

OIR REVIEW OF PROBATION CAMP INVESTIGATIONS
3rd QUARTER 2011

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
196	Subject (1) DPO I Subject (2) DPO I	Minor alleged that Subject 1 grabbed him by his face with one hand while he was seated in a chair and threw him to the ground. Subject 2 allegedly held the minor down. Minor alleged that use of force resulted in him sustaining a scratch on his cheek.	<ul style="list-style-type: none"> ▶ Presence or absence of video camera should be included in case summary. ▶ The investigation should be completed in a timely manner. ▶ Ask direct questions regarding specific injuries to witnesses. 	Unsubstantiated	OIR concurred with unsubstantiated finding for both Subjects for excessive/unnecessary force. An independent witness supported the Subject's contention that no force was used.	N/A
192	Subject (1) GSN Subject (2) GSN Subject (3) GSN Subject (4) GSN	Subjects left the dorm door open to help ventilate the dorm with fresh air which resulted in two Minors escaping.	<ul style="list-style-type: none"> ▶ Include in the case summary if video cameras were present and operating in the dorm. ▶ Include in the case summary when the escaped minors were captured. ▶ Include in the case summary type of injuries sustained by minors and if they were medically examined. 	Substantiated	OIR concurred with substantiated finding for negligent supervision for all Subjects.	Pending
179	DPO I	Minor alleged Subject pushed him and struck his face with a squeegee handle during shower time. Minor indicated he was upset prior to the incident because the Subject had turned off their showers and he had to rinse off the soap from his body at a bathroom sink.	<ul style="list-style-type: none"> ▶ Ensure each allegation is specifically covered in the Subject's interview. ▶ Ask follow-up questions regarding Minor's statements about his injuries. 	Substantiated	OIR concurred with substantiated finding for excessive/unnecessary force allegation based on consistent Minor witness accounts.	Pending

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178	Subject (1) DPO I Subject (2) SDPO	Minor alleged that Subject 1 pepper sprayed him for no reason. Minor also alleged that Subject 2 attempted to offer minor a bribe to prevent him from calling the Ombudsman.	<ul style="list-style-type: none"> ▶ Complete case report in a timely manner. ▶ Correct interview transcripts. ▶ Review video tape with Subject during her interviews. 	Unsubstantiated	OIR concurred with unsubstantiated finding for excessive/unnecessary force due to insufficient evidence. Video footage supports Subject's account of force incident. No corroborating evidence of attempted bribe.	N/A
177	DPO I	Two Minors began to engage in a fist fight. Subject stepped between them while another staff member pulled away one minor. Second Minor tried to reach over or around Subject to continue the fight and Subject pushed him back against a wall and placed his hand against Minor's neck.	<ul style="list-style-type: none"> ▶ Include exhibits in the file. ▶ Obtain and include the health assessment form on the Minor if there is one. ▶ Allow staff witnesses who wrote PIRs or PINs, etc., to read them before completing an interview if they request to do so. 	Unsubstantiated	OIR concurred with unsubstantiated finding for excessive/unnecessary force. Evidence supports inadvertent use of improper technique that did not cause injury. Recommendation for refresher SCM training.	N/A

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176	DPO I	Subject slammed Minor into a wall and onto the ground during a restraint and called minor a "bitch and a snitch". Witnesses have heard the Subject use profanity in the past.	<ul style="list-style-type: none"> ▶ Include video footage (covering activity peripheral to the incident) in case summary and submit it as an exhibit. ▶ Question minors as to the "bitches and snitches" phrase. Try to establish if the minors have heard the subject use this phase during or prior to the incident. ▶ IIO investigator needs to establish which minors were present in the two groups that DPO was supervising prior to the incident. ▶ When questioning about past use of profanity, ask Subject and witnesses when and where the admitted profanity was used. Have Subject describe, in detail, the circumstances in which the profanity was used. ▶ Interview staff witness and ascertain what she heard and saw the Subject do. ▶ Ask staff witness if he saw the Subject twist the minor's arm and if he heard the Subject use the phrase. ▶ Handwritten corrections were made on several interview transcriptions with no information as to who made these correction and why they were made. 	<ul style="list-style-type: none"> 1) Unsubstantiated 2) Substantiated 	OIR concurred on the unsubstantiated finding of the use of force allegation. OIR does not concur on the substantiated finding of employee conduct (profanity) allegation. Evidence is not specific as to time and victims.	Pending

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175	DPO I	Two minors were involved in an altercation. Subject stepped in between them to stop altercation. Minor pushed Subject. Both Minor and Subject fell to the floor. Minor's arm was fractured.	<ul style="list-style-type: none"> ▶ Acquire medical opinion or document that indicates whether the injury ("spinal fracture") was consistent with other evidence of the incident. ▶ Point out to camp management that this case meets criteria for SIU referral and should have been referred immediately. ▶ Absence of video camera should be noted in report. ▶ Adhere to revised report summary format. ▶ Injuries to Minor and Subject should be described in report summary. ▶ Proofread interview transcripts. Correct mistakes and missing pages. ▶ Civilian witnesses (e.g. teacher) should be interviewed. 	Unsubstantiated	OIR concurred with unsubstantiated finding for excessive/unnecessary force due to substantial evidence supporting Subject's statements, but requested further documentation with medical expert.	N/A
173	DPO I	Minor alleged Subject placed his hands around the Minor's neck in response to the Minor's stomping his foot in the Subject's direction. Subject then allegedly pushed the Minor backwards, slammed him onto his bed, then punched the Minor on the back of his head.	<ul style="list-style-type: none"> ▶ Questions to minor witnesses should be consistent and cover not only witness location during the incident, but who else may have witnessed the incident. ▶ Absence of video cameras at location should be noted in report. ▶ If the dorm bed chart is used for one minor's interview then it should be used for all witness interviews and made an exhibit. ▶ The investigation should be completed in a timely manner. 	Unsubstantiated	OIR concurred with unsubstantiated finding for excessive/unnecessary force due to insufficient evidence. Conflicting witness evidence regarding use of hands near the Minor's neck and lack of injuries or marks contradict allegations of force.	N/A

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172	GSN	Subject used an unauthorized wrist lock technique on Minor in the course of restraining and removing him from a dorm to the SHU. Restraint was used after the Minor created a disturbance threatening staff at the control center and throwing objects around. There was no evidence of injury or complaint of pain.	<ul style="list-style-type: none"> ▶ Obtain Department expert opinion on force training. ▶ Correct incident date under Delays in Reporting section of report. ▶ Include exhibits in investigative file. 	Substantiated	OIR concurred with substantiated finding for unauthorized force technique and recommends refresher training on SCM.	Pending

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170	DPO I	Staff admonished a minor then struck him with his hand. Minor fought back. Minor was uncooperative with investigation.	<ul style="list-style-type: none"> ▶ Add description of contents of surveillance video. ▶ Avoid long delays between interviews of witnesses. ▶ No explanation of delay by camp in referring incident for investigation. ▶ Use of video in Subject interviews effective, appropriate and fair. 	Substantiated	OIR concurred with substantiated finding for unnecessary force. Video evidence and interviews using video evidence were persuasive.	Pending
165	DPO I	Minor alleged that Subject bumped into him at the water faucet and slammed him to the floor during a restraint. Minor indicated he sustained a scratch on his nose and side of his neck.	<ul style="list-style-type: none"> ▶ Add citations to the specific policies violated in the Findings or Allegations section (including false/misleading statements). ▶ Interview nurse. ▶ Complete initial interview of Subject and obtain basic statements about the facts before introducing the video as a tool of examination. 	Substantiated	OIR concurred with substantiated finding for excessive/unnecessary force. Evidence, including video, supported allegations of unnecessary force.	Pending

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157	Subject (1) GSN Subject (2) GSN Subject (3) DPO II Subject (4) DPO I	While in the bathroom, Minor attempted to commit suicide by hanging himself with a bed sheet. The Subjects allegedly failed to properly document the attempted suicide. Subject 4 permitted Minor to walk to the bathroom with a bed sheet tied around his shoulders. Subjects 1, 2, 3 physically intervened preventing the suicide. (Minor had not been classified as suicidal)	<ul style="list-style-type: none"> ▶ Add negligent supervision/poor judgment as an alleged policy violation for Subject 4. ▶ Obtain any and all documentation of the camp's investigation. ▶ Obtain explanation for the camp's delay in reporting the incident. ▶ Determine if post-incident protocols were followed (timely mental health evaluations, medical treatment, etc). ▶ State in report if the Minor was ever classified as "suicidal" or placed on the highest level of scrutiny. ▶ Obtain any prior documented incidents of self-harm. ▶ Include medical/mental evaluation documents. ▶ Review the transcripts for typos (i.e. check spellings for names of Subjects). ▶ Include all PIRs, SIRs, etc related to incident. 	<p>1) Unsubstantiated for Subjects 1,2,3,4. Evidence showed that Subjects submitted incorrect documentation per supervisor's instruction</p> <p>2) Substantiated for Subject 4 for poor judgment</p>	<p>1) OIR concurred with unsubstantiated finding for Subjects 1,2,3,4. Recommend training for all Subjects on documentation of suicide attempts.</p> <p>2) OIR concurred with substantiated finding for Subject 4 for poor judgment. OIR also recommended that Subject be retrained on suicide prevention and that the Bureau issue a directive prohibiting bed sheets and other bed linens from being removed from bed.</p>	1 day suspension for Subject 4 imposed will receive re-training on suicide prevention
138	DPO II	Minor alleged that he was grabbed by the shirt, slammed on the wall, and choked. Minor was upset that he was being transferred to SHU and that the Subject was searching his personal items. Minor tried to grab or slap Subject's hands. Subject ordered the minor to his room, then turned around, grabbed Minor's shirt, and pushed him toward his room. Medical report indicated no injuries consistent with choking.	<ul style="list-style-type: none"> ▶ Complete a more extensive interview of the Subject; avoid leading questions; ask about the actions of other staff who were directly involved. ▶ Complete investigation in a timely manner. ▶ Camp management should consider referring the Subject for supplemental SCM training. 	Unsubstantiated	OIR concurred with unsubstantiated finding for excessive/unnecessary force.	N/A

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137	Subject (1) DPO I Subject (2) DPO I	Female minor was walking on the top of lockers, inciting other minors and threw a bottle at staff. Two staff restrained her and all three fell to the floor. Minor alleged that staff kned her repeatedly and fractured her elbow. As a result of the physical intervention, Minor's arm was injured (swelling on elbow but no fracture).	<ul style="list-style-type: none"> ▶ Point out to camp management that Subject was permitted to escort the complaining Minor to the hospital and suggest that they determine who made this decision in order to avoid the practice in the future. ▶ Interview the nurse who made the original medical assessment of the Minor or explain why it was not possible to interview the nurse. ▶ Include the nurse's medical assessment form and any available documentation that reflects the diagnosis at the hospital. ▶ Indicate whether there is any explanation for the 8-day delay before the camp notified IIO. ▶ Avoid long delay (over 60 days) before staff witnesses and Subjects are interviewed. ▶ Complete investigation in a timely manner. ▶ The CSA prepared by the supervisor should be included in the file. 	Unsubstantiated	OIR concurred with unsubstantiated finding for excessive/unnecessary force. Most evidence supported inadvertent fall to floor and was not consistent with knee strikes to the head or other forms of unauthorized force.	N/A
113	DPO II	Two Minors alleged that when Minors became disruptive in the showers, Subject told the platoon that the water would be turned off in 30 seconds. Some minors had to wash remaining soap off at the sinks and began laughing. Subject came over and pushed one minor who almost fell down. Subject called another minor a "bitch" and "Napoleon." Later in response to talking by a few minors, a second DPO sent the whole platoon outside to exercise in the cold.	<ul style="list-style-type: none"> ▶ The investigation should be completed in a timely manner. ▶ Interview all relevant witnesses including those to whom the complaining minor first tells his story. ▶ Insure that crucial dates upon which POBR calculations may depend are accurate. ▶ At the triage stage, consider referring a case of this nature back to the institution for investigation. 	Unsubstantiated	OIR concurred with unsubstantiated finding for all allegations.	N/A

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112	DPO I	Minor refused to leave a classroom and continued to laugh and talk loudly, staff began to escort her out. She tried to slip away and staff restrained her. During the restraint, Subject inadvertently grabbed minor's ponytail. No injuries. Minor did not complain about force. Supervisor gave Subject poor guidance on proper documentation of incident.	<ul style="list-style-type: none"> ▶ The investigation should be completed in a timely manner. ▶ Resolve the video copying problem with the camp. ▶ Describe the video evidence in detail in reports. ▶ Confer with camp management to determine whether supervisor's misunderstanding of policy has been addressed. 	Unsubstantiated	OIR concurred with unsubstantiated finding.	N/A
90	SDPO	<p>Minor alleged that Subject denied him the right to use a restroom. Minor urinated in a bottle that spilled onto the floor. Later, the minor was sent to the Special Housing Unit and while there he reportedly attempted suicide with a bed sheet. Minor was not injured.</p> <p>Subject failed to ensure that the proper documentation recorded the attempted suicide.</p>	<ul style="list-style-type: none"> ▶ Include all relevant Department policies or directives in report/file. ▶ Include details about the attempted suicide in the investigative summary ▶ Expand scope of investigation (i.e., negligent supervision, reporting violations). ▶ Include all potential Subjects under one case file/investigation. (OIR recommended this case to be investigated under a single file number with OIR #157). ▶ Determine whether the Subject has any other prior substantiated cases. ▶ Explain why camp did not refer the case to IIO in a timely manner. ▶ Obtain statements/recording of interviews conducted by camp personnel. ▶ Indicate in report whether there was a video of the incident. 	<p>1) Unsubstantiated</p> <p>2) Substantiated</p>	<p>1) OIR concurred with unsubstantiated finding for denying Minor bathroom request. Evidence indicates that denial was temporary while staff responded to dorm disruption.</p> <p>2) OIR concurred with substantiated finding for insufficient and improper documentation.</p>	5 day suspension imposed

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089	Unknown staff	Minor alleged that during a major disturbance (minors fighting minors) he was kicked numerous times on various body parts by unidentified staff member during a restraint.	<ul style="list-style-type: none"> ▶ The report should include copies of any relevant PIRs from the disturbance and a description of their relevance. ▶ The report should indicate why complaining Minor and one witness Minor were the only minors selected for interview. ▶ The report should reflect any efforts to determine if the complaining Minor was restrained and by whom. ▶ Complete cases in a timely manner, especially once interviews are complete. ▶ Work out procedures with camps to preserve evidence of injuries or the lack thereof following allegations of misconduct. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on contradictions between witnesses.	N/A
088	DPO I	During morning meal time, two minors slipped into the bathroom and fought. As a result, one minor received an injury on his lip. After reviewing the video, the camp Director notified IIO of the incident and was concerned that the Subject may have staged or permitted the fight.	<ul style="list-style-type: none"> ▶ Interview all relevant witnesses. ▶ Inform camp management of possible video malfunction. ▶ Indicate in investigative report the time frame of the relevant portions of the video and describe what the video depicts. ▶ Encourage investigators to show Subjects relevant video in the course of the interview process. 	Unsubstantiated	OIR concurred with unsubstantiated finding. The video evidence was insufficient to support the allegation that the Subject staged the fight between minors.	N/A

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084	Unknown staff	Possible negligent supervision of minors. Minor alleged that another Minor sodomized him after forcing him into the shower stall and forcing him to pull his pants down. The Minor made the allegation approximately one month after the incident allegedly occurred. Minor was not fully cooperative with Department and local law enforcement investigators, refused to submit to a sexual assault examination or complete IIO interview. Minor was unable to identify potential suspect in photos and indicated there were no witnesses to the incident. District Attorney declined to file sex assault case due to insufficient evidence.	<ul style="list-style-type: none"> ▶ Include date Department became aware of allegations in report. ▶ Ask Minor why delay in reporting the alleged incident. ▶ Address whether staff followed reporting protocols (re: SCARS). ▶ Interview additional staff. ▶ Address whether staff followed protocols (separating minors, medical/mental evaluations, etc.) following report of incident. ▶ Obtain and include affidavits in the investigative file. ▶ Follow up on outcome of criminal investigation of youth-on-youth violence. (Police report was obtained through OIR intervention). 	Unsubstantiated	OIR recommended a finding of inconclusive regarding negligent supervision by staff because there was insufficient evidence to determine whether the alleged underlying incident occurred.	N/A
067	DPO II	Minor alleged that Subject punched him in the ribs for no reason. Another Minor reported to staff that the complaining Minor asked him to make a false statement corroborating his allegation. Investigation conducted by camp resulted in unsubstantiated finding.	<ul style="list-style-type: none"> ▶ Include nurse's health evaluation form in the case file. ▶ Obtain and include affidavits submitted by complaining minor and witness minors in the investigative file. ▶ Obtain any notes taken by staff during the course of their interviews with involved minors. 	Insufficient Evidence (*)	OIR concurred with insufficient evidence finding.	N/A

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064	DPO II	Two minors alleged that Subject uses inappropriate language towards minors calling one a "little f**ker." Subject also allegedly threatened to deploy OC spray if Minor did not exit the shower within a specified time.	<ul style="list-style-type: none"> ▶ Return the case to the camp for further evidence gathering. Allegations do not meet the criteria for centralized investigations. ▶ Camp personnel should interview involved minors, staff and potential witnesses. ▶ Include an IIO case number for cases that result in insufficient evidence finding. 	Insufficient Evidence (*)	OIR concurred with insufficient evidence finding.	N/A
060	Subject (1) DPO I Subject (2) Unknown staff	Two possible incidents were not reported. First, Minor was slammed against the wall because he blurted out that he was not invisible after requesting a cup to drink out of. Second, a fight occurred among minors in the dorm - an unidentified staff tackled one of the combatants even though he was no longer showing any hostility.	<ul style="list-style-type: none"> ▶ Minors need to be interviewed to determine if the above cases submitted in the investigation package are the correct incidents in question. 	Insufficient Evidence (*)	OIR does not concur with IIO recommendation based on the discrepancies between the alleged incidents and the incidents identified in the investigative package. Case should be referred back to camp to determine whether records indicate any incidents similar to those described by Minors.	N/A
056	LACOE TEACHER	Minor alleged that LACOE Teacher permitted two minors to fight during class. It was also alleged that LACOE Teacher offered extra credit if the minors, as a group, would physically assault the complaining Minor for being disrespectful.	<ul style="list-style-type: none"> ▶ Include all witness statements. ▶ Make notation in investigative report if video cameras recorded the incident. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on conflicting statements made by other minors.	N/A

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UPDATES FROM 2nd QUARTER 2011						
037	DPO I	Minor alleged Subject threw a burrito at his head.	[OIR did not complete an initial evaluation to IIO. Case evaluation went directly to Performance Management.]	1) Unsubstantiated 2) Substantiated	OIR concurs with unsubstantiated finding for excessive and/or unnecessary use of force allegation. OIR concurs with substantiated finding for inappropriate behavior based on interviews with minors and staff and subject's own admission that he threw the burrito in the direction of minor. OIR recommended adding Directive 1211 (Cooperation with Investigation) and PDPM 615 (accurate information in reports) as violations.	Notice of Intent to Suspend 10 days At Skelly hearing reduced to 5 days suspension
006	DPO I	1) Subject allegedly pushed minor and used excessive and unnecessary force while trying to restrain and place minor in a headlock. 2) Several days after the incident, Subject completed a written affidavit documenting the incident instead of submitting a Preliminary Incident Report, as per policy.	<ul style="list-style-type: none"> ▶ Obtain all relevant documents, including affidavits. ▶ If documents are not available or missing determine why these documents were not secured. ▶ Determine whether possible supervisory shortcomings regarding missing documents, (no Preliminary Incident Report, delay in medical attention) should be explored as part of the investigation. ▶ Determine if/why there was a delay in providing medical attention to the minor. ▶ Interview all relevant witnesses, including medical staff. 	1) Unsubstantiated 2) Substantiated	OIR concurs with unsubstantiated finding of excessive/unnecessary force allegation. Insufficient evidence to determine whether Subject unnecessarily initiated the restraint on minor or if the restraint was a result of minor assaulting Subject. OIR concurs with substantiated finding for Subject's failure to properly document the use of force in a timely manner. Injury to Subject is a possible mitigating factor.	5 day suspension imposed

GLOSSARY

CSA	Child Safety Assessment	SCM	Safe Crisis Management (use of force policy)
DPO	Deputy Probation Officer	SDPO	Supervising Deputy Probation Officer
GSN	Group Supervisor, Nights	SIU	Special Investigations Unit
IIO	Internal Investigations Office	SKELLY	Due Process Hearing
LACOE	Los Angeles County Office of Education		
OIR	Office of Independent Review		
PDPM	Probation Department Policy Manual		
PIN	Preliminary Incident Notification		
PIR	Physical Intervention Report		
POBR	Peace Officers Bill of Rights		
SCAR	Suspected Child Abuse Report		

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