

# Los Angeles County Sheriff's Department

Audit and Accountability Bureau



Alex Villanueva, Sheriff

Title 15 Compliance –  
Inmate Safety Checks Audit  
Custody Services Division –  
General Population –  
Men's Central Jail  
Project No. 2020-5-A

October 27, 2020

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

**TITLE 15 COMPLIANCE - INMATE SAFETY CHECKS AUDIT**  
**CUSTODY SERVICES DIVISION - GENERAL POPULATION**  
**MEN'S CENTRAL JAIL**  
**Project No. 2020-5-A**  
**AUDIT REPORT**

**PURPOSE**

The Audit and Accountability Bureau (AAB) conducted the Title 15 Compliance - Inmate Safety Checks Audit, Men's Central Jail (MCJ), 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) and MCJ adhered to the California Code of Regulations, Title 15 (Title 15),<sup>1</sup> which is enforced by the Board of State and Community Corrections (BSCC), the Department's Custody Division Manual (CDM), the MCJ Unit Order, and the inmate safety check compliance measures of the United States Department of Justice Settlement Agreement.<sup>2</sup>

The AAB conducted this audit under the guidance of the Generally Accepted Government Auditing Standards.<sup>3</sup> 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."<sup>4</sup> 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.).<sup>5</sup> These checks must be performed in accordance with Title 15, the CDM, the Unit Order and the Department of Justice Settlement Agreement.

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

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> United States Government Accountability Office, Government Auditing Standards, July 2018.

<sup>4</sup> Custody Division Manual, Section 1-00/000.00, Custody Division Mission Statement.

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

<sup>6</sup> 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.”<sup>7</sup> 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.<sup>8</sup> 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 Department of Justice Settlement Agreement, Provision No. 58, states:

*Within three months of the Effective Date,<sup>9</sup> 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.*

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<sup>7</sup> 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.”

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

<sup>9</sup> Effective Date was July 1, 2015.

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The Department of Justice Settlement 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)<sup>10</sup> and the U.S. District Court's appointed monitor<sup>11</sup> for the Agreement inspected and reported that the MCJ was in "Partial Compliance" with Agreement Provision No. 58, and in "Substantial Compliance" with Agreement Provision No. 59.<sup>12</sup>

**PRIOR AUDITS**

This audit was the first Inmate Safety Check Audit conducted by the AAB at the MCJ.

A total of five prior Inmate Safety Check audits have been conducted at various jail, court, and patrol station facilities.

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

<sup>11</sup> 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.

<sup>12</sup> As stated in the Monitor's Ninth Report, dated February 28, 2020, *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.

# **INMATE SAFETY CHECKS AUDIT - MCJ**

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### **Scope**

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

- Objective No. 1 – Inmate Safety Checks Once Per Hour: To determine if inmate safety checks were conducted at least hourly and documented as required by Title 15.
- Objective No. 2 – Inmate Safety Checks Once Per 30 Minutes: To determine if inmate safety checks were conducted once per 30 minutes and documented as required by the CDM and the MCJ Unit Order.
- Objective No. 3 – Unannounced Checks by Shift Floor Sergeant: To determine if the Shift Floor Sergeant conducted and documented unannounced checks as required by the CDM.
- Objective No. 4 – Unannounced Checks by Shift Watch Commander: To determine if the Watch Commander conducted and documented weekly unannounced checks as required by the CDM.
- Objective No. 5 – Retention of the Uniform Daily Activity Log: To determine if the Uniform Daily Activity Log (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-UDAL and the UDAL paper logs.<sup>13</sup>

### **Audit Time Period**

The audit time period was from April 1, 2020, through April 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 of this report.

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<sup>13</sup> 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 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, 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.*

Men's Central Jail, Unit Order 05-02-005, Module/Dorm Title 15 Compliance Officer Duty Statement, (August 2014), states:

**GENERAL DUTIES:**

- *Conduct all inmate safety checks in a timely fashion based on the time frames established in the CDM section 4-11/030.00, "Inmate Safety Checks."*

Procedures

Auditors identified 71 dormitory scan points<sup>14</sup> requiring 24 scheduled one-hour checks, totaling 1,704 safety checks.<sup>15</sup> From these identified safety checks, a statistically valid random sample<sup>16</sup> of 93 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

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<sup>14</sup> 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.

<sup>15</sup> The audit population consisted of the cell scan points at the 52 housing locations in MCJ during the audit time period.

<sup>16</sup> 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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the visual checks were conducted once per hour as required by Title 15 requirements in the dormitory housing area.

Results

Eighty-six of the 93 checks (92%) of the dormitory housing areas met the criteria. Seven checks were completed beyond the one-hour requirement.

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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.<sup>17</sup>*

*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*

Men's Central Jail, Unit Order 05-02-005, Module/Dorm Title 15 Compliance Officer Duty Statement, (August 2014), states:

*GENERAL DUTIES:*

- *Conduct all inmate safety checks in a timely fashion based on the time frames established in the CDM section 4-11/030.00, "Inmate Safety Checks."*

Procedures

Auditors identified 418 cell scan points requiring 48 scheduled 30 minute checks, totaling 20,064 safety checks. From these identified safety checks, a statistically valid random sample of 95 cell 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 in cell housing as required by the CDM and MCJ's Unit Order.

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<sup>17</sup> 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

Sixty-six of the 95 checks (69%) of the cell housing areas met the criteria. Twenty-nine checks were completed beyond the once per 30 minute requirement. The time intervals in which the checks were performed are shown below in Table No. 1.

**Table No. 1 – Detailed Results for Objective 2**

<b>Time Interval Between Checks</b>	<b>Met the Criteria</b>	<b>Did Not Meet the Criteria</b>
30 minutes or less	66	–
31 minutes to 35 minutes	–	18
36 minutes to 60 minutes	–	11
<b>Total</b>		<b>95</b>

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**Objective No. 3 – Unannounced Checks by 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 the e-UDAL to determine if the shift floor sergeant conducted and documented an unannounced check during each shift for each housing area.<sup>18</sup>

Auditors identified the e-UDAL for the 52 housing locations for all three shifts and all 30 days, for a total of 4,680 shift floor sergeant checks.

Results

Four thousand thirty-nine out of 4,680 checks (86%) met the criteria. The remaining 641 checks did not meet the criteria because there was no documentation that the shift floor sergeant conducted an unannounced check. Detailed results for this objective are shown below in Table No. 2.

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

<b>Shift</b>	<b>Shift Floor Sergeant Checks</b>	<b>Met the Criteria</b>
Early Morning (EM)	1265/1560	81%
Day (AM)	1402/1560	90%
Evening (PM)	1372/1560	88%
<b>Total</b>	<b>4039/4680</b>	<b>86%</b>

<sup>18</sup> 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 – Unannounced Checks by 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 the e-UDAL to determine if the shift watch commander conducted and documented a weekly unannounced check during each shift for each housing area.

Auditors identified the e-UDAL for the 52 housing locations for all three shifts from March 29, 2020 through May 2, 2020, for a total of 780 shift watch commander weekly checks.

Results

Three hundred ninety of the 780 checks (50%) met the criteria. The remaining 390 checks did not meet the criteria 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. 3.

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

<b>Shift</b>	<b>Shift Watch Commander Weekly Checks</b>	<b>Met the Criteria</b>
Early Morning (EM)	258/260	99%
Day (AM)	56/260	22%
Evening (PM)	76/260	29%
<b>Total</b>	<b>390/780</b>	<b>50%</b>

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

Criteria

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

**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 requested copies of MCJ's UDAL log books and examined the books for the five year retention requirement.

Results

Auditors noted that MCJ did maintain the UDAL log books for a period of five years. Therefore, MCJ did meet the criteria for this objective. However, auditors noted that MCJ had a disorganized archiving system.

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**SUMMARY OF AUDIT RESULTS**

The audit yielded the following results:

**Table No. 4 - Summary of Audit Results**

<b>Objective No.</b>	<b>Audit Objectives</b>	<b>Met the Criteria</b>
<b>1</b>	<b>INMATE SAFETY CHECKS ONCE PER HOUR</b>	
	<i>Determine if inmate safety checks of dormitory housing was conducted and documented at least hourly as required by Title 15.</i>	<b>92%</b>
<b>2</b>	<b>INMATE SAFETY CHECKS ONCE PER 30 MINUTES</b>	
	<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>	<b>69%</b>
<b>3</b>	<b>UNANNOUNCED CHECKS BY SHIFT FLOOR SERGEANT</b>	
	<i>Determine if the Shift Floor Sergeant conducted and documented unannounced checks as required by the CDM.</i>	<b>86%</b>
<b>4</b>	<b>UNANNOUNCED CHECKS BY SHIFT WATCH COMMANDER</b>	
	<i>Determine if the Watch Commander conducted and documented weekly unannounced checks as required by the CDM.</i>	<b>50%</b>
<b>5</b>	<b>RETENTION OF THE UNIFORM DAILY ACTIVITY LOG BOOKS</b>	
	<i>Determine if the UDAL log records were retained for a period of five years, in accordance with the CDM.</i>	<b>Met the Criteria</b>

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**OTHER RELATED MATTERS**

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

*Disorganized UDAL Log Books*

The auditors noted MCJ's archiving system of UDAL log books was disorganized. The MCJ's UDAL log books are not archived at a centralized location within the facility, but rather at the various housing locations within MCJ. The MCJ's current archiving system presented challenges during the compilation of the UDAL log books, due to the various storage locations.

**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 the Title 15 requirements, department policy, and the unit order regarding inmate safety checks at MCJ.

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**RECOMMENDATIONS**

When Departmental policies and procedures are not adhered to, it results 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. Unannounced checks by shift floor sergeants are not being conducted as required by the CDM. It is recommended that MCJ implement a system to ensure the shift floor sergeants conduct unannounced safety checks for each shift. (Objective No. 3).
2. Auditors noted a pattern of missed checks by the shift watch commander during the shifts of AM and PM. It is recommended that MCJ implement a system to ensure the watch commanders/lieutenants conduct a weekly unannounced safety check for each shift to meet compliance with Title 15 requirements. (Objective No. 4).
3. It is recommended that the Department update the CDM Section 4-11/020.00, subsections Shift Floor Sergeant and Shift Watch Commander to state that the e-UDAL shall be reviewed and not the UDAL. (Objective No. 3 and Objective No.4).
4. It is recommended that MCJ implement a system for identifying a central location for the collection and storage of their UDAL log books. (Objective No. 5).

**Views of Responsible Officials**

On October 15, 2020, MCJ management submitted a response concurring with the audit result.

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