

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



Inmate Grievances Against Staff Audit

Custody Services Division
Specialized Programs –
Century Regional Detention
Facility

Audit No. 2019-10-A

March 3, 2020



Alex Villanueva, Sheriff

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

INMATE GRIEVANCES AGAINST STAFF AUDIT – CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS – CENTURY REGIONAL DETENTION FACILITY
Project No. 2019-10-A

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Inmate Grievances Against Staff – Custody Services Division – Specialized Programs – Century Regional Detention Facility Audit 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) Century Regional Detention Facility (CRDF) adhered to Departmental policies and procedures related to the processing, investigation, and response to inmate grievances against staff. This audit satisfied, in part, the requirements of the Citizens' Commission on Jail Violence (CCJV) recommendations and provisions related to the implementation plan of the *Rosas Settlement Agreement* (Agreement).¹

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.² The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable assurance based on the audit objectives.

BACKGROUND

In 2012, the Los Angeles County Board of Supervisors, in response to the *Rosas* federal class-action lawsuit alleging the Department condoned a long-standing and widespread pattern of violence by deputies against inmates in the jails, convened the CCJV to investigate these allegations. The civil action resulted in the Agreement and implementation plan which included recommendations addressing training, reporting, and tracking incidents involving uses of force as well as inmate requests and grievances. The CCJV found that the Department insufficiently collected, tracked, and addressed inmate grievances prior to the Agreement.

As a result of the Agreement's recommendations, the Department's Inmate Grievance policy was revised and resulted in the creation of Volume 8 of the Department's Custody Division Manual (CDM).³ The revised policy expands upon the manner in which Form SH-J-420 (Inmate Grievance Form) is assigned, tracked, and investigated.

¹ On September 26, 2014, then Sheriff John L. Scott entered into a Settlement Agreement regarding Alex Rosas, et al. v. Leroy D. Baca, Case No. CV 12-00428 DDP.

² United States Government Accountability Office, Government Auditing Standards, July 2018.

³ The CDM Section 8-01/000.000 – Preamble to the Inmate Grievance Policy (Non-Medical/Non-Mental Health), states the purpose of the inmate grievance policy is to establish and maintain a fair, objective and effective grievance process through which resolutions of inmate grievances are achieved at the lowest possible administrative level with timely responses to the aggrieved, and affording reasonable opportunities to appeal to the next level of review.

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Requisite timelines are outlined in Volume 8 of the CDM, as well as procedures for extending response due dates and processing inmate appeals. Per the CDM, the Division Inmate Grievance Coordinator⁴ at Custody Support Services (CSS)⁵, is responsible for coordinating the review of appeals, communicates with each of the facilities, bureaus, and units regarding inmate grievances and Inmate Grievance Team⁶ activities.

By partnering with the court-appointed Agreement Monitors, the Department has refined the policies and procedures regarding inmate grievances. These refinements have been made with the expressed purpose of ensuring the Department implements policy changes, adheres in practice to the policy changes, and conducts investigations of any alleged or potential policy violations.⁷

Per CDM Section 8-03/040.00, Grievances Against Staff, October 2018, a grievance against staff is defined as a grievance alleging staff behavior which would be a violation of law, regulation, policy, or procedure.

PRIOR AUDITS

One Inmate Grievance Against Staff audit has been completed to date. The previous audit, conducted at Men's Central Jail, Project No. 2018-5-A, yielded three recommendations. All recommendations have been implemented

This is the first Inmate Grievance Against Staff Audit conducted by the AAB at CRDF.

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⁴ The CDM Section 8-01/020.00 Responsibilities, states the Division Inmate Grievance Coordinator, at the minimum rank of lieutenant is assigned to Custody Support Services (CSS).

⁵ The CDM Section 2-00/060.00 Custody Services Division – Administration, states the Custody Support Services unit provides administrative support, in-depth research, independent auditing, critical incident review, and policy development for the Custody Services Divisions.

⁶ The CDM Section 8-01/020.00 Responsibilities, states the Inmate Grievance Teams shall be responsible for reviewing, categorizing, tracking, and forwarding requests, grievances, and appeals to the appropriate person or unit for investigation and handling, and shall assist with responding to inmates as appropriate. In addition, they shall scan and enter all non-electronic grievances, general requests, and appeals forms they collect into CARTS, including collection times, and assign them reference numbers.

⁷ The presiding United States District Judge appointed monitors to develop and oversee Department compliance with the Agreement Implementation Plan.

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METHODOLOGY

Scope

This audit encompassed two objectives:

- Objective No. 1 – Timeliness – To determine if written notification of modification from an Emergency to a Non-Emergency Grievance was provided to inmates within five calendar days of the Department’s receipt; to determine if Non-emergency Grievances were investigated, resolved and responded to within mandated time frames; to determine if Emergency⁸ Grievances were investigated, resolved and responded to within five calendar days of the Department’s receipt.
- Objective No. 2 – Completeness of Grievance Investigations – To determine if comprehensive inquiries were conducted which includes interviewing the aggrieved inmate and gathering any relevant documents and/or evidence.

Source documentation included a review of inmate grievances against staff within the Custody Automated Reporting and Tracking System (CARTS)⁹ and the associated documentation scanned into the MCJ Grievance Against Staff Tracker. The CDM, specifically Volume 8, was utilized in the analysis of this audit. Additionally, auditors evaluated recommendations from the Agreement which are required through the implementation plan and pertain directly to the scope of this audit.

Audit Time Period

The audit time period was from January 1, 2019 through April 30, 2019.

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⁸ The CDM Section 8-03/010.00 Emergency Grievances, defines emergency grievances as an urgent matter wherein a disposition according to the regular time limits could subject the inmate to immediate risk of death, personal injury, or irreparable harm.

⁹ CARTS is a data system designed to collect management information and facilitate the identification of deficiencies and trends. The data in CARTS varies from day to day, due to continuous updates.

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Audit Population

Auditors identified and evaluated a total of 61 Inmate Grievances Against Staff within the audit time period. The results are described in detail within the audit objectives.

Grievances that are submitted by the same inmate regarding the same issue are categorized as duplicate grievances. At CRDF, each duplicate grievance is entered into the CARTS system as a new grievance with a unique facility reference number and is referenced to the original grievance. During the audit time period, auditors identified 18 duplicate Inmate Grievances Against Staff¹⁰ which were reviewed by auditors, but not included in the audit results. The original grievances for these duplicates were evaluated and included in the audit population.

Auditors identified a group grievance against staff consisting of seven grievance forms filed by five inmates.¹¹ The CDM Section 8-03/070.00, Group Grievances, states individual grievances submitted by three or more inmates from the same housing location referencing the same issue or concern, or the submission of one Inmate Grievance Form by multiple inmates, shall be considered group grievances. Auditors evaluated the group grievance as a single grievance and included it in the audit results.

The CDM Section 8-03/090.00, Grievances from Released Inmates, states that grievances submitted from former inmates, shall be subject to the same guidelines, requirements, and procedures as a grievance submitted by an inmate in custody. During the audit time period, two Inmate Grievances Against Staff were filed by former CRDF inmates and both were evaluated.

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¹⁰Two of duplicate inmate grievances against staff were for a grievance filed in 2018. The original grievance was not evaluated in the audit population because it was outside the audit time period.

¹¹One inmate filed two duplicate forms in the group grievance.

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AUDIT DETAILS AND RESULTS

Objective No. 1 – Timeliness

Objective No. 1(a) – Inmate Notified of Emergency Grievance Modification

Criteria

Custody Division Manual, Section 8-03/010.00, Emergency Grievances, (January 2018), states:

...If it is determined an emergency does not exist, the watch commander or designated sergeant shall notify the inmate as soon as practical, but not later than five (5) calendar days, that the grievance will be handled as a non-emergency grievance and document why it was determined not to be an emergency...

Procedures

Auditors reviewed all 61 Inmate Grievances Against Staff to ascertain if they had been submitted as emergent or non-emergent. Thirty-seven Inmate Grievances Against Staff were excluded from this objective because they were submitted as Non-emergency Grievances. In addition, three Inmate Grievances Against Staff were also excluded from this objective because they were not modified and remained an emergency throughout processing. A total of 21 Inmate Grievances Against Staff were evaluated for this objective. Auditors reviewed the grievance documentation and CARTS entries to determine if the inmates were notified of the emergency grievance modification within the mandated five day time limit.

Results

Eighteen of the 21 (86%) modified Inmate Grievances Against Staff met the criteria for this objective. The remaining three did not include evidence that the inmate was notified of the modification within the mandated five day time limit.

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Objective No. 1(b) - Non-Emergency Grievances Completed within Established Time Frames

Criteria

Custody Division Manual, Section 8-04/040.00, Time Frames, (July 2016), states:

GRIEVANCES

- *Inmate grievances shall be investigated, resolved, and responded to within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exceptional circumstances, which must be documented. (Refer to Section 8-04/040.05, "Extensions.") In cases wherein the inmate grievance cannot be resolved within this time frame, the inmate must be provided with a written response advising him or her of the status.*

Custody Division Manual, Section 8-04/040.05, Extensions, (July 2016), states:

EXTENSIONS FOR REQUESTS AND GRIEVANCES

Under exceptional circumstances wherein the investigation of a request or a grievance cannot be completed within the established time frames, a supervisor of the minimum rank of sergeant, may extend the requisite response time by fifteen (15) calendar days. Examples of exceptional circumstances include:

- *Unavailability of inmate(s), staff, or witnesses necessary to conduct an appropriate investigation;*
- *The nature of the investigation, decision, or action requires additional research;*
- *Necessary involvement of specialized units or other departments, agencies, or jurisdictions;*
- *An extended disruption of normal facility operations, including those affecting technological infrastructure;*
- *The investigation requires the interview of multiple witnesses.*

Any additional extensions shall require the approval of the unit commander or designee, which shall be documented.

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Procedures

Auditors reviewed all 61 Inmate Grievances Against Staff to determine if Non-emergency Grievances were investigated, resolved, and responded to within 15 calendar days. Three Inmate Grievances Against Staff were Emergency Grievances and therefore were excluded from this objective. A total of 58 Non-emergency Inmate Grievances Against Staff were evaluated for this objective. Auditors reviewed the grievance documentation and CARTS entries to determine if the Non-emergency Inmate Grievances Against Staff were investigated and responded to within the mandated time frame.

Results

Fifteen of the 58 (26%) Non-emergency Inmate Grievances Against Staff met the criteria for this objective. Auditors found no entries in CARTS, nor any additional documentation to explain the delayed responses to those grievances against staff that exceeded the mandated timeframes.

Objective No. 1(c) – Emergency Grievances Completed within Established Time Frames

Criteria

Custody Division Manual, Section 8-04/040.00, Time Frames, (July 2016), states:

EMERGENCY GRIEVANCES AND EMERGENCY APPEALS

- *The watch commander shall provide a written response to the inmate within five (5) calendar days from the date the emergency grievance was filed.*

Procedures

Auditors reviewed all 61 Inmate Grievances Against Staff to determine if Emergency Grievances were investigated, resolved, and responded to within 5 calendar days. Fifty-eight Inmate Grievances Against Staff were Non-emergency Grievances and therefore were excluded from this objective. A total of three Emergency Inmate Grievances Against Staff were evaluated for this objective. Auditors reviewed the grievance documentation and CARTS entries to determine if the Emergency Inmate Grievances Against Staff were investigated and responded to within the mandated time frame.

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Results

None of the three (0%) Emergency Inmate Grievances Against Staff met the criteria for this objective. Auditors found no entries in CARTS, nor any additional documentation to explain the delayed responses to those grievances against staff that exceeded the mandated timeframes.

Objective No. 2 – Completeness of Grievance Investigations

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff, (October 2018), states:

SUPERVISOR RESPONSIBILITIES

The assigned supervisor shall initiate a comprehensive inquiry which shall include interviewing the aggrieved inmate and gathering any relevant documents and/or evidence. It is important the comprehensive inquiry be conducted as soon as practicable to capture information and/or evidence while it is still fresh and/or available. An interview of the aggrieved inmate shall be conducted in a private area, and shall be recorded using either audio or video media.

Based on the information obtained through the inquiry, the watch commander, or supervising lieutenant, shall ensure a memorandum is submitted to the respective unit commander describing the inmate's grievance, the statements and evidence that support or refute the grievance, and the watch commander's recommendation as to the necessity of an administrative or criminal investigation...

Procedures

Auditors reviewed the grievance documentation, video/audio recordings, and CARTS entries for all 61 Inmate Grievances Against Staff to determine if a comprehensive inquiry was conducted which includes interviewing the aggrieved inmate and gathering any relevant documents and/or evidence.

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Results

Thirty-three of the 61 (54%) Inmate Grievance Against Staff packages met the criteria for this objective. Twenty-eight Inmate Grievance Against Staff packages reviewed did not meet the criteria. Twenty-two inmate grievances against staff had no inmate interviews, three had no supervisory inquiry memos, and three had no inmate interviews and supervisory inquiry memos.

SUMMARY OF AUDIT RESULTS

The audit yielded the following results:

Table No. 2 - Summary of Audit Results

Objective No.	AUDIT OBJECTIVES	Met the Criteria
1	TIMELINESS	
1(a)	<i>To determine if the inmate was notified of an emergency grievance modification within five calendar days</i>	86%
1(b)	<i>To determine if non-emergency inmate grievances against staff were completed within mandated time frames</i>	26%
1(c)	<i>To determine if emergency inmate grievances against staff were completed within five calendar days of the Department's receipt</i>	0%
2	COMPLETENESS OF GRIEVANCE INVESTIGATION	
2	<i>To determine if comprehensive inquiries were conducted which includes interviewing the aggrieved inmate and gathering any relevant documents and/or evidence</i>	54%

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OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives measurable against the CDM and the Agreement.

Conflict Resolution

The CDM Section 8-04/020.00, Conflict Resolution, (July 2016), identifies cases that would be considered appropriate for conflict resolution. The purpose of a conflict resolution meeting is to further the Department's ongoing effort to encourage respect-based interaction with inmates. When applicable, supervisors are encouraged to utilize conflict resolution in lieu of the Department conducting a personnel investigation to resolve an Inmate Grievance Against Staff. These may include situations in which there is a misunderstanding of policy or procedures, a misunderstanding of tactics or protocols, or allegations involving discourtesy by an employee. Auditors determined that in 26 of the 61 Inmate Grievances Against Staff, conflict resolution was a viable option. However, auditors found it was not utilized, and documentation explaining why it was not utilized was absent.

Interim Status Response

The CDM Section 8-04/010.00, Disposition, Interim Status Response, and Inmate Notifications, (January 2018), states an Interim Status Notification form generated in CARTS shall be used to notify the aggrieved inmate when the investigation cannot be completed within fifteen (15) calendar days because the grievance resulted in the initiation of an alleged force investigation, administrative investigation, or when the grievance was referred to another unit. Auditors identified three grievances against staff that had generated Interim Status Responses. Of the three Interim Status Responses, all had been generated after a disposition had been made. Management informed auditors that all three Interim Status Responses had been generated in error.

Delayed Notification of Dispositions

Auditors found deficiencies in CRDF's ability to track and monitor the timeliness of grievances which led to the delay or lack of notifying inmates of the dispositions. Specifically, auditors found 15 Inmate Grievances Against Staff Investigations where the inmate was released prior to a notification. Additionally, auditors found no scanned grievance documentation to explain the reason for a failed attempt at forwarding these notifications to the inmates when appropriate.

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Interviews of Aggrieved Inmates

The CDM Section 8-03/040.00, Grievances Against Staff, (October 2018), states assigned supervisor shall interview aggrieved inmate. The interview shall be conducted in a private area, and shall be recorded using either audio or video media. Auditors reviewed video interviews and discovered that some interviews were not conducted in a private area. Furthermore, ten of the reviewed video interviews did not mention the location of the interview. Per CDM Section 7-06/010.00, Video and Audio Recording Procedures, (March 2019), the video operator shall state on the recording the date, time, location, name of individuals present, and any significant details regarding the incident.

CONCLUSION

During the course of this audit, auditors assessed the policies, procedures, and practices related to Inmate Grievances Against Staff, and identified several areas in need of improvement. The evidence collected provides a reasonable assurance that management has made significant efforts to comply with Department policies and state mandates.

RECOMMENDATIONS

The AAB considers the results of this audit to be a helpful management tool for all Department personnel and therefore makes the following recommendations:

1. To avoid delays submitting Inmate Grievance Against staff Investigations, it is recommended that the Inmate Grievance Team implement a system to notify handling investigators when deadline dates are approaching. (Objective No. 1 and Other Related Matters)
2. To ensure consistency among inmate grievance investigations, it is recommended line sergeants receive training on CDM, Section 8-03/040.00, Grievances Against Staff, CDM, Section 8-04/040.00, Time Frames , CDM, Section 8-03/010.00, Emergency Grievances, and CDM, Section 8-01/020.00, Responsibilities, regarding the inmate grievance policies. Furthermore, line sergeants should be provided a copy of the Inmate Grievance handbook in this training. (Objective No. 2)
3. To ensure consistency among interviews of aggrieved inmates, it is recommended that line sergeants receive documented rebriefings on CDM, Section 7-06/010.00, Video and Audio Recording Procedures, regarding interviewing aggrieved inmates. (Objective No. 2 and Other Related Matters)

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4. To further the Department's ongoing effort to encourage respect-based interaction with inmates, it is recommended line sergeants receive documented rebriefings on CDM, Section 8-04/020.00, Conflict Resolution, regarding Inmate Grievance Against Staff policies and procedures. (Other Related Matters)

Views of Responsible Officials

On February 19, 2020, the Custody Services Division Specialized Programs Staff submitted a formal response to AAB concurring with the results. During the exit meeting conducted on February 5, 2020, AAB discussed the details of the audit results with CRDF management. In relation to Objective No. 1, the delay in timely completion of inmate grievances occur after handling line sergeants receive the grievances. CRDF management stated the lack of personnel may be a contributing factor in the delay.

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This audit was submitted on the 3rd day of March 2020, by the Audit and Accountability Bureau. A copy of the audit was provided to the Office of the Inspector General.

Original signature on file at AAB

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