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One of the common threads running throughout every conversation with members of the Sheriff's Department--from the newest deputy up to the Commander level--is the role of internal perception and pride. How one deputy perceives another or whether one officer respects another is critically important to the Department as an institution. The first step in creating a sense of equality and shared experience is the Academy experience. The second step for several years now has been the experience of Custody and the third step has been the desire, and ultimately, the experience of going out on Patrol.

Dual Track takes away this third step. For many officers, in particular, many of the current supervising officers, this is a threat to the equality in the Department. The Sheriff's Department is stereotypically considered a macho<sup>5</sup> culture as expressed by both male and female deputies. In our discussions with Sheriff's personnel, we heard variations of the following statements from all ranks: Patrol is the ultimate goal of every deputy. Patrol is harder but more rewarding. Those who choose to stay in Custody are not as hard working, afraid to face the challenges of Patrol, forced to consider Patrol because of personal hardship or family pressures and other excuses.

One of the potential benefits of Dual Track that could feed into this negative perception is the fact that Custody, with its set schedule shifts, will be particularly attractive for females with families.<sup>6</sup> While it is positive that women will be able to stay longer with the Department, given the macho mindset stated above, Custody can be viewed as a negative position if it is filled with too many females. This is a sad reality and one the Department cannot ignore.

This is not an attitude that will disappear overnight, especially since our observation has been that those in leadership ranks were more likely to have this attitude. The attitude will go away more quickly amongst the rank and file if the leadership from the top down really values Custody and conveys this through action and words on a regular basis. As more leaders are promoted from within Custody, pride in position will increase too.

### III. Assignment and Training of Leadership is Key to Dual Track Success

#### A. Assignments of Leadership to Custody

The reason for the Commission's Report was not efficiency or morale, but rather ways of decreasing violence. When asked, "How do you think Dual Track will impact violence levels in the jails?" almost none of the dozens of officers we spoke to saw a clear connection. Almost consistently, when asked to state the biggest factor, the answer was **leadership**. In the words of one high ranking officer, issues related to unnecessary violence happened because, "supervisors lacked the courage to manage personnel." Over and over, we heard from sergeants and captains currently in Custody assignments state that sergeants were more focused on going back to Patrol than really leading in the custody assignment. The fact that sergeants only had to remain in the position for one year did not help. Many of the larger jails are complex environments with mul-

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<sup>5</sup> The Grand Jury uses the word macho as shorthand for qualities expressed as being part of the self-image of deputies such as toughness, assertiveness, bravery, strength, dominance and being in control.

<sup>6</sup> Sheriff's Plan, p9

multiple shifts of employees. There is a large learning curve. By the time the sergeants learned the position and the characteristics of their staff, they were on to the new post.

We applaud the Sheriff's Department for changing this situation in two ways:

First, promotion will now occur directly through the Custody track and a pathway has been put into place for this. One area of concern here is that these sergeants still need to view their role as being mentors and preparing deputies for Patrol as well. Sergeants have to have the proper training and support, not only to train these deputies but also to have their respect. The Department should help these sergeants, perhaps by allowing rotations through Patrol positions or by requiring a certain number of ride-alongs a year for Custody leadership who have not been on Patrol.

Second, sergeants who are now assigned to Custody from Patrol or other divisions will be required to stay for five years.<sup>7</sup> This requirement will require careful watch and attention given the attitude issues mentioned above. Many of the sergeants who came in from outside of Custody did not view it as a first choice and were eager to leave after one year. Will they now come to custody with a new attitude given they have to stay for five years? Will they be disgruntled? Investing in training and development of these officers will help morale and allow them to see themselves as valued specialists.

## **B. Training**

In the area of training for Custody Supervisors, we believe the Sheriff's Department has not gone far enough. The focus of pending improvement is on deputies. This is commendable but more needs to occur.

### **1. Training of all Custody Personnel**

As stated before, the Sheriff proposes no significant changes to Academy training.<sup>8</sup> This makes sense for many reasons. One, the Academy trains officers for other law enforcement agencies with no Custody responsibility. Further, most of the positions in the Sheriff's Department are non-custody related. The Sheriff's Department views the role of the Academy as providing more of a foundation with the probation period being one where the specifics of the job are learned while on the job. Finally, creating a separate Academy will degrade the perception of Custody deputies and Patrol deputies that they are one force. The Grand Jury supports the position of the Sheriff's Department and does not believe a separate Academy experience needs to happen.

That said, more should be and will be done under the Sheriff's Plan. The Department will increase the amount of specific training post Academy from two to four weeks. Those additional two weeks will consist of a "Jail Operation Continuum." Further, the amount of time spent assessing and evaluating deputies will increase from 12 to 16 weeks.

### **2. Training of Leadership**

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<sup>7</sup> Sheriff's Plan, p6

<sup>8</sup> Sheriff's Plan p3

Those at the sergeant level and above will continue to receive 24 hours of training over three days. This training has a largely administrative focus specific to the particular facility. The only additional training being proposed is eight hours of training that would revisit the topics proposed in the “Jail Operations Continuum”. These eight hours would most likely be given in two hour chunks of intense format training. The timing is meant to avoid backfilling a position.<sup>9</sup>

This may not be enough or the right emphasis. First of all, as conveyed to the Grand Jury and also found running through the Commission’s Report were issues of failure of leadership--specifically as it relates to mentoring, managing, conveying expectation and communication. Running a jail, especially some of the larger facilities, is a complex operation that involves several skill sets and contingencies. A career as a deputy may provide the necessary education in jail operations but not necessarily in management. Too much seems to rest on the individual’s intuition when a little training coupled with that common sense could go a long way.

Much of the focus on leadership training has been on forms and required paperwork. If a sergeant is not provided any additional training in areas such as staff assessment, evaluation, mentoring or effective leadership, what will an additional four weeks of assessment time of deputies add? Training should be viewed broadly as not just conveying information but conveying expectation. Especially now that sergeants will have to command the respect and train both deputies staying in Custody and those going on Patrol, it is more imperative than ever that they have the tools to stress and continuously emphasize the Nobility Policing and Constitutional Jailing that are stated values of the Department.

The idea of providing training in two hour portions is a smart one that will allow a position not to have to be backfilled but the Department, for both cost and for other practical reasons needs to be focused on other methods of teaching these key skills. It may, for example need to award merit points that are necessary for promotion to those deputies and those in leadership who seek out educational opportunities on their own time. The Department is starting and needs to devote more efforts to utilizing on line resources so that individual topics can be learned over a few days.

### **C. Custody Division Training Bureau**

The Sheriff’s Department is proposing a whole new infrastructure called the Custody Division Training Bureau to focus specifically on training that currently assumes staffing with close to 80-100 officers of all ranks.<sup>10</sup> We appreciate the greater focus on training. Particularly, we applaud the fact that the eight large facilities will have staff exclusively focused on training. The remainder of the staff being proposed will take a more centralized approach with some focused specifically on violence related issues and others will focus on the already mandated STC (Standards and Training for Correctional Officers) training which is required annually by the state.

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<sup>9</sup> Information provided by interviews with Sheriff’s Department personnel

<sup>10</sup> Interview with key Sheriff Department personnel, report of Implementation Monitor to Board of Supervisors, February 12, 2013

Coming up with the proposed structure is just the first step. Funding from the Board of Supervisors will make or break this step. Assuming funding is available, creating curriculum that is effective is an even bigger challenge. Curriculum that allows deputies to learn at their own pace sometimes is both more beneficial for learning and potentially more cost effective. Making training meaningful for the responsibilities at hand is also critical, which further requires a more individualized approach. For example, STC training requires that certain topics be covered yearly and by the time those mandatory topics like first aid and CPR training are covered, 70% of the time may already be utilized. There should be a way to pre-test people and let them “test out” of topics they already know. These individuals should be able to move on to other topics. It may be more cost effective to offer incentive payment for classes done through the County’s e-learning system. Finally if the Department truly values education for its staff, then it should create a culture where learning on one’s own time is considered necessary for promotion. This may entail dealing with potential labor issues. The Department should focus then on making material accessible and high quality.

#### **IV. Types of Facilities**

##### **A. Men’s Central Jail (MCJ)**

The Commission’s Report focuses primarily on issues that arose at MCJ and extrapolated its findings to the Department as a whole. The Grand Jury visited many of the other facilities and is not sure if the problems of MCJ are necessarily the problems of the system. The Commission Report specifically stated that it would not address the adequacy of the architectural issues at MCJ. Instead it echoes other commissions and reports that call for the demolishing and rebuilding of the facility. We raise this issue only to say that in times of limited funding, it may be better to apply money and require change at those sites as opposed to changing the whole system.

##### **B. Other Large Jail Facilities**

From the Commission Report, it is unclear whether other entities like the Pitchess Ranch facilities, which house close to 10,000 inmates, require the same shift in organizational structure and staffing. Given that Dual Track is implemented system-wide, it is still relevant to look at staffing and cultural expectations at other facilities and see if all of the requirements should be implemented beyond MCJ. Pitchess Ranch (with its 4 facilities) is essentially its own small city complete with several industries and even its own power plant. Much of the housing is dormitory style versus at MCJ where inmates are housed in 2-man and 4-man cells. There are also several businesses on site with multiple workers. On our tour it became evident that it was helpful for the custody officers to learn the communities in these dorm settings. This was especially true in seeing potential issues on the yard during recreation when a few deputies would oversee over 150 inmates at a time. Rotation of officers, which the other sections of the Commission Report recommended, may actually do harm at these facilities.

The needs and challenges of Court Facilities also contrast with MCJ. Most of these facilities are run down and as of January 2013, often lacked cameras. The challenge here is the transient population and the danger of smuggling contraband and information between inmates while going back and forth to hearings and the home jail facility. Deputy training would ideally include different modules for these settings.

### **1. Assembly Bill 109 (AB 109)**

One system-wide issue not mentioned specifically by the Commission Report is the prison re-alignment put into place October 2011 through AB 109. Los Angeles County is now home for one third of the state's prison population. Staffing and training need to factor in AB 109 as it brings a more dangerous inmate population. These inmates have sentences of several years. This can and has changed the power dynamic in several circumstances where individual inmates will have been there longer than individual deputies or sergeants assigned to oversee the facilities. The Sheriff's Department needs to teach strategies on how deputies remain the "shot-caller" in these situations.

#### **C. Type I Facilities and Alternative Staffing**

The Commission Report also makes no distinction as to Type I facilities which only house inmates for up to 96 hours. Training and staffing considerations are quite different here compared to MCJ. In fact, one of the interesting findings of the Grand Jury has been that in Type I facilities run by police departments, several are now run by private companies such as GEO and G4S Solutions. Cities chose these companies to cut costs and reduce administrative responsibilities. These companies are solely responsible for the hiring, training, staffing and paying of all employees. The Department currently does not use civilians to run any of its facilities.

The closest the Sheriff's Department comes to this is the use of Custody Assistants. Custody Assistants are currently under 35% of the overall Custody staff and the Sheriff's Department is planning to increase this by freezing 81 deputy positions and hiring Custody Assistants. The Department is currently not committed to increasing the ratio over 35% but has stated it will re-evaluate in a year or so.<sup>11</sup> The reality is that every position taken up by a Custody Assistant is one less deputy position. Job preservation has to be separated from job qualification to reach the proper ratio. For Dual Track to be successful long term, the Sheriff's Department needs to re-think how it utilizes Custody Assistants. Ultimately, the ratio of Patrol to custody positions needs to change (with more Patrol positions) for Dual Track to work. The Sheriff cannot do this without the cost saving method of decreasing staffing requirements of deputies in the jails.

In January 2013, the Board of Supervisors agreed to fund the Sheriff's request to send 512 long term inmates to the City of Taft. This precedent of having County inmates being supervised by an entity other than the Sheriff's department allows the County to consider other staffing solutions. Why not consider alternative models of staffing at Type I facilities, either through privatization or more Custody Assistants, especially if there could be cost savings?

### **V. Mental Health**

#### **A. Twin Towers is a De Facto Mental Health Hospital**

Twin Towers has now become a de facto mental health hospital—in fact the largest mental health facility in the country. The Sheriff's Department did not ask for this, but this has been the outcome of federal and state policies of dealing with the mentally ill over the course of many years. The problems raised and resources required to adequately address the issues involving the

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<sup>11</sup> Testimony of Sheriff Baca, February 19, 2013 Board of Supervisors Meeting

mentally ill are significant. The Commission Report stated that 30% of use of force incidents involved the mentally ill (though they make up 15% of the overall jail population). The 6<sup>th</sup> and 7<sup>th</sup> floor of Twin Towers is home to the most severely ill inmates. Whereas the lower floors will have two deputies for a population of 255, the 7<sup>th</sup> floor has seven to eight staff people during the daytime for a population of approximately 90. In addition to the staffing resources provided by Sheriffs, the County further expends resources through the Department of Mental Health. Several mental health professionals are on site every day and interact regularly with the deputies and inmates.

Sadly, our society has created a system where law enforcement officers--not doctors—are put in charge of the mentally ill. This has created an odd situation when certain laws that would apply to mental facilities are not applicable to jails. For example, Health and Safety Code Section 1257.8 requires all health care facilities to provide all workers, whether they are positioned staff, or are simply floating to the departments, comprehensive training in recognizing, reacting appropriately and safely to, and preventing violent situations within these settings. The state mental health facility we visited taught all employees a program called Management of Assaultive Behavior (MAB). This program teaches how to prevent, correctly react and effectively manage any aggressive or violent incident with the least amount of force involved and in many cases, avoid any physical intervention at all. The state hospital had a significantly smaller ratio of guards or other policing personnel to oversee their penal population. While some of this may be explained by factors involving the severity of the underlying crimes committed, some of this had to do with training.

Conversely, custody requirements for inmates do not differentiate between mentally ill inmates and the general population.<sup>12</sup> The Grand Jury spent time in observation at Twin Towers and commends the work done by the deputies who oversee the mentally ill inmates. The Grand Jury would **not** recommend rotation by deputies without specialized training, experience and temperament in dealing with mentally ill inmates. It is not enough to be a Custody Deputy on these floors as the interactions with the inmates are qualitatively different. Inmates are handled continuously by deputies on the mental health floor, whether it is because of the need to walk an inmate to another area or to pull an inmate out of a cell in order to comply with the mandated hours spent outside of a cell requirement. A deputy has to deal with everything from screaming and profanity to spitting and the throwing of feces.

The County needs to look carefully at the two models of housing inmates and determine what makes the most sense to invest in long term. The Sheriff's Department needs to go beyond the issue of Dual Track when dealing with this group and see if it makes more sense to shift more of the work to civilians. If the County is asking the Sheriff's Department to run a mental hospital, then the requirements that apply should be more along the lines of a hospital and not a jail.

### **1. MIST Inmates- A Major Flaw in the System**

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<sup>12</sup> Title 15 of the Penal code that sets out treatment for all inmates applies regardless of the mental health of the inmates.