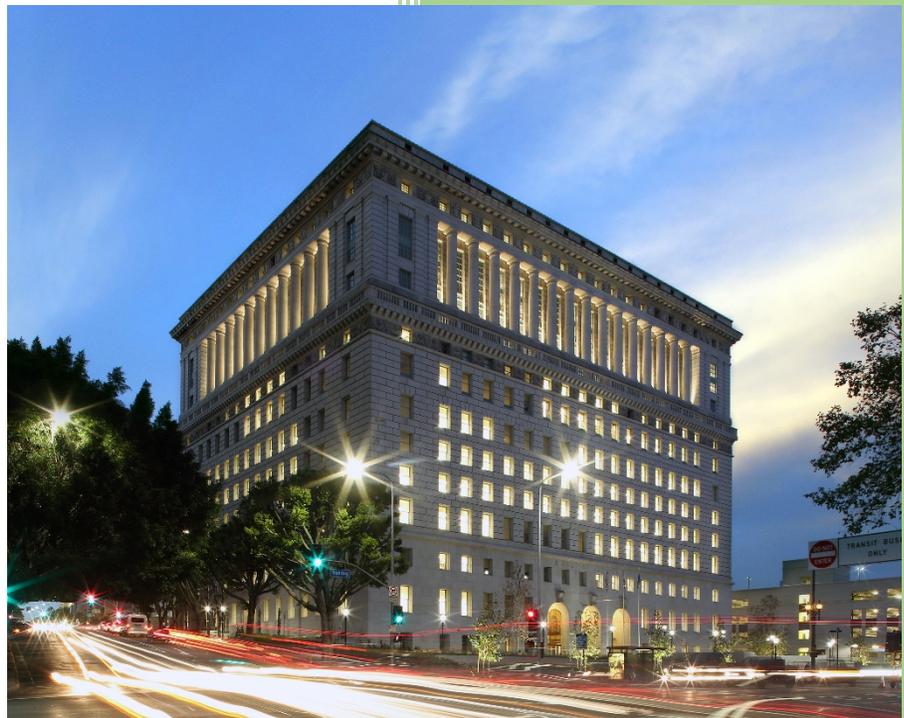


Los Angeles County Sheriff's Department

Audit and Accountability Bureau



TITLE 15 COMPLIANCE –
INMATE SAFETY CHECKS AUDIT
CUSTODY SERVICES DIVISION –
GENERAL POPULATION –
NORTH COUNTY
CORRECTIONAL FACILITY
Project No. 2021-3-A



Alex Villanueva, Sheriff

June 8, 2021

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau**

**TITLE 15 COMPLIANCE – INMATE SAFETY CHECKS AUDIT
CUSTODY SERVICES DIVISION – GENERAL POPULATION
NORTH COUNTY CORRECTIONAL FACILITY
Project No. 2021-3-A
AUDIT REPORT**

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Title 15 Compliance – Inmate Safety Checks Audit – Custody Services Division – General Population – North County Correctional Facility (NCCF) under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) NCCF adhered to the California Code of Regulations, Title 15 (Title 15),¹ which is enforced by the Board of State and Community Corrections, the Department's Custody Division Manual (CDM), NCCF's Unit Order (Unit Order), and provisions of the United States Department of Justice (DOJ) Joint Settlement Agreement (Agreement)² regarding inmate safety check compliance measures.

The AAB conducted this audit under the guidance of the Generally Accepted Government Auditing Standards.³ The AAB determined the evidence obtained was sufficient and appropriate to provide reasonable assurance for the results based on the audit objectives.

BACKGROUND

The Department's Custody Division Mission Statement states, "It is the mission of the Custody Division to serve the best interest of Los Angeles County by providing a secure, safe, and constitutionally managed jail environment for both staff and inmates."⁴ A component of ensuring inmates' safety and welfare is the inmate safety check. According to the CDM, inmate safety checks consist of looking at the inmates for signs of life (e.g., breathing, talking, movement, etc.) and obvious signs of distress (e.g., bleeding, trauma, visible injury, choking, difficulty breathing, discomfort, etc.).⁵ These checks must be performed in accordance with Title 15, the CDM, the Unit Order, and the Agreement.

¹ The California Code of Regulations includes Title 15 as one of its 28 titles. It is a codification of the general and permanent rules and regulations announced in the California Regulatory Notice Register by California state agencies, April 2017.

² The Department entered into a Joint Settlement Agreement in July 2015, regarding the Los Angeles County Jails and Stipulated Order of Resolution, CV 15-5903.

³ United States Government Accountability Office, Government Auditing Standards, July 2018.

⁴ Custody Division Manual, Section 1-00/000.00, Custody Division Mission Statement, December 2001.

⁵ Custody Division Manual, Section 4-11/030.00, Inmate Safety Checks, February 2018.

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The NCCF is a Type II facility,⁶ consisting of group dormitory type housing and cells, with a maximum capacity of two inmates assigned to a cell.

Title 15 requires inmate safety checks to be conducted at least hourly through “direct visual observation.”⁷ The CDM meets the Title 15 mandates by requiring Department members to perform safety checks every 60 minutes for those inmates assigned to an unobstructed visual observation dormitory-style housing area.⁸ The CDM exceeds the Title 15 mandates by requiring Department members to perform safety checks every 30 minutes for inmates housed in general population cells. Per Title 15, Section 1005, Other Standards and Requirements, a city or county agency operating a local detention facility is not prohibited from adopting standards and requirements governing its own employees and facilities; provided, such standards and requirements meet or exceed, and do not conflict with these standards and requirements.

There are two agreement provisions which are specific to inmate safety checks. The Agreement, Provision No. 58, states:

Within three months of the Effective Date,⁹ the County and the Sheriff will revise and implement their policies on safety checks. The County and the Sheriff will ensure that safety checks in non-mental health housing units are completed and documented in accordance with policy and regulatory requirements as set forth below:

- (a) At least every 30 minutes in housing areas with cells;*
- (b) At least every 30 minutes in dormitory-style housing units where the unit does not provide for unobstructed direct supervision of prisoners from a security control room.*
- (c) Where a dormitory-style housing unit does provide for unobstructed direct supervision of prisoners, safety checks must be completed inside the unit at least every 60 minutes;*
- (d) At least every 60 minutes in designated minimum security dormitory housing at PDC South, or other similar campus-style unlocked dormitory housing;*

⁶ The Board of State and Community Corrections defines a Type II facility as a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

⁷ Title 15 states, “Direct visual observation means the direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.”

⁸ “Unobstructed Visual Observation” means continuous but not necessarily uninterrupted observation within a reasonable physical distance of the inmate(s).

⁹ Effective date was July 1, 2015.

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- (e) Custody staff will conduct safety checks in a manner that allows staff to view the prisoner to assure his or her well-being and security. Safety checks involve visual observation and, if necessary to determine the prisoner’s well-being, verbal interaction with the prisoner;*
- (f) Custody staff will document their checks in a format that does not have pre-printed times;*
- (g) Custody staff will stagger checks to minimize prisoner’s ability to plan around anticipated checks; and*
- (h) Video surveillance may not be used to replace rounds and supervision by custodial staff.*

The Agreement, Provision No. 59, states:

Consistent with existing Sheriff’s Department policies regarding uniform daily activity logs, the County and the Sheriff will ensure that a custodial supervisor conducts unannounced daily rounds on each shift in the prisoner housing units to ensure custodial staff conduct necessary safety checks and document their rounds.

The Agreement provisions No. 58 and No. 59 are aligned with the policy requirements of the CDM and do not conflict with these standards.

The Custody Compliance and Sustainability Bureau (CCSB)¹⁰ and the U.S. District Court’s appointed Monitor¹¹ for the Agreement inspected and reported that the NCCF was in “Partial Compliance” with Agreement Provision No. 58, and in “Substantial Compliance” with Agreement Provision No. 59.¹²

PRIOR AUDITS

This is the second Title 15 Compliance – Inmate Safety Checks Audit for NCCF conducted by AAB.

¹⁰ The CCSB conducts assessments at each Custody facility to ensure compliance with the provisions of various court actions and adherence to policies and procedures.

¹¹ The Monitor was appointed by the U.S. District Court to report the Department’s compliance with the Agreement to the County of Los Angeles, the DOJ, and the U.S. District Court.

¹² As stated in the August 2020 Monitor’s Tenth Report, *Partial Compliance* means the County has achieved compliance on some, but not all, of the material components of the relevant provision of the Agreement. *Substantial Compliance* means the County has achieved compliance with the material components of the relevant provisions of the Agreement in accordance with the [agreed-upon Compliance Measures for assessing Substantial Compliance], which it must maintain for twelve consecutive months.

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METHODOLOGY

Scope

This audit encompassed five main objectives to ensure compliance with Title 15, the CDM, the Unit Order, and the provisions of the Agreement regarding the documentation and monitoring of inmate safety checks at NCCF:

- Objective No. 1 – Inmate Safety Checks Once Per Hour – To determine if the inmate safety checks were completed at least hourly, as required by Title 15.
- Objective No. 2 – Inmate Safety Checks Once Per 30 Minutes – To determine if the inmate safety checks were completed once every 30 minutes, as required by the CDM.
- Objective No. 3 – Unannounced Checks by the Shift Floor Sergeant – To determine if the unannounced checks by the shift floor sergeant were properly documented, at least once per shift, as required by the CDM.
- Objective No. 4 – Unannounced Checks by the Shift Watch Commander – To determine if the unannounced checks by the shift watch commander were properly documented, at least once per shift, per week, as required by the CDM.
- Objective No. 5 – Retention of the Uniform Daily Activity Log (UDAL) – To determine if NCCF retained the UDAL books for a period of five years.

Audit Time Period

The audit time period was from November 1, 2020, through November 30, 2020.

Audit Population

Auditors identified varying populations in order to examine the different aspects of the five main objectives, which are described in the Audit Objectives and Results section for each objective of this audit.

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AUDIT OBJECTIVES AND RESULTS

Objective No. 1 – Inmate Safety Checks Once Per Hour

Criteria

State of California, Board of State and Community Corrections – Title 15 Minimum Standards For Local Detention Facilities, Section 1027.5, Safety Checks, pg. 25, (April 2017), states:

Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60 minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks.

Custody Division Manual, Section 4-11/030.00, Inmate Safety Checks, (February 2018), states:

The California Code of Regulations, Title 15, section 1027.5, requires hourly safety checks of inmates. All inmates in our custody shall be visually checked at least once each hour to ensure their safety and welfare. Department policy, however, requires more frequent safety checks of some inmates. If inmate safety checks are required more frequently, it is imperative all personnel strictly adhere to those requirements.

Procedures

Auditors identified 120 dormitory scan points¹³ requiring 24 scheduled one-hour safety checks in a 24 hour period, totaling 2,880 safety checks.¹⁴ From these identified safety checks, a statistically valid random sample¹⁵ of 93 safety checks were reviewed and evaluated for compliance with Title 15.

Auditors reviewed the inmate safety check reports from the electronic Uniform Daily Activity Log (e-UDAL) and Closed Circuit Television (CCTV) system to determine if the inmate safety checks were completed at least hourly, as required by Title 15.

¹³ Scan points are Quick Response Codes mounted throughout inmate housing areas. When a scan point is scanned with a handheld device, the recorded information is automatically transmitted to the e-UDAL.

¹⁴ The audit population consisted of the dormitory scan points at the 15 housing locations in NCCF during the audit time period.

¹⁵ Using a statistical one-tail test with a 95% confidence level and a 4% error rate, a statistically valid random sample was identified.

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Results

Of the 93 safety checks, 90 (97%) met the criteria for this objective. Three safety checks did not meet the criteria for this objective because the safety checks were completed beyond the one-hour Title 15 requirement. The time intervals in which the safety checks were performed are shown below in Table No. 1.

Table No. 1 – Detailed Results for Objective No. 1

| Time Interval Between Checks | Met the Criteria | Did Not Meet the Criteria |
|-------------------------------------|-------------------------|----------------------------------|
| 60 minutes or less | 90 | – |
| 61 minutes or more | – | 3 |
| Total | 93 | |

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Objective No. 2 – Inmate Safety Checks Once Per 30 Minutes

Criteria

Custody Division Manual, Section 4-11/030.00, Inmate Safety Checks, (February 2018), states:

*HOUSING TYPES AND CORRESPONDING INMATE SAFETY CHECK
FREQUENCY*

Listed below are the specific types of housing locations and intervals for the required inmate safety checks.

*Housing Area: **Cells** (including but not limited to Discipline, Administrative Segregation, Diminished Privilege Environment, Protective Custody, and Station Jails)*

Time Interval At Minimum: Once per 30 minutes

*Housing Area: **Dorms** – Unobstructed Visual Observation*

Time Interval At Minimum: Once per hour

North County Correctional Facility, Unit Order 07-075/10, Title 15 Compliance Officers & Safety Checks, (March 2019), states:

PROCEDURES FOR CONDUCTING SAFETY CHECKS

...It is imperative all personnel strictly adhere to the inmate safety check requirements stated in CDM section 4-11/030.00, "Inmate Safety Checks."

Procedures

Auditors identified 192 cell scan points requiring 48 scheduled 30 minute safety checks in a 24 hour period, totaling 9,216 safety checks.¹⁶ From these identified safety checks, a statistically valid random sample of 95 safety checks were reviewed and evaluated for compliance with the CDM.

Auditors reviewed the inmate safety check reports from the e-UDAL and CCTV system to

¹⁶ The audit population consisted of the cell scan points at the five housing locations in NCCF during the audit time period.

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determine if the inmate safety checks were completed once every 30 minutes, as required by the CDM.

Results

Of the 95 safety checks, 88 (93%) met the criteria for this objective. Seven safety checks did not meet the criteria for this objective because the safety checks were completed beyond the 30 minute CDM requirement. The time intervals in which the safety checks were performed are shown below in Table No. 2.

Table No. 2 – Detailed Results for Objective No. 2

| Time Interval Between Checks | Met the Criteria | Did Not Meet the Criteria |
|-------------------------------------|-------------------------|----------------------------------|
| 30 minutes or less | 88 | – |
| 31 minutes to 35 minutes | – | – |
| 36 minutes to 60 minutes | – | 4 |
| 61 minutes or more | – | 3 |
| Total | | 95 |

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Objective No. 3 – Unannounced Checks by the Shift Floor Sergeant

Criteria

Custody Division Manual, Section 4-11/020.00, Uniform Daily Activity Log, (April 2018), states:

SHIFT FLOOR SERGEANT

A shift floor sergeant shall conduct unannounced checks of each housing area(s) under their supervision not less than once per shift to review the UDAL. During this check, the UDAL shall be checked for accuracy, and to ensure all inmate safety checks and other required officer activities are conducted and documented properly...

...The sergeant will note the time of the visit in the UDAL, and sign the log with his or her first and last name, and employee number...

Procedures

Auditors reviewed and evaluated the e-UDAL to determine if the unannounced checks by the shift floor sergeant were properly documented, at least once per shift,¹⁷ as required by the CDM.

Auditors identified the e-UDAL for the 20 housing locations for all three shifts from November 1, 2020, to November 30, 2020, for a total of 1,800 unannounced checks by the shift floor sergeant.

Results

Of the 1,800 unannounced checks by the shift floor sergeant, 1,718 (95%) met the criteria for this objective. Eighty-two checks did not meet the criteria for this objective because there was no documentation that the shift floor sergeant conducted an unannounced check. Detailed results for this objective are shown on the following page in Table No. 3.

¹⁷ Early Morning (EM) shift is from 2200 to 0600 hours. Day (AM) shift is from 0600 to 1400 hours. Evening (PM) shift is from 1400 to 2200 hours.

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Table No. 3 – Detailed Results for Objective No. 3

| Shift | Unannounced Checks Performed by the Shift Floor Sergeant | Met the Criteria |
|--------------|---|-------------------------|
| EM | 573/600 | 96% |
| AM | 586/600 | 98% |
| PM | 559/600 | 93% |
| Total | 1718/1800 | 95% |

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Objective No. 4 – Unannounced Checks by the Shift Watch Commander

Criteria

Custody Division Manual, Section 4-11/020.00, Uniform Daily Activity Log, (April 2018), states:

SHIFT WATCH COMMANDER

The shift watch commander, or other assigned personnel at the minimum rank of lieutenant, shall conduct unannounced checks a minimum of one time per week in each housing area...

...The watch commander shall also review the UDAL by noting the time and signing the log with his or her first and last name, and employee number...

Procedures

Auditors reviewed and evaluated the e-UDAL to determine if the unannounced checks by the shift watch commander were properly documented, at least once per shift, per week, as required by the CDM.

Auditors identified the e-UDAL for the 20 housing locations for all three shifts from November 1, 2020, to December 5, 2020 (five weeks), for a total of 300 unannounced checks by the shift watch commander.

Results

Of the 300 unannounced checks by the shift watch commander, 295 (98%) met the criteria for this objective. Five checks did not meet the criteria for this objective because there was no documentation that the shift watch commander conducted an unannounced check. Detailed results for this objective are shown below in Table No. 4.

Table No. 4 – Detailed Results for Objective No. 4

| Shift | Unannounced Checks Performed by the Shift Watch Commander | Met the Criteria |
|--------------|---|------------------|
| EM | 99/100 | 99% |
| AM | 98/100 | 98% |
| PM | 98/100 | 98% |
| Total | 295/300 | 98% |

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Objective No. 5 – Retention of the Uniform Daily Activity Log

Criteria

Custody Division Manual, Section 4-11/020.00, Uniform Daily Activity Log, (April 2018), states:

Note: The following policy regarding the Uniform Daily Activity Log refers to the pre-printed Uniform Daily Activity Log (UDAL) books and the electronic Uniform Daily Activity Log (e-UDAL). In the event that there is a problem with the e-UDAL system, each facility shall maintain a sufficient supply of UDAL books.

RETENTION OF THE UNIFORM DAILY ACTIVITY LOG (UDAL)

All Uniform Daily Activity Log (UDAL) books shall be maintained at the facility for a period of five years.

Procedures

Auditors requested copies of NCCF's UDAL books for the 20 housing locations and examined the books from February 1, 2016 through January 31, 2017, to determine if NCCF retained the UDAL books for a period of five years.

Results

Of the 20 housing locations, 16 (80%) met the criteria for this objective. Four housing locations did not meet the criteria for this objective because UDAL books were not maintained for the period reviewed.

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SUMMARY OF AUDIT RESULTS

The audit yielded the following results:

Table No. 5 - Summary of Audit Results

| Objective No. | Audit Objectives | Met the Criteria |
|----------------------|---|-------------------------|
| 1 | Inmate Safety Checks Once Per Hour | |
| | <i>To determine if the inmate safety checks were completed at least hourly, as required by the California Code of Regulations, Title 15.</i> | 97% |
| 2 | Inmate Safety Checks Once Per 30 Minutes | |
| | <i>To determine if the inmate safety checks were completed once every 30 minutes, as required by the Custody Division Manual.</i> | 93% |
| 3 | Unannounced Checks by the Shift Floor Sergeant | |
| | <i>To determine if the unannounced checks by the shift floor sergeant were properly documented, at least once per shift, as required by the Custody Division Manual.</i> | 95% |
| 4 | Unannounced Checks by the Shift Watch Commander | |
| | <i>To determine if the unannounced checks by the shift watch commander were properly documented, at least once per shift, per week, as required by the Custody Division Manual.</i> | 98% |
| 5 | Retention of the Uniform Daily Activity Log Books | |
| | <i>To determine if the North County Correctional Facility retained the Uniform Daily Activity log books for a period of five years.</i> | 80% |

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OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives which were measureable against Department policies and procedures.

Inconsistencies in UDAL Books

Auditors identified multiple UDAL books for nine of the 20 housing locations reviewed for Objective No. 5. The UDAL books covered the same or overlapping timeframes. For example, one housing location had four UDAL books that covered the time frames of 2010 through 2018, 2015 through 2018 (two UDAL books), and 2015 through 2020. In addition, auditors identified that there were multiple UDAL books that contained entries for several housing locations. For example, one housing location had a UDAL book that contained entries for two other housing locations. Inconsistencies in the UDAL books make it difficult to evaluate the accuracy of UDAL book entries.

CONCLUSION

Auditors performed analyses and made assessments to identify areas in need of improvement. The evidence presented provides reasonable assurance that Department personnel are not fully adhering to Title 15, the CDM, the Unit Order, and the provisions of the Agreement regarding the documentation and monitoring of inmate safety checks at NCCF.

RECOMMENDATIONS

Inmate safety checks that are not completed timely may result in Department personnel failing to discover sick or injured inmates, criminal and/or other prohibited activities, and other hazardous situations which can increase the risk of liability to the Department.

Department management should disseminate the results of this audit to its personnel. Additionally, as best practice, Department management is encouraged to conduct recurring and ongoing briefing of policies and procedures. The AAB considers the results of this audit to be a helpful management tool and therefore, makes the following recommendation:

1. It is recommended that one UDAL book, for each housing location, is maintained, and that supervisors ensure the completeness and accuracy of the UDAL book entries. (Objective No. 5 and Other Related Matters).

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Views of Responsible Officials

On June 4, 2021, Custody Services Division command staff submitted a formal response to the AAB concurring with the audit results. A copy of the audit report was provided to the Office of Inspector General for their review.

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This audit was submitted on this 8th day of June 2021, by the Audit and Accountability Bureau.

Original signature on file at AAB

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