

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



INMATE GRIEVANCES AGAINST STAFF AUDIT  
CUSTODY SERVICES DIVISION: GENERAL POPULATION  
MEN'S CENTRAL JAIL  
2018-5-A

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SHERIFF

May 29, 2018

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

**INMATE GRIEVANCES AGAINST STAFF AUDIT – CUSTODY SERVICES DIVISION:**  
**GENERAL POPULATION - MEN'S CENTRAL JAIL**

**Project No. 2018-5-A**  
**Audit Report**

**PURPOSE**

The Audit and Accountability Bureau (AAB) conducted the Inmate Grievances Against Staff Audit at Men's Central Jail, 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) Men's Central Jail (MCJ) adhered to the Department's policies and procedures related to the processing, investigation, and response to inmate grievances against staff.<sup>1</sup> 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)*.<sup>2</sup>

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.<sup>3</sup> The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions 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. Prior to the Agreement, the Department collected, tracked, and addressed inmate grievances in a manner found to be insufficient by the CCJV.

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<sup>1</sup> The CDM Section 8-03/040.00, *Grievances Against Staff*, states upon review of the comprehensive inquiry and supporting documentation, the unit commander shall determine whether the allegation will be classified as a grievance against staff. That determination shall consider whether the grievance alleges staff behavior which would be a violation of law, regulation, policy, or procedure.

<sup>2</sup> 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.

<sup>3</sup> United States Government Accountability Office – By the Comptroller General of the United States, December 2011, *Government Auditing Standards*, 2011 Revision.

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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).<sup>4</sup> The revised policy expands upon the manner in which Form SH-J-420 (Inmate Grievance Form) is assigned, tracked, and investigated. 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 Coordinator<sup>5</sup> at Custody Support Services (CSS)<sup>6</sup>, is responsible for coordinating the review of appeals, communicates with each of the facilities, bureaus, and units regarding inmate grievances and Inmate Grievance Team<sup>7</sup> 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.<sup>8</sup>

**PRIOR AUDITS**

This was the first Inmate Grievances Against Staff Audit performed by AAB. A prior audit (Project No. 2017-9-A) submitted by AAB on March 14, 2018, involved general inmate grievances and did not address grievances against staff. The audit determined there were systemic deficiencies involving the current grievance process. Seven recommendations were made and are being addressed by MCJ management.

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<sup>4</sup> 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.

<sup>5</sup> The CDM 8-01/020.00 Responsibilities, states the Division Inmate Grievance Coordinator, at the minimum rank of lieutenant is assigned to Custody Support Services (CSS).

<sup>6</sup> The CDM 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.

<sup>7</sup> The CDM 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.

<sup>8</sup> 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 three objectives:

- **Timeliness** – To determine if the inmate was notified of modification from an emergency grievance<sup>9</sup> to a non-emergency grievance; to determine if non-emergency grievances were investigated, resolved and responded to within 15 calendar days of the Department’s receipt; and to determine if a written response was provided to the inmate within five calendar days, documenting what action was undertaken to address an emergency situation.
- **Completeness of Grievance Investigations** – To determine if comprehensive inquiries were conducted by assigned supervisors, investigations were completed reasonably within established timeframes, and the inmates were notified of the results.
- **Appeals Process** – To determine if notification of disposition to a non-emergency grievance against staff appeal was provided to the inmate in writing, within 15 calendar days of the Department’s receipt; and to determine if notification of disposition to an emergency grievance against staff appeal was provided to the inmate in writing, within five calendar days of the Department’s receipt.

Source documentation included a review of inmate grievances against staff within the Custody Automated Reporting and Tracking System (CARTS)<sup>10</sup> 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 February 1, 2017, through June 30, 2017.

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<sup>9</sup> The CDM Section 8-03/010.00 Emergency Grievances, states an emergency grievance is defined 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.

<sup>10</sup> 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 60 grievances against staff submitted at MCJ during the audit time period. The audit population was reconciled to a Structured Query Language (SQL) report obtained from the CSS Grievance Team.<sup>11</sup> Of the 60 grievances, 23 were submitted by inmates as emergency grievances and 37 were submitted as non-emergency grievances. Nineteen of the 23 emergency grievances were modified to non-emergencies during initial review by MCJ staff. As a result, four emergency grievances and 56 non-emergency grievances were identified for the population.

**SUMMARY OF AUDIT FINDINGS**

The management and staff at MCJ were accommodating and cooperative in providing the necessary information, and in validating the findings. MCJ achieved varied results for the audit objectives, which are summarized in Table No. 1.

**Table No. 1 - Summary of Audit Findings**

<b>Objective No.</b>	<b>AUDIT OBJECTIVES</b>	<b>Met the Standard</b>
<b>1</b>	<b>TIMELINESS</b>	
1(a)	<i>To determine if the inmate was notified of emergency grievance modification</i>	<b>47%</b>
1(b)	<i>To determine if non-emergency grievances were investigated, resolved, and responded to within 15 calendar days</i>	<b>21%</b>
1(c)	<i>To determine if a written response was provided to the inmate within five calendar days of filing for emergency grievances</i>	<b>0%</b>
<b>2</b>	<b>COMPLETENESS OF GRIEVANCE INVESTIGATIONS</b>	
	<i>To determine if comprehensive inquiries were conducted, completed reasonably within established timeframes, and inmates were notified of the results after the adjudication of the grievance investigation</i>	<b>50%</b>
<b>3</b>	<b>APPEALS PROCESS</b>	
	<i>To determine if notification of Disposition to an Appeal was provided to the inmate, in writing, within 15 calendar days for non-emergency grievances</i>	<b>100%</b>

<sup>11</sup> The CSS Grievance Team under the direction of the Division Inmate Grievance Coordinator, was provided with a set of report parameters by auditors to perform a CARTS query in SQL Server Management Studio, an application through which authorized users can access and retrieve data. SQL Server Management Studio provided a data file, which reconciled the grievances auditors obtained from CARTS.

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**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, (July 2016), 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...*

Rosas, et al. v. Baca, Case No. CV 12-00428 DDP, Provision 6.8 states:

*If the Department determines that a non-medical emergency does not exist, it should notify the inmate as soon as practical that the grievance will be handled as a non-emergency grievance and document why it was determined not to be an emergency.*

**Audit Procedures**

Auditors reviewed all 60 grievances to determine if any were submitted as emergency grievances by the inmate. Thirty-seven grievances were excluded because they were not initially submitted as an emergency. Four grievances were not modified and remained an emergency throughout processing. Therefore, 19 grievances were evaluated for this objective, to determine if the inmate was notified within five calendar days from the date an emergency grievance was collected, it would be handled as a non-emergency.<sup>12</sup>

**Findings**

Nine of the 19 (47%) modified grievances met the standard for this objective. Auditors found no documentation the inmate was notified regarding the remaining ten grievances.

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<sup>12</sup> Auditors confirmed with the Division Inmate Grievance Coordinator, the five calendar day limit standard began on the date of collection.

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**Objective No. 1(b) – Grievances Investigated, Resolved, and Responded to within 15 Calendar Days (Non-Emergency)**

**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 CDM, 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.*

**Audit Procedures**

Auditors reviewed the grievance case files to determine if non-emergency grievances were investigated, resolved, and responded to within 15 calendar days. Fifty-six inmate grievances were evaluated for this objective. Four inmate grievances were filed as an emergency and therefore were excluded from this objective.

**Findings**

Twelve of the 56 (21%) non-emergency grievances met the standard for this objective. Auditors found no entries in CARTS, nor any additional documentation to explain the delayed responses to those grievances that exceeded the established timeframes.

**Objective No. 1(c) – Written Response Provided to Inmate within 5 Calendar Days (Emergency)**

**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.*

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**Audit Procedures**

Auditors reviewed the emergency grievance case files to determine if a written response was provided to the inmate within five calendar days. Four emergency grievances were evaluated for this objective. Fifty-six grievances were classified as non-emergencies and therefore excluded from this objective.

**Findings**

None of the four (0%) emergency grievances met the standard for this objective. Auditors found no entries in CARTS, nor any other documentation to explain the delayed responses to those emergency grievances that exceeded the established timeframes.

**Objective No. 2 – Completeness of Grievance Investigations**

**Criteria**

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff, (July 2016), 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...*

**Audit Procedures**

Auditors reviewed the scanned grievance documentation and CARTS entries for all 60 grievances to determine if a comprehensive inquiry was conducted to include investigations being completed reasonably within established timeframes, and inmates

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being notified of the results. Two grievances involved a valid restricted filing exemption.<sup>13</sup> Therefore, these two grievances were excluded, leaving 58 for evaluation for this objective.

**Findings**

Twenty-nine of the 58 (50%) grievances reviewed by auditors met the standard for this objective.

Twenty-nine grievances reviewed did not meet the standard for those reasons listed in Table No. 2.

**Table No. 2 - Non-Compliant Grievances Against Staff**

<b>Non-Compliant Grievances Against Staff (Non-Emergency)</b>	<b>No. of Grievances</b>
Response was unjustifiably late or too late to be of any help to the inmate	6
Failure to appropriately investigate/resolve grievance	3
No response given to inmate	1
Closed out as duplicate grievance but referenced duplicate grievance was not completed	1
Closed out as “inmate under restricted filing status” but grievance investigation should have been completed	17
<b>Non-Compliant Grievances Against Staff (Emergency)</b>	<b>No. of Grievances</b>
Emergency processed inappropriately as a non-emergency grievance; late response	1

**Objective No. 3 – Appeals Process**

**Criteria**

Custody Division Manual, Section 8-04/030.00, Appeals Process and Structure, (July 2016), states:

*Inmates who are not satisfied with the disposition, or with the action(s) taken to address their grievance may appeal to the next level of review.*

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<sup>13</sup> The CDM Section 8-04/050.00 Duplicate Filings of Grievances and Appeals, and Restrictions of Filing Privileges, states when an inmate continues to file excessive grievances or appeals after having been issued a warning, the unit commander, with the concurrence of the concerned chief, may restrict the inmate’s grievance and appeal filing privileges to one (1) non-emergency grievance every fourteen (14) calendar days for a period of up to twelve (12) months, or other restrictions deemed appropriate by the chief. The unit commander shall have the discretion to reject non-emergent grievances and appeals filed by inmates whose privileges have been restricted.

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Custody Division Manual, Section 8-04/030.10, Appeals of Grievances Against Staff (July 2016), states:

*First Level Appeal Review*

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

**Audit Procedures**

Auditors reviewed all grievances against staff and found that two involved appeals. Both appeals involved non-emergency grievances. The two appealed grievances were reviewed to determine if the inmate was advised in writing, whether the appeal was upheld or denied within 15 calendar days of the Department's receipt of the appeal.

**Findings**

Both (100%) appealed non-emergency grievances met the standard for this objective.

**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*

CDM Section 8-04/020.00, Conflict Resolution, 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 a 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. In situations that revealed conflict resolution as a viable option, auditors found it was not utilized, and documentation explaining why it was not utilized was absent.

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*Restriction of Filing Privilege*

An inmate may be suspected of abusing the grievance or appeals process when the inmate submits repetitious grievances or appeals that prove to be frivolous, malicious, contain information known by the inmate to be false, or contain abusive, foul, or obscene language. When an inmate continues to abuse the grievance or appeals process after being issued a warning, the Department may restrict the inmate's filing privileges. As mentioned in Table No. 2, auditors found 17 grievances submitted by inmates on restricted filing status which failed to comply with the restriction instructions listed by management in their associated memoranda.

*Data Collection Errors*

Auditors identified several deficiencies in the CARTS database which similarly challenged the integrity of the inmate grievance against staff management process. Specifically, auditors observed the following conditions: scanned documents missing the appropriate signatures; data entry fields left incomplete or containing dates which were inconsistent with the scanned forms; post-dated entries occurring after cases were deemed to have been concluded; data entries lacking a timestamp, and vulnerable administrative controls over who had the ability to update or change entries. In addition to the above, auditors found, when a grievance was either modified, an investigative extension was attempted, an interim status response was given, or an appeal was approved, CARTS did not reflect the new due-dates, thereby creating tracking errors.

*Delayed Notification of Dispositions*

Auditors found deficiencies in MCJ's ability to track and monitor the timeliness of grievances which led to the failure to notify inmates of the dispositions. Specifically, auditors found 13 grievance 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.

**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.

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**RECOMMENDATIONS**

The resulting recommendations coincide with the findings and conclusions from the objectives and other related matters. They are intended to provide Department management with a tool to correct deficiencies and improve performance.

1. To ensure the integrity of the inmate grievance against staff process, it is recommended that administrative controls be reviewed to determine specific personnel for the tracking duties associated with documentation and database entries into CARTS. As CARTS undergoes reconstruction into a web-based platform, it is also recommended that CARTS be updated to incorporate projected inmate release dates, calculate the dates of extensions, interim status responses, and appeal approvals, to avoid delayed notifications and mitigate data collection errors. (Objective No. 1 and Other Related Matters)
2. To ensure the orderly and timely processing of inmate grievances against staff by inmates on restricted filing status, it is recommended line sergeants receive documented rebriefings on CDM, Section 8-04/050.00, Duplicate Filings of Grievances and Appeals, and Restrictions of Filing Privileges, for clarification regarding the restricted filing procedures and adherence to the guidelines of approved memoranda in those cases.  
(Objective No. 2 and Other Related Matters)
3. 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 June 19, 2018, the Custody Services Administration Command Staff submitted a formal response to AAB concurring with the audit findings. A copy of the audit was provided to the Office of the Inspector General.

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This audit was submitted on the 29<sup>th</sup> day of May 2018, by the Audit and Accountability Bureau.

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