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County of Los Angeles

**2012-2013
Civil Grand Jury**

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**Final
Report**



County of Los Angeles CIVIL GRAND JURY

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June 28, 2013

The Honorable Charlene Olmedo, Supervising Judge
Los Angeles Superior Court, Department 100
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012

Dear Judge Olmedo:

In compliance with California Penal Code Section 933(a), the 2012-2013 Los Angeles County Civil Grand Jury hereby submits its Final Report to your attention. This Final Report represents the hard work of twenty-three Civil Grand Jury members who came together to serve one year as the watchdog for the citizens of Los Angeles County. Three of the Grand Jury members had served previously on Los Angeles County Grand Juries while the other twenty members came together in July 2012 as novices in the Grand Jury process. All Grand Jury members came to serve because of their interests and curiosity about county government and because of their strong commitment to safeguarding the interests of the citizens and making the lives of the people of Los Angeles County better. The Grand Jury identified numerous potential investigations and vigorously debated which to pursue as full investigations. As the year progressed, additional topics for investigation presented themselves.

The Grand Jury issued two reports early during the year. The first, Glendale Water And Power And Propositions 218 and 26 was issued in late March, 2013 and the second Dual Track And Training The 2012 Citizen's Commission on Jail Violence Report was issued in April, 2013. Both of these reports are included in this Final Report. The Grand Jury heard from 24 invited speakers and toured 10 county facilities. Individual investigative committees visited many more facilities and spoke with dozens of county officials. The Jury completed detailed inspections of the condition and management of 74 separate adult detention facilities and 21 juvenile detention facilities within Los Angeles County. The Civil Grand Jury received and considered 72 complaints submitted by citizens of Los Angeles County.

I was fortunate to be part of a truly inspired team of 22 other citizens who assisted me in my role as foreperson of the Civil Grand Jury. Several Jurors experienced personal family challenges during the year and the members of the jury were there to support each other demonstrating their compassion as a family united in a common effort. To all my fellow Grand Jurors, thank you for your patience, flexibility, and confidence in me as I carried out the duties of foreperson.

I want to also express the appreciation of the Civil Grand Jurors for the help and support of the following court staff.

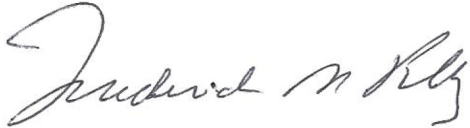
Jennifer Lehman and Jonathan McCaverty, Principal Deputy County Counsel, who made sure that the Civil Grand Jury operated within bounds of the law; and

Civil Grand Jury staff members Mark Hoffman, Cora Artizada, and Natalie Rascon who cared for us, made sure we had the supplies we needed for the year and were patient with our paperwork; and

Director, Juror Services Division, Gloria Gomez who retired during the 2012-2013 Grand Jury term; and

The Honorable Patricia Schnegg, Supervising Judge for the 2012-2013 Civil Grand Jury during the first half of the jury term.

Finally, thank you to the Honorable Charlene Olmedo, Supervising Judge, who oversaw the efforts of the 2012-2013 Los Angeles County Civil Grand Jury through completion of this report.

A handwritten signature in cursive script, reading "Frederick M. Piltz". The signature is written in black ink and is positioned above the printed name.

Frederick M. Piltz, Foreperson
2012-2013 Los Angeles County Civil Grand Jury



Seated L – R: Joan Turner, Charles Dolcey, Richard Huber, Frederick Piltz (Foreperson), Elena Velarde (Secretary), Jacqueline Brown, Ung Yol Yu
Standing L – R: Jerome Strofs, Carol Pentz, Albert Handschumacher, Caroline Kelly, Jeffrey Clements, Joseph Des Barres, Kenneth Howard
(Sergeant-at-Arms), Barry Rubens, James Bradford, Marie Louise Gutierrez, John Zehring, Franklin Wurtzel (Foreperson Pro -Tem), Gilbert Zeal,
David Dahl, Thomas Scheerer, Mel Widawski

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2012-2013 Los Angeles County Civil Grand Jury Group Photograph

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HOW TO RESPOND TO RECOMMENDATIONS IN THIS REPORT

Pursuant to California Penal Code §933.05, the person or entity responding to each grand jury finding shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly with or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

The person or entity responding to each grand jury recommendation shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implementation action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

SEND ALL RESPONSES TO:

Presiding Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street,
Eleventh Floor, Room 11-506
Los Angeles, CA 90012

All responses for the 2012-2013 CGJ Final Report's recommendations must be submitted to the above address on or before the end of business on October 1, 2013

DUAL TRACK AND TRAINING

The 2012 Citizen's Commission on Jail Violence Report



COMMITTEE MEMBERS

Caroline Kelly – Chair
David Dahl
Joseph Des Barres
Frederick M. Piltz
Elena Velarde

1. Dual Track and Training

The 2012 Citizen's Commission on Jail Violence Report

EXECUTIVE SUMMARY

The Citizen's Commission on Jail Violence Report (Commission's Report) examines the issue of unreasonable force in the county jails making over sixty recommendations it believes will change the Los Angeles Sheriff's Department for the better. The Sheriff agreed to all of the recommendations and has made significant strides in implementing them. This Civil Grand Jury (Grand Jury) report discusses some of the recommendations relating to Chapter 5 (culture) and Chapter 6 (personnel). Specifically, we focus on the "Dual Track" system which was implemented February 1, 2013 dividing the Sheriff's Department sworn officers into a Patrol track and a Custody track.¹ Dual Track is about creating a specialized work force. Therefore, it becomes crucial to look at training and the cultural expectations that come with this system.

This report also looks at Dual Track and training as it relates to inmates with **mental health** issues. The challenges posed by this group are vast. Special attention needs to be focused on mental health by every agency throughout the County. The Grand Jury applauds the thoroughness of the Commission Report. Because of the Grand Jury's unique role in visiting so many of the jail facilities in Los Angeles, we feel our input can help the Sheriff's Department, Implementation Monitor and the County as they continue implementing and fine-tuning these recommendations.

Our findings include the following:

1. Individual officer's attitudes in the Department and internal Department cultural perception are the greatest factors in successfully implementing Dual Track and decreasing violence within the jails. Custody is currently viewed by many in the Department as a lesser position than Patrol.
2. Quality leadership, regardless of structure, is the biggest factor in reducing violence. Training is therefore essential to groom leaders. This training needs to start early and build on itself over years so deputies will have internalized the training and be qualified for promotions. Given limited resources, it may be best to focus on the leadership first before training rank and file. The potential for specialized training is a great benefit of Dual Track and without this component it is unlikely the structural change alone will affect violence in the jails.
3. There is a difference in operating Men's Central Jail (MCJ) and the other large jail facilities like the Pitchess Ranch Complex or Century Regional Detention Facility (CRDF; the Women's facility). There is an even greater difference in operating a Type I jail facility (initial intake; inmate held under 96 hours). The Commission's Report is based primarily on findings from MCJ. It may call for changes that are not necessarily appropriate department-wide. If MCJ is the problem, it is better to use resources to fix that versus spreading resources throughout the department.

¹ Implementation Monitor Report, February 12, 2013

4. The proliferation of inmates with severe mental issues has turned some of the floors of the Twin Towers Correctional Facility into a de facto mental hospital. This may require a different model of staffing—possibly with more orderlies and civilians being used. Rotation of deputies is not encouraged on these floors. Given the tremendous resources it takes to house these inmates in jail, the Board of Supervisors needs to focus as soon as possible on alternative housing—either in mental hospitals or another type of housing.

RECOMMENDATIONS

1 **The Sheriff’s Department Leadership** must counter the negative bias of Patrol officers towards those officers assigned to custody. This will also be critical if large numbers of women stay in custody positions.

2 **The Sheriff’s Department in conjunction with the Board of Supervisors** must come to a decision about MCJ. Many of MCJ’s issues are unique to this facility. If problems at MCJ have to do with the architectural shortcomings, then funding needs to be provided to either rebuild or renovate the facility in accordance with current best practices. Different solutions may be needed for other large scale facilities like Pitchess Ranch or CRDF, as well as Court House Facilities.

3 **The Sheriff’s Department** should focus on keeping time spent in custody assignments to ideally no more than two years (for those wishing to go on Patrol) while increasing the learning opportunities while on custody assignment.

4 **The Sheriff’s Department** must increase training for Custody positions (post Academy). But assuming limited resources, leadership should receive increased training before new deputies. The Department must look for ways to break down training into smaller units and possibly encourage through incentives or promotion consideration, having deputies seek out education on their own time. The Department needs to resolve any labor issues that may hinder this goal.

5 **The Sheriff’s Department** needs to mentor and model behavior more effectively. Custody assignment is an opportunity to learn more about gangs, criminal techniques, and criminal networks outside of the jails and how to cultivate potential informants.

6 **The Sheriff’s Department** in conjunction with **the Department of Health** needs to significantly increase mental health training Department-wide. The Department needs to work with other entities (Department of Mental Health, the county’s e-education system, non-profits and private enterprise) to come up with ways to disseminate this training without causing positions to be backfilled while officers attend the training. Specifically, more needs to be taught relating to Post Traumatic Stress Disorder (PTSD), trauma and the behaviors that may result as well as de-escalation techniques.

7 **The Sheriff’s Department** must provide deputies who work directly with the mentally ill extensive, specialized training. This training should emphasize recognizing, reacting to, de-escalating and preventing aggressive and hostile behavior that can occur in these settings.

8 The **Sheriff's Department** needs to use more Custody Assistants and investigate possibly contracting with private security forces for Type I facilities. It should also investigate using orderlies and specialized health care workers when dealing with mentally ill inmates.

METHODOLOGY

The Grand Jury reviewed the Commission's Report and the Sheriff's Dual Track Career Path Plan (Sheriff's Plan), as issued and approved January 2013. We also conducted on-line research into approaches of other jurisdictions related to training. Statistical information is based on January 2013 Custody Division accounting reports prepared by the Sheriff's Department. The Grand Jury attended multiple hearings of the Board of Supervisors and heard the reports of the Commission Report monitor. We also interviewed key upper level personnel in the Sheriff's Department with direct responsibility for the Dual Track system, training and mental health.

But the biggest factor in reaching these conclusions has been the Grand Jury's visits to jail facilities in LA County and interviews with dozens of members of the Sheriff's Department. We had frank conversations with officers fresh out of the Academy as well as those with over 25 years of experience--both in Custody and in Patrol. Penal Code Section 919(b) requires the Grand Jury to "inquire into the condition and management of the public prisons within the county." Grand Jury members have visited over 70 jail facilities including those run by different police departments as well as those run by the Sheriff's Department. The Grand Jury also visited state mental health facilities to compare the staffing and housing of inmates with mental health issues.

FINDINGS

I. Dual Track Defined²

As of February 1, 2013, the Sheriff's Department implemented Commission Report recommendation 6.6, the Dual Track.³ Dual Track separates the department into a Custody track and a Patrol track and allows for deputies to have a career in Custody--which includes promotion--without having to go on Patrol. The Commission is advocating for a long term solution in which Deputy Sheriffs are specifically recruited, hired and trained within the Academy for Custody assignments. (Commission's Report p. 138) This differs from both the current arrangement and the Sheriff's Plan. The Sheriff's Plan assumes minor changes in the Academy experience. Custody-specific training occurs following Academy graduation. Further, for the foreseeable future, new deputies will continue to be placed in Custody straight out of the Academy. Deputies waiting to go on Patrol will remain in their Custody positions for a period of time until positions within Patrol open.

A. The current staffing situation in Custody

² All statistical data in this section comes from the January 2013 Sheriff's Department Custody division accounting reports. Information on the structure and roles of officers within the department are from interviews with key Sheriff's Department personnel.

³ Implementation Monitor Report, February 12, 2013

As of January 2013, 2949 sworn officers were assigned to Custody out of a total force of 9197 officers. This means that almost one third of all positions within the force are in Custody. There are 1302 Custody Assistants working in the jails. The Sheriff's Department has conducted several surveys in the last few months to assess this issue and in one survey, 42 % said they would like to remain in Custody.⁴ Even if this number rises to 50%, that still means that approximately 1500 positions need to open up in the Patrol division. This also means that 1500 Custody positions need to be filled, either by new recruits or deputies already on Patrol. The County cannot nor should it increase Patrol positions within the force this much in a short time span. Also, given the ratio of positions, the assumption also has to be that the number of new Academy recruits has to consist of at least two-thirds who are ultimately interested in Patrol positions.

Before a deputy can leave a Custody position to go to the field, several things need to happen. First, a Patrol position has to open at one of the three stations requested by the deputy. Second, no other deputy higher on the Patrol list or already in the field takes the position. And third, a new deputy either fresh from the Academy or from the field needs to fill the Custody position. Typically, most of the positions have been filled by new graduates. So the reality is that Custody positions will need to be filled and will need to stay filled by deputies coming out of the Academy for a period of time until attrition and staffing needs on Patrol can increase.

B. Dual Track is Beneficial for the Department

There are still benefits to creating a Custody track. Without question, at least short term, many deputies who are willing to stay in Custody will get off the waiting lists and those seeking to go on Patrol will move up. This will hopefully significantly shorten the wait time to go to Patrol from the current wait of anywhere from five years or more. Based on conversations with dozens of sworn officers at all levels, most felt that a period of up to two years in Custody was actually a benefit. Most felt their Patrol skills remained intact for this period. Further, observant deputies learned a great deal about gangs, criminal methodology and gained confidence in dealing with many of the kinds of criminals they would encounter on the job. Anecdotal evidence from sergeants and captains included stories of encountering many of the same people on the streets that they had met in the jails who then were more likely to be informants and to give the officer respect.

All this assumes of course the following: The deputy conducted him/herself in a way to earn the respect of the inmate within the facility. Either through their own initiative or through the mentorship of supervising personnel, deputies were actively encouraged to observe and learn and view their time as a learning experience. Having appropriate mentoring and supervision, and having a defined expectation of the length of time one will spend in Custody will go a long way to eliminating the bad attitudes of those officers who want to be on Patrol. Framing Custody as a positive experience and way to gather knowledge is essential. It is fine to think of time in Custody as paying your dues; it should not be viewed as a waste of time until your real job can begin.

II. Internal Perception Affects Dual Track's Effectiveness

⁴ 2013 Sheriff's Department Dual Track Career Path Plan (Sheriff's Plan), p3