

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



Title 15 Compliance, Inmate Safety Checks Audit

Custody Services Division –
North County Correctional
Facility

Audit No. 2019-2-A



Alex Villanueva, Sheriff

August 8, 2019

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. 2019-2-A
AUDIT REPORT

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Title 15 Compliance - Inmate Safety Checks Audit, 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 (BSCC), the Department's Custody Division Manual (CDM), the NCCF Unit Order #07-075/10 (Unit Order), and the inmate safety check compliance measures of the United States Department of Justice Settlement Agreement (Agreement).²

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

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, Unit Orders and the Agreement.

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

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 on July 30, 2015, regarding the Los Angeles County Jails and Stipulated Order of Resolution, CV 15-5903.

³ United States Government Accountability Office, Government Auditing Standards, December 2011.

⁴ Custody Division Mission Statement, CDM §1-00/000.00.

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

⁶ BSCC 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.

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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 areas.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. 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;*
- (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.*

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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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.

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 monitor (Monitor)¹¹ 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 audit was the first Inmate Safety Check Audit conducted by the AAB at the NCCF.

A total of four prior Inmate Safety Check audits have been conducted at various jail, court and patrol station facilities. There were a total of 19 recommendations made, of which, 14 were implemented, three are still being addressed, and two were not implemented.

METHODOLOGY

Scope

The audit consisted of five main objectives regarding the documentation and monitoring of inmate safety checks at the NCCF. The applicable sections from Title 15, CDM and the NCCF Unit Order were used as criteria for the audit:

- Objective No. 1 – Inmate Safety Checks per Title 15 - To determine if inmate safety checks were conducted and documented as required by Title 15.
- Objective No. 2 – Inmate Safety Checks per CDM and the NCCF Unit Order - To determine if inmate safety checks were conducted and documented as required by the CDM and the NCCF Unit Order.

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, the DOJ, and the Court.

¹² As stated in the Monitor's Seventh Report, dated February 28, 2019, *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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- Objective No. 3 – Shift Floor Sergeant, Unannounced Checks - To determine if the Shift Floor Sergeant conducted and documented unannounced checks as required by the CDM.
- Objective No. 4 – Shift Watch Commander, Unannounced Checks - To determine if the Watch Commander conducted and documented unannounced checks as required by the CDM.
- Objective No. 5 – Retention of the Uniform Daily Activity Log (UDAL) - To determine if the UDAL records were retained at the facility for a period of five years, in accordance with the CDM.

The audit included an evaluation of the e-UDAL¹³ and/or the UDAL paper logs.

Audit Time Period

The audit time period was from January 1, 2019, through January 31, 2019.

Audit Population

Due to the difference of housing locations, auditors identified varying populations in order to examine the different aspects of the five objectives. Each are described in the audit objectives and results section of this report.

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¹³ The UDAL is an official housing location record of daily inmate activities, incidents, and special concerns. The e-UDAL is the web based application of the UDAL.

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AUDIT OBJECTIVE AND RESULTS

Objective No. 1 – Inmate Safety Checks per Title 15

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, 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 192 cell scan points¹⁴ requiring 48 scheduled 30 minute checks, totaling 9,216 safety checks. Additionally, auditors identified 120 dormitory scan points requiring 24 scheduled one-hour checks, totaling 2,880 safety checks.¹⁵ From these identified safety checks, a statistically valid random sample¹⁶ of 93 cell safety checks, and 95 dormitory safety checks were reviewed and evaluated for compliance with Title 15 requirements.

Auditors reviewed the inmate safety check reports from the e-UDAL and Closed Circuit Television system (CCTV) to determine if scans were documented in the e-UDAL and if the visual checks were conducted per Title 15 requirements in the dormitory housing area.

¹⁴ Scan points are Quick Response Codes (QR barcode) 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.

¹⁵ The audit population consisted of the scan points at the 20 housing locations in NCCF during the time period.

¹⁶ Using a statistical one-tail test with a 95% confidence level and a 4% error rate, a statistically valid sample was identified.

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Results

Ninety-three of 95 checks (98%) of the cell housing areas met the criteria.¹⁷ Two checks were completed beyond the one-hour requirement.

Forty-eight of 93 checks (52%) of the dormitory housing areas met the criteria. Forty-five checks were completed beyond the one-hour requirement. The time intervals in which the checks were performed are shown below in Table No. 1.

Table No. 1 – Timing of Dormitory Housing Area Checks

Time Interval Between Checks	Number of the Total
60 minutes or less	48
61 minutes to 120 minutes	22
121 minutes to 180 minutes	4
Over 180 minutes	2
No check performed	17
Total	93

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¹⁷ Four (4) cell check scans were not captured on the e-UDAL, however a review of the CCTV showed that the checks were performed. Therefore, the results for Objectives 1, 2a, and 2b reflect that the checks were performed.

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Objective No. 2 – Inmate Safety Checks

Objective No. 2(a) – Inmate Safety Checks per Custody Division Manual

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.¹⁸

*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

Procedures

Auditors identified 192 cell scan points requiring 48 scheduled 30 minute checks, totaling 9,216 safety checks. Additionally, auditors identified 120 dormitory scan points requiring 24 scheduled one-hour checks, totaling 2,880 safety checks. From these identified safety checks, a statistically valid random sample of 93 cell safety checks, and 95 dormitory safety checks were reviewed and evaluated for compliance with CDM requirements.

Auditors reviewed the inmate safety check reports from the e-UDAL and CCTV to determine if scans were documented in the e-UDAL, and if the visual checks were conducted once per 30 minutes (cell housing) and once per hour (dormitory housing), as required by the CDM.

¹⁸ The original table within CDM §4-11/030.00, Inmate Safety Checks, includes other time intervals and housing locations that are not applicable to this audit.

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Results

Eighty-seven of the 95 checks (92%) of the cell housing areas met the criteria. Eight checks were completed beyond the once per 30 minute requirement.

Forty-eight of the 93 checks (52%) of the dormitory housing areas met the criteria. Forty-five checks were completed beyond the once per hour requirement.

Objective No. 2(b) – Inmate Safety Checks per Unit Order

Criteria

North County Correctional Facility, Unit Order 07-075/10, Title 15 Compliance Officer, (February 2016), states:

PROCEDURES FOR CONDUCTING SAFETY CHECKS (BLDGS 500, 600, 700, 800)

The Title 15 Compliance Teams SHALL conduct safety checks by entering the dorms of inmate housing area and visually inspecting each inmate for obvious signs of life, i.e., breathing, talking, movement, etc. Each dorm shall be entered and its inmates visually checked every 55 minutes for a total of nine (9) checks per shift...

BLDG 900 TITLE 15 SAFETY CHECKS

...Building 900 safety checks intervals vary from every 55 minutes to every 25 minutes, depending upon the type of housing in each dorm...

Procedures

Auditors identified 192 cell scan points requiring 48 scheduled 30 minute checks, totaling 9,216 safety checks. Additionally, auditors identified 120 dormitory scan points requiring 24 scheduled one-hour checks, totaling 2,880 safety checks. From these identified safety checks, a statistically valid random sample of 93 cell safety checks, and 95 dormitory safety checks were reviewed and evaluated for compliance with NCCF Unit Order requirements.

Auditors reviewed the inmate safety check reports from the e-UDAL and CCTV to determine if scans were documented in the e-UDAL, and if the visual checks were conducted every 25 minutes (cell housing) and every 55 minutes (dormitory housing), as required by the unit order.

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Results

Sixty-eight of the 95 checks (72%) of the cell housing areas met the criteria. Twenty-seven checks were completed beyond the 25 minute requirement.

Twenty-six of the 93 checks (28%) of the dormitory housing areas met the criteria. Sixty-seven checks were completed beyond the 55 minute requirement.

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Objective No. 3 – Shift Floor Sergeant – Unannounced Checks

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 first and last name, and employee number...

Procedures

Auditors identified the e-UDAL for the 20 housing locations for all three shifts and all 31 days, for a total of 1,860 shift floor sergeant checks.

Auditors reviewed the e-UDAL to determine if the shift floor sergeant conducted and documented an unannounced check during each shift for each housing area.¹⁹ Of the 1,860 required shift floor sergeant checks identified for this objective, 1,791 checks were evaluated because one module (module 715) was closed for 26 days, and was therefore excluded from the population.

Results

A total of 1,745 out of 1,791 checks (97%) met the criteria. The remaining 46 checks did not meet the criteria because there was no documentation the shift floor sergeant conducted an unannounced check.

Table No. 2 – Detailed Results for Objective No. 3

Shift	Shift Floor Sergeant Checks	Met the Criteria
Early Morning (EM)	587/597	98%
Day (AM)	573/597	96%
Evening (PM)	585/597	98%
Total	1,745/1,791	97%

¹⁹ EM shift is from 2200 hours to 0600, AM shift is from 0600 to 1400, and PM shift is from 1400 to 2200.

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Objective No. 4 – Shift Watch Commander – Unannounced Checks

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 identified the e-UDAL for the 20 housing locations for all three shifts in five week increments, for a total of 300 shift watch commander weekly checks.

Auditors reviewed the e-UDAL to determine if the shift watch commander conducted and documented a weekly unannounced check during each shift for each housing area. Of the 300 shift watch commander weekly checks identified for this objective, 288 reviews were evaluated because one module (module 715) was closed for four weeks, and was therefore excluded from the population.

Results

One hundred ten of 288 checks (38%) met the criteria. The remaining 178 checks did not meet the criteria because there was no documentation the shift watch commander conducted an unannounced check.

Table No. 3 – Detailed Results for Objective No. 4

Shift	Shift Watch Commander Weekly Checks	Met the Criteria
Early Morning (EM)	54/96	56%
Day (AM)	38/96	40%
Evening (PM)	18/96	19%
Total	110/288	38%

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Objective No. 5 – Retention of the e-UDAL

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

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

Procedures

Auditors identified e-UDAL for the 20 housing locations for 31 days, for a total of 620 reports.

Auditors reviewed the 620 e-UDAL reports identified for this objective to determine if the reports were retained for a period of five years.

Results

All 620 of the e-UDAL reports (100%) met the criteria. An e-UDAL report for each day and each housing area was retained in the e-UDAL database.

The audit yielded the following results, which can be found in Table No. 4 on the following page.

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Table No. 4 - Summary of Audit Results

Objective No.	Audit Objectives	Met the Criteria
1	INMATE SAFETY CHECKS - PER TITLE 15	
	<i>Determine if inmate safety checks of cell housing was conducted and documented at least hourly as required by Title 15.</i>	98%
	<i>Determine if inmate safety checks of dormitory housing was conducted and documented at least hourly as required by Title 15.</i>	52%
2(a)	INMATE SAFETY CHECKS - PER CUSTODY DIVISION MANUAL	
	<i>Determine if inmate safety checks of cell housing was conducted and documented at least once per 30 minutes as required by the CDM.</i>	92%
	<i>Determine if inmate safety checks of dormitory housing was conducted and documented at least once per hour as required by the CDM.</i>	52%
2(b)	INMATE SAFETY CHECKS - PER UNIT ORDER	
	<i>Determine if inmate safety checks of cell housing was conducted and documented at least once every 25 minutes as required by the Unit Order.</i>	72%
	<i>Determine if inmate safety checks of dormitory housing was conducted and documented at least once every 55 minutes as required by the Unit Order.</i>	28%
3	SHIFT FLOOR SERGEANT – UNANNOUNCED CHECKS	
	<i>Determine if the Shift Floor Sergeant conducted and documented unannounced checks as required by the CDM.</i>	97%
4	SHIFT WATCH COMMANDER – UNANNOUNCED CHECKS	
	<i>Determine if the Watch Commander conducted and documented weekly unannounced checks as required by the CDM.</i>	38%
5	RETENTION OF THE e-UDAL	
	<i>Determine if the e-UDAL records were retained for a period of five years, in accordance with the CDM.</i>	100%

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives measurable against Title 15, the CDM, or the NCCF Unit Order.

Pattern in Performance of Safety Checks

The auditors noticed a pattern of failure to conduct timely safety checks of the dormitories during the hours of midnight through 0600. Many safety checks that were tested during this time period exceeded the once per hour requirement.

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Wi-Fi Connectivity Concerns

During a walk-through of NCCF, the auditors were informed that the personnel utilize two different types of scanners, *Apple*²⁰ and *Intermec*²¹ to capture safety check information. NCCF personnel mentioned that the *Apple* scanners are less reliable than the *Intermec* scanners because the *Apple* scanners do not always properly connect with the facility's Wi-Fi. The *Apple* scanners are used when the *Intermec* scanners are in need of repair, and, are slowly being phased out with no anticipated replacement. This connectivity issue adversely affects accurate safety check data.

CONCLUSION

The AAB auditors performed analyses and made assessments to identify areas that needed improvement. The AAB considers the results of this audit to be a helpful management tool for all Department personnel. The evidence presented provides reasonable assurance that Department personnel are not fully adhering to the Title 15 requirements regarding inmate safety checks at NCCF.

RECOMMENDATIONS

When Departmental policies and procedures are not adhered to, it may result in an increased risk 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 recommendations:

1. It is recommended that NCCF Unit Order 07-075/10 be revised to reflect safety check time intervals that are aligned with the requirements of the CDM. (Objectives No. 1 and 2).
2. Shift watch commander weekly unannounced checks are not being conducted as required by the CDM. It is recommended that NCCF institute a process to ensure the watch commanders/lieutenants conduct a weekly unannounced safety check for each shift. (Objective No. 4).

Views of Responsible Officials

On July 16, 2019, NCCF management submitted a response concurring with the audit result.

²⁰ Apple Inc. is a multinational technology company that designs, develops, and sells consumer electronics, computer software, and online services.

²¹ Intermec is a manufacturer and supplier of automated identification and data capture equipment, including barcode scanners, barcode printers, mobile computers, RFID systems, voice recognition systems, and life cycle services.

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This audit was submitted on this 8th day of August 2019, by the Audit and Accountability Bureau.

Original signature on file at AAB

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