



County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

"To Enrich Lives Through Effective And Caring Service"

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

August 05, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

11 August 5, 2014

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**ESTABLISHMENT OF THE OFFICE OF INSPECTOR GENERAL
ALL DISTRICTS
(3 VOTES)**

SUBJECT

Establish the Office of Inspector General to provide independent and comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities.

IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the accompanying ordinance outlining the scope of authority and responsibilities of the Office of Inspector General and the dissolution of the Ombudsman (Attachment I).
2. Approve interim ordinance authority for a total of 37 new positions, including 28 positions for the Office of Inspector General and nine new administrative support positions within the Executive Office, pending allocation by the Chief Executive Office Classification and Administration (Attachment II). Eight of these positions will be frozen pending additional Board action.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In October 2011, the Board authorized the creation of the Citizens' Commission on Jail Violence (CCJV) to conduct a review of the nature, depth, and cause of the allegations of inappropriate use of force by deputies in the jails and to recommend corrective action as necessary. On September 28, 2012, the CCJV released its report with 63 recommendations.

On October 2, 2012, the Board directed the Chief Executive Office (CEO) to conduct a fiscal analysis

of the recommendations made by the CCJV, including the creation of an independent Office of Inspector General (OIG). In consultation with the CCJV Implementation Monitor (Monitor) and the Board's Consultants (Consultants), we prepared a draft organizational structure which identified functional units, an operational model, and position classifications. The newly appointed Inspector General has provided a revised organizational structure. The Monitor has reviewed the proposal and determined that it meets the CCJV's recommendation to establish an independent OIG to monitor the Sheriff's Department (Department).

Implementation of Strategic Plan Goals

Establishing the OIG will support the County Strategic Plan Goal 3: Integrated Services Delivery – Maximize opportunities to measurably improve client and community outcomes and leverage resources through the continuous integration of health, community, and public safety services. Strategic Initiative 3: Implementing Jail Reform – Continue the Sheriff's implementation and the Board's monitoring of all 63 recommendations of the CCJV, to improve conditions in the County's jails.

FISCAL IMPACT/FINANCING

The OIG will be funded through the Executive Office of the Board of Supervisors (Executive Office) budget.

In Fiscal Year (FY) 2013-14 Recommended Budget, \$5,000,000 in funding was set aside in Provisional Financing Uses (PFU) for the OIG. On June 23, 2014, the Board approved the transfer of \$1,000,000 from PFU to the Executive Office to offset OIG costs incurred during the year. In Supplemental Changes, we will recommend \$2,500,000 be carried over to FY 2014-15 for continued start-up and contingency costs. The remaining FY 2013-14 PFU balance of \$1,500,000 will revert to the General Fund.

The OIG is requesting 37 additional positions and \$7,225,000 in ongoing funding. The CEO will recommend the transfer of \$5,000,000 from PFU to the Executive Office during Supplemental Changes to partially fund the OIG. This funding will support 29 of the 37 positions requested by the OIG. The remaining eight positions will be frozen until a detailed analysis of the OIG activities and accomplishments are provided to the Board.

During Supplemental Changes, \$2,225,000 in funding will be transferred from the Sheriff and Community and Senior Services (CSS) Departments to PFU due to the termination of the Office of Independent Review (OIR) and Special Counsel contracts, as well as the dissolution of the Ombudsman. Funding will remain in PFU until Board approval, which is subject to the Inspector General providing a report to the Board outlining the OIG activities, accomplishments, and performance milestones achieved no later than December 31, 2014.

The OIG financing proposal is detailed in Attachment III.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The CCJV recommended the creation of an OIG with the objective of providing independent and comprehensive monitoring of the Department and restoring the public's confidence in the Department.

Pursuant to Government Code section 25303, the Board has the statutory duty to supervise the official conduct of all County officers. The accompanying ordinance establishes the Inspector General as special counsel to the Board with responsibility for the independent and comprehensive oversight, monitoring of, and reporting about the Department and its jail facilities. The OIG is created to facilitate the Board's responsibility without interfering with the Department's investigative functions.

The Inspector General shall report directly to, and serve as an agent of, the Board and shall make regular reports to the Board on the Department's operations. Such reports shall be public reports, except to the extent they relate to confidential personnel or otherwise privileged matters. The Inspector General shall have an attorney-client relationship with the Board when requested by the Board to provide privileged legal advice pertaining to a claim or lawsuit arising out of the actions of the Department or its personnel.

Under the Board's auspices and with the cooperation of the Department, the OIG will:

- Monitor the Department's operations, conditions in the jail facilities, and the Department's response to inmate and public complaints related to the Department's operations.
- Periodically review the Department's use of force patterns, trends, and statistics; investigations of force incidents and allegations of misconduct; and disciplinary decisions.
- Review the quality of audits and inspections conducted by the Department and conduct its own periodic audits and inspections.
- Regularly communicate with the public, the Board, and the Department regarding the Department's operations.
- Without interfering with the Department's investigative functions, investigate specific incidents involving Department personnel in certain limited circumstances.
- Safeguard and maintain the confidentiality of any peace officer's personnel records and all other privileged or confidential information received by the OIG as required by law or as necessary to maintain any applicable privileges or the confidentiality of the information.

The Sheriff maintains constitutional and statutory responsibility with respect to Department operations, policies, imposition of staff discipline, and the allocation of resources. The Sheriff has reviewed the ordinance and recommends the attorney-client privilege be extended to his Department.

The Monitor and Consultants have reviewed the ordinance, organizational structure, and operational model and concur that it will satisfy the CCJV's recommendation to establish an OIG. They also concur with County Counsel that the attorney-client privilege should be limited to the Board of Supervisors, pursuant to the CCJV recommendations.

The Executive Office has identified and confirmed the resources necessary to support the OIG.

CEO Real Estate Division has identified office space; Asset Planning and Strategy approved the Space Request/Evaluation; and both have coordinated program requirements with the Executive Office.

CSS' Office of Ombudsman will be dissolved upon adoption of the attached ordinance. The Department of Human Resources (DHR) is assisting in developing a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

The Chief Information Office has been consulted regarding the information technology resources required by the OIG.

The accompanying ordinance implementing an amendment to Title 2 - Administration and Title 6 - Salaries of the County Code has been approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Existing Monitoring Structure

Investigatory monitoring of the Department has been performed through service contracts with Special Counsel Merrick Bobb (Special Counsel), who conducts macro-level policy review, and the Office of Independent Review (OIR), which conducts micro-level investigations such as significant use of force incidents. In addition, the CSS Ombudsman reviews public and inmate complaints against the Department. Although each monitoring entity functions effectively within its mandated responsibilities, the CCJV raised the following concerns with the current monitoring structure:

- Limitations within their respective scopes of responsibility;
- Critical gaps in identifying problematic patterns, trends and tactical issues, and continuing problems in the Department;
- Despite the identification and public reporting of recurrent critical issues, there has been limited sustained follow up on the Department's progress to implement reform recommendations; and
- “. . . outside projects raise concerns regarding OIR's [and Special Counsel's] ability to devote its full time and attention to comprehensive oversight of the Department and its jail facilities.”

Consolidation of Monitoring Responsibilities

In order to address the aforementioned concerns and provide more robust monitoring of the Department, the CCJV recommended consolidation of the functions of Special Counsel, OIR, and CSS Ombudsman under a single OIG.

Proposed Organizational Structure

The recommended OIG organizational structure is based on consultations with the Inspector General, the Monitor, and Consultants (Attachment IV). The proposal places the OIG within the Executive Office to ensure responsiveness to the Board and organizational independence from the Department. The Executive Office will provide the OIG with administrative support services such as human resources, budget/fiscal/procurement services, information systems, etc. This will allow the County to leverage its existing infrastructure instead of having to build a separate administrative unit for the OIG.

The OIG has developed an operational model utilizing three functional units that will have department-wide responsibility:

- Review and Analysis - A team of attorneys and inspectors will analyze and review data for the production of reports and the identification of trends. The team will also have responsibility for the real-time monitoring of disciplinary activity in coordination with the Audits and Investigations Unit. This unit will assume some of the functions of the OIR and Special Counsel.
- Audits and Investigations - A team of inspectors will audit the Department's compliance with policy and procedures, including the quality of its internal audits and inspections reports. This unit also will assume some of the functions of Special Counsel.
- Monitoring and Community Outreach - A team of community liaisons and inspectors will monitor conditions within the jail facilities, the Department's responses to complaints from inmates and the public, and take input from the public. This unit will assume the functions of the CSS Ombudsman.

The Inspector General and Chief Deputy will be responsible for ensuring ongoing internal communications between the functional units and identify problematic patterns, trends and tactical issues, and continuing problems within the Department.

Dissolution of the CSS Ombudsman

The functions of the CSS Ombudsman will be assumed by the OIG. CSS will work with DHR to develop a Workforce Reduction Plan in accordance with applicable Civil Service Rules.

OIR Monitoring of Probation Department

In addition to the Department, the OIR also monitors the Probation Department. The continuation of OIR oversight of the Probation Department has been addressed in a separate Board letter.

CONCLUSION

The accompanying ordinance, organizational structure, operational model, and budget provide the resources necessary to establish the OIG.

The Honorable Board of Supervisors

8/5/2014

Page 6

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a large, stylized flourish that resembles a heart or a large 'M', and then a horizontal line extending to the right.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:GAM:SW

DT:llm

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Sheriff
Chief Information Office
Community and Senior Services
Human Resources
Probation

**REQUEST FOR INTERIM ORDINANCE AUTHORITY
PROVISIONAL ALLOCATION FOR THE BOARD OF SUPERVISORS
FISCAL YEAR 2014-2015**

OFFICE OF INSPECTOR GENERAL

<u>Classification</u> <i>(corresponding working title)</i>	<u>Budgeted Positions</u>	<u>Frozen Positions</u>	<u>Total Positions</u>
Inspector General (UC) (#9973)	1		1
Chief Deputy Inspector General (UC) (#9975)	1		1
Assistant Inspector General (UC) (#9974)	3		3
Deputy Inspector General (#1651)	4	1	5
Inspector, OIG (#1650) <i>(Inspector II)</i>	4	2	6
Investigator II (#2915) <i>(Inspector I)</i>	2	2	4
Paralegal (#9232) <i>(Special Assistant)</i>	1		1
Administrative Services Manager I (#1002) <i>(Statistician)</i>	0	1	1
Senior Management Secretary III (#2116) <i>(Secretary to Inspector General)</i>	1		1
Management Secretary III (#2109) <i>(Secretaries to Assistant Inspector Generals)</i>	3		3
Senior Board Specialist (#1100) <i>(Community Liaison)</i>	1	1	2
Total	<u>21.0</u>	<u>7.0</u>	<u>28.0</u>

EXECUTIVE OFFICE

<u>Classification</u>	<u>Budgeted Positions</u>	<u>Frozen Positions</u>	<u>Total Positions</u>
Senior IT Technical Support Analyst (#2547)	1		1
Principal Application Developer (#2526)	1		1
Principal Network Systems Administrator (#2561)	1		1
Database Administrator (#2620)	1		1
Management Analyst (#1848)	1		1
Senior Board Specialist (#1100)	1		1
Intermediate Board Specialist (#1099)	1		1
Administrative Services Manager II (#1003)	0	1	1
Head Board Specialist (#1108)	1		1
Total	<u>8.0</u>	<u>1.0</u>	<u>9.0</u>

TOTAL POSITIONS REQUESTED	<u>29.0</u>	<u>8.0</u>	<u>37.0</u>
----------------------------------	-------------	------------	-------------

OFFICE OF THE INSPECTOR GENERAL: FINANCING PROPOSAL

	FY 2013-14	FY 2014-15 (Initial Funding)	FY 2014-15+ (Full Funding)
<u>Pre-OIG Sheriff Monitoring Cost</u>			
Ombudsman (funded by Community & Senior Services)	\$641,000	\$0	\$0
Special Counsel (funded by Judgments & Damages budget)	\$334,000	\$0	\$0
Office of Independent Review (funded by Sheriff's Department)	\$1,194,000	\$0	\$0
Total Pre-OIG Monitoring Cost	\$2,169,000	\$0	\$0

RECOMMENDED MONITORING

OFFICE OF THE INSPECTOR GENERAL	\$1,000,000	\$5,000,000	\$7,225,000
----------------------------------------	--------------------	--------------------	--------------------

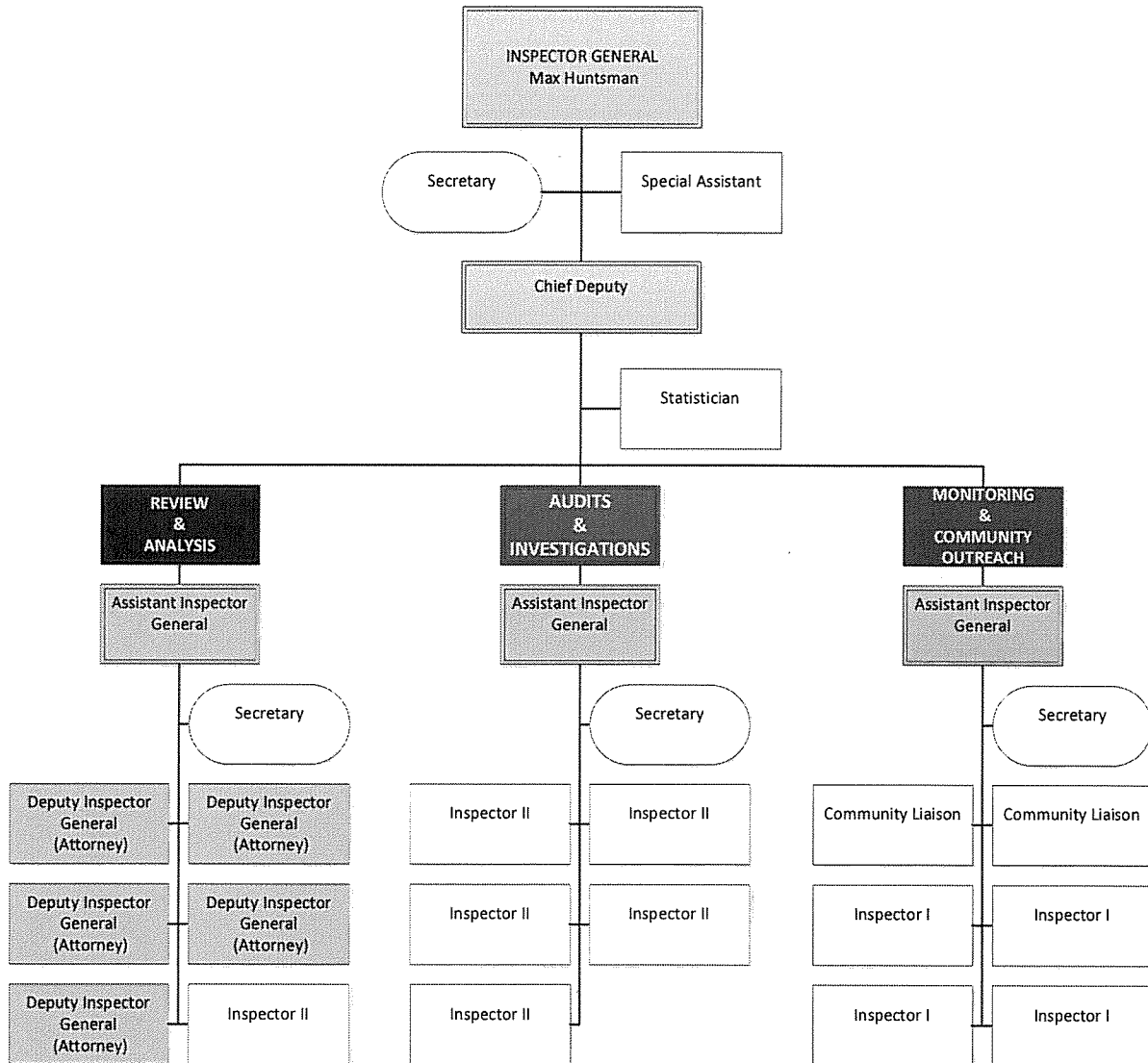
OIG Funding by Permanently Transferring Net County Cost From:

Provisional Financing Uses (\$5M was set aside during 2013-14 Recommended Budget)	\$1,000,000	\$5,000,000	\$5,000,000
Dissolution of Ombudsman (reflects COLAs)	\$0	\$0	\$697,000
Expiration of Special Counsel Contract*	\$0	\$0	\$334,000
Expiration of Office of Independent Review Contract	\$0	\$0	\$1,194,000
Total NCC Transfer	\$1,000,000	\$5,000,000	\$7,225,000

* Following the transition of responsibilities to the OIG, the Inspector General may recommend a special projects contract for as-needed services.

OFFICE OF THE INSPECTOR GENERAL

Organizational Structure



OIG 28 Staff	EXECUTIVE OFFICE 9 -Support Staff
5 - Management 5 - Attorneys 10 - Inspectors 2 - Community Liaison 6 - Admin Support	
ESTIMATED ANNUAL COST: \$7,225,000	

WORK PLAN SUMMARY

This is an outline of the Office of Inspector General's work plan for the fiscal year starting July 1, 2016. This is not dissimilar from the OIG's 2015-2016 work plan. However, the OIG was not able to fully implement the work plan throughout the entirety of the year due to some restrictions placed on the OIG's access to Los Angeles County Sheriff's Department information. With the December 2015 Memorandum of Agreement to Share and Protect Confidential LASD Information, those access issues have been removed.

The following work plan shows a + next to the objectives which can only be partially fulfilled without full access. An * marks objectives which cannot not be fulfilled without full access. All of these items can be fulfilled with the current access the OIG has to LASD information.

FORCE

- Monitor revisions to the Use of Force manual
- Monitor the Department's adherence to its preference for planned, supervised and directed force+
- Monitor Department's use of force training and its use of situational use of force options chart
- Monitor effectiveness of and compliance with Manual of Policies and Procedures mandates for the investigations of all force incidents+
- Monitor adherence to Force Prevention, Anti-retaliation, and Anti-harassment policies+
- Monitor force prevention practices with special needs prisoners+
- Monitor use of force review tracking mechanisms
- Monitor senior management involvement in tracking and force+
- Monitor adherence to enhanced discipline guidelines for force*
- Respond along with Internal Affairs to the scene of deputy involved shootings and in custody deaths and monitor the investigation through to resolution+
- Monitor adherence to no huddling policy in force investigations+

CUSTODY

- Monitor facilities and conditions of confinement at all jails+
- Monitor deliver of medical and mental health services to prisoners+
- Monitor provision of religious, educational, and therapeutic programming to prisoners
- Monitor access of disabled prisoners to programs and activities
- Monitor specialized training of custody personnel+
- Monitor Deputy/Custody Assistant/Security Assistant ratios
- Monitor sworn and civilian staffing patterns
- Monitor settlement agreement implementation+
- Monitor department's emphasis on respect, engagement of and communication with prisoners
- Examine consistency of prisoner discipline within and among the custody facilities
- Monitor department's compliance with Prison Rape Elimination Act, CCR Title 15, Americans with Disabilities Act.+

- Monitor personnel compliance with the Manual of Policy and Procedures and Custody Division Manual*
- Monitor and evaluate the department's Mandatory Rotation of Line Personnel policy+
- Monitor Sheriff's personal engagement in custody oversight
- Monitor processing of prisoner grievances and tracking by employee identity*
- Monitor effectiveness of prisoner grievance system+
- Monitor senior management engagement and visibility in jail facilities
- Monitor CFRC, SCIF, and CFRT, processes*
- Monitor department's administrative segregation and disciplinary practices
- Monitor department's adherence to national standards for custodial best practices

AUDITS

- Conduct routine audits of use of force statistics to detect patterns and trends+
- Review audits conducted by Department's Audits and Accountability Bureau+
 - Seven pending from calendar 2015
 - Eighteen scheduled for calendar 2016
- Audit and investigate issues brought to light as result of monitoring activities+

DEPARTMENT OPERATIONS

- Monitor stations, bureaus, units and commands+
 - Service comment reports+
 - Response times
 - Citations
 - Arrests
 - Filings
 - Crime classification
 - Personnel issues and grievances*
- Review hiring standards and monitor hiring practices to ensure compliance+
- Review staffing patterns and mandatory overtime+
- Monitor department's community engagement efforts
- Review academy and Department wide training curriculum and monitor training+
- Monitor and review evaluation of employees during probationary period*
- Review and monitor disciplinary practices, including enhanced discipline for dishonesty/force*
- Review and monitor investigations of employee misconduct and clique formation*
- Review and monitor effectiveness of Department data collection and tracking systems
- Review and monitor patterns in and Department response to complaints+
- Review and monitor implementation and effectiveness of dual track career path*
- Monitor department's community oriented policing policies and practices
- Review application of policy standards for consistency and clarity+
- Review patterns and trends in criminal conduct by employees+
- Review patterns and trends in policy violations by employees*

PROJECTS (these are temporary endeavors with a start and a finish which focus on areas of particular concern, such as “Recommendation to the Los Angeles County Sheriff’s Department for Public Data Disclosure” and “Body-Worn Cameras: Policy Recommendations and Review of LASD’s Pilot Program.”) Currently there are eleven in progress or in the development stages.+

REPORTS (these are reports prepared in response to specific requests from the Board of Supervisors, such as “A Preliminary Review of Sheriff Crime Statistic Reporting,” “Analysis of the Legal Basis for X-Ray Body Scanner Searches in County Jail” and other reports prepared pursuant to Code section 6.44.190(E).)+

TASKS ENABLED BY ACCESS

Receive and review Watch Commander’s Service Comment Report’s and monitor how handled.

Receive and review Custody Division Chiefs’ Memoranda.

Receive and review inmate grievances and monitor how handled.

Receive and review personnel grievances and monitor how handled.

Review use of force investigations and monitor how handled.

Review misconduct investigations and monitor how handled.

Review and analyze Department responses to claims and lawsuits.

Review and analyze Internal Affairs Bureau investigations.

Review and analyze Internal Criminal Investigation Bureau investigations.

Monitor, review and analyze investigations of deputy involved shootings and in custody deaths (the OIG responds to the scene of these and can now follow the entire course of these cases).

Be present during, and review and analyze:

- Critical Incident Review
- Custody Force Response Team rollouts
- Custody Force Review Committee
- Executive Force Review Committee
- Case Review
- Shooting Review
- Sheriff’s Critical Incident Forum/Risk Management Forum
- Death Review
- Over Detention
- Strategic Planning (Custody)

Be present at the Sheriff’s Executive Productivity Committee meetings

Review audits conducted by Audit and Accountability Bureau involving personnel matters

Conduct audits of issues brought to our attention during monitoring activities

Access and Review LASD’s Personnel Performance Index

Fully monitor sustainability of CCJV reforms

Fully monitor sustainability of other reforms initiated by the Sheriff or in response to litigation.

Follow discipline cases from initiation through completion of civil service process.

Review and analyze effectiveness of training conducted by the Department.