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Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

**Re: Review of Los Angeles Sheriff's Academy:
(1) Issues Raised by POST and (2) "The Academy" Television Show**

Dear Supervisors:

By a motion of this Board dated May 20, 2008, we were instructed to examine the nature and cause of violations enumerated in the February 4, 2008 report of the Commission on Peace Officers Standards and Training ("POST") regarding the Los Angeles County Sheriff's Training Academy and to provide a written report of our findings and recommendations. In addition, this Board asked us to evaluate and report on whether and, if so, to what extent the filming of the Fox television show, "The Academy," may have impacted the quality of the Sheriff Department's training program.

On June 19, 2008, we submitted an interim report which discussed the POST Basic Course Certification Review, the Department's response and subsequent remediation efforts, and the then-current status of the Sheriff's Training Academy. Our review of the reality television show was ongoing at the time. This final report incorporates the findings presented in our interim report, provides an update relevant to the findings of deficiencies by POST, and discusses the impact of "The Academy" TV show on LASD recruits and the training environment.

Summary of Findings

The Sheriff's Department has made great progress toward addressing all of POST's concerns with its Academy training. In its 2007 review of the Academy, POST identified significant deficiencies in the ways the Academy was training and testing its recruits. But the Academy's failure to respond to POST's concerns in a timely and professional manner was equally to blame for POST's threats to decertify the Academy and the Department's voluntary, temporary suspension of its recruit training program. This inattention was the result of the Academy's over confidence in its size and status in the state's law enforcement community, the demands of other business on Academy staff intent on trying to graduate a thousand deputies in a year, and a basic misread by Academy leaders of the seriousness of POST's concerns. POST is confident in the Academy's new leadership and, while there is still work to be done to bring the Department into full compliance with POST's recommendations, the most serious concerns noted in the 2007 certification review – training of instructors, test security measures, records maintenance, and the procedures for remediating and retesting recruits who initially fail part of their training – have been remedied. Following the recommendations of OIR and the Sheriff himself, the Department also has implemented some measures to prevent future crises affecting its POST certification.

Regarding "The Academy" television show, we conclude that the show's purported advantages may not outweigh the potentially deleterious impact on recruits. While the filming did not clearly impact the quality of the training provided at the Academy, the potential negative effect on recruits – including safety concerns raised for recruits featured on the show, the humiliation of recruits who had particular difficulty in training, and the fact that most recruits believed that refusing to participate in the show was not a real option – may be too great, in our view, to warrant continued production of the show. Unless the Department can somehow remedy these negative effects, we recommend that the County and Department not proceed with a renewed airing of the show.

I. POST's Certification Review

Every three years, POST conducts a Basic Course Certification Review ("BCCR") of all POST-certified law enforcement academies, including the Los Angeles County Sheriff's Training Academy ("LASD Academy" or "Academy").¹ The review

¹ During our review of this matter, we learned that even though a POST Academy review was due to occur in 2004, the only document that can be located by either the Academy or POST is the Department's initial self-assessment. We spoke with Department executives who specifically recall meeting with POST for the 2004 review, and receiving only positive comments, but no written report could be located. Because it is unlikely that both entities would have lost the 2004 review and POST assessment, the best surmise

team typically sends a draft report, giving the subject academy an opportunity to respond. Before issuing a final report, POST traditionally considers the academy's response and will modify its draft report as appropriate. POST conducted its most recent review in June and July, 2007; sent the Department a draft report in October, 2007; and issued its final report on February 4, 2008.

To complete this assignment, we reviewed the various versions of POST's report, the Department's response, and all accompanying correspondence. In addition, we met with Academy staff and Department executives as well as a group of POST staff executives who were intimately involved in the review of the Academy and subsequent communications with the Department. We summarize the POST findings and directives and present the results of our independent review below.

A. Findings and Directives

The October 13, 2007 draft BCCR review of the LASD Academy made recommendations in the following areas:

- **Records Maintenance.** Among other concerns about the consistency of recordkeeping practices and the security of sensitive files, the review team cited the Academy's failure to comply with POST requirements regarding the maintenance of instructor resumes and the development and electronic filing of course outlines.
- **Instruction.** The report noted concerns that Recruit Training Officers ("RTOs") have too many collateral responsibilities and that the inconsistencies between courses and instructors are too great.
- **Testing.** POST's most serious concerns were with violations of the POST Test Use and Security Agreement. Specifically, the review team found that Academy staff had taken tests into the classroom to ensure they covered all test topic areas so that recruits would receive all the answers. In addition, they found violations of POST's remediation and retesting procedures, particularly in Weapons and Emergency Vehicle Operations Center ("EVOC") training, where recruits who did not pass their initial tests were given multiple chances to retest rather than being retrained or remediated as much as Academy staff felt necessary and then given only one more opportunity to pass the test.²

is that POST did not issue a report tied to that year's certification review.

² POST executives explained to us that their review is limited to whether or not to continue certification to the Academy. Accordingly, if the Academy were to lose certification, it would have no impact on deputies who have already legitimately

- **Training.** According to the POST report, approximately half of the RTOs had not, at the time, attended the POST-mandated RTO Workshop and several had not attended the Scenario Manager Workshop.
- **Physical Conditioning.** The review team had a number of specific suggestions for improving the quality of the physical fitness instruction.
- **Facilities/Safety.** The review team had a number of concerns about the adequacy and safety of the facilities the Department uses to accommodate its recruits. These range from seemingly minor concerns (torn carpets that present a trip hazard) to potentially more consequential ones (inadequate instructor-to-student ratios for firearms training).
- **Communication.** The review team found that Academy staff members are not aware of many POST requirements and recommended the Academy establish a more formalized communication process, particularly given that Academy command staff and supervisors are located in Whittier, physically removed from the Santa Clarita and Antelope Valley sites.

The final BCCR report, sent to the Department on February 4, 2008, noted all of these same problems but elevated 11 specific issues from “recommendations” to “directives” that the Academy was supposed to take immediate steps to remedy:

- Develop all of the outlines and policies that encompass the Basic Course training and submit them to POST via POST’s Electronic Data Interface system.
- Comply with POST regulations regarding Instructor files, including maintenance of all Instructor resumes.
- Cease providing test questions and answers to students.
- Cease taking test materials into classrooms in an effort to ensure all test topics are covered.
- Enforce POST regulations on remediation and retesting efforts.

graduated from the Academy. Moreover, even though recruits may have passed tests inconsistent with POST guidelines, the fact of the matter is that they did pass the tests necessary to become certified peace officers. POST’s findings do not conclude that the Academy graduated unqualified deputies. Thus, to the degree that the Academy needs to respond to the POST critiques regarding teaching to the test and multiple retesting, in our view, the reform should focus on ensuring compliance with POST protocols in the future.

- Provide recruits only one retest of a failed exam.
- Distribute and enforce the test review policy at all three training sites.
- Ensure that all RTOs have attended the RTO Workshop.
- Distribute the safety policies to recruits and test them for comprehension.
- Ensure that all personnel who supervise scenario training and testing have attended the Scenario Manager Workshop.
- Cease teaching directly from Student Workbooks, which are intended to be a study guide for students.

B. Timeline of Events

For four days in June and July 2007, POST sent a team of eight individuals (six POST staff and two members of other law enforcement agencies) to the LASD Academy sites in Whittier, Santa Clarita, and the Antelope Valley to conduct a Basic Course Certification Review. At the conclusion of the Whittier site visit, the POST review team met with Academy command staff to address some of the team's concerns about the Academy's compliance with POST regulations. The team then compiled a draft report outlining its concerns that was sent to the Academy on October 13, 2007.

The issues raised in the October BCCR report range from concerns about the Academy's facilities and records maintenance to the manner in which Academy staff teach classes and administer tests. Among the most serious findings were violations of POST's remediation and retesting procedures, which limit the number of times a recruit can attempt and fail a test before he or she must be separated from the Academy, and the allegation that the Academy routinely violated POST's Test Use and Security Agreement by "teaching to the test" to maximize the recruits' chances of passing written tests.

When POST sent the draft BCCR report to the Academy via e-mail in October 2007, it asked for a response noting any errors, omissions, or corrections that needed to be made. The Academy did not timely respond to the concerns raised in the draft report. In January 2008, the Academy sent a response to POST that the Department now admits was wholly inadequate and inappropriate. The original author of that response, a sergeant in the Recruit Training Unit, wrote it as an internal communiqué to his supervisors that was not intended by him to be the Academy's official response. The response was informal, defensive of Academy practices, sarcastic, and belittling of POST's recommendations. Despite the intent of the author that the response be limited for internal use, the response was eventually e-mailed to POST by the Training Bureau Captain. It is unclear to what degree the "response" was reviewed by the Captain or the responsible Lieutenant before it was electronically sent to POST.

In January or early February 2008, at POST's request, the Academy Captain met informally with POST's Executive Director. The Captain was contrite about the Academy's written response to the draft report and the Executive Director at that time was content to move forward with assisting the Sheriff's Department to implement the directives the BCCR set forth. POST sent the final report to the Department on February 4, 2008. Armed with no helpful feedback from the Academy, POST made few substantive changes from the October 2007 draft. However, POST did present to the Academy 11 enumerated directives outlining steps the Department needed to take within 60 days to correct violations of POST regulations.

At the end of February, the BCCR team scheduled a follow-up review at the Academy for April 22-23. POST deemed this to be sufficient time for the Academy to correct the most serious deficiencies noted in the report and expected to return in April to find the Academy would be well on its way toward implementation of the POST directives. In what has been interpreted as either arrogance or indifference, the Academy had, in fact, made little progress toward addressing the substantive issues set out in the BCCR report. The April review team found ongoing problems with 10 of the 11 enumerated directives and identified five additional violations that it presented to the Department in a follow-up report dated May 29, 2008.

Prior to the April review, it had become apparent to POST executives that its directives and the Academy's responses had remained largely out of view of the Department executives with supervisory responsibility over the Academy. In fact, when POST had first visited the Academy in June and July of 2007, they even found it difficult to meet with the command staff in Whittier. When the team visited the satellite Academies in North Los Angeles County, no ranking Academy officials accompanied them. As the process moved forward and its concerns became greater, POST specifically requested that Department executives above the rank of the Academy's Captain be part of the discussion – those requests were initially rebuffed by Academy staff.

As a result, before the April review, the POST audit team contacted the Chief responsible for Academy operations regarding POST's perception that the Academy leadership in Whittier had failed to grasp the seriousness and growing urgency of POST's concerns. Following this contact, the Chief and Commander then became involved in regular communications with POST. The Commander attended the POST briefing that concluded the April review, and the Department finally came to appreciate the seriousness and urgency of POST's recommendations.³

³ Shortly after his conversation with the Chief, POST's Executive Director also strove to hold a face-to-face meeting with the Sheriff. An eventual phone conversation between the two provided an additional push for the Department to address POST's concerns with greater diligence.

After the April follow-up visit from POST, Academy staff began work at a frenzied pace to implement the POST directives. At the same time, because matters had devolved to crisis mode as a result of the Department's prolonged inattention to POST's concerns, Department executives decided to voluntarily postpone the start of the next scheduled Academy class in order to provide the Academy time to focus on the POST mandates and avoid the risk of having POST formally de-certify the Academy. That class was scheduled to begin in May but was voluntarily postponed for 30 days.

POST committed significant resources and attention to working with the Department to get it to comply with its directives. POST staff members rearranged their schedules to travel to Los Angeles to provide training to Academy staff, and made the review of LASD documents, policies, and remedial measures a top priority so that the Academy could achieve its goal of quickly returning to good standing with POST. But for POST's willingness to adapt its schedules and resources to assist in remedying the deficiencies, it would have been extremely difficult for the Department to have corrected matters sufficiently within the 30-day window so that the new Academy class could begin.

The Department likewise shifted considerable resources to address POST's directives. A newly-assigned Training Bureau Captain traveled to Sacramento along with his operations staff to meet with POST to discuss the Department's remediation efforts, Academy staff was made available for required training, the Training Bureau developed new policies, and civilian professional staff worked long hours to ensure the Academy's outlines and instructor resumes were in the correct format to be uploaded to POST's Electronic Data Interface (EDI) system. At the beginning of June, the Chief responsible for the Academy, along with the Captain, traveled to Burlingame to discuss the Academy's status and assure POST its directives were being addressed.

On June 5, 2008, POST notified the Department that it had sufficiently satisfied POST's immediate concerns and authorized it to start the next Academy class, which began on June 16 and graduated on October 17, 2008. The Department continued to work through the summer to address the critical issues addressed in the BCCR report. Each of those issues is either completed or has been submitted to POST and approval is pending. Many of the non-critical issues also have been remedied, particularly those regarding communication between Academy command staff and supervisors, records maintenance issues, and consistency of instruction. The Department continues to work to address POST's remaining concerns, which do not involve violations of POST regulations, but are nonetheless recommended by POST to enhance recruit training. These recommendations deal mainly with Academy facilities. While a number of POST's recommendations for physical improvements have been implemented, some of the more expensive and less critical items on the list have been delayed while the Department locates sufficient funding.

Specifically, the Department resolved the following critical issues:

- Completed Basic Course curriculum and submitted it to POST's Electronic Data Interface system.
- Developed Training Bureau Unit Order on Test Use and Security and completed POST-facilitated training for Academy staff on test security issues to address POST's concerns regarding the use of test materials and student workbooks in instruction.
- Developed Training Bureau Unit Order requiring an RTO to monitor classes taught by outside instructors to ensure the instructor is complying with test security issues.
- Developed Training Bureau Unit Order on Cognitive Testing Procedures and Skill Test Administration and completed POST-facilitated training for Academy staff on these subjects to address compliance with POST's regulations on remediation and retesting.
- Developed Training Bureau Unit Order on the Physical Conditioning Program and completed POST-facilitated training for Academy staff.
- Most Recruit Training Officers have attended the RTO Workshop. The final three deputies, one sergeant, and two lieutenants are scheduled to attend the next workshop in April, 2009.
- All Recruit Training Unit deputies have attended the Scenario Manager Workshop facilitated by POST.
- All required Academy staff have completed the Academy Director/Coordinator Workshop.

The following critical issues have been addressed, but are awaiting POST's final approval:

- Course Instructor resumes have been completed and entered into POST's EDI.
- Developed a new safety policy and submitted it to POST for approval.

The Department also has completed the following tasks recommended by POST in the BCCR report (though not required for certification):

- Developed better communication between Academy sites, by establishing a weekly management team meeting with all units and by assigning a new lieutenant to the North Academies in Santa Clarita and Antelope Valley.
- Addressed records maintenance issues with a new policy for storage and maintenance of class records, Instructor resumes and certification, test security documents, and other documents required for POST certification. All of the documents, along with recruits' confidential medical records, have been secured in the operations office.
- Repaired the Work Sample Test Battery chain link fence at the Whittier facility.
- Evaluated Instructor/student ratios for firearms training and are satisfied that there is appropriate supervision on the firearms ranges.
- Provided greater privacy for recruit counseling.
- Addressed POST's concerns about overcrowded classrooms, in part, by replacing the furniture to create more workable space.
- Replaced carpet in staff office space to address safety concerns about worn or torn carpeting.
- Addressed safety and overcrowding concerns about the modular classrooms by ceasing to use these buildings.
- Increased the size of the student break area at the Whittier facility and installed protective covering at all three Academy sites.
- Ceased use of the modular RTO office at Whittier facility.
- Replaced the lockers in both the men's and women's locker rooms at the Whittier facility.
- Replaced the weight training equipment at the Whittier facility to address safety concerns.
- Provided first aid equipment, including an Automated External Defibrillator machine, at the Whittier facility.
- Replaced some of the training mats for Defensive Tactics. The Training Bureau is waiting for additional funding to complete this project.

- Upgraded some audio/visual equipment at the Whittier facility. The Training Bureau is waiting for additional funding to complete this project.

The Department has yet to address fully the following concerns raised by POST:

- Upgrading the surface of the running track at the Whittier facility to accommodate training during inclement weather. The Department would like to install a composite track and is searching for appropriate funding for this \$1.5 million expense.
- Upgrading the Emergency Vehicle Operations Center track and installing lighting to support nighttime training. The Department has secured funding to modify and upgrade the track, but after evaluation, decided not to install lights at this time.
- Developing a formal strategic plan for upgrading the Academy's infrastructure. The Department plans to move its main Academy operations from Whittier to the Biscailuz Center (while maintaining a satellite Academy in Whittier), but the plan has been held up by an environmental soil study.

Most importantly, the Department has reestablished productive communications with POST, so that POST is confident that future concerns affecting the Academy's certification will be prioritized appropriately. Perhaps the best evidence that the Department has returned to good standing with POST is that the Training Bureau Captain and his Operations Lieutenant recently were asked by POST to serve as members of POST's BCCR team that will review other academies throughout the State.

C. Analysis

If the Sheriff's Academy was not on the brink of losing its POST's certification and being stripped of its authority to train peace officers, it at least placed itself unnecessarily into a crisis that required a 30 day delay of an Academy class and a feverish response to get the Academy back on track.⁴ The Academy's failure to respond to POST's October draft BCCR report in a timely and professional manner was at least as important in creating that crisis as was the identification of significant deficiencies by POST.

Moreover, the lack of a professional and timely response to the deficiencies identified by POST was compounded by the fact that the Academy had made little

⁴ To be clear, the Academy was continuing to instruct two ongoing Academy classes when it voluntarily decided to delay a new class of recruits for 30 days. The issues identified by POST had no impact on the ongoing classes and the recruits in those classes.

business by Academy staff intent on trying to graduate a thousand deputies in a year. There is also evidence that the lack of responsiveness by the Academy was the result of either miscommunication or a disconnect between the Academy's supervisory staff and the POST executives with whom they were regularly meeting which caused Academy leaders to underestimate the seriousness of POST's concerns. Based on our review, we must conclude that the initial inadequate response was caused by a confluence of all three factors.

As yet another partial explanation (but not a justification) of the Department's initial insufficient responsiveness, the POST certification review in 2007-08 was unprecedented in its breadth and scope. In prior years, the review team had only three members and the scope of its review was necessarily more limited. Indeed, as noted above, in 2004, there is no evidence that POST even documented its review in a written report. Thus, the Academy's attitude toward POST's 2007 review may have been partially formed by this historical framework.

Many of the substantive issues identified as problems in the BCCR report – filing course outlines and instructor resumes and scheduling instructors for necessary training – were relatively straightforward for the Academy to correct once it focused its remediation efforts. Others – the facilities issues – require more long-term efforts. In our view, however, the most significant issues – violations of POST's test security and remediation and retest policies – reflect an historical ideological divide between Academy staff and POST.

POST regulations regarding test security require that written tests be kept in a secure location. Instructors are not permitted to carry tests into the classroom and are not supposed to teach to the test; their instruction must consist of a wide range of materials, including subjects not on the test. Test rules allow a recruit who fails a test to have some period of remediation (the length of which is within the Academy's discretion but must be clearly documented) and one chance to retest. A second failure requires the recruit to be separated from the Academy.

As noted above, the recent POST review found the LASD Academy to have been violating these regulations. The review team found that instructors were using the written tests to guide their lectures, ensuring that answers were provided to recruits, and sometimes placing special emphasis on material to cue students that it was a likely test subject. The team also found that instructors were giving recruits multiple chances to remediate and retest, particularly in Firearms and EVOC. Their custom was to allow a recruit to continually practice a test course until he or she successfully completed it, and then call that successful attempt the retest. Indeed, we received anecdotal evidence that in some cases recruits were not even aware that they had taken and passed the requisite test because of the improper blending of the remediation and testing. According to POST, some EVOC instructors reported that they believed that management would not allow them to separate a recruit based on a failed driving test.

The Department's hiring push in the past two years undoubtedly placed pressure on the Academy – explicit or implied – to graduate recruits. The testing violations noted in the POST report are partially explained by this atmosphere of accelerated hiring, and there is some evidence to suggest a history of bending POST rules to accommodate the Department's hiring needs.⁵ In response to the recent BCCR report, the Academy has developed new policies on remediation and retesting consistent with POST standards and has retrained all its instructors on POST test security regulations. These efforts were sufficient to satisfy POST's immediate concerns so that the Academy could resume operations. Nonetheless, the Academy's past willingness to adjust its practices according to the Department's hiring demands may be indicative of a longer-term ideological divide over whether nearly every recruit, with enough training, can become a successful law enforcement officer, and to what extent the Academy should be used as an effective gatekeeper to prevent unqualified individuals from earning a badge. Even after the POST report there remains a healthy debate within the Department regarding the lengths to which it should go and the resources it should expend to assist struggling recruits in getting through the training regimen, or at what point the Department should accept that a recruit lacks the basic skills necessary for the job. POST rules do not stand in the way of an Academy remediating or retraining each recruit exhaustively, if necessary, to increase the likelihood of passing the retest – POST only prohibits repeated retesting.⁶

Indeed, for the most recent class to graduate (on October 17, 2008), the Academy devoted unprecedented resources to remediating 41 recruits – an unusually large number – who failed their initial weapons test. The Department made 40 hours of remedial training mandatory for those recruits, and introduced a new presentation to the entire class aimed at building recruits' self-confidence and minimizing the effect of nervousness through positive self-reinforcement and other cognitive learning techniques. All but five of those 41 recruits passed the retest and went on to graduate with their class.

While some in the Department still may disagree with the strict interpretation of POST's remediate and retest regulations, the Academy has accepted POST's mandates and understands it must comply or risk losing its certification. In any event, the deficiencies identified by POST, and the initial insufficient response by the Academy

⁵ Some of this history of trying to find ways for recruits to succeed, and even the practices discovered by POST regarding multiple retesting was influenced by litigation requiring the Department to bring more women into its workforce and a keen desire among some Departmental leaders to diversify its membership, current litigation notwithstanding.

⁶ During our review of the Academy, we learned of a related allegation that a recruit was improperly allowed to graduate from the Academy by a supervisor. The disposition of that internal affairs investigation remains pending and we will report on its results when it is concluded.

caused a crisis that could have been avoided. It is hoped that this crisis will serve as a caution to the Academy to not run afoul of POST dictates in response to future Department hiring demands or any other internal or external influences on the Academy.

During our initial review and preparation of our interim report, we recommended that the Department take a proactive approach to avoiding any future difficulties with POST certification. We suggested that the Department conduct its own internal reviews on a regular basis rather than wait for POST to conduct its three-year review. The Training Bureau already has implemented this recommendation. It created checklists for each of its units as a tool for each responsible lieutenant to review his or her responsibilities; ensure compliance with applicable POST mandates, Department policies, and unit level orders; and report back to its operations command. The Training Bureau currently is conducting its first such review. Related to this reform, the Sheriff has ordered the Training Bureau to develop a unit manual that will incorporate POST requirements and instill individual accountability on Academy staff for any future failures to adhere to these requirements. The implementation of these practices is an important step toward ensuring that the Department will not encounter future crises impacting its POST certification.

II. “The Academy” Reality TV show

This Board asked us to evaluate whether and, if so, to what extent the filming of the Fox Reality television show, “The Academy,” may have impacted the quality of the Sheriff Department’s training program. This inquiry was prompted by a letter from POST to the Sheriff’s Department in which POST expressed its view that the presence of the film crew at the Academy is “an inappropriate and unnecessary distraction” that “disrupts the instructional and learning environment” while serving no value beyond the entertainment purpose of the show. Specifically, POST raised the following concerns:

- The Department allowed the crew to film and air a POST-developed scenario test in violation of the POST Test Security Agreement, causing POST significant expense because it had to deactivate the aired scenario and create a replacement.⁷

⁷ Subsequent to POST’s letter, the Department acknowledged it should not have allowed filming of the POST-validated testing scenario and developed precautionary measures to ensure that no scenarios were aired during the second season of “The Academy.” For example, the Department invited POST to participate in editing sessions with the production company during which LASD personnel have the contractual right to remove any content from the show.

- The Department may have violated the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by allowing the filming of dialogue between recruits and staff members regarding a recruit's injury.⁸
- Instructors became too interested in the amount of their on-camera time, distracting them from their jobs as trainers. Staff members may be more animated in their criticism of recruits when they are aware they are being filmed.
- The Academy should be a safe place for students to make and learn from mistakes. Having those mistakes captured on film and aired on television is unnecessarily humiliating.

POST's first two enumerated concerns were addressed very quickly by the Department. This report will address the latter two issues, deal with some of the assumptions behind POST's disapproval of the show expressed during our meeting with POST executives, and then raise additional concerns that we have following our independent review.

A. Scope of Review

To respond to the Board's inquiry, we interviewed dozens of people, including Academy staff, the show's creator and Executive Producer, and roughly 20 percent of the members of the two classes depicted on seasons one and two of the show (Class 355 and Class 368, or "TV classes"), most of whom are now deputies. We reviewed statistics comparing the two TV classes with non-TV classes and read the evaluations completed by recruits in the TV classes for comparison to those evaluations written by recruits in other classes. Of course, we also watched both seasons of the show that have aired on television.

B. Findings

1. Effect on Training and the Training Staff

All of the recruits⁹ and instructors with whom we spoke were highly complimentary of the film crew and others associated with the production company.

⁸ The Department asked for a legal opinion from County Counsel's HIPAA compliance specialists on this issue and received assurance that POST's concerns are unfounded. We have no reason to question this opinion, and it comports with our understanding of HIPAA mandates.

⁹ At the time we interviewed them, most of the members of Classes 355 and 368 with whom we spoke were deputies. However, for ease of reference, we will refer to them all as "recruits."

While the cameras were an imposing presence, nearly everyone whom we interviewed commented on how professional and friendly the crew members were. Occasionally, training staff would have to ask a crew member to move for operational or safety reasons, particularly during firearms training, where safety concerns are obviously most significant. In general, though, most people, including staff members who were originally very skeptical about the anticipated level of interference, told us they were pleasantly surprised by how effectively the crew stayed out of the way so that they rarely interfered with Academy activities. The camera crew simply filmed what was happening, without asking for re-takes or any kind of special accommodation.¹⁰ Indeed, after the first few weeks of nervousness around the cameras, most of those we interviewed said they grew accustomed to them and eventually they did not even notice the film crew. Only a handful of recruits told us they never really got used to the idea of always being filmed and never forgot the cameras were there.

Nearly all of the recruits reported they did not believe that the cameras deleteriously affected their training or their ability to succeed – essentially saying that the drill instructors were the driving force behind the creation of a stressful environment and whatever additional stress the cameras may have supplied altered neither their performance nor the quality of instruction they received. Nonetheless, many recruits told us they thought about the cameras whenever they made a mistake and worried they would look “stupid” on TV.

The film crew’s presence at the Academy affected staff instructors in ways not easily characterized or quantified. We heard reports that some staff instructors were eager to appear on TV and made efforts to attract the cameras’ attention, even appearing during training segments in which drill instructors typically do not play a role. At the same time, most recruits reported that the cameras’ presence generally did not affect the behavior of the drill instructors or the training provided by any of the training staff. Some told us that, if anything, having the cameras around may have restrained the instructors and tempered their criticism of recruits. Most tellingly, several recruits who previously had been members of non-TV classes before being separated from the Academy and returning in a TV class told us that they observed no discernable difference between how staff instructors interacted with recruits in the TV and non-TV classes.

¹⁰ Despite this overall level of professionalism, we did learn of one instance in which the Department believed the production company overstepped its boundaries when it agreed to pay the expenses of a staff instructor in exchange for access to that instructor during his personal, off duty time, and footage that was subsequently used to feature the staff instructor on the show. At the Department’s insistence, the staff member reimbursed the production company for these expenses.

Finally, there is no evidence that graduates of the TV classes perform better or worse as deputies than their non-TV class counterparts. There are no significant differences in the numbers of these new deputies who successfully complete their probationary assignments.

2. Effects on Recruits

The recruits in the two TV classes can be broken down loosely into three categories – those who performed well in the Academy and were portrayed in a positive manner on TV; those who struggled during the training or attracted the drill instructors' attention because of their errors and consequently were depicted in a negative way; and those whose presence in the class was not apparent to the average viewer or whose appearance on camera was entirely neutral. We interviewed recruits from each of these three categories and found a surprising convergence of views on some issues. For example, as noted above, recruits generally reported that the presence of the film crew did not affect their performance during training. And as reported below, most recruits told us they would have preferred to not have their Academy experience televised, regardless of how they were depicted.

Not surprising, though, was the fact that how a recruit was portrayed on the show impacted the degree to which he or she held and expressed strong opinions during our interview. Many of the deputies who appeared on the show only in passing expressed indifference toward the show and the effect of the cameras. While these recruits generally had reservations about the show initially and tended to shy away from the cameras, in the end, most agreed that having the camera crew around during training was “no big deal.”

For some recruits, though, the show was a source of great humiliation. Obviously, only a limited portion of the training could be depicted, and the producers had to be selective about what was aired. Given the nature of television and the public's interest in dramatic events, the show tended to focus on recruits who struggled to meet the demands of the training program and who, therefore, attracted the attention of drill instructors. The show was dominated by scenes of drill instructors screaming at recruits who, for example, failed to remember specific commands, struggled with physical training, did not properly polish their shoes or tuck their shirts, were careless with their equipment, or in some other way failed to meet the staff's expectations. When the failures were so significant that a recruit had to be separated from the Academy, the cameras captured the moment and recorded the recruit's disappointment at losing his or her job. Some of the recruits who did perform poorly at times in the Academy, or whose serious mistakes or failings were captured on camera and aired on television, told us they have substantial regrets about their involvement in the show.

Some recruits also expressed concerns about how their private matters, including medical issues, were captured on camera and aired on television. While these disclosures may not violate any federal or state laws, as POST surmised, the Department should consider whether it ought to place its recruits in this compromising position. The recruits who were impacted by the public airing of their medical issues acknowledged in retrospect they could have asked that the cameras be turned off as their medical troubles unfolded and that request likely would have been honored. But they said that at the time of the incident they either trusted a staff member to step in and divert the camera or later edit the sensitive material out or they simply did not notice the camera was present.

Many also told us the cameras affected their behaviour at the Academy. They said they did not feel like they could be themselves, particularly on breaks, because it seemed the cameras were always around so they had to filter everything they said. Some recruits reported they believed this affected class camaraderie and interfered with their ability to build relationships with their classmates. Other recruits, however, apparently enjoyed the attention paid them by the film crew and seemed, according to their fellow recruits and some trainers, to seek out ways to get themselves on camera. Still others – mainly those who were not featured and rarely, if ever, appeared on the show – reiterated that the cameras were something they got used to and stopped noticing after the initial few days of training.

Members of the TV classes achieved a certain amount of notoriety that was not always welcome when they arrived at their first custody assignments. They were referred to as “Hollywood” and had fellow deputies question their judgment for agreeing to participate in the show. For the most part, this took the form of good-natured teasing. A few recruits, though, told us they had difficulty integrating with other deputies at their units. Some felt isolated from fellow deputies in a way they believe other new deputies were not, and attributed this to the perception that they had sought celebrity status or thought themselves to be somehow superior based on their status as members of a TV class. Some felt they were judged by fellow deputies for having made a poor decision in allowing their families or their homes to be shown on television. As episodes of the show began to air, others who were shown performing poorly (but who ultimately graduated nonetheless) faced additional criticism from deputies who questioned their fitness for the job.

3. Voluntariness of Participation

Before the recruits could be members of one of the TV classes, each had to sign a release agreeing that the entertainment company that owned the show could tape and photograph the recruit and waiving any claim for payment or ownership of any copyright or licensing rights. Recruits were told that if they refused to sign the release they would be deferred to another class. The Department did not keep any records regarding recruits who decided to defer because they did not want to be captured on film while in the Academy, though Pre-Employment personnel recall that two candidates originally

assigned to Class 355 decided to wait until the following class, and do not recall any recruit who refused to sign a release from Class 368.

From the Department's perspective, all of the releases were voluntary: Recruits were not forced to sign and an alternative was provided for those who did not want to participate. With only two exceptions, however, the recruits who we interviewed told us that refusing to sign the release and deferring to another class did not at the time feel like a real option. Every recruit told us that by the time they learned about the show,¹¹ they were anxious to get their careers with the Department underway. The hiring and backgrounds process for some of these recruits took as long as a year, and they told us they did not want to give up their positions in the class for what they viewed as an uncertain promise to be brought back in the next class, which was to start on an unspecified date.

Many recruits also told us that it was clear the Department supported the show and encouraged their participation, and that the atmosphere during orientation was intense, so that whatever desire they had to refuse to sign the release was overcome by a fear of standing out or drawing attention to him or herself. Finally, a smaller but not insignificant number of recruits told us they could not afford to defer to another class for financial reasons. This was true particularly for Class 355, most of whose members did not learn about the show until the first day of orientation, when they already had quit their previous jobs. One recruit told us he could not defer because he had a pressing need to obtain health insurance.

For all of the reasons these recruits had for signing the required release rather than deferring to another class, one thing clearly emerged from our interviews – nearly every recruit we talked to said he or she would have chosen to be part of a class that was not filmed and aired on television if such a class had started on the same day as Class 355 or 368. This was true for all types of recruits – those who looked good on TV, those who were portrayed in a negative way, and those who rarely, if ever, appeared on the show.

Beyond the release that each member of the two TV classes had to sign in order to stay in the class, on the first day of orientation, recruits were asked to stay at the end of the program to be interviewed by members of the production company.¹² The purpose of

¹¹ Class 355 was told about the TV show on the first day of orientation, just five days before training was set to begin. Most members of Class 368 were given more advance notice by Personnel Bureau, several weeks before training began. In both classes, some recruits learned sooner than their classmates because they already worked for the Department as part of the off-the-street program.

¹² While recruits acknowledge they were not “forced” to stay and consent to these interviews, they note at the same time that leaving without being interviewed did not

these interviews was to give the show's producers information based upon which they could decide which recruits to feature during their coverage of the 18-week Academy. Among other things, recruits were asked whether they would agree to be interviewed for the show and whether they would allow the film crew to follow them in some part of their lives outside the Academy – at home or in some other setting, with their families and/or friends.

Almost all of the recruits agreed that this decision was completely voluntary and they felt free to refuse, though a few told us they felt some pressure to consent because of their perception that the Department wanted them to participate, or that it would win them favor with Academy staff, or, conversely, that a refusal would draw unwanted attention from staff. Many members of Class 368 who had watched the first season of the show when it aired initially stated they did not want to be interviewed. As training progressed, though, and the film crew was not getting the interviews it wanted, recruits were encouraged by Academy staff to grant interviews and to feel comfortable with the crew. None of the recruits who reported this “encouragement” felt that staff had improperly pressured them. A small number of recruits did feel particularly pressured by the film crew to consent to interviews because they were singled out during training and thus, through no choice of their own, became featured characters on the television show.

During filming at the Academy, recruits generally understood that they could turn the cameras away during private moments or for personal conversations with staff members, and recruits who did not want their conversations with classmates to be recorded learned how to evade the cameras. On only one occasion that we learned of, numerous class members reported that one recruit's explicit, emotional request that the cameras be turned off was refused, and the crew continued to film, likening its role to that of a documentary filmmaker with the right to record everything. This made a lasting impression on much of the class, who typically felt less free to sidestep the film crew following that exchange. In another instance, it was reported to us that a recruit's private conversation with a staff member was filmed without the recruit's knowledge of the camera's presence. The recruit was surprised to see the encounter on television and was disappointed that the staff member had allowed it to be filmed.

4. Officer Safety Concerns

Most recruits who declined to be interviewed for the show and refused to invite the cameras into their homes and personal lives cited as their primary reason a concern for their own safety and that of their families. Indeed, many of the recruits with whom we spoke said they were concerned when they first learned their class would be the subject of the show about the safety of appearing on television and being recognized as

seem like a real option because it was clear to them that the Department wanted them to cooperate with the production company. Some members of Class 355 report the interviews went on until 10:00 p.m., making for a very long first day of orientation.

deputies by members of the public. A number of other recruits said they did not think of this as an officer safety issue from the outset, but now feel that their roles in the show could have jeopardized their safety.

Most of the recruits who were featured in the show reported that they are regularly recognized in public based on their TV appearance. In addition, all of the featured recruits, and many of those who had minimal roles told us they have been recognized by inmates in the jails.¹³

There is a mixed view in the Department on the significance of the safety issues involved when a police officer or deputy is recognized as a peace officer while off duty, in civilian clothes. On one hand, some argue that all deputies regularly are identified in public places by former inmates who they encountered while working in the jails or by people they arrested or encountered on duty. On the other hand, some argue that those encounters are more limited and less likely to involve a deputy's home or family than the more widespread recognition of the recruits from "The Academy." Also, deputies recognized by former inmates or arrestees are acknowledged based on their positions of authority, whereas many of the recruits on the show are depicted in moments of failure during which their weaknesses are exposed. Indeed, some of the recruits who were recognized by inmates reported having a sick feeling at the moment of this recognition because they believed that inmate saw them as vulnerable.

While some recruits' worries about the officer safety issues presented by the show may be overstated, as some more senior members of the Department have suggested, it can hardly be denied that the show exposed recruits (and Academy staff) to the public in ways no ordinary police activity would. And concern about public exposure is not unique to the members of the TV classes. Deputies generally tend to do whatever they can to minimize the overlap between their professional and personal lives, sometimes preferring to live outside the area in which they work so they do not regularly see people off duty who they may have to interact with on duty. During the first season of the show, none of the staff was filmed away from the Academy. During the second season, staff members agreed to give the crew some window into their personal lives, but only one allowed his family members and home to be filmed. And deputies working the jails are cautioned to not share personal information with inmates, yet despite some efforts to limit

¹³ All of the custody facilities have instructed personnel to cut off TV access for inmates during those times when "The Academy" is aired, or to ensure that the TVs are set to a different channel. This reportedly has not been uniformly enforced and, in any event, the jail population is so fluid that inmates easily could have seen the show prior to their arrests.

recruits' public exposure,¹⁴ inmates and others had easy access via the show to a great deal of personal information about some recruits, much of it not particularly complimentary.

5. Asserted Benefits of the Show

Contrary to POST's assertion that the show serves no benefit beyond its entertainment value, some Department members maintain the Department derived significant benefits from "The Academy." Because the show is aired nationally and has been a commercial success, it raised the LASD's profile on a national scale. Training Bureau staff reportedly receive "fan mail" from police officers all over the country (and occasionally from other parts of the world) praising the show and its depiction of law enforcement as a serious profession with substantial barriers to entry. The Department argues that the show boosted its image locally and nationally as well, serving as an important recruiting tool during a time when the Sheriff sought to hire a large number of new deputies.¹⁵

It is interesting to note the divergence of views between recruits, on one hand, and Academy staff and other Department members, on the other, on how the show affected the Department's image. Recruits generally focused on the negative, believing that the show made them, and the Department, appear incompetent, because it emphasized the failings of recruits and not their successes. Staff focused on their own roles and tended to believe the show depicted the Department as an impressive organization with high standards and effective instructors. Both groups make colorable arguments. Ultimately, conclusions about the image of the Department that emerges from the show depend in large part on the lens through which one views it.

The show may serve the public as well as the Department. While many law enforcement agencies seek to shield their activities from public scrutiny, the LASD opened the doors to its training Academy and essentially invited the public in. Some in the Department criticized this level of transparency, fearful that the show would give away too many law enforcement training secrets in a way that criminals could exploit. From our perspective, the show did not depict the training or curriculum with such specificity that one could learn how to subvert law enforcement merely by tuning in. But by sharing with the public some of the techniques and demands of its training methods, the Department both opened itself up to outside criticism from which it may learn and

¹⁴ The Department instructed the film crew to avoid showing the fronts of recruits' houses, and generally to not reveal much about the neighborhood in which a recruit lived.

¹⁵ The degree to which the television show served as an effective recruiting device for the Department is premised entirely on anecdotal evidence as there was no effort to quantify the number of applicants who were influenced to apply to the Department as a result of their exposure to the show.

the Department both opened itself up to outside criticism from which it may learn and benefit and showed the rigors of training in a way that may help improve the public's opinion of deputies encountered on the street. The rigors and complexities of the training program at the Academy as featured on the show may also have assisted in educating the public that policing is a demanding profession, requiring a combination of physical skills, technical expertise, and complex decision making. Moreover, documenting both the successes and miscues of the recruits as they struggled to become police officers could be said to humanize members of the profession and offset the perception by some that police are cold or unfeeling.

Additionally, some in the Department have suggested that taping the Academy for broadcast on a reality TV show is good training for police work in a society where anyone and everyone may have a camera with which to record one's activities, as a result of the increased presence of video in patrol cars, on cell phones, in the jails, and in commercial and public structures. While the cameras may have made recruits more nervous during training, this added stress may be good preparation for 21st century law enforcement officers and a wakeup call that virtually every action undertaken by them in their law enforcement careers has the potential to be captured on camera. While certainly this observation is true, there may be a distinction between the recruits in this case who are in a learning environment and full-fledged police officers who do need to understand that all of their actions are potentially subject to video scrutiny.

Another unforeseen benefit of the television show is that it provides the Department's executive staff an opportunity to view the Academy training from a unique perspective. As noted above, the contract between the Department and the production company provides the Department the right to screen all footage before it is aired. Particularly since the issues became evident with POST, the Department has taken advantage of this opportunity to ensure that the lessons administered by the training staff are consistent with the vision of the leaders of the Training Bureau. When a disconnect in that vision has been identified, the leadership has moved to alter the training methodology. For example, a review of the raw footage demonstrated some inappropriate language being used by training staff when addressing recruits. After viewing those scenes, the command staff quickly moved to change that behavior. Of course, nothing other than cost (an admittedly significant hurdle) prevents the Department from engaging in this type of intense, video supervision of its training programs without the intervention of a television production company.

Finally, the financial benefit to the Department cannot be ignored. Pursuant to its contract with the production company, the Department is entitled to a percentage of the license fees and profits the producer receives. For the first two seasons of "The Academy" combined, the Department received approximately \$250,000, which it placed in its Special Training Fund.

C. Analysis

Whether the benefits to the Department outweigh the negative attributes we discovered during our review is a question decision makers in the Department and the County must answer. In our opinion, though, the purported advantages may not justify the show's potentially deleterious impact on recruits. While the filming of the show did not clearly impact the quality of the training provided at the Academy, the negative effect on recruits may be too potentially great, in our view, to warrant continued filming of the show. We base this opinion mainly on what we learned during our many interviews with members of the two TV classes. When we asked recruits whether they believe the Department should continue to allow the production company access to the Academy to film the show, a few cited the benefits to the Department's recruiting efforts and image noted above, a few claimed indifference, and a clear majority simply said "no."

Though our assignment here is not to opine on the disciplinary techniques employed by drill instructors and the extent to which those serve a legitimate training purpose, we agree with POST that public humiliation is not a necessary aspect of the training of law enforcement officers. Exploiting some recruits' difficulties and failures by airing them on national television for the apparent entertainment of others does not seem to advance the core mission of the Academy, namely to train and ensure that graduates possess the skills necessary to perform as peace officers in the State of California.

More troubling for us than the humiliation factor, though, is the concern deputies expressed about officer safety and the sometimes disconcerting encounters with inmates as a result of their involvement in the show. Many recruits recognized from the beginning that being featured on the show or having their family members identified on TV could pose a safety issue and they declined individual interviews. Some of these recruits nonetheless ended up in prominent roles on the show during the course of training. Many other recruits told us they were not thinking about safety issues at the time they agreed to be featured on the show and they did not realize at the time – on day one of their training to be a peace officer – how, for example, having their parents, spouses, or children appear on television with them could create problems later. And few could appreciate how the show might expose their weaknesses to inmates and others. While there is no evidence that deputies who were featured on the show have had their safety compromised, the expressions of concern by deputies about that potential do give us pause.

Underlying all of our concerns about the wisdom of continuing to allow filming of "The Academy" – including issues of recruits' dignity, safety, privacy, and notoriety – is our finding that recruits' participation in the show was not entirely their choice. While it is clear that no one was forced to sign a release, it is equally clear that most, if not all, recruits believed that refusing to sign was not a real option. This atmosphere where recruits reluctantly acceded to the cameras only out of a desire to get on with their law

enforcement careers will likely grow worse as the Department slows its hiring and recruits will have to choose between signing a release and appearing on the show or deferring to the next class, which may not begin for six months or more.

These concerns are mostly unique to the recruit training environment and do not necessarily apply to other potential reality television shows involving Department members from, for example, the Crime Lab, Homicide Bureau, and Patrol regions.¹⁶ Participation in the filming of those contemplated projects will be much more clearly voluntary. While some deputies may feel compelled to consent to play roles in those shows in order to please their superiors, their status in the Department will be more secure than that of recruits; they will feel confident that they can refuse to participate and still maintain their jobs with all attendant benefits. Further, deputies who would agree to be filmed for these shows would go into the project with more complete knowledge of the risks, benefits, and potential downsides than any of the recruits had when they signed releases for their appearances in “The Academy.” Finally, the drama or entertainment value of those shows presumably will not derive from the embarrassment or failure of the deputies involved in the way that “The Academy” relied on recruits’ mistakes and breakdowns to fuel interest in the show.

Following our review, we conclude that the filming of the reality TV show did not affect the quality of the training provided to recruits at the Academy. We did not find that recruits received any less or inferior instruction as a result of the cameras’ presence, nor did we find the production crew affected recruits’ ability to learn. Nonetheless, the TV show did impact a number of recruits in potentially negative or harmful ways, and the choice to participate, for most recruits, was not entirely voluntary. For these reasons, unless recruits have the ability to refuse to participate in the show without any delay to their training or other adverse consequences, and unless the Department uses its editorial prerogative to ensure that no personal information or humiliating experiences are televised, we recommend that the County and Department not proceed with a renewed airing of the show.¹⁷

¹⁶ We make no judgments about the wisdom of pursuing the production of these other contemplated shows, and only discuss these shows in the context of our concerns about “The Academy.” It is important to note that the issues that were the most problematic for the recruits being televised are likely to be non-existent for certified peace officers.

¹⁷ It seems unlikely the Department could meet these conditions. First, in order to provide a real option for recruits to refuse to participate in the show, the Academy would have to be large and active enough to run parallel classes, a situation that does not currently exist. Second, any filter that would screen out recruits’ personal information and humiliating experiences could well hurt the commercial viability of the program,

Please do not hesitate to contact us if you have any questions regarding POST's review of Training Bureau operations, "The Academy" television show, or any other matters discussed in this report.

Very truly yours,



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presumably making the production company less desirous of a renewed filming agreement.