



Office of Inspector General County of Los Angeles

Reform and Oversight Efforts: Los Angeles County Sheriff's Department

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ABOUT QUARTERLY REPORTS

Quarterly reports provide an overview of the Office of Inspector General's regular monitoring, auditing, and review of activities related to the Los Angeles County Sheriff's Department (Sheriff's Department) over a given three-month period. This quarterly report covers Department activities and incidents that occurred between January 1, 2023 and March 31, 2023, unless otherwise noted. Quarterly reports may also examine particular issues of interest. The particular issues of interest in this report are: Narcan use by the Sheriff's Department, an analysis of a deputy-involved shooting, distribution of thermal garments in the jails, and the availability of personal hygiene products in custody.

MONITORING SHERIFF'S DEPARTMENT'S OPERATIONS

Deputy-Involved Shootings

The Office of Inspector General reports on all deputy-involved shootings in which a deputy intentionally fired a firearm at a human, or intentionally or unintentionally fired a firearm and a human was injured or killed as a result. This quarter there were eight incidents in which people were shot or shot at by Sheriff's Department personnel. Deputies' gunfire struck six people, five fatally. The Office of Inspector General staff responded to each of these deputy-involved shootings. If deputy-involved shootings continue at the same rate as during this first quarter, there would be thirty-two shootings by the end of this year.

The Office of Inspector General presents the following shooting summaries based on the limited, preliminary information provided by the Sheriff's Department. While the Office of Inspector General attends the walk-through at the scene of the shooting, receives preliminary memoranda from the Sheriff's Department with summaries, and attends the Sheriff's Department Critical Incident Reviews, the office does not have statements of the involved deputies and witnesses until the Sheriff's Department completes its investigation. The Sheriff's Department permits the Office of Inspector General's staff limited access to monitor the ongoing investigations of deputy-involved shootings.

Palmdale Station: Hit Shooting – Fatal

The Sheriff's Department reported that on January 8, 2023, at approximately 7:40 a.m., Palmdale Station deputies responded to a scene in a very remote area regarding a homicide investigation involving the stabbing death of an adult woman. Homicide

Bureau investigators present on scene heard a noise coming from behind a chain link fence adjacent to the crime scene. When deputies investigated the noise, they saw a male Black adult behind the fence who was armed with a knife. The deputies cut an opening in the fence and contacted the man. They issued commands for the man to drop the knife, and he refused to comply. The deputies attempted to de-escalate the situation by talking with the suspect for approximately 20-30 minutes. At some point, the man advanced toward the deputies, at which time a reserve deputy deployed a 40mm less-lethal round, to no effect. The man then charged the other deputies, at which time a deputy-involved shooting occurred with six deputies firing a total of 46 rounds. No deputies were injured during the incident. The man died at the scene. It was later determined that he was the suspect involved in the homicide that was under investigation.

The Department reported that all involved deputies activated their body-worn cameras in accordance with Sheriff's Department Policy. Portions of the video were shown at the Sheriff's Department's Critical Incident Review.

Areas for Further Inquiry

Were the deputies who employed weapons, including the reserve deputy, properly trained and qualified on those weapons, including the non-lethal weapons and the AR-15 rifle? Given the remote area, were there other ways of containing a suspect armed with a knife while protecting deputy safety, including calling in additional law enforcement or mental health resources? Did the deputies form a tactical plan prior to or during their extended contact with the suspect? Was the reserve deputy who deployed the 40mm baton launcher physically positioned in a manner which exposed them to potential crossfire? Why were there so many deputies involved in the use of lethal force and why were so many rounds fired? Was a supervisor present on scene and in command at the time of the shooting? Was the Mental Evaluation Team (MET) requested for assistance?

Santa Clarita Station: Hit Shooting – Fatal

The Sheriff's Department reported that on January 11, 2023, at approximately 11:00 p.m., a deputy responded to a trespassing call regarding a White man sleeping near the entrance of a large retail store. The dispatcher had information that the suspect had threatened people and was uncooperative with mall security personnel, which was not relayed to the responding deputy or to another deputy who was en route as backup. The deputy approached the man and asked him to leave the area. The man refused and advanced upon the deputy, while threatening to kill the deputy. The suspect punched the deputy in the face, and the deputy then punched the suspect. While the altercation resulted in distance between the deputy and the suspect, the suspect

continued advancing toward the deputy, at which point the deputy fired two rounds at the man. The man was unarmed.

Medical personnel treated the man for his injuries and transported him to the hospital. The man later succumbed to his injuries and died. The involved deputy was also treated for physical injuries sustained during the altercation.

The incident was captured on the body-worn camera of the responding deputy as well as on closed-circuit television (CCTV) from a nearby store. There were no additional witnesses to the incident.

Because the man was unarmed, the California Department of Justice police shooting investigation team was notified and is conducting the investigation pursuant to AB 1506.

Areas for Further Inquiry:

Why didn't the deputy wait for the back-up unit to arrive prior to contacting the man? Did the deputy maintain an appropriate amount of distance from the man when making the initial contact? Did the deputy have reasonable alternatives to using deadly force, including less-lethal force options? Could the deputy have retreated to reassess the situation? Why didn't the dispatcher provide the deputies with all known information regarding the man's threatening behavior?

West Hollywood Station: Non-Hit Shooting

The Sheriff's Department reported that on January 21, 2023, at approximately 4:50 p.m., the Beverly Hills Police Department notified the West Hollywood Station that an Automated License Plate Reader in their city detected a stolen vehicle, which was possibly headed toward their jurisdiction. At approximately 5:03 p.m., a Sheriff's Department patrol unit occupied by two sergeants saw the suspected stolen vehicle and became involved in a short vehicle pursuit. They followed the vehicle into a cul-de-sac along with another patrol unit occupied by a single deputy. They parked their vehicles side by side in the street, facing the suspect vehicle. As the sergeants got out of their patrol car and were positioned behind their doors, and the lone deputy was preparing to exit his patrol car, the suspect attempted to maneuver out of the cul-de-sac by driving between the patrol units.

The sergeant who was behind the passenger-side door of a patrol car discharged his firearm five times toward the suspect vehicle, reportedly fearing that the suspect would kill or injure them by hitting their patrol cars as he and the other sergeant took cover behind the open car doors and the deputy was still in the patrol car. The suspect continued driving and fled the area.

A search by both West Hollywood deputies and Aero Bureau located neither the suspect nor the vehicle. However, the suspect, a male White adult was later identified and arrested by the Long Beach Police Department in a separate incident involving another suspected stolen vehicle.

The incident was captured on the body-worn camera of the assisting deputy. However, the sergeants failed to activate their body-worn cameras. The incident was also recorded on CCTV from a nearby hotel.

Areas for Further Inquiry:

Was the positioning of the two patrol vehicles tactically sound and in compliance with Sheriff's Department policy? Did the sergeant who fired consider the backdrop, i.e., a nearby hotel entrance and the other responding deputy? Did the firing sergeant have a reasonable alternative to avoid any threat from the vehicle by getting out of the path of the fleeing car? Did the firing sergeant violate the Sheriff's Department policy on shooting at moving vehicles? Was Aero Bureau requested for assistance at the beginning of the vehicle pursuit? Why did the sergeants fail to activate their body-worn cameras in violation of Sheriff's Department policy?

Altadena Station: Hit Shooting – Fatal

The Sheriff's Department reported that on January 22, 2023, at approximately 5:15 p.m., they received a call for service regarding a man with a knife who was assaulting a person at a gas station. Before deputies arrived, the suspect, a male Black adult, stabbed another man with a pair of scissors, injuring his face. When deputies arrived, the suspect walked away from the gas station. Deputies followed him in their patrol car. The suspect turned a corner, encountered an elderly woman, and stabbed her in the face. As the man continued to assault the woman with the scissors, two deputies fired at the suspect. The suspect fell to the ground, then stood up again and advanced towards the deputies, who then fired several more rounds at the suspect. The suspect sustained multiple gunshot wounds to his torso and his legs. He died at the scene. The two deputies fired a total of 13 rounds. Deputies recovered a pair of scissors.

The Sheriff's Department initially determined that the subject was armed and began investigating accordingly. However, two to three days after the shooting, the California Department of Justice police shooting team reviewed the shooting and took over the investigation as it deemed it a qualifying event under AB 1506 because the suspect may not have been armed at the time of the deputy-involved shooting.

The incident was captured on the body-worn cameras of the two responding deputies. A portion of the incident was also recorded on CCTV from the gas station.

Areas for Further Inquiry:

Were any less lethal options available? Were the deputies positioned in a manner that exposed them to crossfire, thereby endangering the deputies? Was the backdrop considered with regard to endangering bystanders? When did the Sheriff's Department notify the California Department of Justice police shooting investigation team of the incident? Did all deputies activate their body-worn cameras as required by Sheriff's Department policy?

Operation Safe Streets Maywood: Hit Shooting – Fatal

The Sheriff's Department reported that on January 26, 2023, at approximately 5:40 a.m., Operation Safe Streets Bureau (OSS) was serving a search/arrest warrant at a residence in Maywood related to a shooting in East Los Angeles. After deputies announced their presence at the residence, they observed a 70-year-old Hispanic man walking inside the home, holding a firearm and apparently agitated. Deputies ordered the man to drop the weapon multiple times. He did not comply, and instead walked towards the deputies and pointed the gun at them. Two deputies fired ten rounds at the man, striking him in the torso. The man died at the scene.

According to the Department, the incident was captured on the body-worn cameras of OSS deputies on scene.

Areas for Further Inquiry:

Considering the initial observations made by OSS deputies, was it an option for them to retreat and contain the location while asking for assistance from the Special Enforcement Bureau and Mental Evaluation Team?

Operation Safe Streets Compton: Hit Shooting – Non-Fatal

The Sheriff's Department reported that on January 31, 2023, at approximately 10:30 a.m., OSS deputies with the Parole Compliance Team were attempting to serve a warrant upon a parole absconder at a residence in the city of Compton. A current resident at the parolee's last known address informed deputies that the parolee now lived nearby in a tent near a school. The deputies proceeded in their patrol vehicle to the area described by the witness and eventually located the parolee, a Hispanic adult man. After looking in the direction of the patrol car, the parolee shot at the patrol vehicle several times. The deputies returned fire, and the parolee fled on foot. Shortly after, a caller reported to the Compton Station that the suspect was in their backyard a short

distance from the shooting. Deputies set up a containment in the area and requested assistance from the Aero Bureau.

The airship saw the suspect running through several residential yards. As the deputies tried to apprehend the parolee, he shot at deputies positioned in the containment area. The deputies returned fire, wounding the parolee. The parolee was arrested and transported for medical treatment. Deputies recovered a loaded firearm near the bushes where the parolee had emerged and shot at them as they tried to apprehend him. During this incident, six deputies fired a total of 44 rounds.

According to the Department, the deputies were all equipped with body-worn cameras.

Areas for Further Inquiry:

During the initial shooting involving OSS deputies, did they consider their backdrop, which included a school during daytime hours? During the later shooting, did deputies adequately consider their backdrop, which included residential homes? Were the number of rounds fired reasonable? Were all body-worn cameras activated in compliance with Sheriff's Department policy?

Palmdale Station: Hit Shooting – Fatal

The Sheriff's Department reported that on February 10, 2023, at approximately 10:20 p.m., Palmdale Station deputies responded to a residence regarding a domestic violence call. A woman had contacted the Sheriff's Department stating that her husband hit her and put her in a headlock. She also relayed to the dispatcher that the suspect was "drunk" but did not have any weapons at the time of the call. During the call, the suspect could be heard in the background making a statement about suicide by cop.

After contacting the suspect's wife and confirming her statements to the dispatcher, the deputies entered the residence to apprehend the suspect and found him in the backyard. The suspect, a male White adult, was wielding a sword with a blade approximately three feet long. Deputies ordered him to drop his weapon. The suspect refused and advanced upon the deputies. One deputy discharged a 40mm less-lethal round, which struck the suspect. Simultaneously, a separate deputy fired one round from his firearm, which struck the suspect in the face. The suspect died at the scene. The sword carried by the suspect was recovered near his body.

Areas for Further Inquiry:

Were the responding deputies aware that the man had made suicidal statements? If so, was the Mental Evaluation Team requested? Did the deputies form a tactical plan prior to entering the residence to search for the suspect? Would it have been possible for the

deputies to create distance between themselves and the suspect? Was the use of deadly force at the same time as the less-lethal option necessary in this circumstance? Were all body-worn cameras activated as required by Sheriff's Department policy?

Industry Station: Non-Hit Shooting

The Sheriff's Department reported that on March 10, 2023, at approximately 2:30 p.m., Industry Station deputies responded to a call for service related to a suspect shooting at pedestrians from his residence. Several deputies responded to the residence. Deputies observed the suspect, a male White adult, push open a window screen from a front window and point a rifle at them. The deputies took cover behind their patrol vehicles and aimed their firearms at the suspect. The deputies ordered the suspect to drop the weapon and to exit the residence. The suspect fired several rounds at the deputies from his rifle. While the suspect continued shooting, three deputies returned fire. In total, three deputies fired one round from an AR-15 rifle, five rounds from a handgun, and ten rounds from an AR-15 rifle.

After the exchange of fire between the suspect and deputies, the suspect remained in his residence, though was no longer visible to the deputies. At that time, deputies were unable to determine whether the suspect had been injured. The Special Enforcement Bureau (SEB) responded and assumed command of the incident.

A Crisis Negotiation Team (CNT) also responded to the situation. The CNT attempted to negotiate with the suspect without success. SEB deputies deployed tear gas into the residence, but the suspect did not leave the residence.

Approximately 40 hours later, due to the length of the incident and the need to relieve SEB deputies, a Los Angeles Police Department Special Weapons and Tactics team (SWAT) took command of the incident. SWAT employed several tactics to attempt to locate and observe the suspect in his home, including removing a portion of the roof. At approximately 3:54 p.m., on March 12, 2023, SWAT entered the residence and found the suspect deceased in the home. The entire incident lasted approximately 49 hours.

The suspect fired his rifle at SEB deputies over 100 times during this incident and SEB deputies fired no rounds. One round struck an SEB vehicle.

This incident generated a great deal of news coverage due to its length and magnitude.

The Los Angeles County Medical Examiner-Coroner's preliminary review determined that the suspect did not suffer from any gunshot wounds and that the manner of death was suicide.

According to the Department, the incident was captured on several body-worn cameras.

Areas for Further Inquiry:

Were the body-worn cameras of each involved deputy activated as required by Sheriff's Department policy?

Analysis of Deputy-Involved Shooting of Francisco Garcia

In late December 2022, the Sheriff's Department posted the public materials from its administrative investigation into the 2016 shooting of Francisco Garcia by a Sheriff's Department deputy.¹ The case presents unusual issues because the deputy was charged with voluntary manslaughter and ultimately acquitted by a jury in connection with the shooting. The case raises particular concerns about the Sheriff Department's practices in an administrative investigation following a criminal prosecution, which the Office of Inspector General analyzes here. Independent of the factual and policy outcome in this individual matter, the absence of a thoroughly documented and analytic process undermines public confidence in the Los Angeles Sheriff's Department's disciplinary system and prevents transparency. The Office of Inspector General has long advocated a well-documented and evidence-based review of use of force and potential misconduct, and this review does not meet that standard.

Factual Summary. On the afternoon of February 16, 2016, a deputy assigned to patrol at the Cerritos Sheriff's Station pulled into a gas station in the city of Norwalk to investigate a possible stolen white Acura that was parked at a gas station pump. He pulled his patrol vehicle behind the Acura and turned on his overhead patrol lights. According to witnesses, the deputy briefly approached the driver-side window, where a Hispanic man, later identified as Mr. Garcia, was seated in the driver's seat. The deputy then went to the rear of the Acura, to check the car's license plate. As the deputy looked at the rear license plate, the Acura began to pull away from the gas pump. The deputy stated that he "felt like [he] was boxed in" by the gas pump behind him and in danger of being run over and said he fired three to four rounds down into the vehicle from a distance of three to five feet. Video shows that the Acura was parked several feet from the gas pump, and as the car began to move, the deputy rushed from the rear of the car toward the driver's side door. Witnesses described the car "rolling" or moving slowly, at approximately five miles per hour. The car moved past the pump, proceeded forward

¹ The [investigative materials](#) are available on the [Sheriff's Department's Deputy-Involved Shooting Case Files page](#) and include the officer-involved shooting form, the investigative summary, and the Executive Force Review Committee findings.

and toward its left. Video then shows the deputy running alongside the driver's side of the car, at or behind its rear wheel. Witnesses described the deputy following beside the vehicle's driver side as the car moved, shooting at the driver. The Homicide Bureau investigation revealed that the deputy fired seven rounds, rather than three to four. One witness testified that as the deputy shot at the car, the driver while still seated in the car had his hands raised up as if in surrender. The car rolled forward, with the deputy running alongside, until it collided with the gas station sign on the curb of the property and came to a standstill, at which point the deputy pulled the driver out of the car. Mr. Garcia had multiple gunshot wounds. The deputy attempted to render first aid before other deputies and medical personnel relieved him. Mr. Garcia was later pronounced dead at the hospital.

The deputy reported being struck in the knees by the car as it moved; however, no witnesses saw the deputy being struck by the car, and from video it is difficult to see how the deputy could be struck by the vehicle. The deputy was taken to the hospital for treatment, but the treating doctor did not find any significant injuries on the deputy consistent with being struck by the car.

The Los Angeles County District Attorney's Office (District Attorney's Office) filed one count of voluntary manslaughter, a felony, against the deputy. To file a criminal charge, the District Attorney's Office must determine that the case "can be proven in court beyond a reasonable doubt."² The case went to trial in November 2021. The deputy did not testify at the hearing. At the conclusion of the two-and-a-half-week trial, the jury acquitted the deputy on the sole charge.

The Sheriff's Department then conducted its internal investigation to determine if the deputy had violated any Sheriff's Department policies. Given that this was a deputy involved shooting, by policy, at the conclusion of the internal affairs investigation, the case must be presented to the Executive Force Review Committed (EFRC) to determine if the deputy's use of force and tactics violated the Sheriff's Department's policy.³ If the three-member panel of Sheriff's Department commanders determines there has been a policy violation, they propose the appropriate level of discipline for the misconduct. If the discipline imposed is a suspension exceeding 15 days, including termination of employment, the case must go to a Case Review. Case Review is chaired by the Undersheriff and two Assistant Sheriffs who review the case and render their findings as to the appropriate level of discipline based on the policy violations.⁴ In

² Los Angeles County District Attorney's Office, [About LADA – Office FAQs](#).

³ [Manual of Policies and Procedures Section 3-10/140.00, "Executive Force Review Committee."](#)

⁴ [Manual of Policies and Procedures Section 3-09/325.00, "Case Review Committee."](#)

general, the Office of Inspector General has the opportunity to review the investigative file prior to the EFRC hearing, and can articulate any concerns to EFRC panel members in advance of and at the review in order to ensure those concerns can be adequately explored through questions and discussion as part of the review process. Office of Inspector General staff have the same opportunity to articulate concerns and engage in the process during Case Review.

Disciplinary matters before the Sheriff's Department differ from criminal cases in a number of respects. First, instead of a violation of criminal law, like manslaughter, the Sheriff's Department considers only whether the deputy violated Sheriff's Department policy and training, which may impose more demanding standards than the criminal law. Second, unlike a criminal case, where the facts establishing a conviction must be proven beyond a reasonable doubt, the Sheriff's Department in these disciplinary matters need only show that a preponderance of evidence demonstrates a policy violation occurred. Finally, in disciplinary proceedings, the deputy does not have a right to remain silent. The Sheriff's Department may compel the deputy to provide an account on penalty of further discipline, any statements the deputy makes can be admitted and considered as part of the evidence the panels consider before rendering their decision on if the deputy violated Sheriff's Department policies.

Office of Inspector General Concerns. The Office of Inspector General voiced a number of concerns about the shooting to the Sheriff's Department during the review process. Two Sheriff's Department policies most directly govern the shooting: the policy on shooting at moving vehicles, and the policy on use of force.

At the time of this shooting, the Sheriff's Department policy on shooting at moving vehicles read, in relevant part:

The use of firearms against motor vehicles is inherently dangerous and almost always ineffective. For the purpose of this section, an assaultive motor vehicle shall not presumptively justify a Department member's use of deadly force. A Department member threatened by a motor vehicle shall move out of its path instead of discharging a firearm at it or its occupant(s), allow the vehicle to pass, and utilize other tactical or investigative means to apprehend the suspect....

When on foot, Department members...shall not position themselves or remain in the path of a motor vehicle.... The primary tactical consideration shall be for Department personnel to move out of the path of a vehicle.⁵

None of the evidence in this case suggested that the car posed a direct threat to the deputy, much less that the deputy could not have readily moved out of the path of the vehicle, rather than shoot the driver. The deputy stayed between the side of the car and the gas pump during his interaction with the driver. Neither witnesses to the incident nor the medical exam of the deputy provided any evidence the deputy had been hit by the car. The deputy was at the rear of the car when it began to pull away slowly. First, the facts suggest that the deputy did not face a direct threat from an “assaultive vehicle” and that therefore there was no threat that justified the shooting at any time. In his interview with Homicide and IAB investigators, the deputy stated that the car hit him on his knees and that he felt he was “boxed in” by the gas pump behind him and could not get out of the way of the car. He also stated that he saw the driver reach behind the front passenger seat and feared that the driver was reaching for a weapon. But even if the deputy had reasonably perceived a threat from the vehicle, under the policy, such a threat does not “presumptively justify a ... use of deadly force.” Rather, the policy clearly requires that deputies facing a threat from a vehicle “shall move out of its path instead of discharging a firearm at it or its occupant.” Here, rather than move away from the path of the car, the deputy not only fired but ran alongside the car and appeared to continue to shoot, even as the car was moving away from him.

In February 2016, the Sheriff’s Department’s other relevant policies included MPP3-10/200.00, “Use of Firearms and Deadly Force,” which stated that “discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable.” The policy also stated that deputies “may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others,” and “may use deadly force to effect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of

⁵ In 2016, when the shooting occurred, the policy was set forth in the Manual of Policies and Procedure (MPP) section 3-10/220.00 (“Use of Firearms Against Vehicles and/or Occupants of Vehicles”). It has been amended and re-codified in [MPP Section 3-10/055.00](#), but still sets forth a substantially similar policy:

Firearms should not be discharged at a stationary or moving vehicle, the occupants of a vehicle, or the tires of a vehicle unless a person in the vehicle is imminently threatening a Department member or another person present with deadly force by means other than the moving vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies the use of deadly force.

death or serious physical injury to the member or other person(s).” [MPP section, 3-10/030.00, “Unreasonable Force and Duty to Intervene,”](#) stated that deputies “shall only use force which is objectively reasonable,” defining unreasonable force to be “force that is unnecessary or excessive given the totality of the circumstances,” consistent with the leading U.S. Supreme Court case on unconstitutional force, *Graham v. Connor* (1989) 490 U.S.386.⁶ *Graham* pointed to three factors which can help aid the analysis:

1. The severity of the crime,
2. The immediacy of the threat,
3. Actively resisting arrest or attempting to flee.

Here, the deputy might reasonably have suspected Mr. Garcia of possessing a stolen vehicle and even possibly of being involved in its theft, both felonies but both property crimes rather than crimes of violence. Even if the deputy feared that Mr. Garcia might be reaching for something in the backseat that the deputy thought could be a gun, he was driving away.

As set forth in the discussion of the policy on shooting at moving vehicles, neither the deputy nor any other person seemed to face any immediate threat from the car pulling away slowly. To the extent the deputy perceived a threat, his position at the rear driver’s side should have allowed him simply to let the car move away. Instead, he ran forward then alongside the car, shooting at the driver in apparent violation of the Sheriff’s Department policy on shooting at moving vehicles.

Finally, the deputy’s pursuit of the car and firing at its driver in a public gas station on a busy street raises additional concerns. The car, as it moved away, did not present an immediate danger to the nearby civilians. The deputy’s response, however, placed the public at risk of being hit by the deputy’s fire or by the car, if the deputy incapacitated the driver. One witness testified at the jury trial that as the deputy was shooting at the driver, his gun was pointed in their direction; thus, they, too, could have been hit by the deputy’s bullets. Another witness testified that if the car had not come to a stop and had continued its path with the deputy shooting at it, they, too, would have been in the line of fire. Given the fact that this was a slow-moving vehicle, the deputy had ample time to distance himself and to find a place of safety.

⁶ In 2019, the California legislature passed legislation, AB 392 and SB 230, imposing a higher standard for peace officer’s use of deadly force under California law than under *Graham*’s standards and setting forth particular requirements for law enforcement agencies’ policies on use of force. The Sheriff’s Department has since modified its use of force policies to comply with these changes in the law, but this analysis cites the use-of-force policies in effect at the time of the incident.

Sheriff's Department Review of Force. The Sheriff's Department originally indicated that this case would proceed to Case Review following the EFRC. Yet inexplicably, and without a discussion of all of the factors mentioned above, the EFRC panel determined that, while there were some shortcomings in the deputy's tactics in approaching the incident, there were **no violations** of either the policy on use of deadly force or the policy on shooting at moving vehicles and did not reach any findings that required the matter to advance to a Case Review. This is despite the fact that the filing by the District Attorney's Office indicated that the deputy's conduct amounted to voluntary manslaughter, which clearly equates to a use of force that is **out of policy**. In this context it is important to note that in order to be a defense to manslaughter, a belief in the necessity to use force in defense of oneself or others must be based upon a belief in imminent danger of being killed or suffering great bodily injury, that the person using force must reasonably believe that the immediate use of deadly force was necessary to defend against the danger, and the defendant used no more force than was reasonably necessary.⁷ It is difficult, if not impossible, to reconcile the District Attorney's Office decision to file charges with the Sheriff's Department's finding that the force used in the shooting was within policy.⁸

The fact that a jury did not convict based on the higher standard for a criminal case does not relieve the Sheriff's Department from its obligation to engage in the rigorous process of reviewing the use of force, assessing policy violations, and then determining discipline. Because the case did not proceed to Case Review, the Sheriff's Department did not give the attention of its highest-ranking command staff to one of the highest profile shootings in recent years, and one where the Sheriff's Department's final determination of the incident conflicts with the determinations of the District Attorney's Office. Additionally, while the EFRC panel's findings memorandum describes the tactics that it believed departed from training, it lacks any documentation of the panel's analysis of the use of force or the reasoning behind the panel's determination that the deputy's force complied with policy. The lack of any documentation of the panel's reasoning on finding the use of force within policy deprives the public, other deputies, and other branches of the County (including the Office of Inspector General) of a full understanding of how the Department applies its policies on deadly force and shooting at moving vehicles in practice. In this case, the panel's findings memorandum contains

⁷ See Judicial Council of California Criminal Jury Instructions, [CALCRIM 505 Justifiable Homicide: Self-Defense or Defense of Another](#).

⁸ As noted in the investigative summary, the deputy provided IAB investigators with a list of witnesses whose trial testimony he described as contradicting their earlier statements. The Office of Inspector General has reviewed the list, none of which so clearly contradicted any prior statements as to eliminate the concerns articulated here.

no indication whether the panel credited the deputy's fear that Mr. Garcia might be reaching for a gun, or that he might be hit by the car, or that the deputy could not reasonably have gotten out of the path of the vehicle, or what evidence it believed supported its determination. The Sheriff's Department need not take this approach. The District Attorney's Office, when declining to file charges in shootings by peace officers, issues detailed memoranda explaining their analysis of the facts and law and the reasons why they determine the shooting cannot be proved criminal beyond a reasonable doubt.⁹ Other law enforcement agencies similarly provide full analysis of the facts and evidence that support a finding that a peace officer used deadly force within that agency's policy.¹⁰

Recommendations. The Office of Inspector General recommends that the EFRC panel engage in a robust discussion in each use of force case as to deputies' actions prior to using force, an analysis of what led the deputies to use force, an analysis of the de-escalation tactics used, if any, and a review of the totality of circumstances. Indeed, recent changes to California law governing peace officers' use of deadly force from AB 392, which went into effect in 2020, now require consideration of de-escalation options and a deputies' conduct leading up to the shooting under the higher "necessary" standard for peace officers' use of deadly force in Penal Code section 835a(c). The Office of Inspector General also recommends that EFRC set forth in its findings not only the reasons it found any policy violated, but its findings and reasoning supporting a determination that a use of deadly force complied within Sheriff's Department policy. The Office of Inspector General also recommends that the Sheriff's Department amend its procedures to require a Case Review in all deputy-involved uses of force that resulted in a criminal filing by the District Attorney's Office.

District Attorney Review of Deputy-Involved Shootings

The Sheriff's Department's Homicide Bureau investigates all deputy-involved shootings in which a person is hit by a bullet. The Homicide Bureau submits the completed criminal investigation of each deputy-involved shooting which results in a person being struck by a bullet and which occurred in the County of Los Angeles to the District Attorney's Office for review and possible filing of criminal charges.

Between January 1, 2023 and March 31, 2023, the District Attorney's Office issued findings on three shooting cases involving the Sheriff's Department's employees.

⁹ See generally [Los Angeles County District Attorney's Office, Officer-Involved Shootings](#).

¹⁰ See, e.g., Los Angeles Police Department, [Los Angeles Police Department, Categorical Use of Force 2022](#) (setting forth detailed summaries of the findings on uses of deadly force by Los Angeles Police Department officers).

- In the August 16, 2017, fatal shooting of Kenneth Lewis, Jr., the District Attorney opined in a [memorandum dated February 6, 2023](#), that there was insufficient evidence to prove beyond a reasonable doubt that Deputy Rothrock did not act lawfully in self-defense and defense of others at the time he fired his weapon.
- In the October 10, 2021, fatal shooting of Isaiah Guevara, the District Attorney opined in a [memorandum dated February 6, 2023](#), that Deputy Parga acted lawfully.
- In the October 6, 2020, non-fatal shooting of Hermes Aparicio, the District Attorney opined in a [memorandum dated March 7, 2023](#), that there was insufficient evidence to prove that Deputy La Torre did not act in lawful self-defense when he fired his duty weapon.

Homicide Bureau's Investigation of Deputy-Involved Shootings

For the present quarter, the Homicide Bureau reports 17 cases open and under investigation related to shootings involving Sheriff's Department personnel.

The oldest case in which the Homicide Bureau maintains an active investigation is related to an October 19, 2021, shooting which occurred in the jurisdiction of Temple Station. For further information on that shooting, please refer to the Office of Inspector General's report [Reform and Oversight Effort: Los Angeles Sheriff's Department, October to December 2021](#).

This quarter, the Sheriff's Department reported it sent six deputy-involved shooting cases to the LADA for filing consideration.

Internal Criminal Investigations Bureau

The Sheriff's Department's Internal Criminal Investigations Bureau (ICIB) reports directly to the Division Chief and the Commander of the Professional Standards Division. ICIB investigates allegations of criminal misconduct committed by Sheriff's Department personnel in Los Angeles County.¹¹

The Sheriff's Department reports ICIB has 71 active cases. This quarter, the Sheriff's Department reports sending five cases to the LADA for filing consideration. The LADA is

¹¹ Misconduct alleged to have occurred in other counties is investigated by the law enforcement agencies in the jurisdictions where the crimes are alleged to have occurred.

still reviewing 21 cases for filing. The oldest open case that ICIB has submitted to the LADA for filing consideration is related to conduct that occurred in 2018, which ICIB presented to the LADA in July of 2018 and is still being reviewed.

Internal Affairs Bureau

The Internal Affairs Bureau (IAB) conducts administrative investigations of policy violations by Sheriff's Department employees. It also responds to and investigates deputy-involved shootings and significant use-of-force cases. If the LADA declines to file a criminal action against the deputies involved in a shooting, IAB reviews the shooting to determine whether Sheriff's Department personnel violated any policies during the incident.

Administrative investigations are also conducted at the unit level. The subject's unit and IAB determine whether an incident is investigated by IAB or remains a unit-level investigation based on the severity of the alleged policy violation(s).

This quarter, the Sheriff's Department reported opening 146 new administrative investigations. Of these 146 cases, 64 were assigned to IAB, 58 were designated as unit-level investigations, and 24 were entered as criminal monitors. In the same period, IAB reports that 113 cases were closed by IAB or at the unit level. There 449 pending administrative investigations. Of those 449 investigations, 306 are assigned to IAB and the remaining 143 are pending unit-level investigations.

Civil Service Commission Dispositions

There were eleven final decisions issued by the Civil Service Commission this quarter. Of those eleven, seven decisions sustained the Sheriff's Department's discipline, two reduced the discipline, one overturned the discipline, and one case was withdrawn.

The Sheriff's Department's Use of Unmanned Aircraft Systems

The Sheriff's Department reports it deployed its Unmanned Aircraft Systems (UAS) seven times between January 1, 2023 and March 31, 2023.

The Sheriff's Department deployed a UAS on January 2, 2023, to assist Special Enforcement Bureau (SEB) in an authorized search and rescue mission for a homicide victim.

The Sheriff's Department deployed a UAS on January 3, 2023, to assist SEB in an authorized search and rescue mission for a homicide victim.

The Sheriff's Department deployed a UAS on January 17, 2023, to assist SEB in an authorized search and rescue mission to locate a missing hiker.

The Sheriff's Department deployed a UAS on January 24, 2023, to assist SEB in obtaining visual contact of a barricaded suspect who had previously shot at deputies at the site of the incident. Ultimately, the suspect surrendered and was taken into custody.

The Sheriff's Department deployed a UAS on February 15, 2023, to assist SEB to search the interior of the incident site and obtain visual contact of a barricaded suspect who was suspected of committing a murder. Ultimately, the suspect surrendered and was taken into custody.

The Sheriff's Department deployed a UAS on March 9, 2023, to assist the Department in its response to a suspect barricaded in a vehicle who was suspected of being under the influence of an intoxicant.

The Sheriff's Department deployed a UAS on March 10, 2023, to assist the Department in its response to an active-shooter incident. The UAS was used to observe the suspect throughout the incident.

Narcan Use by the Sheriff's Department

Since 2017, the Sheriff's Department has equipped deputies with Narcan, a medication that can rapidly block the effects of opioids and revive a person experiencing an opioid-related overdose, with minimal risk of serious side effects. As set forth below, the Sheriff's Department has effectively deployed Narcan in custody and patrol and unquestionably saved lives. However, an incident from June of last year raises questions about whether the Sheriff's Department's policy may encourage deputies to be too cautious in some situations and that deputies on patrol may be more cautious than deputies in a custodial setting. The Office of Inspector General recommends that the Sheriff's Department consider strengthening its policy to require deputies on patrol to administer Narcan where they encounter signs of an overdose, as deputies in custody are required to do, and that the Sheriff's Department examine the possibility of authorizing deputies to administer Narcan where they have clear evidence a person has taken dangerous amounts of opioids, even before the person presents symptoms.

How Narcan Works to Reduce Overdose Deaths. Narcan (a brand name for the medication naloxone) works by attaching itself to the same brain receptors that receive

opioids.¹² By blocking the opioid molecules from attaching themselves to the receptors which control breathing, Narcan can reverse the effects of what otherwise be a fatal opioid overdose, thus saving lives.¹³

When used promptly after an overdose occurs, studies have shown Narcan can save lives, reducing opioid-related deaths by nine to eleven percent.¹⁴ In 2014, the state of New York trained several police agencies across the state on how to use and administer naloxone (the generic name of the drug, which is now recognized by the brand name “Narcan”).¹⁵ The New York Health Department estimates that from 2014 to 2022, trained officers administered naloxone to 11,873 people, of whom eighty-seven percent survived.¹⁶

According to the National Institute of Drug Abuse, there is “no evidence of significant adverse reactions” to Narcan.¹⁷ Narcan is generally regarded as safe even when administered to a person suffering from something other than an opioid overdose.¹⁸ Narcan may therefore be used by first responders who find a person unresponsive without knowing the cause. If the person is suffering an opioid overdose, Narcan may revive them; if it is something else, the medication is still generally safe, and first responders can try other avenues to save the person’s life.

Narcan at the Sheriff’s Department. The Sheriff’s Department’s authority to use Narcan in the field comes from the Department of Public Health, which has granted the Sheriff’s Department a standing order to permit deputies to use Narcan on “a person who may be experiencing a potentially life-threatening opiate-related overdose (as

¹² [California Department of Public Health Statewide Naloxone Standing Order Frequently Asked Questions \(FAQs\)](#), September 2022.

¹³ *Id.*

¹⁴ Rees et al. 2017. “With a Little Help From My Friends: The Effects of Naloxone Access and Good Samaritan Laws on Opioid-Related Deaths.” National Bureau of Economic Research, February 2017. <http://www.nber.org/papers/w23171.pdf> (Accessed April 11, 2023).

¹⁵ New York State Department of Health, “The New York State Opioid Overdose and Intranasal Naloxone Program for Law Enforcement.” https://www.health.ny.gov/diseases/aids/general/opioid_overdose_prevention/docs/fact_sheet_law_enforcement.pdf (Accessed April 11, 2023).

¹⁶ *Id.*

¹⁷ National Institute on Drug Abuse, “Naloxone for Opioid Overdose: Life-Saving Science.” <https://nida.nih.gov/publications/naloxone-opioid-overdose-life-saving-science> (Accessed April 11, 2023).

Administering Narcan to a person experiencing an opioid overdose may cause acute withdrawal and accompanying symptoms that are uncomfortable but not life-threatening. *Id.*

¹⁸ *Id.*

evidenced by respiratory depression or unresponsiveness).” The Sheriff’s Department requires all deputies to be trained on proper use of Narcan, including both the signs and symptoms of an overdose and how to administer the nasal spray. The Sheriff’s Department issues deputies Narcan in single-dose, nasal-spray canisters, shown here:



The Sheriff’s Department trains deputies on Narcan in the jail operations training course, which they take before being assigned to custodial positions, and then again in the patrol course they take before deploying to the field. In addition, the CPR refresher course that deputies must take every two years covers Narcan and its use.

Narcan in the jails. The Custody Division has Narcan readily available for its custodial personnel to use and encourages personnel to use it on anyone they suspect is experiencing narcotic related distress. In custody, the Sheriff’s Department also requires that custody personnel who find an inmate unresponsive “shall” administer Narcan, as well as employing a defibrillator, absent “clear and unmistakable signs ... that the inmate is deceased and that efforts at resuscitation will be fruitless (such as rigor mortis, incineration, or decapitation).” [Custody Division Manual \(CDM\) section 5-03/060.00, “Response to Inmate Medical Emergencies.”](#) While the CDM directs the use of Narcan on an unresponsive person in custody, the manual does not include a list of symptoms associated with opioid overdoses. [Field Operations Directive 17-002,](#) lists signs of an overdose, and should those signs be included in the CDM with a directive to use Narcan if any of the symptoms are present.

Given the frequency of overdoses and availability of drugs within its custodial facilities, the Sheriff’s Department has also placed Narcan in locations readily available for people in custody to access, taught them how to administer Narcan if they see any of other people in custody suffering from overdose, and encouraged them to do so. According to Sheriff’s Department reports, from January 1, 2023, through March 31, 2023, 90 doses of Narcan were administered to 41 people in custody in the jails, of whom 40 survived and only one died. Sheriff’s Department staff administered Narcan in 28 of these incidents, Custody Health Services administered Narcan in 21, and other people in

custody administered Narcan in six. Several incidents involved multiple doses of Narcan administered by different responders.

The Sheriff's Department appears to follow a practice of not conducting further investigation into or asking questions of people in custody who administer Narcan to or receive it from another inmate, in hopes that such a "don't ask, don't tell" approach will encourage people in custody to respond quickly to an overdose and avoid any deterrence from fear of repercussions for taking or possessing drugs in custody. The Office of Inspector General supports this approach. The Sheriff's Department should, of course, continue to investigate the persistent problem of drugs in custodial facilities generally and has a variety of available methods to do so, as discussed in a recent report by the Chief Executive Office to the Board of Supervisors.¹⁹ Refraining from investigating incidents in which one person in custody administers Narcan to another should not significantly limit the investigation of drugs in the jails, given that only six such incidents occurred over the latest three-month period and that a policy of investigating would likely lead people in custody to avoid giving Narcan for fear of discovery and punishment, which would similarly frustrate investigations while also leading to significantly more overdose deaths.

Narcan in patrol. Although many patrol deputies carry Narcan, the Sheriff's Department does not mandate it. The Sheriff's Department issues medical kits to patrol deputies but it is unclear that kits are issued to every patrol deputy. The kit contains two doses of Narcan nasal spray, gloves, a penlight to check a person's pupils, and an Ambu Bag self-inflating resuscitator to conduct other life-saving measures. Patrol stations have Narcan readily available to replace nasal sprays that have expired or have been used by deputies in the field. In the event, stations are running low on supplies, station personnel will reach out to the Special Enforcement Bureau's Emergency Operation personnel to replenish supplies. The Office of Inspector General recommends the adoption of a policy mandating that each patrol deputy be issued a kit, that the kit have two Narcan doses in it at the outset of each shift, and mandate that the kit be carried during each patrol shift.

The policy for administering Narcan to persons by patrol deputies is ambiguous. While the signs of an opioid overdose are included in [Field Operations Directive 17-002](#), deputies are directed to administer Narcan in the event the patient "is not breathing and is unresponsive," or if the deputy "suspect[s] the patient is unconscious due to an opioid

¹⁹ See [Report of the Chief Executive Office, Enhancing Illegal Drug Detection in the Jails And Courts \(Aug. 17, 2022\)](#).

overdose.” The Office of Inspector General recommends that the policy direct deputies to administer Narcan if any of the signs of an opioid overdose are present.

Using Narcan before subjects are unresponsive. One recent incident raises questions about whether the Sheriff’s Department’s policy may encourage deputies to be too cautious in some situations. Sheriff’s Department training instructs deputies to decide whether to administer Narcan based on the totality of the circumstances. For example, an unconscious child lying in a pool without drugs or other narcotic paraphernalia present might not merit application of Narcan, while an unconscious person surrounded by narcotic paraphernalia might. In the closed environment of custody, symptoms of respiratory depression or unresponsiveness in an otherwise healthy person in custody usually result from the ingestion of narcotics

On June 8, 2022, a deputy assigned to the Altadena Station conducted a traffic stop and, upon discovering that the driver had an outstanding felony warrant, placed him in handcuffs and sat him in the back of her patrol vehicle. Up to this point, the man had been alert and responsive to the deputy’s questions. The deputy proceeded to search the driver’s vehicle, and when backup deputies arrived shortly thereafter, they saw the man exhibiting signs of distress in the back of the patrol vehicle. When deputies opened the patrol door, they saw a white powdery substance on the backseat and the floorboard of the patrol vehicle.

Deputies took the man out of the backseat and sat him on a nearby curb. They saw the man had blood around his mouth and was attempting to swallow something. The deputies called for paramedics. While waiting for the paramedics, the deputies asked the man to spit out whatever was in his mouth. The man spat out a small clear plastic baggy containing a white powdery substance. The man was alert and somewhat responsive and obeyed the deputies’ orders. While the man began to exhibit some signs of an opioid overdose, including becoming less responsive to deputies as the encounter continued, he was not in obvious respiratory distress. Deputies discussed whether they should administer Narcan but ruled it out because they believed it should only be used on persons who were unconscious, and the man was still alert and conscious. Within minutes of this discussion, Pasadena Fire Department personnel arrived on scene and began to take over the care of the man. When the deputies handed over the care of the man to the fire officials, the man was still conscious. The fire officials transported the man to a nearby hospital, where he was pronounced dead.

At the Critical Incident Review, Sheriff’s Department’s members discussed conducting further research into this issue to see if deputies should have administered Narcan when the man was still conscious and alert but was having some evident medical

distress from swallowing narcotics. The Department of Public Health's standing order authorizes deputies to administer Narcan when a person is experiencing respiratory depression or is unresponsive. In similar situations, where the person was in the Sheriff's Department's custody facilities, the Sheriff's Department has reported the use of Narcan when signs of opioid overdose are present even absent respiratory distress and when the person is not completely unresponsive. There are times that Sheriff's Department custodial staff have waited for medical staff to administer Narcan but, unlike in the field, medical staff are available at the jail facilities.

The Office of Inspector General agrees that the Sheriff's Department evaluate whether their training, policy and authorization should be modified to allow administration of Narcan on a person that is in evident medical distress from ingestion of drugs, although remains responsive and not in respiratory distress, and in what circumstances. In doing so, the Sheriff's Department should work with the Department of Public Health, the Department of Health Services, and any other relevant County stakeholder or medical expert in crafting policy on administering medication. In any such revision, the Sheriff's Department should bear in mind that any training and policy on this matter has to be clear enough to follow to ensure deputies in the field have a proper understanding and uniform direction as to what to do in a range of situations. Any policy allowing for the administration of Narcan to responsive subjects must also address questions of consent, and how deputies should respond if the person does not consent to medication. Finally, the Sheriff's Department may account for the ready (and expanding) availability of Narcan, as the United States Food and Drug Administration in March 2023 approved Narcan to be sold over the counter, without a prescription.²⁰

CUSTODY DIVISION

Distribution of Thermal Garments

Though the Los Angeles Sheriff's Department aspires to "provide and maintain comfortable temperatures within all jail facilities,"²¹ temperatures in Los Angeles County jail facilities are subject to significant seasonal temperature variation.

²⁰ U.S. Food & Drug Administration, "FDA Approves First Over-the-Counter Naloxone Nasal Spray."

<https://www.fda.gov/news-events/press-announcements/fda-approves-first-over-counter-naloxone-nasal-spray> (Accessed April 11, 2023).

²¹ See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 3-06/035.00, "Heating, Cooling, and Ventilation of Facilities."](#)

During summer months, the seasonal rise in temperature often causes overheated conditions within jail facilities, which have historically faced challenges posed by outdated facilities, including insufficient air conditioning and maintenance issues. Despite these challenges, the Sheriff's Department reports it has taken "alternative measures ... to compensate for the uncomfortable temperature[s],"²² including placing industrial fans in living units, distributing ice, and increasing the frequency of shower programming.

Similarly, during winter months, Sheriff's Department staff and people in custody experience periods of prolonged cold within jail facilities. During the first quarter of 2023, Los Angeles County experienced unprecedented winter storms,²³ the effects of which were also experienced by persons in custody. Consequently, Office of Inspector General staff received an increased number of complaints by people in custody of extreme cold.

Office of Inspector General monitors observed this precipitous decrease in temperature during routine site visits. Monitors noted temperatures in some areas of the jails as low as 58 degrees Fahrenheit and observed people in custody utilizing plastic garbage bags as blankets and sleeping in plastic garbage bins to shelter from the cold. Sheriff's Department executives responded to substantial heating system malfunctions within the downtown jail facilities, and, during the late fall of 2022 and the early winter of 2023, two people who died in custody experienced symptoms consistent with hypothermic arrest prior to their deaths.

To mitigate these living conditions, many people in custody have requested long-sleeved thermal undergarments. The standard issue of clothing and bedding for people in custody includes one uniform, consisting of a short-sleeved shirt and pants, one short-sleeved undershirt, and one blanket.²⁴ While individual facilities may have unit orders that allow people in custody to have additional clothing based on weather

²² See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 3-06/035.00, "Heating, Cooling, and Ventilation of Facilities."](#)

²³ See [Los Angeles Times, Winter storms likely to bring Los Angeles its longest cold snap in almost 20 years," \(February 28, 2023\).](#)

²⁴ See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 5-11/060.00, "Bedding, Linen, and Clothing Exchange."](#)

conditions,²⁵ the Custody Division Manual outlines that the Sheriff's Department may "provide blankets, jackets, [and] extra clothing," to ameliorate cold temperatures.²⁶

In response to Office of Inspector General inquiries regarding the issuance of thermal undergarments, Sheriff's Department staff noted the following distributions:

- approximately 30 thermal tops issued to people in custody at North County Correctional Facility (NCCF),
- approximately 300 thermal tops and bottoms issued to people in custody at Men's Central Jail (MCJ),
- approximately 300 thermal tops and bottoms issued to people in custody at Twin Towers Correctional Facility (TTCF),
- approximately 300 thermal tops and bottoms issued to people in custody at Century Regional Detention Facility (CRDF),
- approximately 30 thermal tops issued to people in custody at Pitches Detention Center North (PDC North), and
- approximately 30 thermal tops issued to people in custody at Pitches Detention Center South (PDC South).

Individuals who presently receive thermal undergarments in these facilities based on medical need, classification, or trustee status have stated to Office of Inspector General staff that that they often receive undergarments that are destroyed or soiled.

In response to questions regarding the practicability of thermal undergarment distribution, the Sheriff's Department estimated that it would need to purchase approximately 550,000 thermal tops and bottoms in order to issue a thermal undergarment set to the approximate 13,500 people in custody presently housed within Los Angeles County jail facilities. The Sheriff's Department estimated that this would cost approximately \$3.1 million.

However, as of April 5, 2023, the Sheriff's Department confirmed that it has a total of approximately 315,000 thermal tops and bottoms in inventory that are not being distributed to people in custody. Sheriff's Department staff have indicated that thermal undergarments are not presently distributed to people in custody in general population, as thermal undergarment distribution is not mandated by Title 15, and because the

²⁵ See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 5-06/010.05, "Allowable Inmate Property – Male Inmates"](#) and [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 5-06/010.10, "Allowable Inmate Property – Female Inmates."](#)

²⁶ See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 3-06/035.00, "Heating, Cooling, and Ventilation of Facilities."](#)

Sheriff's Department command staff believe that people in custody would destroy the thermal undergarments and create security concerns by concealing contraband in thermal undergarments. However, the Office of Inspector General sees little logic in holding large stores of thermal undergarments while people in custody experience precariously low temperatures.

As the Custody Division Manual requires that the Sheriff's Department undertake efforts to distribute clothing or linens to compensate for cold temperatures,²⁷ the Office of Inspector General strongly recommends that the Sheriff's Department formulate a plan well before next winter for how to monitor temperatures inside units and to distribute these thermal undergarments to people in custody to alleviate uncomfortably, and sometimes dangerously, cold conditions of confinement.

Availability of Personal Hygiene Products

California Code of Regulations Title 15, Minimum Standards for Local Detention Facilities, section 1265 provides that "[e]ach person to be held over 24 hours who is unable to supply themselves with the following personal care items, because of either indigency or the absence of a canteen, shall be issued: (a) toothbrush, (b) [toothpaste], (c) soap, (d) comb, and (e) shaving implements," within 12 hours of being assigned housing. The Sheriff's Department Custody Division Manual expands upon the statutory requirement under Title 15, requiring that the hygiene items enumerated in section 1265, as well as deodorant and shampoo, be provided to all people in custody at the time of initial housing.²⁸

Following initial admission, people in custody are expected to supply themselves with personal care and hygiene items through commissary, unless they are indigent.²⁹ Indigent people in custody who are unable to purchase personal care and hygiene items through commissary are to be "provided the needed item upon request" from module

²⁷ See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 3-06/035.00, "Heating, Cooling, and Ventilation of Facilities."](#)

²⁸ See [Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 5-13/090.00, "Personal Care Items and Supplies for Inmates."](#)

²⁹ Per Los Angeles County Sheriff's Department Policy, "[a]n inmate shall be considered indigent if he has less on account with the cashier than the standardized established price needed to purchase an indigent [hygiene] kit." See [Los Angeles County Sheriff's Department, Manual of Policies and Procedures, 5-13/080/00, "Indigent Inmates."](#)

officers, who are responsible for ensuring that “personal care items are available for distribution upon request.”³⁰

Custody Division staff distribute soap, toilet paper, and sanitary napkins to people in custody as needed, regardless of indigency. Yet Office of Inspector General monitors routinely observe a lack of personal hygiene supplies, including soap and toilet paper, in the possession of persons in custody. A significant portion of the complaints received by Office of Inspector General monitors concern to the lack of personal hygiene items in jails.

Indigent people in custody often report being unable to obtain personal hygiene items from module officers. Custody Division staff are generally responsive to these concerns, and frequently attempt to provide these hygiene products to indigent people in custody immediately. However, staff sometimes report that hygiene products are unavailable, and that indigent people in custody will have to wait until floor stock is replenished or new shipments arrive to receive hygiene items. Indigent people in custody have reported that these shortages often result in them being unable to access hygiene items for days at a time.

Non-indigent people in custody additionally encounter challenges in acquiring personal hygiene products. Keefe Commissary Network is the sole commissary vendor for Los Angeles County Jails, and the only provider by which non-indigent people in custody can purchase personal hygiene items. People in custody report that personal hygiene items are frequently out of stock and unavailable to order from the Keefe Commissary Network.

Moreover, Keefe Commissary Network sells products to people in custody at significant markups that have been challenged in a recent proposed class-action lawsuit, filed in Los Angeles County on April 4, 2023.³¹ The plaintiffs, a person formerly incarcerated at Men’s Central Jail and an individual who paid commissary fees for loved ones incarcerated in Los Angeles County Jails, cite a 2019 Los Angeles County Office of Inspector General presentation³² outlining inflated commissary costs in arguing that the

³⁰ See [Los Angeles County Sheriff’s Department, *Manual of Policy and Procedures*, 5-13/090.00, “Personal Care Items and Supplies for Inmates.”](#)

³¹ [Johnson v. County of Los Angeles, Superior Court of California, County of Los Angeles \(2023\).](#)

³² See the [Office of Inspector General’s presentation to the Los Angeles County Civilian Oversight Commission, “Inmate Welfare Fund” \(September 17, 2019\).](#)

markups amount to an unlawful tax on incarcerated people. In a recent interview with the Los Angeles Times, Sheriff Luna acknowledged that these markups were “unfair.”³³

There are widespread concerns among people in custody, Custody Division staff, and advocates that the lack of availability and distribution of personal hygiene items exacerbate unsanitary conditions of confinement within Los Angeles County jail facilities. The Office of Inspector General will continue to monitor hygiene and cleanliness within Los Angeles County jail facilities and respond to complaints brought by people in custody relating to the availability of personal hygiene products.

In-Custody Deaths

Between the beginning of this calendar year and March 31, 2023, eight individuals died while in the care and custody of the Sheriff’s Department. While many of the manner of death classifications for the 2023 in-custody deaths have not yet been determined by the Los Angeles County Medical Examiner-Coroner, preliminary findings suggest four deaths were due to natural causes, two deaths were accidents (suspected overdoses), and two deaths were suicides.³⁴

On January 1, 2023, changes to the Penal Code imposed by AB 2671 went into effect, including the addition of [section 10008](#), which requires state and local correctional facilities to report of information on in-custody deaths, including the manner and means of the death, within 10 days of the death, with updates required within 30 days of any change in that information.³⁵ The law requires that the information be posted on the custodial [agency’s website](#).

³³ See [Los Angeles Times, Lawsuits target ‘extortionate’ phone calls, commissary items in California Jails \(April 5, 2023\)](#).

³⁴ In the past, the Office of Inspector General has reported on the preliminary cause of death as determined by Sheriff’s Department and Correctional Health Services personnel. Because the information provided is preliminary, the Office of Inspector General has determined that the better practice is to report on the manner of death. There are five manner of death classifications: (1) natural, (2) accident, (3) suicide, (4) homicide, and (5) undetermined. Natural causes include illnesses and disease and thus deaths due to COVID-19 are classified as natural. Overdoses may be accidental or the result of a purposeful ingestion, the Sheriff’s Department and Correctional Health Services (CHS) use evidence gathered during the investigation to make a preliminary determination as to whether an overdose is accidental or purposeful. Where the suspected cause of death is reported by the Sheriff’s Department and CHS, the Office of Inspector General will include this in parentheses.

³⁵ There is a 10-day delay permitted if the agency is not able to timely locate the next-of-kin to make the death notification.

Between January 1, 2023 and March 31, 2023, eight individuals died while in the care and custody of the Sheriff's Department. Of these eight decedents, two died at Men's Central Jail (MCJ), one died at North County Correctional Facility (NCCF), and five died in hospitals to which they had been transported.

Office of Inspector General staff attended the CSD Administrative Death Reviews for each of the eight in-custody deaths.

The following summaries, arranged in chronological order, provide brief descriptions of each in-custody death:

On January 10, 2023, an individual was found unresponsive and presenting with blunt force trauma in a hallway at NCCF. Preliminary findings, later confirmed by CCTV, indicated that the individual died by suicide after climbing and jumping off a second story railing. Responding staff did not render emergency aid, citing the extent of the individual's injuries. Preliminary manner of death: Suicide.

On January 11, 2023, an individual was found unresponsive at MCJ after people in custody alerted deputies to a man down due to medical emergency. Sheriff's Department staff, CHS staff, and paramedics all rendered emergency aid, but the individual was pronounced dead at the scene. Preliminary manner of death: Accidental (suspected overdose).

On January 19, 2023, a registered nurse conducting follow-up visits at Twin Towers Correctional Facility (TTCF) found an individual in a weakened and immobile state. Medical staff made contact with the individual two more times prior to rendering emergency aid and contacting paramedics, who transported the individual to Los Angeles General Medical Center (formerly "LAC+USC Medical Center"), where he was pronounced dead the same day. The individual had been in the Inmate Reception Center (IRC) for approximately 35 hours prior to receiving a permanent housing assignment during his intake on December 28, 2022, and was briefly housed in a general population setting despite exhibiting signs of mental illness. Preliminary manner of death: Natural.

On February 15, 2023, an individual died at Los Angeles General Medical Center (LA General Medical Center) after being transported from Twin Towers Correctional Facility Correctional Treatment Center (TTCF-CTC) on February 6, 2023, for a higher level of care. Preliminary manner of death: Natural.

On March 15, 2023, an individual died at LA General Medical Center after being transported from MCJ on February 14, 2023, for a higher level of care. Preliminary manner of death: Natural.

On March 18, 2023, an individual died at LA General Medical Center after being transported from TTCF-CTC on March 1, 2023, for a higher level of care. This individual presented with hypothermia and had a temperature of 87.6 degrees upon arrival at LAC+USC Preliminary manner of death: Natural.

On March 23, 2023, an individual was found unresponsive at MCJ after people in custody alerted Deputies to a man down due to medical emergency. Emergency aid was rendered by Sheriff's Department staff, CHS staff, and paramedics, but the individual was pronounced dead at the scene. Preliminary manner of death: Accidental (suspected overdose).

On March 25, 2023, an individual died at Cedars-Sinai Hospital after being transported from West Hollywood Station Jail on March 19, 2023, where the individual was found hanging from his bunk during a Title-15 check. Preliminary manner of death: Suicide.

Office of Inspector General Site Visits

The Office of Inspector General regularly conducts site visits and inspections at Sheriff's Department custodial facilities to identify matters requiring attention. In the first quarter of 2023, Office of Inspector General personnel completed 113 site visits, totaling 335.5 monitoring hours, to IRC, CRDF, MCJ, TTCF, TTCF-CTC, NCCF, and PDC North.³⁶

As part of the Office of Inspector General's jail monitoring, Office of Inspector General staff attended 161 Custody Services Division (CSD) executive and administrative meetings and met with division executives for 248.5 monitoring hours related to uses of force, in-custody deaths, COVID-19 policies and protocols, Prison Rape Elimination Act (PREA) audits, and general conditions of confinement.

Taser Use in Custody

The Office of Inspector General continues to compile the number of times the Sheriff's Department has employed a Taser in custodial settings. Below are the numbers from April 2021 through March 2023. The numbers below were gathered from the Sheriff's

³⁶ Any site visit or meeting related to Prison Rape Elimination Act (PREA) audits are included.

Department's *Monthly Force Synopsis*, which the Sheriff's Department produces and provides to the Office of Inspector General each month.³⁷

Month	Number of Times a Taser was Employed
April 2021	5
May 2021	3
June 2021	11
July 2021	5
August 2021	4
September 2021	3
October 2021	6
November 2021	3
December 2021	4
January 2022	2
February 2022	3
March 2022	6
April 2022	4
May 2022	6
June 2022	10
July 2022	4
August 2022	6
September 2022	5
October 2022	3
November 2022	4
December 2022	2
January 2023	2
February 2023	0
March 2023	3

Use-of-Force Incidents in Custody

The Office of Inspector General monitors the Sheriff's Department's use-of-force incidents, institutional violence,³⁸ and assaults on Sheriff's Department or CHS personnel by people in custody. The Sheriff's Department reports the following numbers for the uses of force and assaultive conduct within its CSD. The Sheriff's Department is still verifying the accuracy of the reporting of incidents that occurred subsequent to September 30, 2022.³⁹

³⁷ The Office of Inspector General is not opining on whether the use of the Taser in each of these incidents was permissible under the Sheriff's Department's policies or if the Taser was employed lawfully.

³⁸ Institutional violence is defined as assaultive conduct by a person in custody upon another person in custody.

³⁹ The Sheriff's Department recently provided information to the Office of Inspector General regarding some discrepancies in the reported data based upon its internal reporting systems. The Office of Inspector General will work with the Sheriff's Department to understand the reasons for the discrepancies and to ensure accurate reporting.

		Use of Force Incidents	Assaults on Personnel	Incidents of Institutional Violence
2018	1 st Quarter	546	144	871
	2 nd Quarter	592	173	905
	3 rd Quarter	530	131	988
	4 th Quarter	452	115	881
2019	1 st Quarter	501	122	769
	2 nd Quarter	478	132	794
	3 rd Quarter	525	164	858
	4 th Quarter	431	136	709
2020	1 st Quarter	386	131	717
	2 nd Quarter	274	91	496
	3 rd Quarter	333	111	560
	4 th Quarter	390	140	753
2021	1 st Quarter	373	143	745
	2 nd Quarter	430	145	698
	3 rd Quarter	450	153	746
	4 th Quarter	428	136	693
2022	1 st Quarter	384	137	659
	2 nd Quarter	428	118	811
	3 rd Quarter	412	124	932

HANDLING OF GRIEVANCES AND COMMENTS

Office of Inspector General Handling of Comments Regarding Department Operations and Jails

The Office of Inspector General received 150 new complaints in the first quarter of 2023 from members of the public, people in custody and their family members and friends, community organizations and County agencies. Office of Inspector General Staff reviewed each complaint. One hundred and twenty of these grievances related to conditions of confinement within the Department's custody facilities, as shown in the charts below:

Grievances/ Incident Classification	Totals
Medical	76
Personnel Issues	12
Indecipherable	6
Living Condition	3
Showers	2
Food	2
Clothing/Bedding	2
Mental	2
Property	1
Mail	1
Education	1
Telephone	1
Visiting	1
Other	10
Total	120

Thirty complaints related to civilian contacts with Department personnel by people not in custody.

Complaint/ Incident Classification	Totals
Personnel	
Improper Tactics	5
Improper Search, Detention, Arrest	4
Harassment	4
Force	3
Discrimination	2
Discourtesy	1
Dishonesty	1
Neglect of Duty	1
Other	4
Service	
Response Time	1
Policy Procedures	2
Other	2
Total	30

Handling of Grievances Filed by People in Custody

The Sheriff's Department has not fully implemented the use of tablet computers (tablets) in its jail facilities to capture information related to requests, and eventually grievances, filed by people in custody. The Office of Inspector General recommends that inoperable tablets be repaired or replaced and continues to recommend that the Sheriff's Department pursue full implementation of tablets throughout the CSD.

As reported in the Office of Inspector General's report on reform and oversight efforts for the fourth quarter of 2017,⁴⁰ the Sheriff's Department implemented a policy restricting the filing of duplicate and excessive grievances filed by people in custody.⁴¹ The Office of Inspector General continues to raise concerns about the quality of grievance investigations and responses, which likely increases duplication and may prevent individuals from receiving adequate care while in Sheriff's Department custody.

Sheriff's Department's Service Comment Reports

Under its policies, the Sheriff's Department accepts and reviews comments from members of the public about departmental service or employee performance.⁴² The Sheriff's Department categorizes these comments into three categories:

- External Commendation: an external communication of appreciation for or approval of service provided by the Sheriff's Department members;
- Service Complaint: an external communication of dissatisfaction with the Sheriff's Department service, procedure or practice, not involving employee misconduct; and
- Personnel Complaint: an external allegation of misconduct, either a violation of law or Sheriff's Department policy, against any member of the Sheriff's Department.⁴³

⁴⁰ [Office of Inspector General, Los Angeles County Reform and Oversight Efforts: Los Angeles County Sheriff's Department, at 12 \(Fourth Quarter 2017 report, issued Jan. 2018\)](#)

⁴¹ [See Los Angeles County Sheriff's Department, Custody Division Manual, 8-04/050.00, Duplicate or Excessive Filings of Grievances and Appeals, and Restrictions of Filing Privileges.](#)

⁴² [See Los Angeles County Sheriff's Department, Manual of Policy and Procedures, 3-04/010.00, "Department Service Reviews."](#)

⁴³ It is possible for an employee to get a Service Complaint and Personnel Complaint based on the same incident in question.

The following chart lists the number and types of comments reported for each station or unit.⁴⁴

INVESTIGATING BUREAU/STATION/FACILITY	COMMENDATIONS	PERSONNEL COMPLAINTS	SERVICE COMPLAINTS
ADM: CENTRAL PATROL ADM HQ	1	0	0
ADM: DETECTIVE DIV HQ	1	0	0
ADM: NORTH PATROL ADM HQ	0	2	0
ADM: SOUTH PATROL ADM HQ	1	0	0
ALD: ALTADENA STN	3	0	0
AVA: AVALON STN	3	1	0
CAF: COMM & FLEET MGMT BUR	1	0	0
CCS: COMMUNITY COLLEGE BUREAU	5	0	0
CEN: CENTURY STN	5	7	2
CER: CERRITOS STN	2	2	1
CMB: CIVIL MANAGEMENT BUREAU	5	1	0
CNT: COURT SERVICES CENTRAL	0	4	0
COM: COMPTON STN	0	2	0
CPB: COMMUNITY PARTNERSHIP BUREAU	0	2	0
CRD: CENTURY REG DETEN FAC	0	1	0
CRV: CRESCENTA VALLEY STN	7	2	0
CSB: COUNTY SERVICES BUREAU	0	6	0
CSN: CARSON STN	3	3	1
DSB: DATA SYSTEMS BUREAU	1	0	0
ELA: EAST LA STN	0	4	0
EST: COURT SERVICES EAST	1	1	0
FS: FISCAL ADMIN	1	0	0
HOM: HOMICIDE BUREAU	2	1	1
IND: INDUSTRY STN	6	4	2
IRC: INMATE RECEPTION CENTER	1	1	0

⁴⁴ This data was provided by the Sheriff's Department on April 4, 2023, and reflects the data provided as of that date.

INVESTIGATING BUREAU/STATION/FACILITY	COMMENDATIONS	PERSONNEL COMPLAINTS	SERVICE COMPLAINTS
LCS: LANCASTER STN	8	18	2
LKD: LAKEWOOD STN	8	7	2
LMT: LOMITA STN	6	2	0
MAR: MARINA DEL REY STN	3	3	2
MCB: MAJOR CRIMES BUREAU	0	1	0
MCJ: MEN'S CENTRAL JAIL	0	1	0
MLH: MALIBU/LOST HILLS STN	15	12	4
MTL: METROLINK	0	1	0
NCF: NORTH CO. CORRECTL FAC	0	0	1
NWK: NORWALK REGIONAL STN	8	5	1
OSS: OPERATION SAFE STREETS BUREAU	1	1	0
PKB: PARKS BUREAU	1	0	0
PLM: PALMDALE STN	18	17	1
PRV: PICO RIVERA STN	1	1	1
SCV: SANTA CLARITA VALLEY STN	12	6	1
SDM: SAN DIMAS STN	10	3	1
SIB: SHERIFF'S INFORMATION BUREAU	0	1	0
SLA: SOUTH LOS ANGELES STATION	5	16	3
SO: PITCHESS SOUTH FACILITY	2	1	1
SSB: SCIENTIFIC SERV BUREAU	1	0	0
SVB: SPECIAL VICTIMS BUREAU	2	1	0
TEM: TEMPLE CITY STN	7	6	0
TSB: TRANSIT SERVICES BUREAU	1	1	0
TT: TWIN TOWERS	1	1	0
WAL: WALNUT/SAN DIMAS STN	3	6	1
WHD: WEST HOLLYWOOD STN	6	4	1
WST: COURT SERVICES WEST	1	4	1
Total :	169	163	30