to an “inmate management team” project to discuss individual inmates and their particular needs. There are also periodic meetings of top managers from the three entities. We particularly hope that these efforts to enhance cooperation and coordination will be permanent so as to solidify progress.

In sum, as regards mental health, there is no question that significant expansion of DMH’s staff at the jails is key to sustained improvement and future progress. DMH has promised substantial increases in staffing in order to accomplish the expectations of the Department of Justice, LASD, Special Counsel, and, more importantly, DMH’s own goals for mental health services in the jails. There is a good team in place to do so, a team in which we confidence, and we hope to report even more progress as new staff comes aboard and new programs get under way.

Medical Issues

A second task force was established by the Assistant Sheriff to conduct a wide-ranging study of the provision of other medical services. Captain Taylor Moorehead was chosen to head the effort and has been put in charge of the Medical Services unit — the first time that a sworn member of the Department has stepped in directly to manage Medical Services. The County’s Department of Health Services (DHS) was engaged to investigate the provision of medical services, and other experts have been engaged and consulted. As of May 1998, the DHS report had not been received.

Under Moorehead's direction, there has been movement on identifying and ultimately formulating plans to rectify serious problems in the manner in which medical services and medication are dispensed. The medical and nursing staffs have been reorganized, and efforts are underway to hold the physicians and nurses more accountable. There are plans to improve the functioning of the jail's pharmacy. Captain Moorehead has taken steps to reduce the previous chaos in medical records. Until the contemplated computerized jail hospital information system is available, which will provide computerized medical records and eliminate exclusive reliance on paper ones, medical records are to be consolidated and maintained where the inmate is housed and will follow the inmate during transfers within the jail system.

He has pressured the custody and medical staff to give more attention and greater credence to inmate complaints about incorrect or missing medication, and he is attempting overall to inculcate a higher standard of care and performance in the medical and nursing staff, particularly with respect to the prompt and accurate delivery of medication. Another encouraging sign is the effort by the LASD to expand community-based involvement. The Department will attempt to launch an innovative and unprecedented program wherein community resources are invited in to help with HIV positive inmates. The occasionally uncooperative and unhelpful relationships between Custody staff and Medical Services staff are being worked on.

Captain Moorehead's efforts have largely been directed to the identification of urgent, critical problems and the search for interim solutions pending an overall reevaluation of how medical care is best provided in the jails. Resources are needed from within the LASD to fund the solutions that Moorehead has proposed. We will continue to monitor and report on whether those resources are forthcoming.

In general, the Custody and Medical Services staff seems to be responding to the Captain's programs, although, surprisingly, it seems that the physicians themselves seem the slowest to move forward, and this an area in which we remain seriously concerned.

A plan to identify and focus upon a continuously updated list of the top 20 most critically ill inmates in the Correctional Treatment Center is a modest step forward, but programs and protocols to provide for more consistent and careful management of communicable and chronic disease are still not even drafted, much less in place.

The Professional Staff Association within the jails, which oversees the physician staff and monitors quality of medical care, is slowly awakening after a long sleep and beginning to stir. Whether the current leadership among the physicians is up to the job remains to be seen, but we take comfort in Captain Moorehead's energetic and demanding approach, and we have confidence that if any sworn member of the Department can get the doctors moving, the Captain can. In any event, we intend specifically to concentrate in future reports on chronic care, communicable diseases (including tuberculosis, sexually transmitted diseases, and HIV), peer review, and medical quality control issues. Whether current leadership on the medical staff is capable of rectifying these monumental problems in inmate health care turns on solid achievements in short order.

The Move to Twin Towers

On Saturday, January 10 and Sunday, January 11, 1998, the LASD transferred 848 mentally-ill and 120 physically-ill inmates from over-taxed, worn, and unsatisfactory housing in Men's Central Jail to new facilities at Twin Towers. The move was accomplished smoothly and without incident. We were present on Saturday afternoon to observe the transfer of inmates under mental observation and on suicide watch from the 4500 and 4600 cellblocks at Men's Central. We returned on Sunday morning to observe the transfer of the 33 most urgently mentally-ill inmates from the forensic in-patient unit. We additionally followed the move of a number of as seriously mentally-ill inmates from the 7100 unit and physically-ill inmates from the 8100 unit.

We were impressed with the good planning that went into the move and by the evident coordination and cooperation of the custody staff, the Medical Services staff, and

DMH. Senior managers from all three were present for the move. In particular, we were impressed with the efforts of the mental health staff to prepare the inmates for the move during the weeks prior to the actual transfer and to make repeated efforts to let the inmates know exactly what was going to happen. A major contributing factor to the ease of the move was this advance preparation. As a result, there was not a single recalcitrant inmate nor the necessity to use force to extract an inmate from a cell in connection with the move. Each of the inmates — even those most seriously mentally-ill — came out of their cells with minimal urging and cooperated quietly with staff. DMH staff was quick to calm skittish or frightened inmates.

We were impressed in particular by one woman from DMH who never left the side of a young and seemingly quite frightened Latino inmate, constantly speaking to him and gently maintaining a reassuring hand on his shoulder. Among the groups of inmates from the in-patient forensic unit that we accompanied, the young man was the only one who seemed not to want to cooperate in certain regards. When the inmates arrived at the new facility, they were asked to strip and put on fresh underwear and uniforms. The young man was unable or unwilling to do so, and, to the credit of all in charge of the move, he was not forced. The new clothing was taken with him to the new cell.

Another representative of the DMH staff had particular concerns for the mental stability of a tall, slender, young African-American, and the DMH psychologist stayed within eyeshot of the inmate from the time he left his cell until he was safely housed at the new facility. A third inmate who required special handling was a young white inmate who had attempted suicide by repeatedly slashing his wrists the day before. He had been held in restraints just prior to the move and was placed in restraints again in the new facility. We noted that the restraint cells had been redesigned to meet some criticisms that had been offered a few weeks earlier when an expert from DOJ was invited out to tour the new facility. The bed was lowered and anchored to the floor as the Justice Department expert had recommended.

The custody staff also handled in a professional and easy manner the delicate tasks of handcuffing and escorting inmates. The nursing staff appeared well-organized, including putting signs on each of the doors to indicate where each inmate was to go. We observed the television monitors in the control rooms. One monitor was fixed on the cell of the one inmate in restraints; the other monitor roved from cell to cell. Again, the televised system for cell monitoring seemed to work well, at least on that first day.

There is no question but that those inmates in mental observation are in far more pleasant surroundings. Unlike Men's Central Jail, where the cell blocks had no windows and were close and claustrophobic with tiny walkways in front of rows of cells, the housing at Twin Towers is in pods where each cell has a window. One advantage of the old cell blocks at Men's Central was that at least some inmates on suicide watch could be placed in centrally-located cells directly across from where the deputies sat in the control booth. In Twin Towers, the cells are not all within immediate eye-range and are more distant. Accordingly, as has already occurred with respect to the women in mental observation modules at Twin Towers, there will have to be greater reliance on roving monitors or prowlers to perform suicide watch.

At the same time as the 968 inmates were transferred from Twin Towers, a group of 958 inmates went from the relative comfort of Twin Towers to some of the areas vacated by the mentally-ill at Men's Central. We will follow with interest what happens to them and how the mentally-ill fare in Twin Towers.

Custody Automation

Our prior semiannual reports have stressed the need for automation of the Sheriff's Department's custody operations. The automation is vital for the Department to initiate long-term, permanent solutions to problems of mistaken releases, over-detentions, inmate tracking, classification, and medical care. The Board of Supervisors responded with a custody automation plan, and the County's Chief Information Officer, Jon Fullinwider,

has been working with the County's Coordinated Law Enforcement Justice Information Systems (CLEJIS) subcommittee to provide oversight of the plan's implementation. The plan consists of nine separate systems projects, the most important of which will be described below.

The plan contemplates a jail hospital information system — an on-line medical record available from any Custody facility to support medical services functions, including patient care management, laboratory, radiology, pharmacy, health, dietetics, and mental health services. A contract is expected to be approved by the Board of Supervisors at the beginning of June, followed by what may be a two-year implementation process.

The plan further contemplates an electronic link between the trial court information system and the jail information system so that court orders in custody matters can be immediately transmitted to the Sheriff's Department. Although not a panacea, this system should eventually help reduce some of the over-detentions and mistaken releases the LASD has experienced in recent years. In particular, the electronic link should eliminate some of the confusion caused by the massive paper-driven system that currently exists. The system will be introduced in phases beginning in the spring and summer of this year.

We are disappointed to report, however, that development of a major system for automated warrant checks has come to a standstill. Indeed, the Chief Information Officer recently reported to the Board that the length of the project's delay is currently unknown. The automated warrant check is an essential safeguard against the mistaken release of an inmate wanted for a serious crime in another jurisdiction. It impacts upon classification and risk of escape. It is an absolute necessity in order to insure that inmates can be processed quickly when a court has ordered an inmate to be released. The reasons given for the delays have to do with the LASD's Data Systems Bureau being overloaded with other projects with higher priorities. If Data Systems Bureau cannot get to this critical project fast enough, the Chief Information Officer should subcontract the work out or find other County staff to take over the project. It is too crucial to be in a state of limbo.

Statistical Data

In several prior semiannual reports, we discussed difficulties getting consistent and reliable statistics from the Custody side of the Sheriff's Department. In our last report, we complimented the work of Custody Support Services, a unit established to provide data and expertise specifically for the Custody side similar to that which has been ably provided by the Risk Management Bureau for patrol and other operations. We continue to value the work of Custody Support Services.

In our **Eighth Semiannual Report**, we began to track suicides and attempted

1	Suicides	Attempted Suicides
1994	5	189
1995	6	277
1996	9	243
1997	7	533
Jan - Apr 1998	2	160
(Jan- Apr 1997)	2	203

suicides in the jails. Although the data we reported were subject to a number of caveats, the subject of suicide appeared to be at least one way to look at quality of care and risk management in jails. Table One below updates the statistics. We assume that the sharp rise in the number of attempted

suicides in 1997 had to do with more accurate and consistent counting. We will watch with great interest whether new mental health initiatives and screening procedures succeed in reducing the suicides and attempts in 1998.

Preliminary trends with respect to Custody-related litigation are encouraging. As of mid-May 1998, Custody had 22 lawsuits filed as against 36 for the same period a year ago. Also encouraging is that in general, the lawsuits alleging lapses in medical or mental health treatment contain fewer allegations of grave injuries than in the recent past. Allegations, of course, are not proof, but the fewer and less serious the allegations, the better. Additionally, there are fewer excessive force lawsuits; again, a hopeful sign.

In conclusion, there has been a focused effort to address the serious problems in Custody during the last six months. These efforts must continue. We will continue to follow what is happening in Custody with interest.

3. Promotions to Sergeant: Revisited

One year ago, in our **Seventh Semiannual Report**, we documented the deepening morale problem among LASD deputies, over 5,000 of whom have had no opportunity even to take an examination for promotion to sergeant during their entire careers in the Department, because the Department has not administered a sergeants' exam since 1990. We are pleased to report that the Department recently has reached agreement with the Plaintiffs in Bouman v. Block, et al., a case in which a class of female deputies successfully challenged gender discrimination in the Department's promotion practices, pursuant to which it will be able to administer the written portion of a new sergeants' exam, for the first time in eight years, on July 11, 1998. Although it is not clear, as of this writing, whether the Department will be able to meet its ambitious schedule of completing two other portions of the 1998 sergeants examination (the "1998 Exam") and creating a new promotion eligibility list by November of this year, we are encouraged by the important progress that the Department has made toward that end.

The administration of a sergeants' exam during 1998 may enable the Department to avert the serious consequences of the long interval since the last exam, which threatened to extend beyond the adverse effect on morale among the deputy population, about which we reported last spring. Indeed, at the time the Department reached its agreement with the Bouman Plaintiffs, it faced a likelihood that, before the end of this year, it would become unable to appoint any new sergeants for an extended period of time, *i.e.*, until a new exam could be administered and a new promotion list created using its results. If the Department is able to achieve its goal of promulgating a new promotion list by November, it will be able to avoid or minimize the undesirable result of being unable to appoint new sergeants as the need for them arises. Although it remains unclear whether the November goal is realistic, the fact that the Department will administer the written portion of the 1998 Exam in July is reason enough for cautious optimism.

Origins of the Problem

In our earlier report, we identified two main causes for the longstanding logjam on promotions to sergeant: (1) the slow pace of appointments from the 1992 promotion list; and (2) disagreements between the Department and counsel for the Bouman Plaintiffs. To facilitate greater understanding of the origins of the current problem, we will briefly revisit each issue before turning to the developments of the past year.

The Department presently appoints sergeants from a promotion list created in 1992 (“the 1992 List”), using the results of the 1990 sergeants’ examination (“the 1990 Exam”). Six years ago, the Department committed to making 250 appointments from the 1992 List. Due to unexpected budgetary constraints, however, the 250th appointment was not made until the end of 1996 (instead of during 1993, as originally projected). Accordingly, the Department had no need to administer a new exam until the beginning of last year.

The process of developing and administering a new sergeants’ examination has been greatly complicated by disagreements between the Department and counsel for the Bouman Plaintiffs. Pursuant to the Court’s orders and the Third Amended Consent Decree (“the Consent Decree”) in Bouman, the Department may not administer an exam until the Court declares it “valid,” *i.e.*, both job-related and nondiscriminatory. In our **Seventh Semiannual Report**, we outlined the process, jointly developed by the Court and the parties, through which an exam must be validated.

The validation process is complex and places heavy emphasis on cooperation between the Department and the Plaintiffs. Essentially, it consists of a series of exchanges between a promotional testing expert hired by the Plaintiffs and one hired by the Department. Once the experts agree that a proposed examination is valid, the parties must submit the exam to the Court for its final approval. Importantly, the Consent Decree contemplates the validation of a job description for the position of sergeant and an exam plan, prior to the validation of the exam itself. The Consent Decree is structured so

that disagreements between the parties become significant, if not intractable, obstacles to the completion of the validation process.

In hindsight, the provisions are a recipe for gridlock, with its attendant delay, potential for further litigation, and continuing expense on seemingly endless rounds of costs and legal fees for lawyers on both sides, all of which are borne by the County. Against this reality, the only ways out are (i) leadership and statesmanship by the parties and their counsel, and (ii) a court that rules promptly and exercises strong judicial control. At the time of our writing one year ago, two significant disputes stood in the way of the Department's reaching agreement with the Bouman Plaintiffs on the validity of a proposed sergeants' exam. Plaintiff's argued that the next sergeants' exam: (1) should not contain a written component; and (2) should be open to members of law enforcement agencies other than the LASD. The Department strenuously opposed both arguments, and we concurred with the Department's position.

Because the parties were unable to resolve their disputes, the Department acted unilaterally and retained Jeanneret & Associates ("Jeanneret"), a promotional testing firm, to prepare a job description for the position of sergeant and an exam plan, without input from the Bouman Plaintiffs. The exam plan had three components: (1) a written test of job knowledge; (2) a written test requiring the applicant to respond to hypotheticals simulating relevant work situations ("the Contextual Simulation"); and (3) an appraisal of promotability, in which an applicant's supervisors rate his or her potential to perform as a sergeant. By the time of our **Seventh Semiannual Report**, Jeanneret had delivered the job description, the exam plan, and the job knowledge portion of the proposed sergeants' examination to the Department.

In a motion filed last spring, the Department asked the Bouman Court to allow it to administer the written portion of its proposed sergeants' examination without going through the validation process outlined in the Court's orders and the Consent Decree. As an alternative to the agreed-upon procedures, the Department proposed allowing

Jeanneret to review the proposed exam for content validity and to submit its report to the Plaintiffs and to the Court. Plaintiffs opposed the notion of circumventing the normal validation procedures. In the course of briefing these motions, the parties also presented the issues of: (1) whether the exam should contain a written component; and (2) whether it should be open to applicants outside of the Department, to the Court for resolution.

The Bouman Court's July 1997 Order

On July 15, 1997, the Bouman Court issued an order addressing a number of the disputes between Plaintiffs and the Department. The Court found that, by preparing a written examination without first receiving Court approval of both its proposed job description for the position of sergeant and its proposed exam plan, the Department had failed to comply with the procedures set forth in its orders and the Consent Decree for validation of a proposed examination. It ordered the parties to complete all steps of the validation process before again presenting any proposed examination to the Court for its approval, thereby implicitly rejecting the Department's request to be allowed to administer the proposed exam that Jeanneret had drafted.

The Court tentatively accepted the Department's argument, in which we had concurred, that the next sergeants' examination should be open only to deputies within the LASD and indicated its view that the inclusion of a written component in the next exam "appear[ed]... to be proper for consideration." Nevertheless, the Court indicated that, in the course of the validation process, the parties should discuss all technical issues, including both whether the next exam should be open to applicants outside the Department and whether it should contain a written component, suggesting that neither issue has been finally resolved.

The Potential Promotions Crisis

Over the past year, the Department's need to administer a new sergeants' examina-

tion has become more urgent than ever. As we discussed in our **Seventh Semiannual Report**, the 1990 Exam was never actually declared both job-related and nondiscriminatory. The Department was able to use the results of that exam to create the 1992 List only as the result of a stipulation with the Bouman Plaintiffs, pursuant to which the Department agreed to appoint female sergeants from the list in equal proportion to their percentage of the deputy population. The Department has, thus far, satisfied its obligations under that stipulation by making sure that promotions to sergeant from the 1992 List are 14 percent female.

The number of female deputies whose names remain on the on the 1992 List is dwindling. At the presently expected rate of promotion, the Department will promote the last eligible female deputy on the 1992 List sometime this year. After that, the Department will be unable to make further promotions from the 1992 List. Indeed, it will be unable to promote any new sergeants until a new eligibility list is created, using the results of a new sergeants' examination. If a new list is not available in the near future, the Department will thus face a serious dilemma. Indeed, the Department itself acknowledges that the management consequences of a sergeants shortage could be severe.

It appears that the Court's July 1997 Order and the impending promotion crisis has galvanized the Department, and we are impressed with the progress that the Department has made in its recent efforts to respond to the Court's concerns and to administer a sergeants' examination and create a new promotion list during 1998. We had expressed our hope, one year ago, that the Department would be able to convince the Court to help the Department cut through its impasse with the Plaintiffs. For whatever reason, the Court was reluctant to do so. The Department seriously — and we, too — underestimated the Bouman Court's commitment to the validation process set forth in its orders, which requires that Plaintiffs be involved in the preparation and review of any new exam. The Court squarely rejected the Department's attempt to develop and validate a sergeants' exam via an alternative process that did not

involve input from the Plaintiffs and the result, undesired by all, was an additional year's delay in the administration of a new exam.

The April 1998 Stipulation

Over the past year, the Department, under the leadership of Commander Robert Spierer, renewed its efforts to assure compliance with the Bouman Court's Orders and to develop and administer a new sergeants' examination. Recognizing that (a) the Department needs to administer a sergeants' exam as soon as possible to avoid the promotion crisis discussed above and (b) the full validation process may take as long as three years to complete, Commander Spierer outlined a two-pronged approach. Under Commander Spierer's plan, the Department focused first on getting an exam administered during 1998. Once that is accomplished, Commander Spierer and his staff intend to turn their attention to developing the next sergeants' exam through the validation process developed jointly by the Court and the parties in Bouman. Commander Spierer hopes to see that exam administered approximately two years from now.

Commander Spierer has already achieved his first goal with respect to the 1998 Exam. Pursuant to the stipulation with the Bouman Plaintiffs (the "Stipulation"), agreed to and approved by the Court on April 23, 1998, the written component of the exam will be administered on July 11. Commander Spierer has set a target of having a new promotion list created by November 1998. All parties agree that the 1998 Exam could not possibly be "validated" under Bouman by July. Accordingly, the stipulation permits the Department to administer an exam that the parties agree is "proper," although there will be no stipulation that it is "valid."

In the Stipulation, the Department has agreed that 25 percent of the sergeants appointed from the new promotion list, which will be created using the results of the 1998 Exam (the "1998 List"), will be female. The 25 percent figure represents a significant increase from the 14.6 percent female appointment requirement to which the

Department committed in the Stipulation that permitted the promulgation of the 1992 List. The increase is designed to accelerate the increase in the number of female sergeants in the LASD and to remedy what the Stipulation terms a “lack of substantial progress” in remedying the Department’s history of gender discrimination in promotions.

The Department has indicated that the written portion of the 1998 Exam will be scored on a pass-fail basis, and used only as a screening device to weed out those applicants who lack a threshold level of essential job knowledge. The passing score will need to be approved both by the Plaintiffs and by the Court, although not necessarily before the exam is given. According to the Department, using the written test in this way will minimize the adverse impact that it may have on minority applicants, which, as we discussed in our **Seventh Semiannual Report**, is a significant concern of the Bouman Plaintiffs.

Pursuant to the Stipulation, candidates who pass the written test will be grouped into three bands for promotion on the basis of their scores on the other components of the sergeants’ examination (the appraisal of promotability and the Contextual Simulation). Although the Department hopes to create the 1998 List by November of this year, Commander Spierer has not set a timetable for completing the appraisal of promotability or the Simulation components of the exam. (Plaintiffs counsel, Dennis Harley, has questioned whether the Department’s timetable for administering the proposed exam and creating a promotion list is realistic.) Finally, the Department has committed to using the 1998 List for 150 promotions to sergeant or for two years, whichever occurs first.

With respect to future examinations beyond 1998, Commander Spierer has expressed his hope that the Department will eventually return to being able to administer sergeants’ examinations on a regular basis, perhaps every two to three years. The Stipulation’s provision that the 1998 List will be used for two years at most suggests that the next examination may need to be administered as early as 2000. Commander Spierer informs us that he already has assembled a staff whose mission, in part, is to assure compliance

with the Bouman Court's orders and to commence the validation process for the next exam as soon as the 1998 Exam is administered.

Conclusions and Recommendations

It is in everyone's best interest for the Department to administer all three portions of a nondiscriminatory, job-related sergeants' examination and to create a promotion list during 1998. We are encouraged that a written exam will, at last, be administered in July. We urge the Department to do all that it can to complete a new promotion list by November.

Last Spring, when it sought permission to administer an exam that it developed without input from the Plaintiffs, the Department engaged in what we saw then and continue to view as good faith effort to circumvent gridlock. In so doing, however, it attempted in essence unilaterally to change the terms of the Consent Decree and to enforce those changes with the Court's approval. In hindsight, the Department underestimated the Bouman Court's commitment to requiring the Department to cooperate with the Plaintiffs in developing a new exam. The current Stipulation cures that deficiency. We applaud the Department's successful efforts to find a way that is acceptable both to Plaintiffs and to the Court to administer a new exam during 1998.

The Department would have faced a serious dilemma, if, once the last female deputy was promoted from the 1992 list, it was required to await the completion of a validation process that could take two or three years before being able to promote additional sergeants from a new promotion list. We understand that, in order to avert or minimize the potential promotions crisis, the Department had to do what was necessary to administer a sergeants' examination during 1998, and to develop a new promotion list as soon as possible. We had great concern that the alternative — no exam in 1998 — would have crippled the Department's ability to function and would have caused deputy morale again to plunge. We view the Stipulation as an important stop-gap measure that responds to

an emergency situation. Looking ahead, we believe that the parties should focus their attention on jointly preparing and attempting to validate the next sergeants' examination as soon as practicable after the 1998 Exam is administered.

Finally, we are troubled by Plaintiffs' counsel's suggestion that the validation process agreed to by the parties and ordered by the Court in Bouman has never been completed anywhere in the country. If Plaintiffs' counsel is correct, we question the efficacy of such a procedure as a means of assuring fairness in promotional testing and wonder (again in hindsight) why it was put forward and agreed to by the parties. That said, however, we acknowledge that the Bouman parties have never even attempted the full validation process. We note with some comfort that the Court has, thus far, responded reasonably to the parties' inability to complete the validation process by allowing exams to go forward nonetheless. In 1990, the Court allowed the Department to go forward with a sergeants' exam that, although it was not validated, had, at least, been developed jointly with the Plaintiffs. The Court's approval of the 1998 Stipulation again indicates its willingness to allow the parties to address their respective concerns without undertaking the full validation process, so long as they do so cooperatively. Indeed, it seems that cooperation is what the Bouman Court is really trying to encourage.

4 . Gender Equity

In our September 1996 **Sixth Semiannual Report**, we expressed concerns about the Department's slow pace toward implementation of the 1992 recommendations of the **Kolts Report** and the 1995 recommendations of the Department's own Gender Equity Committee. We observed that the Department had made so little progress in moving women into "coveted" or "high profile" positions that the "percentage of women in these positions has not changed much since 1992." We urged the Department to identify the most desirable assignments and assure that females had equal access to them.

Unfortunately, although this project has been the subject of a fair amount of talk, there has been very little action over the last 18 months and, as in 1996, the percentage of women in so-called "coveted" and "high profile" positions still has not changed much.

On the positive side of the ledger, a committee entitled the "Patrol 2000 Committee" recently has taken concrete steps to increase the numbers of women in Patrol assignments. In addition, a new Gender Equity Committee was formed to tackle the issues raised in the **Kolts Report**, previous **Semiannual Reports**, and the LASD's own 1995 Gender Equity Report.

Looking at the big picture, however, the Department has taken inadequate steps to centralize and coordinate at a high level all LASD efforts to eliminate, wherever possible, and minimize, wherever feasible, gender as an element retarding career advancement, promotion, or opportunity — a concept we will call "gender neutrality." As it stands now, there appears to be a diffusion of responsibility without any one individual or unit clearly in charge. It is difficult to tell what specifically is under the auspices of the Gender Equity Committee, the Ombudsperson/ Career Resources Center, the Patrol 2000 Committee, or elsewhere. None of those units or committees has plenary control. One way to make prompt progress more likely would be to create a full-time position for a high ranking member of the Department to be responsible for the issues discussed in this Chapter.

Accountability also is important. With the exception of a program adopted under the

auspices of the Patrol 2000 Committee, we see almost no accountability for achieving gender neutrality. This lack of accountability is exacerbated by the natural resistance to changing procedures and creating new rules. Stagnation is the predictable result of such inertia. Along with accountability comes targeting. No one is accountable until performance can be measured against a target. We are unaware of specific targets that have been established. Information gathering in standardized form is also essential. Lack of information camouflages both lack of progress and success. Targets establish where to go. But they are useless until there is accurate data showing where one is at.

What is needed is active management at the executive level over a consolidated unit with a mandate to bring to fruition the requirements under the terms of the Third Amended Consent Decree in Bouman that the Department “encourage and enhance the career and professional development and advancement of female deputy sheriffs, minorities and any other interested employees;” “enable them to compete on a fair and equal basis;” and “ensure equal access to developmental experience and advancement opportunities for such employees and to engender commitment throughout the County and the Department to achieve these objectives.”

The Ombudsperson/Career Resources Center (OCRC)

Despite the many valuable services OCRC provides, we are concerned that OCRC has emphasized the ombudsperson aspects of its mission to the detriment of the career enhancement role it is also to play. Although OCRC can point to valuable career advancement services it performs, we have concluded, after analysis of its workload and interviews with Department personnel, that its efforts on the career enhancement side are far too modest.

OCRC’s monthly “Career Resource Network” forums are a principal example of OCRC’s failure to focus clearly on its core mission. More often than not, the programs have focused on areas of general interest, such as retirement planning, domestic violence,

and the benefits of higher education, rather than on specifically targeted career advancement within the Department. For example, many of the forums consist of presentations made by the Los Angeles County Employee Retirement Association on retirement planning. In addition, OCRC has sponsored “College Days” in which colleges make presentations and attempt to interest Department personnel in attending. OCRC also has assisted in developing a planned series of presentations on domestic violence and related issues.

The explanation OCRC gives for including such topics in a “Career Resource Network” series is that the programs address concerns of Department personnel and, to the extent that these concerns might impact their on-the-job performance, the presentations ultimately will create a better working environment. There is no doubt that retirement planning, continuing college education, and domestic violence among Department employees are important concerns. However, having identified an interest among employees for information on retirement planning or domestic violence, OCRC should communicate that need to *other* offices, such as Personnel or Employee Support Services, and focus its attention on its own primary mission to provide resources and assistance for **advancement** in the Department.

In sum, OCRC has limited resources which can be better utilized. Towards this end, OCRC should provide basic information about how to succeed in the Department, specific information about what positions exist in the Department, what skills and experiences are needed to get specialized positions, what positions are likely to lead to promotion, and what opportunities exist for networking and exposure to mentors within the Department. OCRC should emphasize programs on resume writing, preparation for oral interviews, and techniques for oral interviews.

In this regard, we are concerned that OCRC does not appear to be actively involved in the efforts of the Patrol 2000 Committee to develop such programs. The current efforts of that Committee are *precisely* those on which OCRC could have been already taking the lead and coordinating resources. OCRC also should have taken the lead to teach what

skills are needed for particular jobs and how to obtain those skills. It should have taught its clients how to excel in their jobs, for instance by teaching techniques for administrative writing. In addition, as mentioned above, OCRC should have drawn on its pool of mentors to develop programs similar to the highly successful “Life After Custody” program, but focused on advancement to special units, such as Homicide. OCRC should develop a column for the *Star News* on selected career development topics. It should attempt to provide opportunities for networking. It should host forums where deputies can hear from and meet mentors in large group settings; for example, it would be worth repeating an event similar to the “Women’s Career Day” hosted in 1995.

In accordance with the Bouman Court’s mandate, OCRC should have taken the lead to identify potential obstacles to the advancement of women and minorities and to address those obstacles. To the extent that the Patrol 2000 Committee is striving to identify and address such obstacles in patrol, OCRC should also be involved. Or, better yet, OCRC and Patrol 2000 should be consolidated with the Gender Equity Committee in a broader unit with a wider mandate under a Department Executive at the Chief or Commander level.

A rationale expressed by OCRC for not focusing more specifically on career advancement is a concern that, as much as possible, OCRC needs to maintain an environment in which all employees feel comfortable coming to OCRC with any problems. This “open door” rationale reflects the degree to which the Ombudsperson aspects of OCRC have tended to overshadow the Career Resource Center aspects of the office. Both aspects are important.

We have additional concerns that the Department currently does not have any targets — other than those mandated under Bouman — for the advancement of women and minorities within the Department. In assuming the duties of the Office of Affirmative Action, OCRC is developing a new affirmative action plan for 1998 and 1999. The plan, developed under the direction of the County Office of Affirmative Action, is near completion and ready for final review.

The Gender Equity Committee and OCRC plan to look into whether census data being used as the basis for the Affirmative Action plan accurately reflect the real pool of qualified applicants. An expressed concern is that it may not be reasonable to expect that the percentage of women in the Department will reflect the percentage of women working in the community.

There is a risk that such rationales can become self-fulfilling prophecies. Before decreasing its goals for hiring and retention of women and minorities, we urge the Department and the relevant committees to critically analyze their assumptions. For example, the first question to ask is why women may not be interested in working for the Department and whether those reasons can be addressed by knocking down barriers — perceived or real — which discourage women from considering careers with the Department or in law enforcement generally.

Identifying The Most Desirable Assignments

The Department cannot evaluate whether women and minorities have equal access to the most desirable assignments until those assignments are identified. The term “desirable” encompasses two categories of assignments: those which are interesting, convenient, or high-paying, and those which will most likely lead to career advancement. The latter are sometimes referred to as “high profile” assignments. Identifying the most desirable assignments is no easy matter; a job that is appealing to one person may be uninteresting to others. Thus, a professionally prepared and analyzed survey of deputies would be an important tool in determining what the most desirable assignments are.

The only survey conducted in recent years to determine what are the most desirable assignments was conducted in 1996. It was not written or conducted by a professional surveyor and was limited to a very small sample of sergeants, lieutenants, captains, and commanders. It did not include deputies because the LASD feared that the union would object to a survey of deputies. This fear is said to have prevented the Department from

even broaching the subject with the union. We remarked eighteen months ago that the union would be unlikely to have any legitimate objection to such a survey and urged that the union be approached and a survey conducted. The LASD suggested that it would obtain professional help and conduct a meaningful survey by year end 1997. To our knowledge, however, that has not taken place.

The Department does deserve credit for certain steps taken in the information-gathering realm. Starting in mid-1996, the Department started a program of monthly surveys of Field Operations deputy assignments to determine the number and percentage of women in various jobs. The surveys are split between "standard assignments" and "specialized assignments," which might be viewed as desirable because they feature bonus pay, or stable working hours not involving holiday work, or they may be useful stepping stones to other desirable assignments or promotions involving related skills. In February 1998, the survey was expanded to include personnel who do not operate out of stations in the three regions.

An analysis of such reports suggests that women have not made significant progress in advancing into the most desirable assignments since the **Sixth Semiannual Report** and, indeed, since the original **Kolts Report** in 1992. Women have lost ground in many categories and have failed to increase their numbers in most others identified in the 1996 survey as "coveted" or "high profile" positions. Table 1 provides the data from the 1996 survey. Tables 2 and 3 provide the data as of August 28, 1997 and January 31, 1998, respectively.

In the deputy ranks, the number of women in positions at Special Enforcement Bureau dropped from one to zero. The number of women in Narcotics Bureau dropped by one from 1996, as did the number of women in Station Detectives. The number of women in the Recruit Training Bureau increased by seven and the number of women Field Training Officers ("FTOs") increased by six (or seven according to Table 6). The Department is justifiably pleased by more than doubling the number of FTOs, but

1

Status as of September 1996

	Coveted Positions						High Profile Positions					
	Special Enforcement Bureau		Narcotics Bureau		Station Detectives		Operations Deputy		Recruitment Training Bureau		Field Training Officer	
Deputies												
Males	61	98.4%	93	92%	242	89%	2	67%	27	59%	148	97.4%
Females	1	1.6%	8	8%	29	11%	1	33%	19	41%	4	2.6%
Sergeants	Station Detectives		Special Enforcement Bureau		Patrol		Chief's Aide		Operations Sergeant		Professional Standards and Training Div.	
Males	57	100%	13	100%	247	90.1%	6	87.7%	18	94.7%	67	77%
Females	0	0%	0	0%	27	9.9%	1	14.3%	1	5.3%	20	23%
Lieutenants	Station Detectives		Homicide Bureau		Narcotics Bureau		Executive's Aide		Operations Lieutenant		Chief's Aide	
Males	14	100%	7	100%	8	100%	2	66.7%	14	93.3%	8	100%
Females	0	0%	0	0%	0	0%	1	33.3%	1	6.7%	0	0%

2

Status as of August 28, 1997

	Coveted Positions						High Profile Positions					
	Special Enforcement Bureau		Narcotics Bureau		Station Detectives		Operations Deputy		Recruitment Training Bureau		Field Training Officer	
Deputies												
Males	62	98%	94	93%	235	89%	0	0%	48	69%	178	95%
Females	1	2%	7	7%	29	11%	3	100%	21	31%	9	5%
Sergeants	Station Detectives		Special Enforcement Bureau		Patrol		Chief's Aide		Operations Sergeant		Professional Standards and Training Div.	
Males	53	100%	13	100%	201	91%	3	100%	12	85%	57	81%
Females	0	0%	0	0%	18	9%	0	0%	2	15%	13	19%
Lieutenants	Station Detectives		Homicide Bureau		Narcotics Bureau		Executive's Aide		Operations Lieutenant		Chief's Aide	
Males	14	100%	7	87%	9	100%	3	100%	19	100%	3	100%
Females	0	0%	1	13%	0	0%	0	0%	0	0%	0	0%

Status as of January 31, 1998

	Coveted Positions			High Profile Positions		
	Special Enforcement Bureau	Narcotics Bureau	Station Detectives	Operations Deputy	Recruitment Training Bureau	Field Training Officer
Deputies						
Males	68 100%	97 93%	240 90%	6 75%	50 66%	206 95%
Females	0 0%	7 7%	28 10%	2 25%	26 34%	10 5%
Sergeants	Station Detectives	Special Enforcement Bureau	Patrol	Chief's Aide	Operations Sergeant	Professional Standards and Training Div.
Males	47 98%	13 93%	206 90%	3 100%	21 81%	57 83%
Females	1 2%	1 7%	24 10%	0 0%	5 19%	12 17%
Lieutenants	Station Detectives	Homicide Bureau	Narcotics Bureau	Executive's Aide	Operations Lieutenant	Chief's Aide
Males	4 100%	6 86%	9 100%	3 100%	29 88%	4 100%
Females	0 0%	1 14%	0 0%	0 0%	4 12%	0 0%

it must be borne in mind that women occupy only 11 of the 188 FTO positions, or six percent according to Table 6. This remains unacceptable given that women are nine percent of patrol and constitute more than 14 percent of all deputies.

The number of female sergeants at Station Detectives and Special Enforcement Bureau increased by one. The number of female sergeants dropped dramatically in Professional Standards and Training Division and also dropped in the categories of Patrol and Chief's Aide. There has been a substantial increase in the category of Operations Sergeant — from five to nineteen percent.

In the lieutenant ranks, Operations has seen an increase from one to four females, after an initial drop to zero. Homicide Bureau also increased from zero to one female lieutenant. However, there has been a net decrease of female lieutenants in the category of Executive's Aide. Station Detectives, Narcotics, and Chief's Aide all remain at zero.

The Department's surveys of deputy assignments within the three patrol regions

have yielded similarly disappointing results. Table 4 is the result of the July 1996 Field Operations deputy assignment survey of deputies. Tables 5 and 6 are the August 1997 and February 1998 versions, respectively. The numbers show slippage or lack of progress among women in Specialized Assignments.

Overall, the percentage of Specialized Assignments going to females remains at eight percent. The number of female Watch Deputies decreased from seven to four (9 percent to 4 percent), female Training/Scheduling Deputies from two to one (14 percent to 9 percent), female Court Liaison Deputies from four to zero (21 percent to 0 percent), and the number of Detectives from 29 to 27 (11 percent to 10 percent). The number of women deputies in Motors is zero. There was a notable increase of women FTOs, from four to eleven (3 percent to 6 percent), and an increase in women Traffic Investigators, from one to two (3 percent to 8 percent).

4

Field Operations Deputy Assignment, Gender and Ethnic Breakdown, Regions I, II and III

July 1996

	Ethnic / Gender Breakdown								Total	% of Total	% Female in assignment	% Non-white in assignment	% Not M-1 in assignment
	M-1	M-3	M-5	M-7	F-1	F-3	F-5	F-7					
<i>Standard Assignment</i>													
Gen. law enforcement / traffic	807	54	211	35	52	14	17	2	1192	49%	7%	28%	32%
Dispatcher	14	0	6	1	1	1	0	0	23	1%	9%	35%	39%
Desk Operations	39	3	6	2	3	14	4	0	71	3%	30%	41%	45%
Jailer	47	4	6	2	6	1	2	0	68	3%	13%	22%	31%
Trainee	73	7	16	5	10	2	0	0	113	5%	11%	27%	35%
Sub Total	980	68	245	45	72	32	23	2	1467	60%	9%	28%	33%
<i>Specialized Assignment</i>													
FTO	120	5	20	3	2	2	0	0	152	5%	3%	20%	21%
Watch Deputy	50	5	15	5	5	0	2	0	82	3%	9%	33%	39%
Detective	176	9	53	4	15	11	3	0	271	11%	11%	30%	35%
Team Leader	29	1	2	2	0	0	0	0	34	1%	0%	15%	15%
Traffic Investigator	25	0	3	1	1	0	0	0	31	1%	3%	13%	16%
Training / Scheduling	10	0	1	1	2	0	0	0	14	1%	14%	14%	29%
Court Deputy	18	1	4	1	6	0	0	0	30	1%	20%	20%	40%
Court Liaison	14	0	1	0	2	0	2	0	19	1%	21%	16%	26%
Motors	14	0	3	0	0	0	0	0	17	1%	0%	18%	18%
All Others*	194	29	73	5	15	6	7	0	329	13%	9%	36%	41%
Sub Total	661	50	175	22	48	19	14	0	979	40%	8%	29%	33%
Total	1631	118	420	67	120	51	37	2	2446	100%	9%	28%	33%

Legend	
M-1	Male White
M-3	Male African-American
M-5	Male Hispanic
M-7	Male Asian / Pacific Islander / Other
F-1	Female White
F-3	Female African-American
F-5	Female Hispanic
F-7	Female Asian / Pacific Islander / Other

* City / County Liaison and special programs, K-9, Helicopter Observers, Assistant Reserve Coordinators, COPs Teams, etc.

Field Operations Deputy Assignment, Gender and Ethnic Breakdown, Regions I, II and III

August 1997

	Ethnic / Gender Breakdown								Total	% of Total	% Female in assignment	% Non-white in assignment	% Not M-1 in assignment
	M-1	M-3	M-5	M-7	F-1	F-3	F-5	F-7					
<i>Standard Assignment</i>													
Gen. law enforcement / Traffic	744	51	204	48	64	11	15	2	1139	45%	8%	29%	35%
Dispatcher	12	3	5	0	2	0	1	0	23	1%	13%	39%	48%
Desk Operations	30	7	9	1	2	1	1	0	51	2%	8%	37%	41%
Jailer	11	1	1	2	2	1	0	0	18	1%	17%	28%	39%
Trainee	94	5	31	1	10	3	7	0	151	6%	13%	31%	38%
Sub Total	891	67	250	52	80	16	24	2	1382	55%	9%	30%	36%
<i>Specialized Assignment</i>													
FTO	128	8	36	6	4	0	5	0	187	7%	5%	29%	32%
Watch Deputy	62	6	11	5	3	1	1	0	89	4%	6%	27%	30%
Detective	173	8	50	4	15	9	5	0	264	11%	11%	29%	34%
Team Leader	31	1	5	0	1	1	0	0	39	2%	5%	18%	21%
Traffic Investigator	20	0	1	1	1	0	0	0	23	1%	4%	9%	13%
Training / Scheduling	9	0	1	0	1	0	0	0	11	0%	9%	9%	18%
Court Deputy	19	1	4	0	5	0	1	0	30	1%	20%	20%	37%
Court Liaison	8	0	1	0	1	1	0	0	11	0%	18%	18%	27%
Motors	19	1	4	0	0	0	0	0	24	1%	0%	21%	21%
All Others*	277	34	88	10	20	9	13	1	452	18%	10%	34%	39%
Sub Total	746	59	201	26	51	21	25	1	1130	45%	9%	29%	34%
Total	1637	126	451	78	131	37	49	3	2512	100%	9%	30%	35%

<i>Legend</i>	M-1	Male White	F-1	Female White
	M-3	Male African-American	F-3	Female African-American
	M-5	Male Hispanic	F-5	Female Hispanic
	M-7	Male Asian / Pacific Islander / Other	F-7	Female Asian / Pacific Islander / Other

* City / County Liason and special programs, K-9, Helicopter Observers, Assistant Reserve Coordinators, COPs Teams, etc.

Field Operations Deputy Assignment, Gender and Ethnic Breakdown, Regions I, II and III

February 1998

	Ethnic / Gender Breakdown								Total	% of Total	% Female in assignment	% Non-White in assignment	% Not M-1 in assignment
	M-1	M-3	M-5	M-7	F-1	F-3	F-5	F-7					
<i>Standard Assignment</i>													
Gen. law enforcement / Traffic	736	55	218	39	54	18	17	1	1138	45%	8%	31%	35%
Dispatcher	8	1	4	1	2	0	1	0	17	1%	18%	41%	53%
Desk Operations	22	1	1	1	5	1	1	1	33	1%	24%	18%	33%
Jailer	13	0	1	1	1	0	1	0	17	1%	12%	18%	24%
Trainee	112	8	32	8	10	2	4	2	178	7%	10%	31%	37%
Sub Total	891	65	256	50	72	21	24	4	1383	54%	9%	30%	36%
<i>Specialized Assignment</i>													
FTO	130	10	32	5	7	0	4	0	188	7%	6%	27%	31%
Watch Deputy	63	6	13	5	3	1	0	0	91	4%	4%	27%	31%
Detective	187	7	52	5	15	7	5	0	278	11%	10%	27%	33%
Team Leader	31	1	3	0	0	1	0	0	36	1%	3%	14%	14%
Traffic Investigator	19	0	1	2	2	0	0	0	24	1%	8%	13%	21%
Training / Scheduling	8	0	2	0	0	0	1	0	11	0%	9%	27%	27%
Court Deputy	19	1	4	1	6	0	1	0	32	1%	22%	22%	41%
Court Liaison	7	0	0	0	0	0	0	0	7	0%	0%	0%	0%
Motors	23	1	1	1	0	0	0	0	26	1%	0%	12%	12%
All Others*	298	29	89	18	26	7	11	1	479	19%	9%	32%	38%
Sub Total	785	55	197	37	59	16	22	1	1172	46%	8%	28%	33%
Total	1676	120	453	87	131	37	46	5	2555	100%	9%	29%	34%

<i>Legend</i>	M-1	Male White	F-1	Female White
	M-3	Male African-American	F-3	Female African-American
	M-5	Male Hispanic	F-5	Female Hispanic
	M-7	Male Asian / Pacific Islander / Other	F-7	Female Asian / Pacific Islander / Other

* City / County Liason and special programs, K-9, Helicopter Observers, Assistant Reserve Coordinators, COPs Teams, etc.

Field Operations Lieutenant and Sergeant Assignment, Gender and Ethnic Breakdown, Regions I, II and III

February 1998

	Ethnic / Gender Breakdown								Total	% of Total	% Female in assignment	% Non-White in assignment	% Not M-1 in assignment
	M-1	M-3	M-5	M-7	F-1	F-3	F-5	F-7					
<i>Lieutenant</i>													
Operations	15	2	3	0	0	0	0	0	20	4%	0%	25%	25%
Detective	14	1	0	0	0	0	0	0	15	3%	0%	7%	7%
Watch Commander	37.5	3	9	2	4	0	1	0	56.5	11%	9%	27%	34%
Other	10.5	1	1	1	2	1	0	0	16.5	3%	18%	24%	36%
Sub Total	77	7	13	3	6	1	1	0	108	21%	7%	23%	29%
<i>Sergeant</i>													
Operations	11	0	2	1	1	0	1	0	16	3%	13%	25%	31%
Detective	45	3	2	1	0	0	0	0	51	10%	0%	12%	12%
Traffic	12	0	2	0	0	0	0	0	14	3%	0%	14%	14%
Reserve Coordinator	7	1	2	0	1	0	0	0	11	2%	9%	27%	36%
City Liaison	5	0	1	0	0	1	0	0	7	1%	14%	29%	29%
Training / Scheduling	10	0	0	1	1	0	0	0	12	2%	8%	8%	17%
Community Relations	5	0	1	1	2	0	0	0	9	2%	22%	22%	44%
Court Liaison	2	1	0	1	1	0	0	0	5	1%	20%	40%	60%
Patrol	158	9	33	4	18	3	4	0	229	45%	11%	23%	31%
All Others	41	0	1	1	2	0	0	0	45	9%	4%	4%	9%
Sub Total	296	14	44	10	26	4	5	0	399	79%	9%	19%	26%
Total	373	21	57	13	32	5	6	0	507	100%	8%	20%	26%

<i>Legend</i>	
M-1 Male White	F-1 Female White
M-3 Male African-American	F-3 Female African-American
M-5 Male Hispanic	F-5 Female Hispanic
M-7 Male Asian /Pacific Islander / Other	F-7 Female Asian /Pacific Islander / Other

Field Operations Lieutenant and Sergeant Assignment, Gender and Ethnic Breakdown, Regions I, II and III

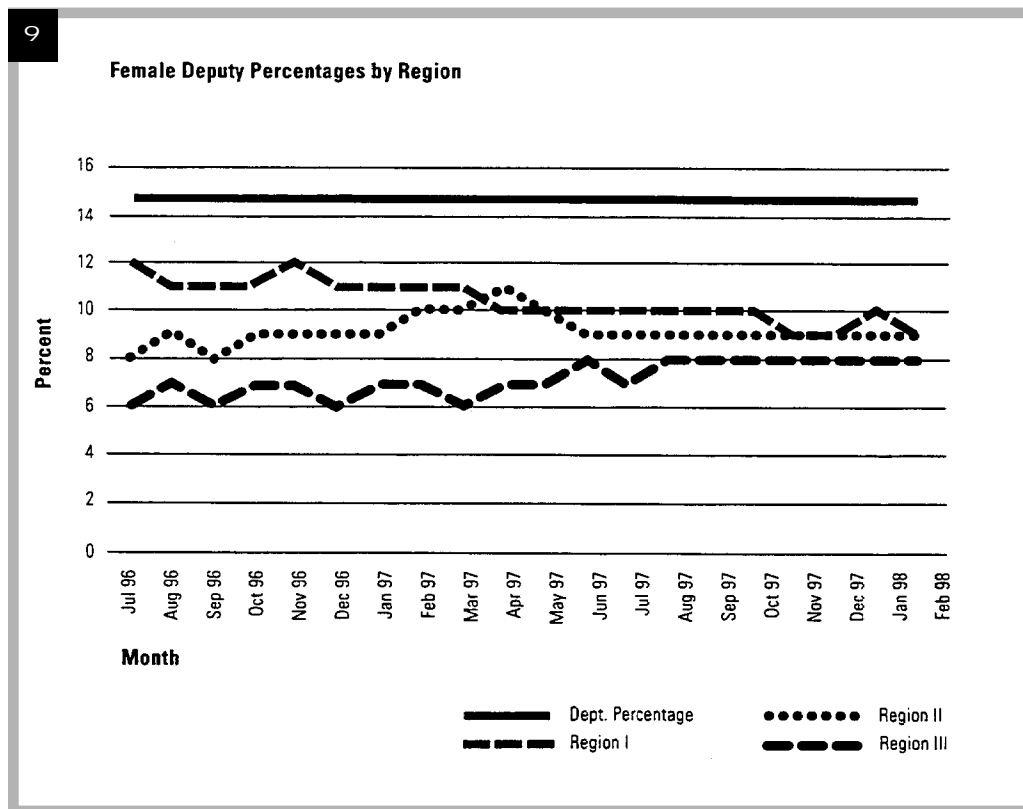
August 1997

	Ethnic / Gender Breakdown								Total	% of Total	% Female in assignment	% Non-White in assignment	% Not M-1 in assignment
	M-1	M-3	M-5	M-7	F-1	F-3	F-5	F-7					
<i>Lieutenant</i>													
Operations	14	3	2	0	0	0	0	0	19	4%	0%	26%	26%
Detective	14	0	0	0	0	0	0	0	14	3%	0%	0%	0%
Watch Commander	38.5	4	11	2	4	1	1	0	61.5	12%	10%	31%	37%
Other	7.5	0	2	1	2	0	0	0	12.5	3%	16%	24%	40%
Sub Total	74	7	15	3	6	1	1	0	107	22%	7%	25%	31%
<i>Sergeant</i>													
Operations	9	0	2	1	1	0	1	0	14	3%	14%	29%	36%
Detective	45	3	4	1	0	0	0	0	53	11%	0%	15%	15%
Traffic	13	0	0	0	0	0	0	0	13	3%	0%	0%	0%
Reserve Coordinator	8	1	2	0	1	0	0	0	12	2%	8%	25%	33%
City Liaison	6	0	0	0	1	1	0	0	8	2%	25%	13%	25%
Training / Scheduling	12	0	0	1	0	0	0	0	13	3%	0%	8%	8%
Community Relations	5	1	0	1	1	0	0	0	8	2%	13%	25%	38%
Court Liaison	2	0	0	0	1	0	1	0	4	1%	50%	25%	50%
Patrol	158	7	31	5	14	2	2	0	219	44%	8%	21%	28%
All Others	37	1	4	0	1	0	1	0	44	9%	5%	14%	16%
Sub Total	295	13	43	9	20	3	5	0	388	78%	7%	19%	24%
Total	369	20	58	12	26	4	6	0	495	100%	7%	20%	25%

<i>Legend</i>	
M-1 Male White	F-1 Female White
M-3 Male African-American	F-3 Female African-American
M-5 Male Hispanic	F-5 Female Hispanic
M-7 Male Asian /Pacific Islander / Other	F-7 Female Asian /Pacific Islander / Other

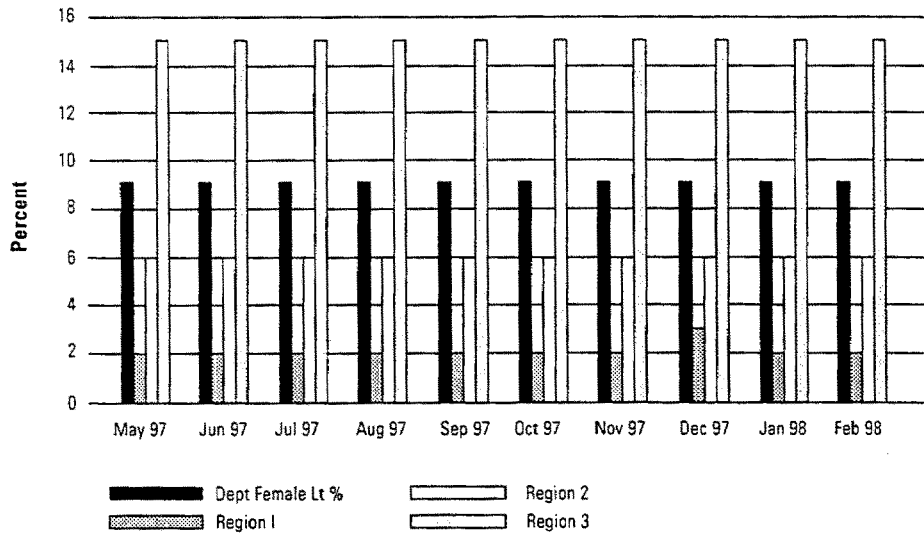
In the Specialized Assignment category of “All Others” the number of women in the category increased from 28 (nine percent) to 45, with the overall percentage remaining at nine percent. A large part of this increase may be due to receipt of a grant for the COPS Program. It is somewhat disappointing that the large increase in personnel in the COPS Program resulted in no percent gain for female deputies.

Tables 7 and 8 are the August 1997 and February 1998 versions of the Field Operations Survey that covers sergeants and lieutenants. The charts show, among other things, that the percentage of lieutenant positions occupied by women remains at only seven percent in Regions I, II and III, despite women constituting almost 10 percent of lieutenants and more than 14 percent of the Department. Although the percentage of female sergeants has improved from seven to nine percent (due to a substantial increase in the number of female patrol sergeants), some stations have no female lieutenants and



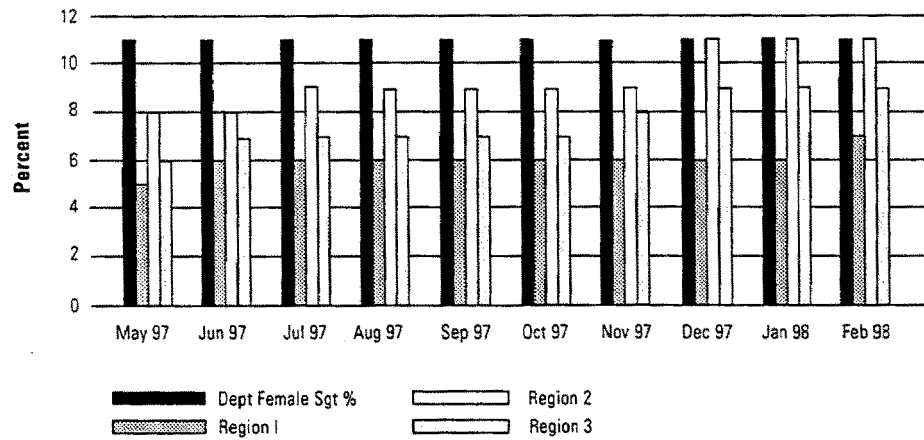
10

Female Lieutenants by Region



11

Female Sergeants by Region



some have no female sergeants. The station detective bureaus, in particular, continue to have no female lieutenants or sergeants.

The **Sixth Semiannual Report** expressed concern that certain units might be male-dominated. We now have figures tracking the percentage of women in Regions I, II and III over the past year. *See* Table 9. All three regions are about equal at approximately nine percent.

Tables 10 and 11 show the percentage of female lieutenants and sergeants by region from May 1997 through February 1998. The percentage of female lieutenants has remained fairly constant, with Region III having far and away the highest percentage, approximately 15 percent, followed by Region II with just under six percent, and Region I hovering between two and three percent. The same trends and rankings do not hold true,

Rank	September 1996				December 1997				% Change 1996-1997
	Rank Total	Male	Female	% Female	Rank Total	Male	Female	% Female	
Chief	8	7	1	12.5%	9	7	2	22.2%	77.8%
Cmdr.	19	16	3	15.8%	17	17	0	0%	-100.0%
Capt.	46	42	4	8.7%	54	48	6	11.1%	27.7%
Lt.	279	255	24	8.6%	287	259	28	9.8%	13.4%
Segt.	907	814	93	10.3%	961	856	105	10.9%	6.5%
Deputy	6927	5916	1011	14.6%	6770	5779	991	14.6%	.2%
Total	8186	7050	1136	13.9%	8098	6966	1130	14.0%	.5%

however, at the sergeant rank. At the rank of Sergeant, Region II is ahead of both Regions I and III. Unlike the trend at the lieutenant rank, however, all three regions have improved percentages of female sergeants over time. Region I has seen an increase in female sergeants from around five percent to around seven percent, Region II from just under eight percent to around 11 percent, and Region III from approximately six percent to about nine percent.

Table 12 compares the percentage of women for each rank within the Department as of September 1996 and December 1997. Overall, the representation of women in the

**Los Angeles County Sheriff's Department Breakdown of Sworn Personnel
by Sex, Rank, and Ethnicity as of December 31, 1997**

Class	Total	Male		Female	
Sheriff, U/C	1	1	100%		
Undersheriff, U/C	1	1	100%		
Assistant Sheriff, U/C	2	2	100%		
Div. Chief, Sheriff, U/C	7	5	71.4%	2	28.6%
Commander	17	17	100%		
Captain	51	45	88.2%	6	11.8%
Lieutenant	287	259	90.2%	28	9.8%
Sergeant	961	856	89.0%	105	10.9%
Deputy Sheriff IV	51	51	100%		
Deputy Sheriff	6666	5685	85.3%	981	14.7%
Dep. Sheriff Trainee	53	43	81.1%	10	18.9%
Totals:	8097	6965		1132	

Class	Caucasian			African-American			Latino		
	Male	Female	%	Male	Female	%	Male	Female	%
Sheriff, U/C	1		100.0						
Undersheriff, U/C	1		100.0						
Assistant Sheriff, U/C	2		100.0						
Div. Chief, Sheriff, U/C	4		57.1		2	28.6	1		14.3
Commander	14		82.4	1		5.9	1		5.9
Captain	34	6	78.4	4		7.9	7		13.7
Lieutenant	211	18	79.8	21	7	9.8	21	3	8.4
Sergeant	684	75	79.0	42	14	5.8	112	16	13.3
Deputy Sheriff IV	35		68.6	8		15.7	8		15.7
Deputy Sheriff	3670	507	62.7	505	204	10.6	1288	246	23.0
Dep. Sheriff Trainee	13	5	34.0	5	1	11.3	21	4	47.2
Totals:	4669	611		586	228		1459	269	

Class	Native American			Asian			Filipino		
	Male	Female	%	Male	Female	%	Male	Female	%
Sheriff, U/C									
Undersheriff, U/C									
Assistant Sheriff, U/C									
Div. Chief, Sheriff, U/C									
Commander				1		5.9			
Captain									
Lieutenant				5		1.8	1		.4
Sergeant				18		1.9			
Deputy Sheriff IV									
Deputy Sheriff	6	1	.1	173	16	2.8	43	7	.8
Dep. Sheriff Trainee				3		5.7	1		1.9
Totals:	6	1		200	16		45	7	

Los Angeles County Sheriff's Department Breakdown of Sworn Personnel by Division, Sex, and Ethnicity as of December 31, 1997

Division	Total	Male	Female	Caucasian	African-American	Latino	Native American	Asian	Filipino
Executive	105	87 82.9%	18 17.1%	83 79.1%	7 6.7%	7 6.7%	0 0%	7 6.7%	1 1.0%
Admin Services	10	8 80.0%	2 20.0%	7 70.0%	0 0.0%	2 20.0%	0 0%	0 0%	1 10.0%
Court Services	1469	1198 81.6%	271 18.5%	797 54.3%	316 21.5%	310 21.1%	2 .1%	34 2.3%	10 .7%
Prof Standards	283	214 75.6%	69 24.4%	182 64.3%	36 12.7%	53 18.7%	0 0%	9 3.2%	3 1.0%
Custody Div.	2084	1713 82.2%	371 17.8%	1262 60.6%	174 8.4%	563 27.0%	0 0%	66 3.1%	19 .9%
Detective Div.	472	413 87.5%	59 12.5%	331 70.1%	39 8.3%	95 20.1%	0 0%	5 1.1%	2 .4%
Tech. Services	72	59 81.9%	13 18.1%	54 75.0%	6 8.3%	11 15.3%	0 0%	1 1.4%	0 0%
Field Ops Reg I	1366	1239 90.7%	127 9.3%	1016 74.4%	57 4.2%	266 19.5%	1 .1%	22 1.6%	4 .3%
Field Ops Reg II	1081	984 91.0%	97 9.0%	707 65.4%	129 11.9%	195 18.0%	0 0%	45 4.2%	5 .5%
Field Ops Reg III	1155	1050 90.9%	105 9.0%	841 72.8%	50 4.3%	226 19.6%	4 .4%	27 2.3%	7 .6%
Total	8097	6965	1132	5280	814	1728	7	216	52
Field Training Officers	274	174 95.0%	10 5.0%						

Demographics of Recruits Entering and Graduating from Academy Classes 285 (1994) through 295 (1997)

	Males	Females	Total
Caucasian			
Entered (47.7%)	377	120	497
Graduated (47.5%)	343	99	442
Latino			
Entered (34.6%)	260	101	361
Graduated (35.4%)	247	82	329
African-American			
Entered (12.0%)	80	45	125
Graduated (11.3%)	70	35	105
Asian-American			
Entered (3.8%)	33	7	40
Graduated (4.1%)	32	6	38
Filipino			
Entered (1.4%)	12	3	15
Graduated (1.3%)	10	2	12
Native American			
Entered (.5%)	3	2	5
Graduated (.4%)	2	2	4
Total Entered	765	278	1043
	73.3%	26.7%	
Total Graduating	704	226	930
	75.7%	24.3%	

Demographics of Recruits Entering and Graduating from Deputy Sheriff Trainee Classes #97-1 and #97-2*

	Males	Females	Total
Caucasian			
Entered (39.6%)	26	12	38
Graduated (39.7%)	25	12	37
Latino			
Entered (42.7%)	35	6	41
Graduated (42.0%)	34	5	39
African-American			
Entered (9.4%)	7	3	10
Graduated (9.7%)	7	3	10
Asian-American			
Entered (5.2%)	4	1	5
Graduated (5.4%)	4	1	5
Filipino			
Entered (3.1%)	2	0	2
Graduated (3.2%)	2	0	2
Native American			
Entered (0%)	0	0	0
Graduated (0%)	0	0	0
Total Entered	74	22	96
	77%	23%	
Total Graduating	72	21	93
	77%	23%	

* In late 1997, the LASD implemented a "modified academy." The first two classes — 97-1 and 97-2 — were four weeks long because the deputy trainees were custody assistants who had already gone through five weeks of prior training.

Department has increased slightly to just under 14 percent of the total sworn personnel, with the percentage of female deputies a bit over 14.5 percent. Although there have been substantial increases in the percentage of women at the ranks of Chief, Captain, and Lieutenant, and some increase at the rank of Sergeant, the only rank at which the percentage of women meets or exceeds the percent of women deputies is that of Chief. The promotion of two women to Chief and the retirement of a third have not been backfilled at the Commander level. Thus, the number of women commanders currently is at zero.

Table 13 sets forth the LASD's overall demographic breakdown by rank as of December 31, 1997. Table 14 breaks down the same data by LASD division as of December 31, 1997. Tables 15 and 16 set forth the demographics of academy classes from 1994 to date. In light of the Bouman court's order requiring the Department to gather and compile additional data, we will have additional information as to the status of women in subsequent reports. We emphasize the need for rigorous internal auditing and scrutiny of the LASD internal processes for transfer, promotion, and assignment. Data from such audits is critical to inform judgments as to whether or not women and minorities are receiving fair treatment.

Incomplete Job Postings

The most basic piece of information an individual needs to know to obtain high-profile or coveted positions within the Department is that such positions are available. To the extent that openings for sworn personnel are posted, OCRC continues to publish those postings throughout the Department. In addition, OCRC encourages units to post all jobs. Yet the Department is not posting all coveted and desirable positions. Indeed, at present, the Department still has no policy which *requires* each such opening to be posted.

In the past, we have been given three reasons for not posting certain jobs. First, the job may require special skills and the hiring person knows someone with those skills,

or there are so few people with those skills that posting would be futile. Second, the Department wants to comply with the wishes of contract cities. Third, the Department needs to fill a slot quickly, on an emergency basis.

First, the very fact that high ranking officers, primarily captains, are so particular about filling these positions is strong evidence that these are *exactly* the kinds of high-profile positions important to advancement within the Department — positions which should invariably be posted and made available to all sworn personnel if women and minorities are to be given a fair chance. Second, without performing a detailed review of the percentage of positions filled without postings, there is no reliable method for determining whether selection without posting happens frequently or not.

Indeed, the evidence *already available* to the Department as a result of a limited 1996 survey by the Office of Affirmative Action suggests that almost 20 percent of Commanders and Captains only post jobs “sometimes;” two Captains (6 percent of the total survey pool) said that they *never* make Department-wide postings of high-profile or coveted assignments. The same survey also suggests that approximately one-third of the Captains and Commanders would *prefer* to fill vacancies in high-profile positions through “executive discretion” and not Department-wide posting.

The Department’s second justification for the failure to post some positions has been that some contract cities specifically demand that the Department place a certain person in a position. But the Department’s deference to contract cities in this regard is inconsistent with the Department’s policies regarding selection of captains. The Department already has taken the position that it will not allow contract cities unilaterally to designate who will fill the position of station captain. Rather, the Department reviews applications for the job and then develops a list of candidates. The contract city is then permitted to choose from the candidates on the list. The same policy could be used for selecting individuals to fill lower ranking positions if the contract cities are demanding particular individuals.

The Department's third justification for the failure to post some positions is that postings are not always possible because positions may need to be filled on an expedited basis. Again, the Department needs to document how often this is occurring and whether the "emergency" status could be prevented through better planning. Moreover, even if a position must be filled so quickly that there is no time to post the position, the position could be filled on a temporary basis to allow time for the position to be posted and made equally available to all.

We have not heard any persuasive justification for why the Department should not immediately institute a policy requiring posting of *all* coveted openings, at least through the rank of lieutenant. Late last year, it appeared that the Department finally was ready to announce a posting policy. As of this date, however, no policy has been announced.

Attempts to Facilitate Full Participation of Women in the Department

In the Spring of 1997, the Department launched several significant programs designed to facilitate full participation of women in the Department. Although the start of such programs comes belatedly, the programs themselves are promising. Many of these programs have been initiated by the Patrol 2000 Committee. One of the Committee's first projects was a series of management briefings, which commenced with a presentation to the three Field Operations Chiefs stressing the importance of increasing the number of women in patrol.

This initial presentation was followed by one-on-one meetings between Commander Lee Kramer and station commanders, operations lieutenants, training lieutenants, and others in which the following topics, among others, were emphasized: the Department's commitment to increase the complement of female deputies assigned to patrol stations; the role of unit commanders in accomplishing this goal; the new requirement that unit commanders designate a sergeant or lieutenant at their station to develop a station mentor

program for newly assigned deputies and to act as a liaison with the Patrol 2000 Committee; the importance of considering women deputies for FTO positions; the importance of ensuring that female deputies are given the opportunity to attend training classes that, at some stations, have become “rewards” and have been attended largely by males in the past; the importance of ensuring that scheduling personnel are “user friendly” and attempt to work with deputies who have scheduling problems; and the importance of the station captain’s words and actions with respect to female deputies. Commander Kramer’s meetings included discussion of the station’s gender/ethnic reports and programs in place or being developed to assist in assuring gender equity.

The station captains also were asked to create station plans to increase the number of women at their stations. Each station has done so and, from our review of the plans, most stations appear committed to the Patrol 2000 program. Stations are appointing mentors, scheduling presentations in Custody locations, and encouraging ride-alongs through flyers and programs. Stations also have appointed liaisons to the Patrol 2000 Committee and are developing programs and seminars to support career advancement. Both the Committee and individual stations also have begun to examine whether particular aspects of patrol — such as unpredictable scheduling — may have a disparate impact on women trainees. Some stations are exploring new and creative solutions to any such problems. We will be interested to watch the progress of the committee’s efforts, follow-through on the station plans, and, ultimately, the effect on the number of women going to patrol.

As part of the Patrol 2000 Committee’s efforts, the Committee has implemented a Patrol Recruitment Team which will visit Custody and Court Services locations to give deputies presentations about the benefits of Patrol assignments, answer questions, encourage and facilitate high-quality ride-alongs, and follow up with interested deputies. It is thought that this effort may increase the number of females in Patrol due to the large numbers of females who currently work in Custody and Court Services. The concept of

recruiters visiting Custody and Court Services is not new. What makes this program different is that individuals are to be recruited to Patrol, and the recruiters will come from a cross-section of stations. Another Patrol 2000 program that is under consideration involves a "Patrol Preparation" course for deputies assigned to Custody or Court Services. Discussions have been initiated as to whether a percentage of the time allotted for training of Custody and Court Services Deputies can be used for preparation for service in Patrol.

Exit Interviews

In 1995, the Gender Equity Committee recommended adding a question to the Department's exit interview document which would ask whether the employee wanted a confidential interview with the Ombudsperson (Formal Recommendation No. 120). The hope was that by providing the opportunity for such interviews, the Department would obtain useful and needed feedback as to why women and minorities were leaving the Department, as well as to find out whether employees were leaving because of perceived or actual discrimination. The Department's implementation of the exit interview process has been flawed. We understand that, more than three years later, the question finally has been added to the Department form. The new form is scheduled to be distributed during 1998 to all units. We will follow-up in future reports on the implementation of this important self-auditing process.

The Department must make plans to ensure meaningful exit interviews with the Ombudsperson. If, as we suspect, the new form leads to an increase in the number of requests for an interview, OCRC may need additional staff to respond to the increased demand. If staff shortages cause unreasonable delays in conducting interviews, employers will likely be discouraged from going forward with the process, leaving the Department in the same position in which it currently stands.

Flex-time, Family Leave, and Part-time Schedules

Since 1992, we have urged the Department to examine its flex-time, family leave, and part-time scheduling policies to see if they discourage women from applying to the Department in general or to special or high-profile positions in particular. Other than to institute policies required by federal law, however, the Department has not yet addressed the issue. To the contrary, the Department appears content to assume that no adjustments can be made.

The Department seems to have concluded that patrol schedules cannot be made more user-friendly. The Department, moreover, has made no comprehensive or formal attempt to examine the issue to our knowledge. For example, we understand that some stations are implementing “self-scheduling” and other forms of flex-time. At the least, the Department should take a close look at whether these policies are working and how they might be expanded throughout the Department. Likewise, no study has apparently been done to see how other law-enforcement agencies have approached similar issues. Finally, because it seems not to have examined the issue, the Department cannot say what it would cost, for example, to budget for sufficient extra staff or overtime to permit more flexibility in Patrol schedules. We recommend that the LASD address this issue and oversee the necessary studies and analyses so that the Department can rid itself of any unnecessary deterrents to women due to inflexible scheduling. In addition, the Department should include in its survey of deputies questions asking whether scheduling issues make certain positions desirable and others less so.

Addressing Complaints of Sexual Harassment

We will be revisiting the number and nature of sexual harassment claims and the Department’s process for handling those claims in future reports. At this time, two positive developments are worth noting. First, the Office of the County Counsel has

assigned an attorney to work full-time with the Department to address claims of discrimination of all types, including sexual harassment. Second, the Department is exploring the possibility of moving OCRC from headquarters to a more “neutral” location. Even though staff from OCRC tell clients that they are willing to meet them anywhere and anytime to discuss their concerns, it is likely that some individuals are not reporting claims of sexual harassment or other discrimination to OCRC because of a perception that OCRC is not neutral or that they will be spotted coming to OCRC. Thus, we support the idea of moving OCRC to another location, provided that the size of the new office is for OCRC’s needs and that OCRC’s services continue to be well publicized throughout the Department.

5. Analysis of LASD Litigation

Overview

In our investigation for the 1992 **Kolts Report**, we examined in detail all of the excessive force lawsuits resulting in settlements or judgments against the Sheriff's Department in excess of \$20,000 in the five years preceding the report. We stated that the Department should review all excessive force settlements and verdicts, past and future, to elaborate a liability management strategy in light of the recurring situations creating a high risk of exposure. The conclusions and recommendations from the **Kolts Report** and the subsequent semiannual reports led to a thorough restructuring of the LASD, including the creation of the Professional Standards and Training Division (PSTD) within the LASD and the elaboration of complex procedures and protocols for the analysis of liability risk. Now, six years later, and notwithstanding the recent affirmance of an \$18 million verdict in a nine-year old pre-**Kolts** excessive force case that has come back to haunt the County, the Sheriff's Department has a sophisticated, effective, and fully elaborated risk management strategy that makes it unique among large urban American law enforcement agencies.

The risk management procedures, however, have one significant flaw: The LASD still does not re-visit cases in which it has suffered substantial losses by way of verdicts and settlements to see if the officers involved should be subject to discipline, counseling, or special training in light of facts developed in litigation. In many instances, initial investigations by the Department will disclose no wrongdoing on the part of officers. The results of those investigations need to be reviewed in light of subsequent events. The LASD has been criticized because none of the officers involved in the 1989 \$18 million force case was ever disciplined. Without in any way suggesting that the deputies involved there should have been or should now be disciplined, we join the criticism of the Department to the extent that the LASD does not as a routine practice review its prior disciplinary and other decisions to consider what was subsequently developed in discovery or shown at trial.

To be sure, significant time may pass between an initial investigation and a trial or settlement of a lawsuit. In the interim, the deputies involved may have been promoted, or left the Department, or continued to work in the LASD without any problems or questionable incidents. It may be unfair — many years after an event and an initial investigation; long after the conduct in question has receded from memory and has little, if any, relevance to a deputy's current performance — to discipline a deputy, seemingly retroactively, for the earlier incident.

On the other hand, as we observed in **Kolts** and have repeated in the semiannual reports, initial internal investigations by the LASD vary significantly in quality, thoroughness, and objectivity. Much may be learned during the course of litigation and trial that may cast doubt on the accuracy of the initial investigation, even if it was letter-perfect and done in absolute good faith at the time. It should be rare that a deputy will be subjected to substantial discipline for something that happened many years prior, and we are confident that the usual result in such instances will, at most, be counseling or some re-training. But if it appears that a deputy committed perjury, or filed a false report, or planted evidence, or committed a criminal act, including an intentional, serious misuse of force, then it is both fair and appropriate to take disciplinary action, even if many years have passed. **Accordingly, we recommend that the Department review all litigation with significant jury verdicts or settlements to determine if its initial investigation was inaccurate and if disciplinary or other action needs to be taken against the involved LASD personnel.** These criticisms and recommendations notwithstanding, as a result of **Kolts** implementation, the LASD has achieved substantial control of litigation alleging excessive force arising from the patrol operations of the Department in the six years since the **Kolts Report**.

Litigation Since Kolts

As Table One set forth herein demonstrates, the total docket of excessive force lawsuits

against the LASD has dropped from a high of 381 such cases for fiscal year 1992-93, the year of the **Kolts Report**, to a low for fiscal year 1996-97 of 108 cases. The number of new filings of such cases has also dropped from a high in fiscal year 1992-93 of 88 new filings to a current low of 61 filings for 1996-97. Figures for the first half of fiscal year 1997-98 are similarly encouraging: For the six-month period ending December 31, 1997, there were only 25 new force cases. The total docket of such cases as of December 31, 1997 was at an all-time low of 98.

1					
LASD Litigation Activity, Fiscal Years 1992-97					
	FY 92-93	FY 93-94	FY 94-95	FY 95-96	FY 96-97
New Force Related Suits Served	88	55	79	83	61
Total Docket of Excessive Force Suits	381	222	190	132	108
Lawsuits Terminated					
Lawsuits Dismissed	79	90	60	42	39
Verdicts Won	22	9	10	6	3
Verdicts Against LASD	3	7	3	5	2
Settlements	70	81	103	82	41
Lawsuits Terminated 96/97					
	Dismissed	Settled	Verdicts Won	Verdicts Against	
Police Malpractice	117	83	4	2	
Medical Malpractice	4	6	2		
Traffic	14	48			
General Negligence	8	2			
Personnel	6	3	1		
Total	149	142	5	2	
Active Lawsuits by Category 12/31/97					
Police Malpractice	229				
Traffic	68				
General Negligence	11				
Personnel	22				
Medical Malpractice	19				
Writs	14				
Total	363				

The drop in excessive force cases is not an isolated phenomenon. Other police misconduct cases — with the exception of custody over-detention claims — have also dropped. There are fewer civil rights actions; unlawful search and seizure allegations; and

false arrest claims. Whereas in July 1992 there were 811 active police misconduct lawsuits, including excessive force cases, there were only 232 such cases pending as of July 1997. Across the board, then, lawsuits arising out of the patrol activities of the Sheriff's Department have abated substantially.

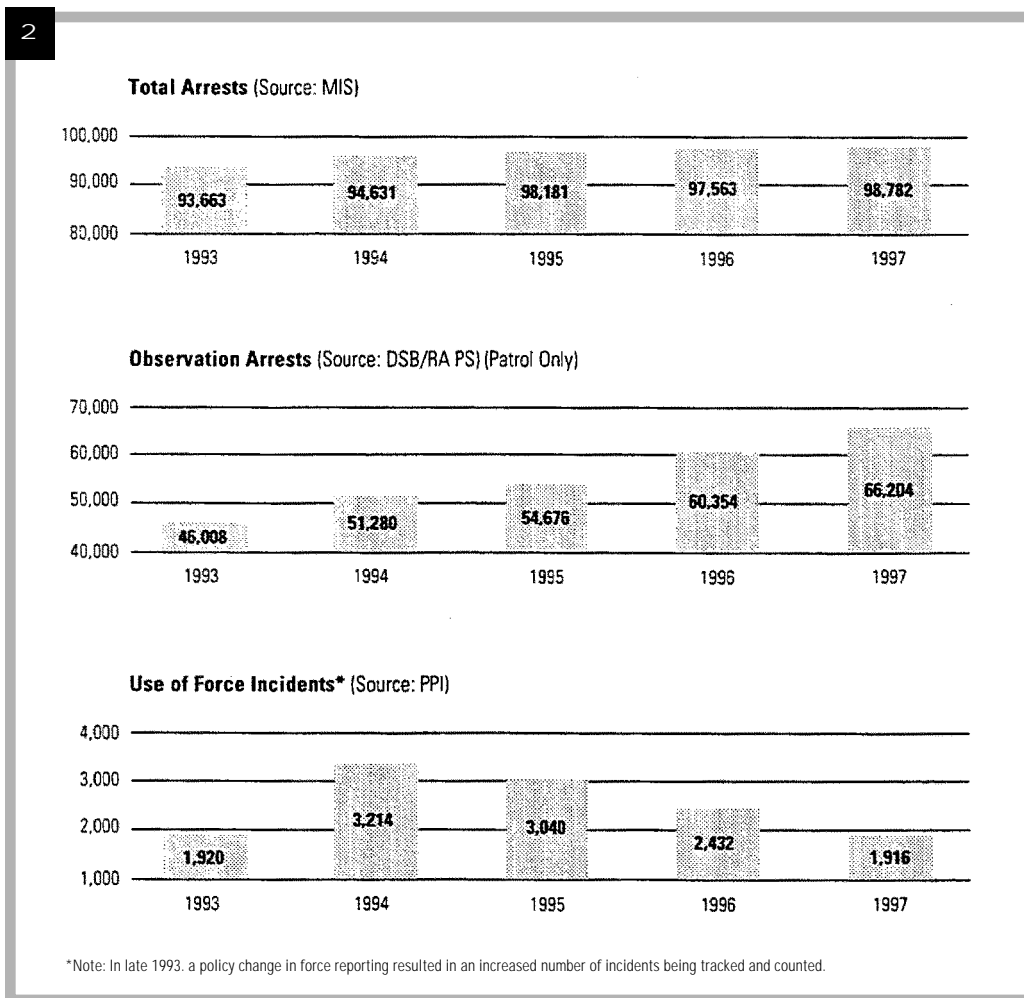
The decrease is similarly reflected in a dramatic drop in potential monetary exposure to the County taxpayers from the activities of the Department. To compute potential exposure, estimates are made of potential loss in a given lawsuit on a worst case hypothesis. In evaluating potential exposure, it is important to keep in mind that these pessimistic assumptions will tend to make matters look somewhat worse than they are. The absolute dollars of potential exposure at any given moment are not as telling as trends over time. Accordingly, the crucial point to be made is that potential exposure in May 1998 on the Sheriff's entire caseload is less than half of what it was at its height shortly after the **Kolts Report**. The drop in exposure is more impressive still when it is taken into account that about a third of potential current exposure relates to matters that were filed in the years preceding the **Kolts Report** and prior to implementation of the **Kolts** recommendations for liability management.

If one focuses on excessive force cases, the exposure numbers are even more dramatic in terms of a sharp decrease since **Kolts**. At and shortly after the time of the **Kolts Report**, force cases represented 60 percent of the Department's total potential exposure. Today, post-**Kolts** force cases account for less than 30 percent. Put another way, and emphasizing even more the degree to which implementation of **Kolts** has led to a radical and precipitous decline in liability risk, the potential exposure on the entire caseload of post-**Kolts** cases pending today is **\$6 million less** than the actual amount the County of Los Angeles paid in judgments, settlements, and attorney's fees in fiscal 1992/93, the year the **Kolts Report** was released.

Attorney's fees and costs have dropped by half from the approximately \$12 million spent in 1992/93. Fiscal year 1996/97 produced the lowest combined figures for judgments,

settlements, attorney's fees, and costs for any year since we began measuring in fiscal year 1992/93. Preliminary numbers for 1998 are also encouraging. If a principal goal of the **Kolts Report** was to demonstrate to the LASD that it could and should gain control of excessive force as reflected in litigation, then implementation of **Kolts** and monitoring have proved to be an impressive success.

Importantly, the progress of the Department in limiting its exposure has not come at the expense of police activity in the LASD's patrol operations. As Table Two demonstrates, total arrests have risen in each year since the **Kolts Report**. Observation arrests have also increased both absolutely and as a percentage of total arrests. At the same time, use of force incidents have declined in each year since 1994.



We do not mean to suggest by this that arrests are the best or only measure of the effectiveness or productivity. Nor do we argue that the LASD make more arrests merely for the sake of better numbers. Rather, the conclusion is that it is possible to enhance officer safety, improve community relations, implement community-based policing, and control liability by holding police officers and their supervisors strictly accountable for their performance, including use of force, without compromising crime-fighting efforts.

The fundamental question we ask as we review uses of force, shootings, claims, citizen's complaints, lawsuits, and injuries — whether to officers, suspects, or third-parties — is whether legitimate law enforcement objectives could have been accomplished in a less risky and dangerous way without compromising officer safety. We have repeatedly forced the LASD to confront that question through the **Kolts Report** and each of the Semiannual Reports of Special Counsel that have followed. As demonstrated by this report on litigation, that question has been an extraordinarily powerful tool to prevent lawsuits and reduce exposure.

Litigation During Calendar Year 1997

T r i a l s

During 1997, the Sheriff's Department won seven significant victories in court and lost no cases. The Department closed 298 lawsuits during the year: 147 were dismissed, 144 were settled, and seven went to trial. Of the seven trials, the four police liability cases resulted in defense verdicts. Three trials involved claims of excessive force and the fourth involved a claim of conversion of property. The fifth defense verdict resulted from a medical malpractice action. The sixth and seventh defense verdicts were in cases brought by former employees of the Department for sexual harassment and employment discrimination respectively.

Settlements of Litigation

The Department settled 144 cases for a total dollar amount of approximately \$7.9 million, representing a substantial reduction from 1996. Of the \$7.9 million, approximately \$5.5 million related to police misconduct, \$1.6 million to traffic liability, and approximately \$860,000 to medical malpractice.

1. *Police Misconduct*

It is significant that four of the costliest settlements, representing approximately \$2.1 million of the \$5.5 million police misconduct cases (a \$420,000 settlement; a \$450,000 settlement; and two \$650,000 settlements) relate to pre-**Kolts** incidents, including one case from 1978, one from 1990, and two from 1991. Three other settlements in the police liability area related to shootings. A 1994 case from the Crescenta Valley station, in which deputies responded to a call about a violent, mentally-disturbed man and ultimately shot him, settled for \$375,000. A 1993 Antelope Valley station shooting following a foot pursuit of the suspect resulted in a \$300,000 settlement, and a 1994 case from the Century Station which involved the shooting of an armed suspect settled for \$420,000.

The three other police misconduct cases which settled for more than \$100,000 each did not involve shootings. A 1995 case settling for \$275,000 involved claims arising from the Industry Station in which it was alleged that a suspect was beaten by sheriff's deputies and then later crushed by a patrol car that rolled backwards over him. A 1995 dog bite case involving the Special Enforcement Bureau's Canine Unit settled for \$100,000. A case arising from Court Services's Central Bureau in which an inmate alleged that the sheriff's deputies failed to protect him from a stabbing by another inmate settled for \$100,000. The balance of nearly \$2 million in settlements from police misconduct cases settled in the range of \$25,000 - \$100,000.

2. *Medical Liability*

There were two substantial settlements in the medical liability area. In a 1995 case, an inmate, who had twice previously attempted suicide while in custody, hung himself in his cell with a bed sheet. The case settled for \$400,000. A 1994 case in which it was alleged that an inmate died because of a failure to provide medical care following an asthma attack was settled for \$395,000. A diabetic who claimed that failure to provide proper medical care at Men's Central Jail resulted in amputation of his leg received a \$60,000 settlement.

3. *Settlement of Claims*

The Civil Litigation Unit of the Risk Management Bureau continues to do an excellent, proactive job resolving possible claims at a very early stage. During 1997, the Unit managed to resolve a substantial number of custody over-detention claims on an expedited basis for relatively modest sums on the average. During the year, 537 over-detention claims were settled for a total of \$204,390.

Century and Lennox Stations

In our **Seventh Semiannual Report**, we paid particular attention to the disproportionate percentage of settlements during the last half of 1996 arising from the Century and Lennox Stations. We noted that the two Region II stations together accounted for 60 percent of the approximately \$1 million paid during that six-month period to settle cases alleging excessive force. The Canine unit accounted for another 0.85 percent, and the rest of the Sheriff's Department accounted for the remaining approximate 30 percent, including an East LA shooting that settled for approximately \$162,000. We also noted that as of early April 1997, 41 of the pending 70 lawsuits from Region II involved claims of police misconduct, and that Century accounted for 17, or about 41 percent, and Lennox accounted for 11, or about 27 percent. Together, the two stations accounted for nearly 70 percent of all the police misconduct cases in the region.

Our discussion of Century and Lennox prompted the captains of those two stations to commission an analysis of our findings which they released in August 1997. The response was a thoughtful attempt to put our analysis in perspective, re-trace our steps, and offer suggestions and recommendations in good faith for future approaches to the subject matter.

In discussing the cases we had reviewed for our analysis, the Century and Lennox captains repeatedly emphasized that internal investigations had found no wrongdoing on the deputies' parts. The captains noted further that internal reviews had concluded that shootings were justified or had been found to be within policy. The captains then characterize settlements in the cases as "business decisions" where factors such as "jury sympathy," "jury composition" and "plaintiff sympathy" were primary considerations.

The captains go so far as to say that with respect to settlements that were "prompted by counsel's concerns regarding jury composition," "[t]his is an area over which unit commanders have no control and for which they may not reasonably be held responsible." These statements by the captains either reveal naivete about civil litigation or attitudes which are unhelpful for purposes of accountability and risk management. Statements about "jury composition" should be particularly carefully and thoughtfully examined to determine what unspoken assumptions and implicit inferences are being drawn. And, as noted earlier, initial internal investigations concluding that no wrongdoing occurred may prove to be inaccurate given what develops during litigation or at trial. Views of the strengths and weaknesses or cases change over time.

A decision by a lawyer to recommend a settlement to a client involves the weighing of many factors, the principal ones being the strength of the case and the quality of the evidence and testimony to be adduced. Not every case that is defensible is taken to trial, and a settlement should not be construed as a tacit admission that the case would be lost. In relatively rare instances, the amount reasonably at stake is so small, and the cost of defense so high, that it will cost more to try a case than to settle it. For that reason, it is

not surprising to see occasional cases where the settlement is driven by cost considerations. Yet those cases over time are relatively few: An experienced lawyer, representing clients whose businesses subject them to a constant barrage of litigation, knows that a client's willingness to settle for the cost of defense will only encourage litigants with barely colorable claims to take their chances. Accordingly, able lawyers settle few cases for such clients on cost-of-defense grounds alone.

In each of our semiannual reports, we have stressed the importance of looking at litigation objectively and mining each case for the lessons that can be learned. At page 29 of our **Fifth Semiannual Report**, we discussed the litigation process at length. We cautioned against ignoring cases that never make it to trial or are dismissed for a variety of reasons, including application of immunity theories in federal cases. We suggested that litigation may go away for a variety of reasons, including that the plaintiff may lack the financial resources to pursue protracted litigation. Therefore, a case that goes away should not be ignored for its risk management implications.

Similarly, we urged caution about inferences to be drawn if a case settles. "The decision to settle a case involves balancing the risk of liability, the scope of possible damages, fees and costs, the precedent value of the case, and its policy implications. Nonetheless, if the County settles a case for more than nuisance value, we believe that it is fair to infer that the County had concerns about its liability and the scope of damages. Thus, cases that settle for anything other than trivial amounts should be analyzed carefully for purposes of future risk avoidance. Also, the dollar amount of the settlement may not necessarily correlate to the importance of a the case from a policy or training point of view... [C]ases that settle for small sums can nonetheless bristle with policy, training, or risk management issues."

When lawyers suggest to clients that they settle as a good "business decision" or because of "jury sympathy" for the plaintiff, lawyers are often trying to state in a diplomatic way that the client's conduct was sufficiently questionable or problematic that it is

dangerous to test it before a judge or jury. However diplomatically put, the client should not be fooled. The County of Los Angeles does not lightly pay out large sums to settle given cases, and it should thus be of little comfort to the captains of Century and Lennox Stations that the County lawyers may suggest the case settled for mere “business” reasons. It is easy to blame the lawyers, the plaintiffs, the juries, or the judicial system as a whole; it is harder to look inward and hold oneself and one’s subordinates accountable. As thoughtful and well-intentioned as was the response of the Lennox and Century captains to our **Seventh Semiannual Report**, it tended to look outward rather than inward.

That is not to say that the captain’s suggestions and criticisms of our **Seventh Semiannual Report** should be dismissed. They recommend that we meet and confer with departmental representatives prior to the completion of semiannual reports to ensure that the data we rely upon has been properly collected and interpreted and that consistent terminology is used. The recommendations are good ones. We do meet with departmental representatives prior to the completion of a report to verify the accuracy of numbers.

In preparation of the **Seventh Semiannual Report**, we ran into differing definitions of “significant force incidents” as Internal Affairs used the term and as the term is used for purposes of use of force reporting. We did not pick up the discrepancy at the time and used the Internal Affairs reports as our source for some data that may have been reported differently had we used data from use of force forms. We are sorry for whatever confusion occurred in the wake of our report as to the source of the data but continue to stand by all conclusions reached.

The captains also noted that in our discussion of settlements, we included two cases arising from conduct that preceded the **Kolts Report** and suggested that we thereby varied to their detriment from our usual practice of focusing on litigation arising from post-**Kolts** conduct. From the perspective of the two captains, inclusion of the pre-**Kolts** cases which settled for large amounts stacked the deck against the two stations in question.

Generally, we do focus on post-**Kolts** cases in order to measure the LASD's progress and to assess the effectiveness of the **Kolts** recommendations. But here we cannot agree with the captains. What happened at Lennox or Century or its predecessor stations prior to **Kolts** should not be ignored from the perspective of risk management. And, as noted earlier, a pre-**Kolts** case may involve current personnel or topical policy issues.

On the other hand, the captains have a point to the extent that any reference to pre-**Kolts** cases would tend to tarnish their reputations or the current reputations of their stations. Neither of them were in charge of their respective stations in the pre-**Kolts** period or for several years in the post-**Kolts** era. The personnel at the stations at all levels have changed over time. The past mistakes of the Lynwood and Firestone stations should not be visited upon Century today, and the Lennox of today is not the Lennox of yesteryear. Century and Lennox deserve to be measured by their current performance. Our detailed examination of the Century Station in this report is an attempt to do exactly that.

6. Force Training

LASD force training has continued to evolve and improve since our last discussion in the **Sixth Semiannual Report** of September 1996. In December 1992, in response to the **Kolts Report** and internal criticism of force training, the Department established a Force Training Unit to prepare a master plan for new, standardized force training to cure the theretofore fragmented, almost haphazard, approach.

As an initial step, the Force Unit assembled a cadre of instructors with expertise in force training to develop an improved curriculum. The instructors developed an “integrated” force-training curriculum to deliver to all sworn personnel in the Department in three eight-hour days consisting of “[a]n extensive review of the basic training elements in law, Department policy/procedures, ethics, tactical communications, cultural awareness, officer intervention, search and handcuffing arrest/control techniques, and baton training.” It was contemplated that “[a]s many areas as possible will be incorporated into the initial 24 hours of training including weaponless defense, (control holds), carotid restraint, weapon retention, flashlight, chemical weapons, and [other methods of restraint].” The curriculum included “a testing/certification component..., [including] a written academic exam and a practical application evaluation of performance for specific actions.”

In earlier reports, we praised the implementation of the curriculum by Force Unit. The LASD was able to assemble an impressive cadre of committed, highly professional use of force experts who developed and implemented outstanding force training. We were particularly impressed, as reported in the **Sixth Semiannual Report**, with the intricate role playing scenario test developed to evaluate the overall effectiveness of their training efforts. The planning and execution of this challenging and realistic exercise could not be faulted.

At the same time, however, we were frustrated by the chronic unreliability of predictions of the number of sworn personnel that would be trained in a given time period. We found that a variety of factors influenced the training rates, many beyond the control

of the Force Training Unit. Some managers released their personnel for force training in a more predictable and reliable manner than others. Some managers were more committed to (and enthusiastic about) the training than others. In some divisions, chronic staffing problems virtually brought non-mandated training to a standstill. In addition, there were critical periods during which the Department's overall budgetary problems resulted in a virtual shut down of the training. The costs of intermittent losses of momentum were considerable, both in terms of reduced program efficiency and lower morale within the training staff. These factors frustrated achievement of the Force Unit's mandate to provide new standardized force-training program to all sworn personnel.

Since our last report on force training, the Department has recognized and acted upon the accurate perception that Custody and Court services need their own force training curricula more narrowly tailored to those Division's differing needs. The Force Training Unit retains responsibility for all force training for the patrol and detective functions. Court Services and Custody Divisions will develop independent Force Training Units. The official name of the former Force Training Unit has been changed to the Field Operations Training Unit.

We agree with the need for specialized, particularized force training for Custody, Court Services, and Field Operations. Given pre-**Kolts** fragmentation, however, we urge that the LASD not lose focus on the importance of standardized, comprehensive, and integrated training on the interrelated aspects of the use of force. To do otherwise would be regressive. The newly-named Field Operations Training Unit has undergone a change in leadership. Lieutenant Mike Grossman, who ably spearheaded the Unit, has been succeeded by Lieutenant Mike McDermott.

The Unit is now preparing a revised curriculum more narrowly tailored to patrol operations and functions. In so doing, the Unit's Curriculum Development Subcommittee has, among other steps, reviewed deputy injury reports in search of patterns of injuries that might be reduced through revised training. The subcommittee has gathered

information from Risk Management's computer database regarding circumstances involving use of force that resulted in litigation and is reviewing the cases for training issues. It has reviewed, again in search of training issues, recent "Force Training Analyses" written by force roll out teams. It has elicited input regarding needed curriculum widely throughout the Department.

The new training program, which is now in the final stages of construction, is 40-hour, 5-day block consisting of classroom lectures, training in defensive tactics, role-playing, problem-solving exercises, and testing. Of obvious concern to those launching the new curriculum are the difficulties encountered during earlier training in the make-or-break matter of filling classrooms. As one Captain has correctly observed, "You can have the best training in the world and it won't make a bit of difference if nobody shows up for the classes." The Field Operations Training Unit, therefore has been working closely with the Department's fiscal experts, in consultation with Department executives, to develop a means of reimbursing stations for personnel released for the five days of training.

The Field Operations Training Unit also has developed a scheduling system that, if adhered to, will enable completion of this phase of training within two years. The Unit is currently scheduled to commence this training on July 12, 1998 and run classes 40 weeks per year for two years. The number of sworn personnel (Field Operations and Detective Divisions) targeted for this training program is 4000. If the new system proves successful in filling seats in Academy classrooms, Unit staff predict that they will be able to train 1,900 per year. During the twelve weeks of the next two years when the Unit is not running the new five-day training program, they will be offering the original three separate days of the first force training program to personnel who have not completed them.

7. Canines and Containments

Table One summarizes the activity of the Sheriff's Department's Canine Detail for the years 1992 through 1997. Under the long term leadership of Chief Bayless and Commander Kramer, as well as the specific management by Captain Mike Bauer and Lieutenant Cathy Taylor, the Department has achieved outstanding success at significantly reducing the bite ratio. Whereas in 1994 nearly one in four apprehensions in which dogs were used resulted in a bite, only about one in 12 resulted in a bite in 1997. The leadership in the Special Enforcement Bureau achieved the reduction through a careful analysis of the performance of individual supervisors and canine handlers followed by thoughtful shifts in personnel where advisable. Training, strategies, and tactics were overhauled with the goal of using the dogs more prudently and selectively.

	Searches	Apprehensions	Bites	Ratio	Find Ratio
1992	1030	225	51	22.7	21.8
1993	940	179	42	23.5	19.0
1994	922	183	45	24.6	19.8
1995	841	151	31	20.5	18.0
1996	708	121	15	12.4	17.0
1997	734	115	10	8.7	15.6

We continue to look carefully at unannounced deployments. Whereas there were no unannounced deployments in 1996, there were three unannounced deployments in 1997. An analysis of each of these deployments, however, tends to mollify what otherwise would be heightened concern.

All three unannounced deployments were approved at the level of a commander. But most importantly, all three unannounced deployments involved armed suspects who had actually fired their weapons prior to the canine deployment. The first involved an instance in February 1997 where deputies from the Lakewood Station had been ambushed with an automatic weapon. The unannounced deployment did not turn up a suspect. The second was in connection with the North Hollywood shoot-out where the Sheriff's Department was assisting the LAPD in a search for suspects in body armor armed with automatic weapons. The unannounced deployment did not yield a find. The third unannounced search occurred in October 1997 after the fatal shooting of Deputy Hoenig

from the Century Station. The suspect had escaped into the surrounding neighborhood, and one of the LASD canines found the murder suspect who sustained a bite to his thigh. The circumstances of the cases, specifically, the demonstrable knowledge prior to deployment that the suspects not only possessed but had actually used automatic or other weapons in the recent commission of a crime — appear to fall within the narrow band of cases where an announcement might properly be dispensed with by high-level personnel.

Another cause for some possible concern has to do with the apparent downward drift demonstrated by Table One in the number of searches by canines in the last five years. The Canine Detail is attempting to analyze this trend to determine whether the fewer number of searches can be traced to unusual periods when less than the fully-budgeted complement of dogs and handlers were available, or fewer calls for service, or both. In connection with the foregoing, the Canine Detail will analyze calls for service that were turned down because of unavailability of dogs or personnel.

A third area of possible concern has to do with the downward drift apparent in Table One in the find ratio, the number of times a suspect is actually apprehended during a canine deployment. Again, the Canine Detail is analyzing the data in an attempt to understand this apparent trend.

These trends are of importance because of their overall liability and risk management implications. As noted in our Chapter on the Century Station, it may be possible to reduce deputy-involved shootings by discouraging partner-splitting and pursuits. Reducing the splits and pursuits contribute positively also to officer safety, there will be fewer deputies who are shot or injured. The tactical and strategic alternative to the pursuit is setting up a containment. In order for a containment to have the greatest chance for success, three elements or four elements are often needed:

- a)* the patrol officers must respond quickly and deftly to establish a tight perimeter from which the suspect cannot easily escape;
- b)* canines are deployed to locate the suspect within the contained perimeter;

- c) a special team is available, if advisable, to capture the suspect; and
- d) helicopter support is available, especially if the containment is set up at night.

Both the availability of the canine unit to perform searches and the accuracy of the unit in locating suspects become crucial for the success of a containment. Accordingly, it is important to know why in recent years there appear to be fewer searches and fewer finds per search.

It is also important to recognize that a shift to greater use of containments may also result in shifts in who within the LASD assumes the risk of liability. Ultimately, greater use of containments are a measure to reduce shootings, a highly worthwhile goal in itself as well as from a narrower liability perspective. The risk of liability for a shooting generally is borne by the patrol officers involved. When a containment is used, that risk shifts at least in part to the specialized units involved, here the Special Enforcement Bureau in general and its canine and special weapons units in particular. It is therefore both analytically important and fairer to all involved to consider from a wider Department perspective that a shift in who assumes the risk of liability does not necessary mean that risk overall has been increased.

We strongly encourage the Department to pursue vigorously an experiment to see if containments reduce shootings as well as enhance officer safety. To do so, however, requires adequate resources from the specialized units that come into play. As noted in the Century Chapter, the unavailability or long delay in the availability of a helicopter or of canines will make a difference in whether a containment is set up and if the containment results in a successful capture. As regards the canine unit, the sharp drop in bite ratio indicates that the unit is now more capable than ever of doing its job in a less injurious, safer, and more humane way. Given this progress that the unit has made, it is better able than ever to play its important role in safely locating suspects. To that end, it will be important to understand better the unit's ability to find suspects when the dogs are deployed and whether the unit is being asked and is available for enough searches.