

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
350	DSO	Minor allegedly requested to speak to Sworn Subject privately regarding changing rooms due to her roommate making sexual advances toward her. Sworn Subject did not respond. Additionally, Minor alleged that Subject read a same sex love letter out loud while standing on top of a table to humiliate her. Subject acknowledged finding a poem, written by an unknown Minor, and reading it out loud in the dayroom, and asserted the poem was about "cleaning" not a same sex love letter. Minor also alleged that the sworn Subject warned her against complaining to the Subject's supervisor.	<ul style="list-style-type: none"> • A named witness should be identified and interviewed. • Staff witness should be interviewed to determine if he was present in the senior's office when the Minor was summoned by the Subject. • Video footage should be reviewed to determine if the complaining Minor did approach the Subject. • Investigator should have used video during interview of staff witness. • Include the Minor's grievance as an exhibit. • Consider designating staff witness as a subject for false statements (denying being present during the letter reading out loud incident). • Submit case to OIR without delay. 	Substantiated for (1) Abusive Institutional Practices and for (2) Unprofessional Conduct	OIR concurred with Substantiated finding for unprofessional conduct but recommended further investigation into allegation 2.	5 day suspension
336	Subject (1) Sr. DSO Subject (2) DSO	Complainant employee alleged that either sworn Subject 1 or 2 stole her wallet that contained \$900.00, a 14K bracelet and other miscellaneous items while she was on a restroom break. Complainant stated that she filed a police report regarding the missing items but failed to produce a copy to the investigator despite numerous requests.	<ul style="list-style-type: none"> • Calculate the POBR date using the appropriate trigger date (Department knowledge date) • Include notification source (email, telephonic message, complaint form) in the report. 	Insufficient Evidence	OIR concurred with insufficient evidence finding based on complainant's failure to produce supporting evidence and admission that her bag was untouched during her shift.	N/A
330	GSN	Sworn Subject allegedly submitted a falsified medical certification note. The doctor's office confirmed that the note had been altered. During the investigative interview, when confronted, the Subject admitted to altering the dates on the doctor's note.	<ul style="list-style-type: none"> • Case investigation file should include a copy of the original unaltered note from the doctor's office files. • Consider including False Statements in Business Recording and Documentation charge [PDPM 615] in the substantiated allegations against the Subject. • Complete report in a timely manner, (Completed in approximately 4 months) and submit to OIR without delay. 	Substantiated	OIR concurred with substantiated finding based on documents and Subject's admission to the misconduct.	Employee Resigned

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
327	Subject (1) Sr. DSO Subject (2) DSO	Minor alleged that Sworn Subject 2 placed him face down and conducted a cavity search for contraband. Minor also alleged that Subject 1 punched him in the face during the incident. Investigation revealed that Subjects attempted to conduct a strip search. The Minor, however, was uncooperative and assaultive so a strip search was never conducted. Subjects physically restrained the Minor after the Minor lunged toward Subject 2. After the physical intervention, Minor completed an affidavit but did not allege any punches, injuries or that Subjects conducted a cavity search.	<ul style="list-style-type: none"> • IIO Investigator should have asked the Minor why he did not report the incident or his alleged injuries to the nurses or to the doctor. • Complete the case investigation in a timely manner, (Completed in approximately 6 months) and submit to OIR without delay. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on the documentary evidence and Minor's credibility issues.	N/A
317	Subject (1) Sr. DSO Subject (2) DSO Subject (3) DSO	Minor alleged Sworn Subjects struck him on the ribs and pushed his forehead into the floor. Minor also alleged that while he was restrained (facing down) Subjects bent his feet back, touching the back of his head. Minor did not have injuries to his face or head. Minor did have slight swelling on his back. Minor admitted that he resisted the restraint. There was insufficient evidence to prove Minor's version of the use of force used by staff.	<ul style="list-style-type: none"> • Obtain and include all relevant documents in the file (i.e. PIRs, CSA, medical assessments, etc.) • Review transcripts for errors or gaps (the word "inaudible" appeared 56 times in Minor's interview. • Conduct follow up on the SCAR. • Include all diagrams or pictures used during the investigation interviews. • Complete the case investigation in a timely manner, (Completed in approximately 6 months) and submit to OIR without delay. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on witness statements and Minor's injuries were consistent with physical intervention methods by Subjects.	N/A
316	Sr. DSO	Minor alleged Sworn Subject used excessive/unnecessary force to restrain him for his refusal to enter his room. The Minor sustained one laceration on his elbow. The Minor further alleged that the Subject sprayed him with pepper spray and did not allow him to be decontaminated prior to being sent to the nurse and Special Housing Unit.	<ul style="list-style-type: none"> • The investigative report should indicate whether the Minor's physical injuries appeared to be consistent or not with Subject's alleged or reported action. • Minor and staff witness indicate the possibility of another Minor, who may have witnessed the physical intervention. Investigator should have interviewed potential witness Minor or explained why this was not practical. • Investigator should try to obtain medical reports and include them in the file. • Complete the case investigation in a timely manner, (Completed in approximately 7 months) and submit to OIR without delay. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on medical evidence that pepper spray was not deployed and Minor's injury was consistent with reported reasonable restraint.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
315	DSO	Minor alleged that Sworn Subject hit him on the chest, back and shoulder as he entered his room. The Subject denied striking the Minor or making any physical contact with the Minor. The Minor did not have any injuries or complain of pain to the facility nurse when examined after the incident.	<ul style="list-style-type: none"> • Ask witness Minors if there were any other Minors present during the alleged incident. • Review interview transcripts for typographical errors. • Establish whereabouts of potential witnesses during alleged incident. • The IIO investigator should have challenged the Subject with a witness Minors' eyewitness account of seeing him hit the complaining Minor. • Complete the case investigation in a timely manner (Completed in approximately 5 months) and submit to OIR without delay. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of corroborating evidence.	N/A
310	Subject (1) DPO II Subject (2) Sr. DSO	The mother of a client Minor reported that her son told her that he had been hit in the face and ribs by unknown staff. The Subjects had reported the use of physical intervention techniques to prevent the Minor from injuring himself. The Minor had begun to hit the walls, a door and a window screen with his hands after being told he could not enter the bathroom until after it had been cleared.	<ul style="list-style-type: none"> • Case investigation was thorough. Case summary was well written but too long; case summary could have been condensed to approximately 4 pages from the original 27 pages. 	Insufficient Evidence	OIR concurred with insufficient evidence finding. Records indicate that physical intervention was not excessive and was performed to prevent Minor from self injury.	N/A
307	Subject (1) Sr. DSO Subject (2) DSO	Minor alleged that Sworn Subject 2 punched, kicked, and twisted his arm and legs during a restraint. The Minor also alleged that Sworn Subject 1 pulled his arms back during the restraint and did not say anything during the alleged assault by Sworn Subject 2. The investigation revealed that after Minor spit on staff, Subjects applied a restraint on Minor. Minor's affidavit and interview were inconsistent.	<ul style="list-style-type: none"> • Upon a late notification to IIO, send the facility a copy of the Directive requiring documentation to be sent in a timely fashion. • Remind/inform facilities to update and verify Minors' contact information upon release. • Include medical evidence in the case file. (i.e. doctor's determination that there was no sign of a shoulder injury in the official reading of the x-rays) • Confront involved staff with inconsistencies between their PIRs and their interviews. • Include all photos in the case file. 	Unsubstantiated	OIR concurred with unsubstantiated finding because evidence established that restraint used was not excessive.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
298	DSO	Minor alleged he was thrown to the concrete ground and kneed to the left and right side of the head when the Sworn Subject attempted to break up a fight between the complainant Minor and another Minor.	<ul style="list-style-type: none"> • Obtain and include any additional documents regarding injuries and inquire into whether they are related to the physical intervention. • Interview medical staff. • Follow up on reports that Minor intended to make false claim against staff. • Lack of video footage should be addressed in the case report. • Complete the case investigation in a timely manner. (Completed in approximately 5 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of corroborating evidence and witness statements that Minor intended to file false claim against staff.	N/A
297	DSO	Complainant Minor initially alleged in a grievance that excessive force was used against him when he refused to be transferred to the Special Housing Unit. Two additional grievances by two other Minors later surfaced alleging complainant was punched in the stomach by Subject. Minor did not have injuries. During the investigative interview, the Minor recanted his allegation. When confronted with his initial claim, the Minor stated he was angry at the Subject when he submitted the grievance. Minor also admitted that he had asked the other two Minors to submit false grievances alleging child abuse.	<ul style="list-style-type: none"> • Interview other two Minors who filed grievances alleging staff misconduct. • Submit case to OIR without delay. 	Insufficient Evidence	OIR concurred with insufficient evidence finding. Minor admitted that he filed false allegations and that he encouraged other Minors to do the same.	N/A
296	DSO	Citizen complainant alleged that Subject portrayed himself as a police officer and used different names on social media networks to pursue unidentified under aged women. When interviewed, Citizen complainant stated that "after conferring with an attorney" she no longer wanted to pursue the allegations against Subject. Complainant refused to elaborate on her relationship with the Subject.	<ul style="list-style-type: none"> • Include email notification of the alleged misconduct in the file. • Record telephonic interviews. 	Insufficient Evidence	OIR concurred with insufficient evidence finding.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
295	DSO	Minor alleged that Sworn Subject struck him twice in the arm with a closed fist and pinched his arm. Further, Subject allegedly threw away the Minor's dessert. The investigation revealed that the Subject denied the Minor's request to pass his dessert (cake) to another Minor. The Subject admitted to throwing away the Minor's cake stating she assumed he no longer wanted it because he repeatedly tried to give it to other Minors. Subject offered the Minor another dessert cake when he became upset but the Minor refused. The Subject denied making physical contact with the Minor.	<ul style="list-style-type: none"> Case report should provide information on the presence of video cameras. Submit case to OIR without delay. 	<p>Substantiated for Abusive Institutional Practices</p> <p>Unsubstantiated for Use of Excessive/Unnecessary Use of Force</p>	OIR concurred with the finding but recommended that the allegation of abusive institutional practices should be revised to allege discourtesy or poor judgment.	Letter of Reprimand
294	DSO	Minor alleged that Sworn Subject slapped him during a Safe Crisis Management intervention. Video footage from the surveillance camera did not support the allegation.	<ul style="list-style-type: none"> The witness teacher should have been interviewed to establish the sequence of events that led the Minor to leave the classroom. Complete the case investigation in a timely manner, (Completed in approximately 7 months) and submit to OIR without delay. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on video evidence.	N/A
293	DSO	Minor alleged that Sworn Subject pushed him against the wall while breaking up a fight. Subject stated that, during the fight, the Minor fell backwards and struck his head on the wall. Minor sustained a small laceration to the back of his head which required sutures. There were no independent witnesses to the alleged incident.	<ul style="list-style-type: none"> Medical staff should be interviewed when there is a visible injury. Case investigation should include the number of metal sutures the Minor received for his laceration. Complete the case investigation in a timely manner. (Completed in approximately 4 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of independent witnesses.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
292	DSO	Minor alleged that while in his room, Sworn Subject hit him in the mouth and choked him during a restraint. Medical evidence did not support the allegation and there was no video footage of the incident. There were no independent witnesses to the alleged incident.	<ul style="list-style-type: none"> Indicate in case summary whether any video of exterior of Minor's room was available and whether viewed by investigator. Complete the case investigation in a timely manner. (Completed in approximately 9 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of corroborating medical evidence.	N/A
288	Subject (1) DSO Subject (2) DSO Subject (3) DSO	Minor alleged Sworn Subject 1 grabbed her by the hair and dragged her into her room and then punched her in the mouth resulting in an injury to her upper lip. Sworn Subjects 2 and 3 allegedly abandoned their posts and failed to supervise Minor, who was on enhanced supervision. During the course of the investigation, Subject 2 admitted she abandoned her post and failed to supervise the Minor. Eyewitness statements and video evidence did not support the allegation of child abuse/excessive force against Subject 1 and exonerated Subject 3 of the abandoning post allegation.	<ul style="list-style-type: none"> Explain Bureau policy and procedure regarding alternatives/options under the circumstances available to the subjects who left their posts. Complete the case investigation in a timely manner. (Completed in approximately 8 months). During review of initial investigation, OIR identified a witness as a likely potential subject [Subject 2]. IIO unable to re-interview Subject 2 with required subject rights admonition within statute of limitations. 	(1) Unsubstantiated for child abuse allegation (Subject 1) (2) Substantiated for abandoning post (Subject 2) (3) Unsubstantiated for abandoning post (Subject 3)	(1) OIR concurred with unsubstantiated finding regarding child abuse allegation for Subject 1. (2) OIR concurred with substantiated finding for abandoning post allegation for Subject 2. (3) OIR concurred with unsubstantiated finding for abandoning post allegation for Subject 3.	Subject 2 - No discipline could be imposed within statutory time limit. (OIR has advised investigators to provide subject admonishments to all witnesses who might be deemed subjects).
280	DSO	Minor alleged that she and Sworn Subject were involved in a verbal altercation. As a result, Subject allegedly grabbed Minor by the face and struck her with an open hand on the face. There was evidence that the Minor and Subject were involved in a verbal exchange but no credible eyewitness accounts of the alleged use of force.	<ul style="list-style-type: none"> Expand scope of investigation and include other potential policy issues. It was alleged, during some interviews, that the Subject used profanity either to Minors or in front of them against other staff. Lack of video footage should be addressed in the final report. Include all exhibits in file (SIRs, SUP-SIRs). Follow up on SCAR (obtain police report). Review and edit interview transcripts. Complete the case investigation in a timely manner. (Completed in approximately 6 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of provable evidence to support the allegation.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
273	LACOE TEACHER	LACOE Teacher allegedly used his cell phone to communicate/text with a girlfriend of a detained Minor. The teacher admitted to the conduct. Documented evidence also supported the allegation.	<ul style="list-style-type: none"> The investigation was thorough and timely. (Completed in approximately 90 days). Submit case to OIR without delay. 	Substantiated	OIR concurred with substantiated finding.	LACOE teacher was removed from teaching in Probation facility
261	DSO	While Sworn Subject was being treated at a substance abuse rehabilitation center, she allegedly reported her absence as an "Industrial Accident."	<ul style="list-style-type: none"> Follow up with misuse of time issue. Complete the case investigation in a timely manner. (Completed in approximately 12 months) 	Unsubstantiated	OIR concurred with the unsubstantiated finding after follow up investigation did not support the allegation.	N/A
259	Subject (1) DSO Subject (2) DSO	During a physical restraint, Minor alleged he was kicked by Sworn Subject 2 and punched by Sworn Subject 1. Video surveillance captured the incident but quality of the recording was poor. There was insufficient evidence to support the excessive force allegations.	<ul style="list-style-type: none"> Determine why only Subject 1 was reassigned pending the outcome of the investigation. Follow up on SCAR (obtain police report and photos). Show Subjects/Witnesses/Minors video during administrative interview. Identify date and time photographs are taken and by whom. Complete the case investigation in a timely manner. (Completed in approximately 5 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of corroborating evidence.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
258	Subject Unknown	Minor alleged that, after his room was flooded, he was yelled at by staff (names unknown to Minor), punched and grabbed by the t-shirt and forcefully thrown to the floor in his room. Minor made the allegations two days after the alleged incident occurred. Prior to being transported to the hospital for x-rays, (which later determined the Minor had a broken nose), the Minor reported to staff that he was injured during a basketball game. During the investigative interview, the Minor stated he never made an allegation he was injured by staff and did not provide any further information on how he was injured.	<ul style="list-style-type: none"> • An outline describing the video events reviewed by the IIO investigator has been included in the case summary. • The IIO investigator's third interview with the Minor should have been completely transcribed from Spanish into English. • The video footage should have been shown to all witnesses in an attempt to refresh their memories and identify staff members who responded to the flooding event. • When there is a significant injury without an immediate medical response, consider whether investigation of possible failure to provide medical care is warranted. • Complete the case investigation in a timely manner, (Completed in approximately 7 months) and submit to OIR without delay. 	Unsubstantiated	OIR did not concur with unsubstantiated finding due to investigation deficiencies.	N/A
257	DSO	Citizen complainant alleged that while conducting rounds at a hospital, she observed Sworn Subject tickling an unidentified (non-probationer) Minor's leg and torso area while the Minor was lying on a gurney in four-point restraints. Citizen indicated that she did not believe the contact was sexual in nature. Subject admitted engaging in the conduct during his interview.	<ul style="list-style-type: none"> • Complete the case investigation in a timely manner. (Completed in approximately 5 months) 	Substantiated	OIR concurred with substantiated finding.	Employee resigned before Department action issued
256	Unknown Staff	During a monitored/recorded telephone conversation, Minor was heard telling his mother that staff members allow Minors to fight. During the investigative interview, the Minor denied he told his mother staff allow minors to fight. Investigation revealed that Minor had history of fighting with other Minors. Evidence supported that these fights were spontaneous "Minor-on-Minor" fights and that staff did not stage or permit fights. Instead, records indicated that staff promptly physically intervened to stop fights and reported the incidents in official Department documents.	<ul style="list-style-type: none"> • Include copy of the recorded telephone conversation in file. Also, include transcription of conversation in file. • Confront the Minor with the recorded telephone conversation during the interview. Minor had denied he made the statement to his mother. • Include all relevant documents in the file (log book for phone calls). • Interview all relevant witnesses. Minor's mother was not interviewed. • Follow-up on new information learned through the interview process. There was no documentation in the file related to the Minor's claims that he had been involved in fights. Learning about the context of each fight and what was reported by the Minor and staff would be helpful information. 	Insufficient Evidence	OIR concurred with insufficient evidence finding.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
255	DSO	While Minor was at a medical center, she was jumping on and off planters. Sworn Subject ordered Minor to stop but Minor did not comply. Minor fractured her foot when she fell from a planter. The Bureau investigated the incident and noted that a different staff member (not the named Subject) failed to properly document the off-site incident. The Bureau investigation noted that corrective action would be issued to the involved staff.	<ul style="list-style-type: none"> • Conduct early triage of cases where a bureau investigation has already been conducted. The bureau investigation sufficiently addressed the negligent supervision issue related to the named Subject. • Follow up with the facility to determine whether a Directive addressing the protocols for documenting off-site incidents has been issued. 	Insufficient Evidence	OIR concurred with insufficient evidence finding.	N/A
252	Subject (1) DSO Subject (2) DSO Subject (3) DSO	Minor's grandmother alleged that her grandson was physically abused while being transported to Special Housing Unit. Minor's grandmother refused to participate in an interview. Minor did not have any injuries. There were no independent witnesses at the alleged incident.	<ul style="list-style-type: none"> • Telephone interview of the nurse should be transcribed. Any health evaluation form or nurses notes should have been recovered and included in the exhibits to support evidence of the lack of injury. • Address long delay in forwarding investigation file to OIR. • Investigator should press for direct answers during interviews. • The case report is over long and poorly organized. Brief, compact synopses of the witnesses' testimony would be sufficient. • The report should address absence of video especially since some areas of the Hall have cameras. 	Unsubstantiated for all Subjects	OIR concurred with unsubstantiated finding based on witness statements and medical evidence.	N/A
248	Unknown Staff	Minor alleged that Sworn Subject kicked him in the leg, twisted his arm, behind his back, and struck him several times on his arm. Minor waited several days before reporting the alleged incident. Minor provided the name of the alleged Subject. That person, however, was not listed as a Department employee.	<ul style="list-style-type: none"> • Re-interview Minor and ask him if other Minors may have witnessed the alleged incident. • Obtain and review the population sheet for the day/time the alleged incident occurred and determine identify other minors who may have been in or around the location of the alleged incident. • Review audio recording of Minor's interview and determine if "inaudible" entries can be clarified. • Complete the case investigation in a timely manner, (Completed in approximately 4 months) and submit case to OIR without delay. 	Insufficient Evidence	OIR concurred with insufficient evidence finding based on information that name provided by Minor was not listed as an employee of the Department and no other employee could be identified.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
247	Unknown Staff	Minor client's mother alleged that during a visit her son was physically abused by an unknown staff member. Records indicated that on the day of the alleged incident, staff used physical force and deployed pepper spray to gain compliance of the Minor. Minor had become agitated when staff searched his room and found contraband. During the facility's review of the incident, the Minor refused to provide a statement. During the investigative interview, the Minor denied excessive force was used by staff.	<ul style="list-style-type: none"> • Interview the nurse/medical staff who treated the Minor (Investigator interviewed a nurse who simply reviewed the treating nurse's notes). • Ensure that the Minor's mother is contacted and informed of the outcome of the investigation. • Follow up on SCAR and obtain police incident report. • Ascertain from facility why it delayed sending documentation to IIO and mention this information in report. • Submit case to OIR without delay. 	Insufficient Evidence	OIR concurred with insufficient evidence finding based on the facilities review and documentation of the incident, the use of force and use of pepper spray was reasonable and within Department policy.	N/A
236	DSO	<p>During the lunch hour in the dayroom, Minor got out of his seat without permission. Sworn Subject was supervising the minors and ordered Minor to return to his seat. Ignoring the orders, the Minor walked towards the doorway when the Subject stopped him and allegedly pushed him backwards into the dayroom with both hands. Minor alleged he fell to the floor and struck the back of his head.</p> <p>The following day, Subject allegedly grabbed the Minor by the neck and put him in a choke hold then dragged him to his room.</p> <p>The investigation revealed that the Subject redirected the Minor but there was no corroborating evidence including statements by staff and 14 witness Minors, that Minor fell to the ground.</p>	<ul style="list-style-type: none"> • Lack of video evidence should be addressed in the report. 	Unsubstantiated	OIR concurred with unsubstantiated findings based on witness statements.	N/A
234	<p>Subject (1) DSO</p> <p>Subject (2) DPO I</p>	<p>Minor alleged that Sworn Subject 1 slammed him to the ground and dragged him across the floor during a restraint. Subject 1 and 2 reported that at the beginning of the incident, the Minor struck Subject 1 in the stomach.</p> <p>Video showed that Subject 2 observed Subject 1 struggling with Minor and failed to intervene or call for assistance.</p>	<ul style="list-style-type: none"> • Additional allegation of making false or misleading statements should be added for the Subjects. (re: PIRs and/or interviews) • The IIO investigator should have shown the video evidence to the Subjects during their interviews in order to give them an opportunity to clarify or recant their previous statements. • Include detailed description of video (with time markers) in report. • Include medical evidence in file. • Complete the case investigation in a timely manner. (Completed in approximately 6 months) 	<p>Substantiated for excessive force and false statements (Subject 1)</p> <p>Substantiated for false/misleading statements (Subject 2)</p>	OIR concurred with findings based on corroborating video evidence.	<p>Subject (1) 20 day suspension</p> <p>Subject (2) 15 day suspension</p>

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
227	DSO	Minor alleged that Sworn Subject told him "you're probably here for blowing up some shit." Days later, Sworn Subject allegedly told Minor to go back to where he came from. Minor is from Lebanon. There were no staff witnesses. Other minors who were assigned rooms near the Minor did not hear Subject make the statements to the Minor.	<ul style="list-style-type: none"> The IIO investigator should proofread the interview transcriptions in order to clarify any "inaudible" notations where possible. There were 51 inaudible notations made in the Minor's 14-page interview transcription. 	Unsubstantiated	OIR concurred with unsubstantiated findings based on lack of supporting evidence.	N/A
226	Unknown Staff	Minor alleged that an unknown staff member purposely escorted him to a room where he was left alone and physically assaulted by four minors. Minor also claimed that he injured his knee and that after an x-ray exam he was issued crutches. He also claimed that he was housed in the medical unit for five days. Medical records did not support the Minor's claim. A nurse confirmed that the x-ray machine at the facility was not functioning, crutches were not issued to Minor and Minor was never housed in the medical unit for any period of time.	<ul style="list-style-type: none"> Include notification documentation (email) in file. Include copy of video footage in file. Make an early determination whether involved staff should be interviewed as subjects or witnesses. Include medical records in file. 	Insufficient Evidence	OIR recommended that the finding be changed to Unsubstantiated.	N/A
225	SDSO	Sworn Supervisor Subject allegedly allowed Minor to intimidate and assault staff members, fight other minors, and openly possess contraband. It was further alleged that Subject supplied Minor with various items of contraband including food, money, and electronic devices. Minor was allowed to view computer screen while he was in the office with Subject. Eyewitness testimony of staff and Minors coupled with the discovery of contraband supported the allegations.	<ul style="list-style-type: none"> Administrative Subject rights should have been extended to all staff members who had supervisory responsibilities over Minor. Evidence may demonstrate that other staff members could have or should have taken action to confiscate contraband items from Minor and report staff misconduct. Minor indicated that he fought other minors at the direction or approval of staff in the laundry room. The IIO investigator should have asked follow up questions to identify the staff members and the minors involved in these incidents. Regarding the Subject's interview, the IIO investigator should specifically challenge the Subject with the allegations made by staff and Minor. Proof read transcripts for misspelling of names and clarification of "inaudible" statements where possible. Complete the case investigation in a timely manner, (Completed in approximately 8 months) and submit case to OIR without delay. 	Substantiated	OIR concurred with the substantiated finding based on eye witness testimony made by staff and minors, coupled with large volume of contraband items confiscated at the location.	Employee discharged for a previous matter

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
222	DSO	Complainant Minor alleged that Sworn Subject punched Minors in his presence and attempted to make him fight another minor in a locked room. Minor added that when he refused to fight, Subject confined him to his room, only allowing him to leave his room to attend school. Witness Minors denied the alleged incidents occurred.	<ul style="list-style-type: none"> The lack of video footage should have been addressed in the case summary. Complete the case investigation in a timely manner. (Completed in approximately 7 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on witness statements and lack of any other supporting evidence to prove the allegations.	N/A
189	DSO	Minor alleged that while exiting the bathroom, Sworn Subject choked him and slammed him into a wall. Subject stated that Minor bumped him in the chest when he asked the Minor to leave the bathroom. Documentary evidence showed that Subject performed a restraint. Minor did not have any injuries.	<ul style="list-style-type: none"> The interview of the complaining Minor does not take place until 11 days after the referral to IIO. It is advisable to respond more quickly when child abuse is alleged. There was no medical evaluation form or interview with the nurse. One or both of these should be included in the investigation. The Subject is not interviewed until 2 months after the referral. Complete the case investigation in a timely manner. (Completed in approximately 4 months) 	Unsubstantiated	OIR concurred with unsubstantiated finding based on lack of corroborating witness statements.	N/A
158	Unknown Staff	Minor alleged that on unspecified dates his roommate watched him go to sleep and he later awakened to a sore rectum. He believed he had been sodomized. Medical records did not support Minor's allegation.	<ul style="list-style-type: none"> Copies of the medical records should be placed in the file. A clear (documented) understanding between IIO and the Bureau should have been reached regarding follow up investigation of the possible sexual assault. Consider recommending to and working with the Bureau on procedures to reduce the recurrence of lost hall check sheets in the future. Submit case to OIR without delay. 	Inconclusive	OIR concurred with inconclusive finding based on lack of supporting evidence.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
147	DSO	Minor alleged that after he made a derogatory comment about Sworn Subject's sexuality, Subject made derogatory comments about the minor's mother and sister, challenged him to fight then choked him and slammed his head into the wall and floor several times and punched him. A LACOE teacher, a staff member and several witness Minors did not corroborate Minor's allegations. Medical evidence indicated that the Minor did not have injuries.	<ul style="list-style-type: none"> The presence or absence of potential video evidence should be noted in the case summary. Include PIRs, medical evaluation forms, and any other documentation in Exhibit list and in case file. Do not ask witnesses to make judgment calls about ultimate issues of the alleged policy violation. Complete the case investigation in a timely manner, (Completed in approximately 4 months) and submit case to OIR without delay. 	Unsubstantiated	OIR concurred with unsubstantiated finding.	N/A
146	Unknown Staff	Upon return from the hospital for an evaluation, Minor was searched with a metal detector. Staff found a pipe containing marijuana and subjected the Minor to a strip search. The minor was instructed to squat and cough and a lighter fell out of his rectum. He later alleged to a mental health worker that unknown staff had inserted a finger into his rectum in the course of the search. Minor later recanted his allegation and explained he made the claim because he was frustrated about his contraband being discovered.	<ul style="list-style-type: none"> The presence or absence of potential video evidence should be noted in the case summary. Documentation from the mental health staff and any police reports should be included in the file. Take pictures of the contraband evidence and include them in file. The interview of the complaining Minor should have been accomplished soon after the case referral. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on Minor's admission that he made the false claim.	N/A
130	Unknown Staff	Minor's sister alleged that her brother (Minor client) was abused by an unknown staff member while detained. Minor stated that his sister and mother misunderstood how he received a bruise on his forehead. Minor stated that he received the bruise when he accidentally hit himself while being detained by police officers prior to being transported to a Probation facility.	<ul style="list-style-type: none"> The Minor should have been questioned more extensively. It is not clear, for instance, from the interview whether he was recanting an earlier statement to his mother or believed instead that she had misunderstood him. If it was determined that the minor had made accusations to his mother, she should have been interviewed. 	Unsubstantiated	OIR concurred with unsubstantiated finding based on Minor's statement that injury occurred before he was detained by Probation Department.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

OIR #	SUBJECT(S)	ALLEGATIONS	OIR RECOMMENDATIONS Investigation	DEPARTMENT Findings	OIR RECOMMENDATIONS Findings	OUTCOME
128	Subject (1) DSO Subject (2) DSO	Minor alleged that Sworn Subjects choked him inside his room. Minor further alleged that Subject 2 verbally abused him and struck his head against a wall. Minor had minor injuries (superficial finger marks and scratches on neck line). Video evidence is murky, difficult to interpret and has skips in it, due to possible technical issues.	<ul style="list-style-type: none"> • Interview the attending nurse, especially when injuries are of central relevance. • Be more specific on the record when asking witnesses to identify people or actions depicted on a video. • Inquire about technical problems with the video surveillance equipment, especially where problems erode the potential evidence. Reflect findings in report. • Change finding from unsubstantiated to Inconclusive. Minor's version of the facts is coherent and rendered somewhat plausible by Minor's injuries. 	Unsubstantiated for both Subjects	OIR recommended that finding be changed to "Inconclusive" because although allegations were not provable, the Minor's version of the facts was plausible.	N/A
109	DSO	Minor alleged that he fought another Minor in the classroom and staff told him to sit down. After sitting down, the Minor alleged that the Sworn Subject picked him up and slapped him to the ground. Minor did not have any injuries. Minor completed two affidavits. In the first affidavit, Minor stated he was restrained by staff because he was going to fight another Minor. He added that staff's actions were appropriate. In the second affidavit, (submitted several weeks later), Minor alleged staff used excessive force.	<ul style="list-style-type: none"> • Identify and interview the teacher and other Minors who were present during the incident. • The case summary should state whether video evidence was available. • Conduct a full formal investigation. 	Insufficient Evidence	OIR did not concur with decision to truncate case investigation.	N/A
99	DSO	Minor alleged that Sworn Subject kicked him on his left leg because he asked Subject why he takes off his shirt when female staff pass by. Minor did not have any injuries. Safe Crisis Incident Review determined that Subject performed restraint on Minor after Minor assaulted Subject.	<ul style="list-style-type: none"> • The summary report should specify whether the staff described by the Minor was determined to be the Subject. 	Insufficient Evidence	OIR concurred with insufficient evidence finding.	N/A
81	Subject (1) Sr. DSO Subject (2) DSO Subject (3) DSO	Physical intervention was used due to Minor trying to assault staff. As a result, Minor sustained injury to his right eye. Facility's Incident Review determined that the actions taken by staff were appropriate and within policy.	<ul style="list-style-type: none"> • Explain if any efforts were made to identify and interview Minors who might have been in the vicinity during the time the incident took place. • Indicate if there is a known reason for the delay in referring the case to IIO. • Indicate in report whether video surveillance was available and captured the incident. 	Insufficient Evidence	OIR concurred with insufficient evidence finding.	N/A

Footnote: (*) "Insufficient Evidence" findings by IIO mean that based on the available documents there is insufficient evidence to open a formal administrative investigation.

OIR REVIEW OF PROBATION JUVENILE HALL INVESTIGATIONS
January - June 2012

GLOSSARY			
CSA	Child Safety Assessment	SCM	Safe Crisis Management (use of force policy)
DSO	Detention Services Officer	SDSO	Senior Detentions Services Officer
GSN	Group Supervisor, Nights	SIU	Special Investigations Unit
IIO	Internal Investigations Office	SKELLY	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		