



COUNTY OF LOS ANGELES COMMUNITY PREVENTION AND POPULATION HEALTH TASK FORCE

COMMUNITY PREVENTION AND POPULATION HEALTH TASK FORCE

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TASK FORCE CO-CHAIRS

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June 15, 2021

The Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

LAW ENFORCEMENT IN HEALTH CARE SETTINGS

Dear Supervisors,

As members of the Los Angeles County Community Prevention and Population Health Task Force (Task Force), we urge you to redouble your efforts concerning the presence of the Los Angeles County Sheriff's Department in county hospitals.

This Task Force has a duty to make recommendations to the Board of Supervisors, the Alliance for Health Integration, and the Department of Public Health on public health priorities, initiatives and practices that will achieve health equity and healthy communities. Our recommendations to the Board arise from our Principles of Equity, and the matter at issue now implicates two key principles: health in all policies and accountability.¹

In the spirit of those principles and in our official capacity, we ask that you prioritize action on your October 27, 2020 motion, "Promoting the Health and Safety of Patients, Visitors and Employees on the County of Los Angeles' Medical Campuses."² That motion was in direct

¹ <http://publichealth.lacounty.gov/plan/docs/PrinciplesEquity.pdf>

² The Board of Supervisors passed a resolution on October 27, 2020 directing:

- The Inspector General to take all actions necessary to conduct a thorough and fair investigation into the Sheriff's Department personnel shooting Nicholas Burgos at Harbor-UCLA;
- The Acting CEO and Director of the Department of Health Services to complete a review of best practices for security on medical campuses and provide a written report to the Board within 60 days; and
- County Counsel to provide a written report within 60 days on the Board's authority to impose restrictions or training requirements with respect to the presence of armed officers that are assigned to protect individuals on medical or are temporarily assigned to medical campuses.

Community Prevention and Population Health Task Force Members:

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Michelle Fluke · Cathy Friedman · Nancy Halpern Ibrahim · Anisha Hingorani · Nomsa Khalfani · Jim Mangia
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response to the October 6 shooting of patient Nicholas Burgos at Harbor-UCLA medical center by an LA County Sheriff Department deputy while he was in the midst of a mental health crisis. Five days after the Board unanimously passed its motion, Mr. Burgos died from his gunshot wounds.³ Mr. Burgos is the second person shot and killed at Harbor-UCLA in five years; Ruben Herrera was killed by an LAPD officer in 2015.⁴

So far, none of the County entities named have fully complied with the Board's October 27 motion.⁵ However, we understand that the due date for the CEO and Director of Health Services' report was extended to June 22, 2021.⁶

In anticipation of that report, we urge the Board not to allow any further delay from any County entity in enforcing the directives of its October 27th motion. It is imperative that the County responds quickly to prevent any future killing or bodily injury at the hands of law enforcement in county medical facilities.

Ultimately, we recommend that the Board expedite the changes to County policies and practices that are necessary to ensure patient and staff safety in health care settings, to prevent further harm or violence in county medical facilities, and to rebuild trust in the county's medical system.

Law enforcement violence is a public health and health care delivery issue.

Not only is law enforcement violence a public health issue in itself, armed Sheriff's deputies abusing their power in health care settings is anathema to the safe provision of medical care. Even non-lethal physical violence by police negatively impacts the ability to "achieve positive health outcomes in the short and long term and compounding extant health inequities."⁷ The public health consequences extend beyond officer-involved shootings or physical violence. The stress of police presence and encounters have significant psychological effects that also exacerbate health disparities. The American Public Health Association notes that "Black individuals were more likely than White individuals to report stress as a result of encounters with police—a concern given evidence of an association between stress due to perceived racial discrimination and risk factors for chronic disease and early mortality."⁸

³ Los Angeles Times, "Patient Shot By Sheriff's Deputy Inside Harbor UCLA Hospital Dies," <https://www.latimes.com/california/story/2020-11-17/patient-shot-by-sheriffs-deputy-as-he-wield-heavy-medical-device-inside-harbor-ucla-hospital-dies>

⁴ <https://www.latimes.com/local/lanow/la-me-lapd-shooting-settlement-20180411-story.html>

⁵ The Office of the Inspector General sent a letter requesting documents from the Sheriff's Department on Nov. 20, 2020, https://lasd.org/wp-content/uploads/2021/02/Request_Tracker_303_OIG_Request_Pending_DIS_Medical_Center.pdf. However, the OIG later listed that request for information among request still awaiting the Sheriff's response (Dec. 14, 2020, available at <https://oig.lacounty.gov/Portals/OIG/Reports/UnlawfulConductOfLASD.pdf?ver=Jifutlhult-8GTivHQ08sg%3d%3d>)

⁶ For the document link titled "Report" listed in the Attachments to the October 27, 2020 Statement of Proceedings Agenda #27, there is an apparent placeholder document that says: "Pending submittal of requested report CEO and Director of Health Services' due date extended to June 22, 2021." Available at <http://file.lacounty.gov/SDSInter/bos/supdocs/150081.pdf>

⁷ American Public Health Association, "Addressing Law Enforcement Violence as a Public Health Issue" (Nov. 13, 2018), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence>

⁸ *Id.*

The County must not allow armed law enforcement presence to undermine patient security, well-being, or health outcomes. The Department of Health Services guarantees a patient's right to "[r]eceive care in a safe setting, free from mental, physical, sexual, or verbal abuse and neglect, exploitation or harassment," and "access protective and advocacy services including notifying government agencies of neglect or abuse."⁹ Whether it is by co-locating Sheriff substations on county medical campuses or individually escorting certain patients, the presence of Sheriff deputies cannot promote safety or well-being when law enforcement is itself the source of harm. These harms range from loss of life, undermining medical care, to violations of protections from illegal search and seizure and unlawful detainment.¹⁰

Because medical mistrust leads to lower utilization of health care,¹¹ eroded confidence in the county health system is detrimental to population health. This is especially critical as the County attempts to address the disproportionate incidence of COVID in Black, Brown, Asian, Pacific Islander, and Indigenous communities. A significant majority of the County's patients are indigent with Medi-Cal, a county program, or are uninsured, and do not have the many other options for their health needs.

Our recommendations.

At the heart of our Principles of Equity is the simple tenet: "Every person living in LA County should have an equal opportunity to live a long, healthy life." Therefore, the Task Force urges the Board to take the following actions:

- Instruct all county medical campuses to follow a Care First model that allows hospital staff to provide medically appropriate responses to crises in health care settings so that law enforcement involvement is minimized or avoided altogether;
- Strengthen hospital policies that give medical staff the workforce training and resources they need so they can utilize and improve the existing "Code Gold" response system, and allow the Code Gold protocols sufficient time to stabilize crises;
- Create a system of patient advocacy that allows patients, their families, and health care providers to file a complaint if law enforcement harasses, intimidates, abuses, or otherwise interferes with a patient's rights or health care;
- Close all Sheriff Department substations located in Department of Health Services facilities and reallocate that funding to dedicated resource teams of health care providers that will center crisis de-escalation;
- Prohibit Sheriff Department deputies who are assigned to provide personal security for patients from intervening in any patient care or crisis unless specifically directed to do so by medical staff;

⁹ DHS Patients Rights & Responsibilities, <https://dhs.lacounty.gov/patient-information/records-and-forms/patient-rights-and-responsibilities/>

¹⁰ See Jiseon Song, *Policing the Emergency Room*, Harvard Law Review June 2021, Volume 134, No.8

¹¹ See, e.g., Drs. Jessica Jaiswal and Perry N. Halkitis, *Towards a More Inclusive and Dynamic Understanding of Medical Mistrust Informed by Science*, BEHAVIORAL MEDICINE 2019, VOL. 45, NO. 2, 79–85, <https://med.stanford.edu/content/dam/sm/ppc/documents/Training/Jaiswal-2019-Medical-Mistrust-Review.pdf>

- Convene dialogues with Black, Brown, Indigenous and People of Color community stakeholders with lived experience and from impacted communities to understand concerns and collaborate on ideas for community-centered mental health treatment and response, health-focused interventions, and harm reduction; and
- Work with community leaders and medical staff to determine best practices, advise implementation, and provide review for accountability, lessons learned and future improvements to patient safety.

These recommendations are consistent with what many community members have called on the Board to do at various meetings in the last six months. We urge you to read the extensive policy analysis and recommendations the Frontline Wellness Network composed. It is attached here for your convenience.

We hope that the CEO and Director of the Department of Health Services will incorporate similar recommendations in their report required by the Board of Supervisors October 27, 2020 motion on security on medical campuses that is now due on June 22. And we look forward to the opportunity to provide feedback on that report when it is ready.

We thank you for your consideration and welcome the opportunity to discuss this further, to provide input to the report and to support implementation of the recommendations.

Sincerely,



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Task Force Co-Chair



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Attachment

c: Christina Ghaly, MD, Director, Los Angeles County Department of Health Services