

INTRADEPARTMENTAL CORRESPONDENCE

June 7, 2016
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BPC #16-0173

TO: The Honorable Board of Police Commissioners

FROM: Inspector General, Police Commission

SUBJECT: OFFICE OF THE INSPECTOR GENERAL
INVESTIGATION OF THE LOS ANGELES POLICE DEPARTMENT
METROPOLITAN DETENTION CENTER
INMATE INSPECTIONS & SAFETY CHECKS

RECOMMENDED ACTION

REVIEW and APPROVE the Office of the Inspector General Investigation of the Los Angeles Police Department Metropolitan Detention Center Inmate Inspections & Safety Checks.

DISCUSSION

In October 2015, the Office of the Inspector General (OIG) began an in-depth review of Inmate Inspections and Safety Checks of the Los Angeles Police Department's Metropolitan Detention Center. During this investigation, the OIG identified that 82.3% of the Inmate Inspections and Safety Checks were out of compliance with the standards set forth by California Code of Regulations, Title 15, the Department's Jail Operations Manual, and/or the Department's stated expectations.

I am available to provide any information the Board may require.

E-Copy – Original Signature on File with the Police Commission

ALEXANDER A. BUSTAMANTE
Inspector General
Police Commission

Attachment

c: Executive Director Richard M. Tefank
Chief of Police Charles L. Beck

LOS ANGELES POLICE COMMISSION

INVESTIGATION OF THE LOS ANGELES POLICE DEPARTMENT METROPOLITAN DETENTION CENTER INMATE INSPECTIONS & SAFETY CHECKS



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

ALEXANDER A. BUSTAMANTE

Inspector General

June 7, 2016

**OFFICE OF THE INSPECTOR GENERAL
INVESTIGATION OF THE LOS ANGELES POLICE DEPARTMENT
METROPOLITAN DETENTION CENTER
INMATE INSPECTIONS & SAFETY CHECKS**

I. INTRODUCTION

In October 2015, the Office of the Inspector General (OIG) began an in-depth review of the jails operated by the Los Angeles Police Department (LAPD or Department). The OIG performed onsite inspections of all currently operable LAPD jail facilities and began conducting reviews of many aspects of the jails including the organizational structure and policy, training of jail personnel, uses of force, and the use and placement of all video cameras throughout the jail facilities. During this investigation, the OIG identified concerns involving the performance of inmate inspections and safety checks (cell block checks) as required by State regulations and Department policy, specifically at Metropolitan Detention Center (MDC).

The OIG reviewed a total of 264 hours of jail security camera video from MDC. In 82.3% of the inmate inspections and safety checks analyzed, the Department was found to be out of compliance with the standards set forth by law, Department policy, and/or the Department's stated expectations.^{1,2}

II. BACKGROUND

A. Metropolitan Detention Center

The MDC is the busiest of the Department's jails, responsible for processing LAPD arrestees, including inmates from other LAPD jail facilities when they are at maximum capacity. The MDC also processes arrestees from outside law enforcement agencies. Most MDC inmates await further legal proceedings and have not been charged or convicted for the crime leading to the arrest.³ Cell blocks may be populated with individuals who have been arrested for crimes that range from dangerous felonies to less-serious misdemeanors.⁴ In 2015, MDC processed a total of 28,316 inmates and was assigned approximately 121 detention officers and 51 police

¹ The Department's jail security camera video footage is systematically erased after 30 days. At the time of the OIG's request, the Department did not have the capability of providing video footage that was more than 30 days old.

² Approximately half of the cell block checks that did not comply with the minimum standard and expectations involved cell blocks that were empty and were not checked at all. This means that there was no recordation of an inmate inspection or safety check on the paper log, and video footage confirmed that no attempt was made to approach the cell block in order to enter.

³ The Department's jails are categorized by State standards as Type I facilities used for the temporary confinement of inmates for no more than 96 hours. For more information see: California Code of Regulations Title 15, §1006 (2015); LAPD Jail Operations Manual (JOM) Section 2/101.02 – Department Jails-Classification. (2012).

⁴ See JOM Sections 2/204.03 – Mandated Inmate Segregation & 2/204.06 – Administrative Segregation.

officers.⁵ The MDC operates on 12-hour shifts that require a minimum of 30 detention personnel.⁶

The MDC is separated into four main blocks, North Block, East Block, South Block, and West Block.⁷ Each of these main blocks is secured by a maximum security sliding door, leading to a “sally port” area and four separated cell blocks labeled A through D. At the center of each main block is a guard tower operated by detention personnel.

There are two basic cell block configurations that are monitored by detention personnel in the guard tower overlooking each cell block. The first is a dormitory-style cell block, which has an open design and contains a row of bunk beds on the lower level, a row of bunk beds on the upper level, and a common area where inmates can sit at tables and have access to telephones. The second configuration is a cell block containing individual cells for single or double occupancy on both the lower and upper levels. Each individual cell has its own secured door with a window and an open food port.

The MDC became the focus of this investigation, in part, because it was the only LAPD jail relying on paper logs to record the date, time, and the serial number of the officer performing the cell block checks.⁸ Because paper logs are less reliable for record-keeping purposes than the modern methods currently being used at other LAPD jail facilities, the OIG sought to verify the occurrence of cell block checks recorded in these logs.

B. Title 15 and the Jail Operations Manual⁹

The California Code of Regulations codifies the various classifications and rules for the operation of the State’s jails and prisons in Title 15: Crime Prevention and Corrections. Among its most important mandates, Title 15 requires detention personnel to perform random cell block checks at least once an hour through “direct visual observation.”^{10,11} This term is defined as the

⁵ The LAPD jails are staffed primarily by detention officers with support from police officers who serve on a six month rotational basis. The ultimate goal is to hire a sufficient number of detention officers so that police officers can be reassigned to other non-jail duties in the Department. Detention and police officers assigned to Custody Services Division (CSD) are collectively referred to as “detention personnel.”

⁶ These numbers were provided by the Department based on Deployment Period 12-2015. The 12 hour shifts are referred to as “A-Watch” & “B-Watch.”

⁷ On May 10, 2016, the Department advised the OIG that the “main blocks” which consist of four separated cell blocks with a guard tower positioned in the center of the blocks will be referred to and officially designated as “Pods.” For example, West Pod would include West Blocks A-D.

⁸ The paper logs are formally referred to by Department policy as Jail Inspection Records (LAPD Form 06.17.00).

⁹ See JOM, dated January 2012.

¹⁰ Cal. Code Regs. Tit. 15, §1027 (2015).

¹¹ Title 15 requires random hourly inmate inspections and safety checks, whereas the JOM requires inmate inspections “at 30 minute intervals.”

“direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment.”¹² The primary purpose of the Title 15 cell block check is to ensure the health and safety of the inmates, as well as to protect the facility staff by consistent monitoring of all cells and all inmates.¹³

Title 15 also requires that the Department develop its own written policies and procedures governing conduct within its jails. The Department’s Jail Operation Manual (JOM) raises the standard for cell block check criteria by stating that detention personnel “shall walk to each cell” to perform the direct visual observation “[...] of every inmate and every cell, whether empty or not, at 30-minute intervals.”¹⁴ Moreover, the JOM specifies that detention personnel “shall look and listen for obvious signs of distress or trauma.”¹⁵

During the investigation, the OIG met with the Department to determine its expectations for inmate inspections and safety checks of the dormitory-style cell blocks. The Department expected such a check to include one police officer armed with a beanbag shotgun standing at the entrance of the opened cell block door and up to four detention officers entering the cell block.¹⁶ The Department expected the detention officers to walk along the lower row of bunks and conduct direct visual inspections of each inmate, bunk, bathroom, and shower area, and then proceed to walk to the upper level. The Department further required the detention officers to walk along the upper row and perform a similar inspection.

The safety checks for the cell blocks with individual cells for single or double occupancy required the same procedure, but could be performed with fewer detention personnel because each inmate was secured behind an individual cell door. The Department expected at least one detention officer to enter the cell block and walk along the lower and upper rows of individual cells and look through the cell windows and food ports. Unique to this cell block configuration is an electronic card swipe system that may be used to record cell block checks. The OIG’s investigation found that detention officers did not have clear direction on the actual use of the card swipe system during cell block checks, resulting in the inconsistent application of this system. The Department’s primary system for recording cell block checks at MDC at the time of this investigation was the paper logs.¹⁷

¹² Cal. Code Regs. Tit. 15, §1027 (2015).

¹³ Cal. Code Regs. Tit. 15, §3271 (2015).

¹⁴ Performing cell block checks of empty cells is required by JOM 1/150-Inmate Inspections. (2012).

¹⁵ JOM Section 1/150-Inmate Inspections. (2012).

¹⁶ California Penal Code §831 prohibits detention officers from using firearms while on duty. The beanbag shotgun is considered a firearm, which can only be deployed and fired by a peace officer (police officer).

¹⁷ On March 31, 2016, the OIG met with the Department at MDC and was informed that the card swipe system would be utilized for every inmate inspection or safety check where it was installed.

C. OIG Methodology

The OIG reviewed the video footage from 66 two-hour periods, each depicting the activity of a specific cell block at MDC.¹⁸ This analysis required viewing at least two camera angles, one showing the cell block door from outside of the cell block, and another depicting the cell block door from the inside. In each two-hour period, up to five cell checks were reviewed. For each cell block check, the OIG compiled a database to capture specific details related to State and Department requirements. The OIG analyzed a total of 198 cell block checks to determine compliance with Title 15, the JOM, and/or the Department's stated expectations.¹⁹

For each time period, the OIG obtained a copy of the corresponding paper log used during the shift that was observed and evaluated. The OIG reviewed each of the logs in conjunction with the video noting details and any discrepancies.

OIG investigators also performed onsite visits to examine the MDC facility and to secure photographs that accurately depicted the structure and lines of sight from the guard tower to the cell blocks. On three occasions the OIG accompanied Department personnel to conduct safety checks on inmates in both types of cell block configurations.²⁰

III. OIG FINDINGS

Both Title 15 and the JOM require detention personnel to conduct direct visual observation of all inmates during mandated cell block checks. Additionally, the JOM mandates that detention personnel "shall walk to each cell" and "look and listen for obvious signs of distress or trauma." The JOM requires that "this inspection SHALL be done in person and not through the use of a camera or any electronic device."

Detention personnel may have a general awareness of the number of inmates present at any given time. However, because inmates are processed in and out of the facility each hour, it is difficult, if not impossible, to account for the presence, health, and safety of each inmate without entering the cell blocks for direct visual observation of all inmates.²¹

¹⁸ A list of all MDC cells from the East, South, and West Blocks were put into an online randomizer to produce the selection of 50, two-hour periods. North Block was omitted from the sample because it is used for overflow and is empty on most days. The additional 16 videos were acquired by the OIG through an earlier request and depicted video from all four cell block configurations in West Block for two different days and two different shifts on each day.

¹⁹ The OIG reviewed each two-hour video with the standing assumption that the first cell check at the beginning of the video and the last check at the end of the video may have occurred outside of the recording time. These checks were not included in the OIG's analysis in order to produce fair and accurate results.

²⁰ The OIG and the Department walked completely through the interior of the cell blocks, directly looked into individual cells, walked past rows of bunk beds, and inspected shower and bathroom areas. No inspection or check exceeded four minutes from entrance to exit of the cell block.

²¹ Pursuant to the JOM Section 2/001-Change of Watch Procedures: "On-coming" detention personnel shall meet "out-going" detention personnel, to count the number of inmates and compare this number to the paper logs.

In order to have direct visual observation while looking and listening for obvious signs of distress or trauma, the OIG believes that officers must enter the cell block, regardless of the configuration, and walk through all levels of the cell block, taking time to ensure direct visual observation of each inmate, bunk, or individual cell – whether empty or not. Without a complete walk through, detention personnel would be unable to account for all spaces within the cell block and therefore would be unable to see inmates that might be in any blind spots.

With regard to the cell blocks containing individual cells for single or double occupancy, unless there is a direct visual inspection, it is impossible to observe an inmate inside of an individual cell. In cell blocks containing the dormitory-style configuration, detention personnel cannot obtain a full, unobstructed view of all bunks on the upper and lower levels without entering the cell block. The OIG noted that the visibility from outside of the cell blocks or from the guard towers has limitations, and the constant movement of inmates in and out of custody, makes safety checks of all inmates particularly challenging if detention personnel do not enter and inspect the entirety of the cell blocks. Without such inspections, detention personnel may be unable to locate or observe inmates in areas with limited visibility.

The OIG's video review evaluated the extent to which the cell block checks occurred. The OIG identified concerns with 163 of the 198 (82.3%) cell block checks, which were found to be out of compliance with existing policies and expectations. In these cases, detention personnel either did not enter the cell block to perform a cell check or did not inspect the entirety of the cell block once inside. In 35 of the 198 (17.7%) cell block checks, detention personnel inspected the entire cell block to ensure direct visual observation of all cells and inmates, and confirmed that there were no signs of trauma or distress.

In 137 of 198 (69%) cases, detention personnel did not enter the cell blocks at all during their inmate inspections and therefore may not have been able to see or assess all inmates within the cell block. The OIG noted that the paper logs were filled out to represent the number of inmates present during the cell block check. However, the OIG found these inmate counts on the paper logs to be generally inaccurate. The OIG also observed videos where the number of inmates present did not reflect the number of inmates noted on the corresponding log.

In other cases, the detention personnel entered the cell block but only conducted a partial observation. For example, detention personnel inspected the lower level of the cell block but did not fully inspect the entire second level of that same block. This partial check occurred in 26 of 198 (13%) cases.

As previously indicated, the Department's JOM requires detention personnel to conduct inmate inspections and safety checks on empty cell blocks.²² Of the 198 cell block checks that were reviewed, 85 (43%) involved inspections of cell blocks designated as empty. Of those 85, only two were inspected pursuant to the JOM requirements. In reviewing video, the OIG identified an inmate located within a cell block that the Department had designated as empty. The OIG confirmed that this inmate roamed the empty cell block for approximately two hours. Despite

²² JOM Section 1/150 – Inmate Inspections. (2012).

detention personnel walking past the cell block during this time, the log was not updated to reflect the addition of this inmate or that a safety check was conducted.²³

During this investigation, the OIG also identified concerns with the Department's continued reliance on paper logs for the recordation of cell block checks. The logs were found to contain inaccurate information with regard to the time of the checks and the number of inmates present.^{24,25}

IV. CONCLUSION AND RECOMMENDATIONS

During the OIG's review and investigation, the Department communicated openly and effectively, providing any data or information requested by the OIG in a prompt manner. Once the OIG confirmed the cell block check compliance data, the OIG notified the Department in March 2016 that due to its findings, particular attention should be given to inmate inspections and safety checks at MDC pending the OIG's Report. The Department immediately responded by ensuring that cell block checks, specifically at MDC, were being performed as required by State law and Department policy.

In addition to the recommendations that have been communicated to the Department during this investigation, further OIG recommendations are listed below, followed by the Department's responses.

- 1. The OIG recommends that the Department conduct an internal inspection and evaluation of all jail facilities to determine compliance with Title 15 and Department policy as it relates to inmate inspections and safety checks. The Department shall report back to the Board of Police Commissioners with its findings and recommended courses of action within 90 days of this Report.**

Department's Response: Following an initial findings meeting with the OIG, the Department conducted an internal inspection and evaluation of all jail facilities to determine compliance with Title 15 and Department policy. In addition, CSD personnel contacted the State regulatory agency, Board of State and Community Corrections, for guidance. As a result, in all cell block configurations, where full direct visual observation cannot be achieved solely by exterior view, CSD personnel have been directed to make certain that entry is made into the cell block every half hour to ensure compliance with Title 15 and Department policy.

²³ Based on the video, the OIG determined that the inmate was taken into the "empty" block to be interviewed by plainclothes detectives. The total time that the inmate spent in the cell block was unknown because the video ended while the inmate was still inside the cell block.

²⁴ In cases where the inmate inspections or safety checks required further scrutiny, the OIG forwarded the evidence to the Department for appropriate action.

²⁵ In addition, the Department was unable to provide the OIG with five days' worth of logs because they were reportedly missing.

The CSD distributed a Notice titled IMPORTANCE OF TITLE 15 CHECKS, dated March 21, 2016. All CSD personnel were “reminded of the profound importance and significance of conducting Title 15 safety checks in a timely and thorough manner to ensure the physical well-being of each inmate in our custody.”

In addition, the Department proposed revisions to the Detention Officer Recruit Training Academy curriculum, which will be implemented to include expanded emphasis on Title 15 and associated JOM provisions.

Title 15 regulation training for in-service personnel will be scheduled for the next State Standards in Training for Corrections (STC) cycle which begins in July 2016.

Ongoing training for all supervisors began in March 2016. All Valley Jail Supervisors have been trained and 77th Regional Jail Supervisors will be trained Deployment Period 6-2016. All Principal Detention Officers received supervisory Title 15 training on April 28, 2016.

- 2. The OIG recommends that the Department revise the Jail Operations Manual to include specific protocol to enter cell blocks, whether empty or not, to conduct inmate inspections and safety checks. The Department shall report back to the Board of Police Commissioners within 90 days of this Report.**

Department’s Response: The Department is in the process of examining best practices in local Type-1 facilities throughout Southern California. In addition to the Notice dated March 21, 2016, mentioned above, the Department will distribute a supplemental CSD Notice to provide details for best practices and expectations of Title 15 cell block checks.

This forthcoming Notice will specify that future inmate inspections and safety checks in both dormitory-style cell blocks and individual or double occupancy cell blocks, where full direct visual observation cannot be achieved solely by exterior view, shall require CSD personnel to make certain that entry is made into the cell block every half hour to ensure compliance with Title 15 and Department policy.

- 3. The OIG recommends that the Department upgrade MDC with an electronic cell check recording system to replace the paper log system. The Department shall report back to the Board of Police Commissioners within 90 days of this Report.**

Department’s Response: A key card cell check system has been implemented at MDC for single and double occupancy cells. For the dormitory-style cell blocks, the Department is researching improvements with assistance from the Department’s Information Technology Bureau and the City’s Information Technology Agency. The improvements will include implementation of a Wi-Fi system and an upgraded electronic cell block check device.

4. The OIG recommends that the Department conduct regularly scheduled audits of jail video footage and corresponding records of the cell block checks.

Department's Response: Watch Supervisors have been directed to conduct a minimum of two Title 15 compliance audits/physical inspections and video review per watch and document the findings on the Department's Watch Commander Daily Report (FORM 15.80.00). These audits are to be a random sampling of all inmate inspections and safety checks.