

OIR REVIEW OF PROBATION CAMP INVESTIGATIONS

OIR #	OIR OPEN DATE	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT FINDINGS	OIR RECOMMENDATIONS Findings	OUTCOME
139	5/23/2011	(A) Manager (B) DPO I	Minor alleged that manager and a DPO forcefully grabbed him and threw him face down on his bed because he was laying the wrong way.	<ul style="list-style-type: none"> ▶ Assign cases related to force incidents right away so that witness memories and/or the incident scene are still fresh. ▶ Return to the institution as soon as possible after the initial roll out to interview staff. ▶ Health evaluation forms and relevant medical records should be included in the file. ▶ The complaining minor's affidavit, the SCAR, and the subject's reports should be included in the investigative file. ▶ Any notes or other documentation of supervisor interviews of the complaining minor should be included in the investigative file. 	UNSUBSTANTIATED	OIR concurs with unsubstantiated finding on excessive/unnecessary force allegation based on the necessity of staff members to use reasonable force to gain control of the dorm.	N/A
111	5/13/2011	LACOE TEACHER	Minor alleged that Subject teacher regularly brought contraband (snack food, toiletries, cigarettes and lighters) to the camp and sold it to the minors for cash.	<ul style="list-style-type: none"> ▶ Specify the policy violations at issue in the case. ▶ Explore possible relationship between minors who support allegations of misconduct. ▶ Consider interviewing school principal and other teacher with nearby office. ▶ Inform LACOE of Department's expectations that teachers will cooperate with internal investigations. 	SUBSTANTIATED	OIR concurs with substantiated finding. There is sufficient evidence to support the allegation made by minor that Subject was selling contraband in exchange for money.	Teacher was removed from camp by LACOE and assigned to non teaching duties.

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087	4/29/2011	DPO I	Minor saw Subject touch another Minor's buttocks.	<ul style="list-style-type: none"> ▶ Complete investigation in a timely manner. ▶ Interview all involved minors as soon as possible after incident. ▶ Do not employ random sample technique of choosing among potential witness minors to interview. 	UNSUBSTANTIATED	OIR concurs with the finding of unsubstantiated based on the lack of cooperation by alleged victim and evidence of collusion by minor witnesses.	N/A
071	4/14/2011	(A) DPO II (B) DPO II	Minor sustained a cut to his head from a bed frame after Subjects physically intervened to break up a minor-on-minor fight.	<ul style="list-style-type: none"> ▶ Clarify reporting policy so that facilities make immediate notification to IIO regarding uses of force/ injuries to minors. ▶ Explain in investigative report reason for camp's failure to report incident to IIO. ▶ Include POBR date in investigative report. ▶ Reinforce practice of showing video to subject/witnesses during administrative interviews. ▶ Include analysis of relevant policies in investigative report. ▶ Establish protocol on how to export collateral information learned through investigation. (i.e., cameras at camp inadequate) to appropriate Department unit. ▶ Establish procedure for conducting a telephonic interview when witness is on leave. 	UNSUBSTANTIATED	<p>OIR concurs with unsubstantiated finding on excessive/unnecessary force allegation for both subjects. There was insufficient evidence that minor's injury was caused by the physical intervention of the Subjects.</p> <p>OIR recommends that Subjects be retrained and counseled on the Department's required reporting policies. Subjects documented incident on incorrect reporting form.</p>	N/A

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				<ul style="list-style-type: none"> ▶ Collect medical reports and include in file. ▶ Conduct interview of Subject in timely manner. ▶ Complete investigation in a timely manner. 			
061	4/5/2011	DPO II	Minor alleged that he was intentionally kneed in the mouth by Subject while being transported to discipline housing.	<ul style="list-style-type: none"> ▶ Interview medical staff with first hand knowledge of incident. ▶ Explore reason for notification delays to SIU. ▶ Apprise camp management of notification issues. ▶ Clarify criteria for injuries to minors requiring notification. ▶ Include reasons why a SCAR or notification of a minor's injury was not reported. 	UNSUBSTANTIATED	OIR concurs with unsubstantiated findings on excessive/unnecessary force allegation.	N/A
055	3/18/2011	LACOE Teacher	Minor alleged Subject teacher impeded his pathway to the door, when he attempted to exit the classroom. Subject pushed minor to the floor.	<ul style="list-style-type: none"> ▶ Teacher refused to be interviewed. Department should engage in a dialogue with LACOE about cooperation of teachers with investigations. ▶ Specify what policy violations are substantiated. 	SUBSTANTIATED	OIR concurs with substantiated finding. Evidence shows Subject teacher acted impulsively to prevent minor from leaving classroom.	Teacher was not hired for the following school year.

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050	3/11/2011	(A) DPO II (B) DPO II	Minor alleged that when he was restrained and placed in handcuffs his thumb was dislocated. Minor also alleged that while in handcuffs, staff performed a cavity search on him for contraband.	<ul style="list-style-type: none">▶ Include in investigative reports any reasons for delayed notification to IIO.▶ Upon notification, calculate POBR date.▶ Eliminate use of minors submitting multiple affidavits.▶ Determine why involved staff obtained affidavit from involved minor.▶ During interviews, ask subjects to describe their physical intervention actions.▶ Document any concurrent criminal investigation.▶ Obtain all relevant documents including reports completed by local law enforcement agencies.▶ Reference all relevant department policies in the investigative report.▶ Ensure that Subjects are timely notified of disposition of investigation.	UNSUBSTANTIATED	No OIR consultation before final disposition.	N/A

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047	3/3/2011	(A) DPO I (B) DPO I	1) Minor alleged that during a physical altercation with another minor, Subject (A) grabbed him, threw him on the ground, and kneed him in his head approximately five to six times. 2) Subjects did not report "horseplay" incident that preceded fight.	<ul style="list-style-type: none"> ► Clarify mandatory reporting policy so that facilities make immediate notification to IIO regarding uses of force/ injuries to minors. ► Explain in investigative report reason for camp's delay in reporting incident. ► Include POBR date in investigative report. ► Reinforce practice of showing video to subject/witnesses during administrative interviews. ► Include copies of referenced and relevant policies in investigative report/file. ► Include analysis of relevant policies (i.e., SCM) in investigative report. ► Consider inadequate supervision issue and compliance with SCAR policy. ► Refrain from editorializing in narrative. 	1) UNSUBSTANTIATED 2) SUBSTANTIATED	OIR concurs with unsubstantiated finding for excessive and/or unnecessary use of force allegation. OIR concurs with substantiated finding that both Subjects used poor judgment by failing to document "horseplay" incident on the Physical Intervention Report (PIR). OIR recommends that corrective action include Worker / Supervisor conference for both subjects.	Worker Supervisor Conference

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037	3/2/2011	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
036	3/2/2011	LACOE Teacher	Staff member alleged LACOE teacher allowed students to access pornographic material during class.	<ul style="list-style-type: none"> ▶ Complete investigation in a timely manner. ▶ Conduct timely interview of subject and minor witnesses. ▶ Obtain all investigative documents produced by outside investigative agency. (Office of Labor Relations). 	UNSUBSTANTIATED	OIR concurs with unsubstantiated finding.	N/A
035	3/2/2011	DPO I	Minor alleged that Subject hit her with a hand-held radio and sat on her.	<ul style="list-style-type: none"> ▶ Calculate POBR date upon notification. ▶ Determine why minors are submitting multiple affidavits. ▶ Identify all potential witnesses or explain why potential witnesses not available for an interview. 	UNSUBSTANTIATED	OIR concurs with unsubstantiated finding on excessive/unnecessary force allegation.	N/A

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027	2/3/2011	DPO I	Minor alleged while separating him from a fight, Subject threw him to the floor and kneed him in the eye.	<ul style="list-style-type: none">▶ Establish mandatory reporting policy so that facilities make immediate notification to IIO regarding uses of force/ injuries to minors.▶ Explain in investigative report reason for camp's delay in reporting incident.▶ Include POBR date in investigative report.▶ Eliminate having minor complete multiple affidavits.▶ Refrain from asking leading questions.▶ Include all relevant prior reviews of incident in investigative report including Safe Crisis Management Review.▶ Include analysis of video in investigative summary.▶ Consider camp's compliance with SCAR policy.	UNSUBSTANTIATED	OIR concurs with unsubstantiated finding on excessive/unnecessary force allegation. Minor retracted all complaints against Subject and explained that he was mad at Subject when he wrote his original affidavit.	N/A

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021	3/2/2011	Unknown staff	A video posted on the Internet showed minors fighting inside a classroom. Probation staff allegedly staged the fight or were negligent in their supervision of minors who snuck into an unlocked classroom during school hours.	<ul style="list-style-type: none"> ▶ Clarify camp's obligation to notify IIO of potential policy violations in a timely manner. (Statute of Limitations issue) ▶ Complete investigation in a timely manner. ▶ Upon notification, determine the accurate POBR date. ▶ Determine whether the location conducted a review of the incident, obtain the records and include it as part of the investigation. ▶ Obtain video surveillance, if available. ▶ Establish protocol when LACOE employees (teachers) refuse to participate in investigative interviews. ▶ Conduct follow up on identified systemic issues (non-functional video cameras in classrooms, disabling cameras or classroom computers). ▶ Make arrangements in advance with other county facilities to secure appropriate interview rooms. 	UNSUBSTANTIATED	OIR concurs with unsubstantiated finding. Evidence did not support staging of fights by staff. No Subjects could be identified as to possible negligence allegation.	N/A

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009	12/28/2010	(A) DPO II (B) DPO I	While being escorted to the Assessment unit (for attempting to initiate a fight with another minor), the minor was allegedly grabbed by the two Subjects and pushed into a wall and then slammed to the floor. Minor received treatment for an injury sustained to the left side of her face.	<ul style="list-style-type: none"> ► Coversheet of investigative report should include names of subjects. ► Investigative summary should include all evidence including information recorded in PIR. ► Medical documentation should be included in investigative file. ► Investigations should refrain from posing leading or conclusionary questions. 	UNSUBSTANTIATED	OIR concurs with unsubstantiated finding of excessive/unnecessary force allegation. Minor retracted her allegations and stated to the investigator that she fell when she attempted to pull away from the subjects. Records indicate that the minor was restrained after she kicked and pulled away from staff.	N/A
008	1/4/2011	DPO II	Subject allegedly grabbed minor by his neck, forced him to the ground and twisted his arm. Minor also alleged Subject rushed towards him with a bat threatening to hit him.	<ul style="list-style-type: none"> ► Refrain from editorializing in investigative summary. ► Investigate allegation of threat with bat. ► Identify all potential subjects at the initial stage of the investigation. 	UNSUBSTANTIATED	OIR concurs with unsubstantiated findings on excessive/unnecessary force allegation.	N/A

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006	12/27/2010	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	<p>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.</p> <p>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.</p>	Notice of Intent to Suspend 5 days

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005	12/27/2010	(A) DPO I (B) DPO I	1) Subjects allegedly failed to adequately supervise minors which resulted in a minor striking another minor in the face. The victim minor suffered serious injury to his jaw. 2) Subjects provided untruthful statements during the administrative investigation stating dorm was "orderly." 3) Subject A allegedly falsified safety check documents.	<ul style="list-style-type: none">▶ Ensure that Subjects are questioned about all potential issues related to allegations.▶ Ensure that Subjects names are spelled correctly throughout the investigative report.▶ Determine from the facility why there was a delay in reporting the incident to SIU.▶ Encourage investigators to conduct interview of non-employees in secure, non-public areas.▶ Expand scope of investigation to collateral issues (i.e., timely, adequate medical care/treatment).▶ Discontinue practice of obtaining multiple affidavits.▶ Establish practice of showing subjects relevant video.▶ Refrain from editorializing factual narrative.	1) SUBSTANTIATED 2) SUBSTANTIATED 3) SUBSTANTIATED	OIR concurs with substantiated finding on the negligent supervision allegation. OIR did not concur that there was sufficient evidence to support the untruthful statement and falsification of document allegations. After consultation, Department agreed not to include these charges.	Notice of Intent to Suspend 30 days for both subjects

GLOSSARY

DPO	Deputy Probation Officer
IIO	Internal Investigations Office
LACOE	Los Angeles County Office of Education
OIR	Office of Independent Review
PDPM	Probation Department Policy Manual
PIR	Physical Intervention Report
POBR	Peace Officers Bill of Rights
SCAR	Suspected Child Abuse Report
SCM	Safe Crisis Management (use of force policy)

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SIU Special Investigations Unit