

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: November 23, 2009
 FILE NO.

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SUBJECT: ****CONFIDENTIAL** - USE OF FORCE AT MEN'S CENTRAL JAIL**

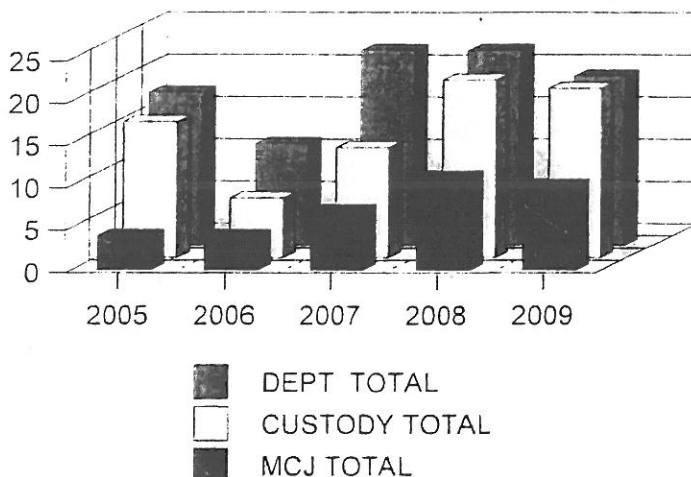
The purpose of this correspondence is to provide the results of a detailed analysis of force events at Men's Central Jail (MCJ). At your direction I reviewed all use of force incidents which resulted in an Internal Affairs Bureau (IAB) Force Roll-Out (from 2005 to 2009), over 100 significant use of force packages from the PPI data base, along with 18 randomly selected recent force incidents which contained possible policy and/or tactical issues.

This memorandum is separated into four sections: statistical information related to the IAB Roll-out Cases; common causal factors; repeated policy and tactical issues; conclusions and recommendations.

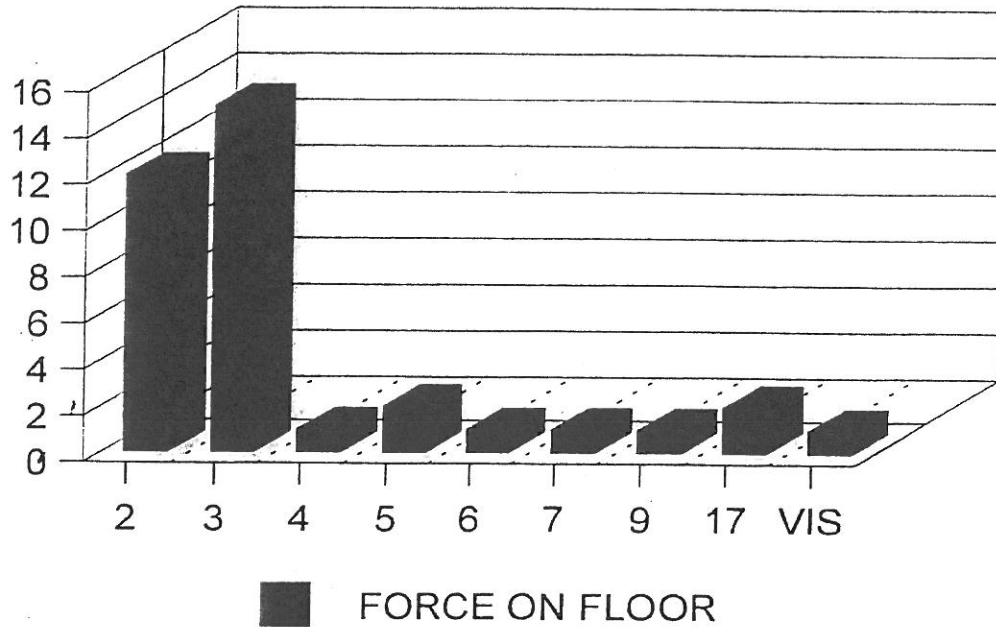
IAB FORCE ROLL-OUTS

A thorough examination was conducted of the 36 force incidents which triggered a roll-out from IAB from 2005 to present at MCJ. The graphs below depict the number of roll-outs, locations of the incidents and shifts in which they occurred in the aforementioned calendar years:

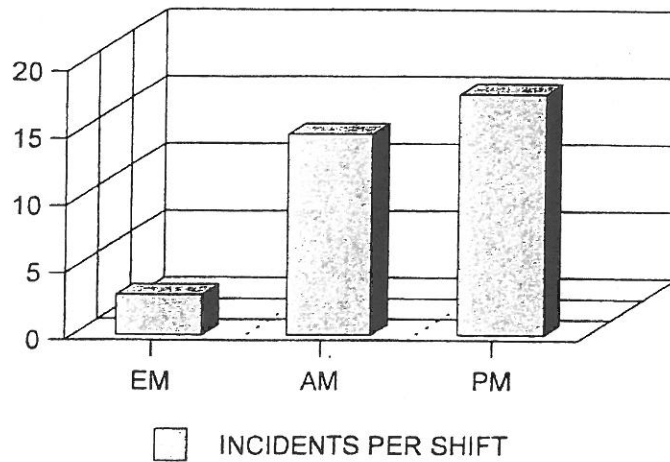
IAB FORCE ROLL-OUTS



INCIDENTS PER FLOOR



INCIDENTS PER SHIFT



Many of the incidents located in PPI did not provide sufficient detail to determine circumstances. Those that were available typically indicated a fracture or other significant injury to the inmate, which were cause for the roll-out

The locations of force incidents requiring an IAB response are clearly concentrated on the 2000 and 3000 floors. While these areas of the facility house the most volatile inmates, commonalities are present in a vast majority of incidents regardless of where they occurred. These issues will be discussed in the next section. The times of these force incidents, not surprisingly, occurred during AM and PM shifts.

While there are a number of deputies who have been involved in multiple incidents requiring a roll-out, or incidents which have tactical and policy violations, the key to correction lies in the review process and management's response to these events.

COMMON LOCATIONS

A high percentage of the significant use of force events reviewed occurred in one of four specific locations or circumstances: movement of high-power inmates, inmate showers, pill call and laundry rooms.

COMMON CAUSAL FACTORS

Over 100 use of force incidents were reviewed in this analysis. After careful examination of all circumstances involved, a number of common causal factors and themes were apparent. This by no means is an indictment of deputy personnel, but rather observations made from many incidents. Listed in bullet format below are the most prolific tactical and policy issues observed. Under each of the bullets are explanations for the failures, taking into consideration an event that was righteous, or an event that may have been embellished:

- Deputies engaging hostile or uncooperative inmates
 - Lack of policy knowledge
 - Personnel not previously held accountable
 - event dramatized to justify outcome
- Inmates escaping cursory search grip
 - Improper search techniques
 - Physically superior inmate
 - event was dramatized to justify outcome
- Lack of radio traffic in deputy involved fights
 - Lack of training
 - unfamiliarity with equipment
 - Intentionally not broadcasting event to avoid supervisor intervention
- Repeated blows to the head of inmates, causing injury to deputies
 - Lack of training

- Unavailability, or failure to use appropriate safety equipment, such as tasers, OC spray and hobble restraints
 - Deputies involved not equipped
 - Deputies fail to use available equipment
 - Other options purposely delayed in order to dispense appropriate jailhouse "justice"
- Violent assaults involving high-power inmates
 - Events are understandable given the violent nature of the inmates
 - Lack of appropriate tools used to quell the assault
- Availability of X-26 taser video
 - Few force packages acknowledged existence of video
 - Is it available on all X-26 tasers?
 - Can the video system be purposely defeated by staff

In addition to the issues above, there are tacit issues that may reflect why certain deputies have a higher number of significant force events, such as the ability to communicate appropriately with inmates. Given the number of incidents in which some deputies are involved, the thought must be considered that the manner in which deputies speak to inmates may play a role in inciting assaults. Bonus deputies and sergeants should be keenly aware of the strengths and weaknesses of each employee. Mentoring and corrective action must take place when skills can be improved.

One of the most glaring results of this review, was the failure of supervisors to identify the bullet items listed above in their Supervisor's Report on Use of Force. While force used in a specific incident may have been justified and within Department policy, could the event have been mitigated by contacting a supervisor regarding a hostile or uncooperative inmate, using more sound searching techniques, immediately broadcasting radio traffic, utilizing safer tactics when engaging an assaultive inmate, or utilizing available safety equipment?

In order for the force review process to be effective, supervisors must be proactive in identifying potential policy violations or tactical concerns in order to enhance the safety of employees.

Having reviewed the 100+ force incidents, the hypothetical incident below was quite typical:

A deputy stops an inmate in an area of the facility (pill call, shower, laundry room) for the purpose of investigating a violation of jail rules or disrespectful attitude. While conducting a cursory search of the inmate, the inmate tenses his muscles and pulls away from the deputy's grip. The inmate attempts to strike the deputy in the

face with an elbow (typically the left elbow). In an effort to defend himself, the deputy strikes the inmate in the face/head with a fist. The deputy then performs a take down of the inmate, which then leads to a ferocious struggle. Invariably the inmate strikes his head on the concrete floor or cell bars, rolls to his stomach and immediately places his hands beneath his body. Witness deputies respond (with no evidence or articulation of radio traffic being broadcast) to assist with subduing the inmate who is wildly kicking his legs. The inmate attempts to raise himself off the floor by using a push-up motion. The inmate fails to comply with verbal commands and is sprayed with OC (with little or no effect), struck in the face and head with knees and fists, body blows with knees and fists and ultimately the use of flashlight strikes to the torso, knees, elbows and ankles. Ultimately, a taser arrives and is deployed to end the incident.

CONCLUSIONS AND RECOMMENDATIONS

Regardless of the circumstances, whether a legitimate force event, or one concocted to dispense jail justice, each of the bulleted items listed above can be addressed in the same fashion. Each of the bullets are repeated below with recommended corrective action:

- Failure to immediately notify a supervisor of a hostile or uncooperative inmate
 - Existing policy needs to be re-enforced by supervisors at briefings
 - Personnel who fail to comply need to be held accountable
- Failure to properly secure inmates during cursory searches
 - Conduct in-service training to emphasize proper technique and the importance of maintaining positions of advantage
 - Repeated offenses can be addressed with more formalized training or possibly disciplinary action, if appropriate
- Failure to broadcast radio traffic of deputy involved fights
 - Conduct briefings regarding proper radio usage, emphasizing deputy safety
 - Personnel who fail to comply need to be held accountable
- Repeated blows to the head of inmates, causing injury to deputies
 - There are certainly circumstances that justify this tactic. However other methods need to be considered, especially when head blows are delivered after a takedown has occurred

- Briefings and in-service training should be conducted to reinforce proper tactics
- Unavailability, or failure to use appropriate equipment, such as tasers, OC spray and hobble restraints
 - Has the facility deployed an appropriate number of tasers?
 - Do all deputies carry hobble restraint devices?
 - Briefings and in-service trainings need to be conducted to ensure proper usage
 - Deputies who have these tools available, but refuse to use them need to be held accountable
- Violent assaults involving high-power inmates
 - Are inmates properly restrained prior to movement?
 - Taser should be deployed anytime high-power inmates are moved. Risk of injury to personnel and inmates is significant and may be greatly reduced if this tool is available
- Availability of taser video
 - If taser video is available it should be referenced in the use of force package
 - If the specific taser is not equipped with the video function, that should also be acknowledged in the force report
 - If the taser was equipped, but the video function did not properly record, supervisors should determine from the deputy why it did not record. If it is determined there was no malfunction, the supervisor should make an effort to determine why it did not record. Regardless, the results of the supervisor's review should be documented in the force package

Although there appears to be a reduction in the number of force incidents at MCJ (discussed in other reports prepared by Custody Support Services), the veracity of force events needs to be examined.

Supervisors completing use of force packages must address the issues identified above and recommend corrective action, when necessary. While in many instances the use of force was reasonable and justified, the events leading up to the incident were not. Very few of the packages reviewed identified potential policy violations and none were found that recommended any type of disciplinary action, even Performance Log Entries.

In one particular case, a watch commander did an exceptional job of assessing the facts of a particular use of force. His recommendation was that the four deputies involved receive specific training related to force. However, only two of the deputies have attended related training in the

year since the event occurred. Should this force package be introduced in a civil matter, it could be quite damaging to the Department and expose us to unnecessary liability. Not only is it critical to identify areas to be corrected, but the follow-up critical in closing the loop.

Supervisors need to be reminded that the purpose of identifying causal factors and tactical issues in a force report is not punitive, but rather an effort to improve deputy safety. However, in those instances when personnel violate Department policy, a level of accountability must be maintained.

The combination of training, supervisor intervention and accountability of personnel will help ensure that the *quality* of force is improved.

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