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31 Probation Department officers may escape discipline for misconduct

L.A. County's Office of Independent Review finds that investigators have taken too long to complete their reviews.

By Molly Hennessy-Fiske, Los Angeles Times

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The Los Angeles County Office of Independent Review has issued a [scathing report on internal investigations in the county Probation Department](#), finding that at least 31 sworn employees who committed misconduct and abuse will probably escape discipline because investigators took too long to complete their cases.

"It's a big problem, huge," said Michael Gennaco, the lawyer who led the three-month review at the request of the county's Board of Supervisors. "The system is broken down in so many ways, from the inception of the investigation all the way through. There are bottlenecks that slow things down, and cases that should have been done, could have been done in a reasonable time, were not."

County supervisors were privately briefed on the report before it was released late last week.

"You have people who have committed some egregious violations, sometimes against our kids, and they don't get punished," said Supervisor Zev Yaroslavsky, who requested the report. "This is the product of many years of buildup, and it's got to be cleaned up."

Of the 31 sworn staff — those who have peace officer status under the law — slated for discipline who will probably go unpunished by the department, Gennaco said 18 had been charged with crimes including cruelty to a child, sex with a minor, prostitution, assault with a deadly weapon, resisting an officer and battery. Of the 18 charged, at least 10 have been convicted, according to Gennaco.

The report found that the 31 sworn officers, all found to have committed misconduct, may be beyond the reach of departmental punishment because investigators violated the statute of limitations for investigations of peace officers by taking more than a year to complete or to act on their findings. In addition, it found that more than half of the disciplinary cases that did make the deadline were completed at the last minute, within five days of the limit.

"The bottlenecks that caused the delay derived primarily from bureaucratic inefficiencies, insufficient tracking and weak case management," the report said.

Probation Chief Donald H. Blevins took over the troubled department this year, acknowledged past problems in internal affairs and said he would use the report to make improvements.

"We will take every effort to ensure that youth are safe in our custody," Blevins said.

Supervisors became alarmed about problems in the department's internal investigations after [The Times reported in February](#) that sworn probation employees working in the county's juvenile detention halls and camps had committed misconduct and abuse and [in some cases escaped discipline](#).

At supervisors' request, Gennaco and two other lawyers reviewed 52 investigations and interviewed a dozen probation investigators and U.S. Department of Justice monitors who have been overseeing the department's 21 juvenile camps and halls for nearly a decade.

Among other findings:

- Investigators failed to confront staff under investigation with incriminating security videos. One video showed a probation officer using pepper spray on a youth who was handcuffed and pinned to the floor, "passive and non-combative." Another showed a female probation officer accused of having sexual relations with an incarcerated youth as she entered a closed room with him, then bragged about having sex on duty with fellow staff.
- A probation officer who allegedly allowed a youth into another boy's room to assault him was not notified for six months that he would be fired because of the incident. It took 11 more months to dismiss him. He appealed the firing to the state Civil Service Commission, which reinstated the man after finding the internal investigation evidence weak, in part because the investigator did not interview some of the witnesses who submitted what the hearing officer described as "barely legible" affidavits.
- Probation officials could not say how many active internal investigations they had and could not determine employees' disciplinary records because of antiquated and incompatible record-keeping systems.
- Only "a fraction" of the juvenile camps and halls have recorded video surveillance, which would "improve the department's ability to ferret out misconduct while disproving spurious allegations."
- Officials at probation camps and halls may investigate use of force by staff without ever referring complaints to internal investigations; that occurred last year in at least three cases at the camps and 274 at the halls.
- It took investigators 341 days to investigate an anonymous complaint that a probation executive knew and failed to report that his daughter, a probation officer, had a child with a former probationer in violation of department policy. Blevins would not comment on the outcome of that case.
- The department has spent 133 days investigating a sworn probation employee who admitted he was living with a parolee in violation of department policy. The report said the "open-and-shut" case is still open and the statute of limitations will expire soon.
- As many Probation Department employees were arrested last year as Los Angeles County

sheriff's deputies, but the Probation Department has a third as many employees, the report said.

The probation department has 14 internal investigators to handle inquiries for 6,000 employees, about 4,400 who are sworn officers. On average, investigators took 200 days to complete cases, nearly five times the department's self-imposed deadline of 45 days, the report found.

Gennaco's office recommended 34 improvements, including consolidating the department's multiple internal investigation offices, combining case tracking systems, giving investigators specialized training, eliminating affidavits, adding video surveillance and establishing on-site independent review of investigations.

Blevins said his staff would report back on each recommendation within a month.

Yaroslavsky said he plans to ask the Office of Independent Review to stay on to supervise investigations. He and Supervisor Mark Ridley-Thomas said the department's new leadership appears willing to fix the system.

"The good news is there are those who are still under review who will not slip through the cracks," Ridley-Thomas said. "Our job is to deal with that and put this department in proper order."