

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



INMATE GRIEVANCES AUDIT
CUSTODY SERVICES DIVISION –
GENERAL POPULATION –
NORTH COUNTY
CORRECTIONAL FACILITY
Project No. 2021-5-A



Alex Villanueva, Sheriff

October 20, 2021

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

**INMATE GRIEVANCES AUDIT
CUSTODY SERVICES DIVISION – GENERAL POPULATION
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PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Inmate Grievances 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), complied with the policies and procedures related to the processing, inquiry, and response to inmate grievances. This audit satisfied, in part, the recommendations of the Citizens' Commission on Jail Violence (CCJV) and provisions related to the implementation plan of the *Rosas Settlement Agreement* (Agreement).¹

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

BACKGROUND

In 2012, the Los Angeles County Board of Supervisors, responded 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. The CCJV was convened 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. Prior to the Agreement, the Department collected, tracked, and addressed inmate grievances in a manner found to be insufficient by the CCJV.

As a result of the Agreement's recommendations, the Department's inmate grievance policy was revised resulting in the creation of Volume 8 of the Department's Custody Division Manual (CDM).³

¹ On September 26, 2014, the Sheriff of Los Angeles County 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), (July 2016), 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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PRIOR AUDITS

This is the first Inmate Grievances Audit conducted at the NCCF.

METHODOLOGY

Scope

The scope of this audit is general inmate grievances.

This audit encompassed four main objectives for both emergency and non-emergency grievances:

- Objective No. 1 - Proper Categorization and Routing of Inmate Grievances - To determine if the grievance was properly classified and routed.
- Objective No. 2 - Completeness of the Inmate Grievance Inquiry - To determine if the nature of the inmate's complaint was documented and if the finding and relief of the grievance was based on the information presented.
- Objective No. 3 - Timeliness - To determine if grievances were resolved and responded to within the required time frame and if a notification of the disposition was provided to the inmate within the required time frame for grievance appeals.

Audit Time Period

The audit time period was August 1, 2020 through October 31, 2020.

Audit Population

Auditors identified the population of general inmate grievances submitted at the NCCF from August 1, 2020 through October 31, 2020 via the Custody Automated Reporting and Tracking System (CARTS). Auditors identified 129 total grievances for the audit time period of which auditors selected a statistically valid random sample of 56.⁴ This sample was utilized to examine the different aspects of the three main objectives, which are described in the Audit Objectives and Results section of this report.

⁴ 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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AUDIT OBJECTIVES AND RESULTS

Objective No. 1 – Proper Categorization and Routing of Inmate Grievances

Objective No. 1(a) – To Determine if the Grievance was Properly Categorized as an Emergency or Non-Emergency

Criteria

Custody Division Manual, Section 8-03/005.00, Inmate Grievances (September 2018), states:

Any inmate under the Department’s jurisdiction may grieve and appeal any decision, action, condition, or omission by the Department or its staff that the inmate can demonstrate as having a material adverse effect on his or her health, safety, or welfare...

PRIORITY GRIEVANCES

Personnel collecting, sorting, and processing completed Inmate Grievance Forms shall be careful to identify grievances requiring priority handling and to ensure they are handled according to protocols established in this policy. Examples of grievances which require priority handling include, but are not limited to:

- *Emergency Grievances*
- *Healthcare Grievances*
- *Americans with Disabilities Act (ADA)-Related Grievances*
- *Grievances Against Staff*
- *Grievances of Retaliation*
- *Prison Rape Elimination Act (PREA)-Related Grievances*

INMATE GRIEVANCE PROCEDURES

If during the processing or inquiry of an inmate’s issue, it is determined the concerned inmate is only requesting information or a service, and is not grieving a decision, action, condition, or omission by the Department or its staff, the grievance shall be re-categorized and handled as a general request...

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Procedures

Auditors evaluated all 56 grievances in CARTS to determine if the grievances were properly categorized as an emergency or non-emergency, and if they were identified as requiring priority handling.

Results

Fifty-four of the 56 (96%) grievances met the criteria for this objective. One grievance did not meet the criteria because the request was not categorized as an emergency in CARTS. However, the grievance was processed within the five (5) calendar days required for an emergency grievance. For the remaining grievance, the watch commander requested the grievance team to re-categorize the emergency grievance to a general request, however, the grievance was not re-categorized.

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Objective No. 1(b) – To Determine if the Inmate Grievance was Properly Processed and Routed After the Initial Review

Criteria

Custody Division Manual, Section 8-03/020.00, Responsibilities (October 2018), states:

PRIORITY HANDLING

Line sergeants identifying priority grievances...shall handle them as follows:

- *In cases of an emergency, determine if the situation requires prompt action to protect the life or safety of the inmate, and, if so, shall take any appropriate action*
- *Promptly ensure a reference number has been issued through the Custody Automated Reporting and Tracking System (CARTS)*
- *Promptly deliver the inmate request, grievance, and/or appeal to the watch commander*
- *Ensure a copy of the inmate request, grievance, and/or appeal is placed in a secured collection bin centrally located within each floor, area or building, pending retrieval and tracking by Inmate Grievance Team members.*

Watch commanders presented with any of the requests, grievances, or appeals requiring priority handling shall review them with priority and ensure they are addressed in accordance with the procedures set forth in this policy.

All other requests and grievances shall be time stamped and placed in secured collection bins centrally located within each floor, area or building, pending retrieval by Inmate Grievance Team personnel.

INMATE GRIEVANCE TEAMS

Members of the Inmate Grievance Team shall be responsible for collecting from centrally located collection bins those requests and grievances not handled by line sergeants. Each Inmate Grievance Team shall also 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 the collection times, and assign them reference numbers.

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Procedures

Auditors evaluated all 56 grievances in CARTS to determine if the grievances were properly routed after the initial review based upon the categorization of emergency or non-emergency, and/or required priority handling.

Results

All 56 (100%) grievances met the criteria for this objective.

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Objective No. 1(c) – To Determine if the Nature of the Inmate’s Complaint was Documented and Tracked

Criteria

Custody Division Manual, Section 8-01/020.00, Responsibilities (October 2018), states:

UNIT INMATE GRIEVANCE COORDINATOR RESPONSIBILITIES

Unit Inmate Grievance Coordinators shall ensure all pertinent information regarding grievances is entered and tracked in CARTS and the entries reflect the nature and status of each grievance...

Procedures

Auditors evaluated all 56 grievances in CARTS to determine if the nature of the inmate’s complaint was documented.

Results

All 56 (100%) grievances met the criteria for this objective.

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Objective No. 2 – Completeness of the Inmate Grievance Inquiry

Objective No. 2(a) – To Determine if the Disposition of the Grievance Documented a Finding and Relief

Custody Division Manual, Section 8-04/010.00, Dispositions, Interim Status Responses, and Inmate Notifications (October 2020), states:

Personnel assigned to handle inmate requests or grievances shall make a determination of an appropriate disposition based on information available and/or established through their investigative efforts...

Dispositions for general grievances which are not against staff shall be determined based both on the findings and the relief to be provided, as follows:

FINDINGS

- *Sustained – the reviewer has determined that the facts and circumstances obtained during the inquiry appear to support the claim in the grievance.*
- *Not sustained – the reviewer has determined that the allegations and circumstances set forth in the grievance could not be substantiated.*
- *Sustained in part – the reviewer has determined that the facts and circumstances obtained during the inquiry appear to support some but not all claims in the grievance.*
- *Inconclusive – the inquiry fails to resolve the grievance, and there is insufficient evidence to either affirm or refute the inmate’s grievance.*
- *Released prior to inquiry – the inquiry cannot be initiated as the inmate has been released and reasonable efforts to contact the inmate have not been successful, which shall be documented in the Custody Automated Reporting and Tracking System (CARTS).*
- *Outside Custody Services Division – the grievance concerns a matter under the jurisdiction of a unit outside of the Custody Services Divisions.*
- *Not processed (inmate on restricted status) – grievance will not be processed, as the inmate has been approved for a restriction of filing privileges...*
- *Not processed (exceeds limit) – the grievance will not be processed, as it exceeds the established weekly/monthly filing limits.*

RELIEF

- *Granted – the reviewer is granting all requested relief, if applicable.*
- *Granted in part – the reviewer determined some of the requested relief should be granted or a comparable alternative be provided, if applicable.*
- *Denied – the reviewer will not grant any part of the requested relief.*

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- *Relief unavailable – the reviewer determined no relief is available.*
- *Referred to contract vendor – the reviewer has referred the grievance to a contract vendor for relief.*
- *Referred to Department of Mental Health – the reviewer has referred the grievance to the Department of Mental Health.*
- *Referred – Court Services – the reviewer has referred the grievance to any unit of the Court Services Division.*
- *Referred – Other station/agency/entity – the reviewer has referred the grievance to an outside station, agency, or entity.*
- *Not processed (inmate on restricted status) – the grievance will not be processed, as the inmate has been approved for a restriction of filing privileges...*
- *Not processed (exceeds limit) – the grievance will not be processed, as it exceeds the established weekly/monthly filing limits.*

Procedures

Auditors evaluated all 56 grievances in CARTS to determine if the disposition of the inquiry documented a finding and relief based on the inquiry information presented.

Results

All 56 (100%) grievances met the criteria for this objective.

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Objective No. 3 – Timeliness

Objective No. 3(a) – To Determine if Non-Emergency Inmate Grievance Results were Responded to Within 15 Calendar Days or by the Extended Due Date

Criteria

Custody Division Manual, Section 8-04/010.00, Dispositions, Interim Status Responses, and Inmate Notifications (October 2020), states:

... a printed Notification of Disposition form and an advisory of the right to appeal, generated in CARTS, shall be delivered to the inmate for any approval or denial of a grievance within fifteen (15) calendar days from the date the grievance was received by the Sheriff's Department, absent exceptional circumstances. The Notification of Disposition form provided to the inmate shall include the disposition and the reason(s) for the decision when the relief to be provided is "Granted in Part," "Denied," or "Relief Unavailable."

Inmates shall sign the printed Notification of Disposition form to document receipt of the written response. However, if the grievance was previously addressed as the result of a court order or other governmental referral, it is not mandatory to summon the inmate for his or her signature. The signed Notification of Disposition form shall be placed into the Unit Inmate Grievance Coordinator's in-box for further processing. The Inmate Unit Grievance Coordinator shall ensure that the receipt of the written response is properly entered in CARTS.

In cases where the investigation cannot be completed within the established time frame due to other exceptional circumstances, the supervisor may extend the requisite response time by initiating an extension in CARTS, documenting the reason for the extension, and providing the concerned inmate with an Extension Notification within fifteen (15) calendar days of the Department's receipt of the grievance. (Refer to 8-04/040.05, "Extensions.")

Procedures

Auditors evaluated all 56 grievances in CARTS and excluded 26 grievances because they were emergency grievances. Therefore, auditors reviewed 30 grievances to determine if the non-emergency grievances were responded to within fifteen (15) calendar days from the Department's receipt of the grievance, or by the extended due date.

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Results

All 30 (100%) grievances met the criteria for this objective.

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Objective No. 3(b) – To Determine if Emergency Inmate Grievance Results were Responded to Within 5 Calendar Days

Criteria

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

The sergeant shall promptly notify the watch commander of the emergency grievance, who shall confirm the emergency exists and, if so, shall ensure appropriate action has been taken to protect the inmate and to resolve the issues which gave rise to the emergency. The watch commander shall further ensure a written response is provided to the inmate within five (5) calendar days documenting what action was undertaken to address the situation which gave rise to the emergency.

Procedures

Auditors evaluated all 56 grievances in CARTS and excluded 30 grievances because they were non-emergency grievances. Therefore, auditors reviewed 26 grievances to determine if the emergency grievances were responded to within five (5) calendar days from the Department's receipt of the grievance.

Results

Twenty-four of the 26 (92%) grievances met the criteria for this objective. The remaining two grievances were responded to beyond the (5) calendar days by 16 and 30 calendar days respectively.

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Objective No. 3(c) – To Determine if the Inmate was Notified of a Grievance Modification Within Five (5) Calendar Days

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 evaluated all 56 grievances in CARTS and excluded 47 grievances because 17 emergency grievances were not modified and 30 were non-emergency grievances. Therefore, auditors reviewed nine grievances to determine if inmates were provided with a Notice of Grievance Modification within five calendar days of the collection of the initial grievance.

Results

Eight of the nine (89%) grievances met the criteria for this objective. For the remaining grievance, a Notice of Grievance Modification was generated 11 days after the collection of the grievance and the inmate was not provided the notice.

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Objective No. 3(d) – To Determine if the Inmate was Provided a Grievance Extension Notification When a Grievance Inquiry was Extended

Criteria

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

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.

Procedures

Auditors evaluated all 56 grievances in CARTS and excluded 49 grievances because the grievance inquiry was not extended. Therefore, auditors reviewed seven grievances to determine if inmates were provided a Grievance Extension Notification when a grievance inquiry was extended.

Results

Four of the seven (57%) grievances met the criteria for this objective. For one grievance the inmate was not notified of first extension and for another grievance the inmate was not notified of second extension. For the third grievance, the inmate was notified of an extension however, the grievance was responded to 18 days beyond the first 15-day extension.

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Objective No. 3(e) – To Determine if Notification of the Disposition of a Non-Emergency Grievance Appeal was Provided to the Inmate

Criteria

Custody Division Manual, Section 8-04/030.05, Appeals of Grievances – Not Against Staff (January 2018), states:

First Level Appeal Review

...The inmate shall be advised, in writing, whether the appeal was upheld (granted) or denied, within fifteen (15) calendar days of the Department's receipt of the appeal...

Second Level Appeal Review

...The inmate shall be advised, in writing, whether the second appeal was upheld (granted) or denied, within fifteen (15) calendar days of the Department's receipt of the appeal...

Procedures

Auditors evaluated all 56 grievances in CARTS and excluded 26 emergency grievances. Therefore, auditors reviewed 30 non-emergency grievances and identified one grievance with an appeal to determine if the inmate was advised of the results, in writing, within 15 calendar days for first level and second level appeals.

Results

The one (100%) grievance met the criteria for this objective.

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**Objective No. 3(f) – To Determine if Notification of the Disposition of An
Emergency Grievance Appeal was Provided to the Inmate**

Criteria

Custody Division Manual, Section 8-04/030.15, Appeals of Emergency Grievances (July 2016), states:

First Level Emergency Appeal Review

...The unit commander shall make a determination of the resolution of an emergency appeal within five (5) calendar days of receipt...

Second Level Emergency Appeal Review

...The concerned area commander, or designee, shall make the final determination of the resolution of an emergency appeal within ten (10) calendar days of receipt...

Procedures

Auditors evaluated all 56 grievances in CARTS and excluded 30 non-emergency grievances. Therefore, auditors reviewed 26 emergency grievances to determine if the inmate was advised of the results, in writing, within 5 calendar days for first level appeals and 10 calendar days for second level appeals. None of the 26 emergency grievances appealed the determination of resolution. Therefore, none were applicable to this objective.

Results

None were applicable for this objective.

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SUMMARY OF RESULTS

The audit yielded the following results:

Objective No.	Audit Objectives	Met the Criteria
1	PROPER CATEGORIZATION AND ROUTING OF INMATE GRIEVANCES	
1(a)	<i>To Determine if the Grievance was Properly Categorized as an Emergency or Non-Emergency</i>	96%
1(b)	<i>To determine if the inmate grievance was properly processed and routed after the initial review.</i>	100%
1(c)	<i>To determine if the nature of the inmate’s complaint was documented and tracked.</i>	100%
2	COMPLETENESS OF THE INMATE GRIEVANCE INQUIRY	
2(a)	<i>To determine if the disposition of the grievance documented a finding and relief.</i>	100%
3	TIMELINESS	
3(a)	<i>To determine if non-emergency inmate grievance results were responded to within 15 calendar days or by the extended due date.</i>	100%
3(b)	<i>To determine if emergency inmate grievance results were responded to within 5 calendar days.</i>	92%
3(c)	<i>To determine if the inmate was notified of a grievance modification within five (5) calendar days.</i>	89%
3(d)	<i>To determine if the inmate was provided a grievance extension notification when a grievance inquiry was extended.</i>	57%
3(e)	<i>To determine if notification of the disposition of a non-emergency grievance appeal was provided to the inmate.</i>	100%
3(f)	<i>To determine if notification of the disposition of an emergency grievance appeal was provided to the inmate.</i>	N/A

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 adhering to policies and procedures regarding the inmate grievance process at the NCCF.

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 briefings of policies and procedures. The AAB considers the results of this audit to be a helpful management tool and therefore, makes the following recommendation:

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1. To avoid delays in responses and notifications to inmates, it is recommended that NCCF staff implement a system to notify personnel handling grievance inquiries of approaching deadline dates. (Objective No. 3)

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Views of Responsible Officials

On October 12, 2021, Custody Services Division command staff submitted a formal response to the AAB concurring with the audit results.

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This audit was submitted on this 20th day of October 2021, by the Audit and Accountability Bureau. A copy of the audit report was provided to the Office of the Inspector General.

Original signature on file at AAB

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