

OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL

MANAGEMENT REVIEW AUDIT

CALIFORNIA INSTITUTION FOR MEN, CHINO

WARDEN LARRY WITEK



FEBRUARY 2000

OFFICE OF THE INSPECTOR GENERAL



MANAGEMENT REVIEW AUDIT

Warden Larry Witek

**California Institute for Men
Chino, California**

February 2000

Gray Davis, Governor • Promoting Integrity

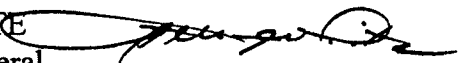


OFFICE *of the* INSPECTOR GENERAL

MEMORANDUM

DATE: February 3, 2000

TO: ROBERT PRESLEY, Secretary
Youth and Adult Correctional Agency

FROM: STEVE WHITE 
Inspector General
Office of the Inspector General

SUBJECT: Management Review Audit of Warden Larry Witek, California Institution for Men

Pursuant to Penal Code Section 6051, the Office of the Inspector General has completed a management review audit of Warden Larry Witek of the California Institution for Men. Warden Witek has been provided with a draft of the management review audit report and his responses to the draft report findings are included in this report.

The report shows that Warden Witek exceeded or met standards in 36 of 40 performance categories. For the four categories rated as needing improvement, the management review audit report provides details and recommendations on the audit findings.

If you have any questions, please do not hesitate to call me at (916) 445-6696.

Enclosures

cc: Cal Terhune, Director, Department of Corrections

Table of Contents

Introduction	1
Overview of the California Institute for Men	1
Scope and methodology	1
Results of the Management Review Audit	2
Exceeds standards.....	2
Needs improvement.....	3
Additional recommendations.....	5
Summary of the Management Review Audit ratings	7
Warden Witek's response to his Management Review Audit	(attachment 1)
The Office of the Inspector General's comments regarding Warden Witek's response	(attachment 2)

INTRODUCTION

This report presents the results of a management review audit of Larry Witek, warden of the California Institute for Men (CIM). Warden Witek has served in that capacity since 1990. The warden is an exempt employee appointed by the Governor and confirmed by the Legislature.

Penal Code Section 6051 requires the Office of the Inspector General to conduct a management review audit of every warden who has held the position for at least four years. A management review audit is a review to assess the warden's performance in carrying out the essential functions of the facility. In areas where weaknesses have been noted, the management review team proposes actions to remedy the problems.

OVERVIEW OF THE CALIFORNIA INSTITUTE FOR MEN

CIM is comprised of four facilities designed to house minimum and medium custody inmates. The facility, originally opened in 1941, is located three miles south of the City of Chino and has approximately 1,770 employees. CIM has a design capacity of 3,078 inmates, with a present count of approximately 6,400 inmates in the prison population.

CIM maintains three reception centers that receive and process newly committed male felons from several Southern California counties. The facility operates a 24-hour licensed acute care inpatient hospital, a 189-bed HIV unit, a substance abuse treatment control unit, a Prison Industry Authority, a computers-for-schools program, and academic and vocational education programs.

SCOPE AND METHODOLOGY

The management review team developed 40 performance indicators under ten broad administrative areas that are deemed mission-essential for CIM. The nine administrative areas consist of:

- Mission Focus
- Communication
- Institution Safety and Security
- Inmate Programs
- Personnel
- Training
- Equal Employment Opportunity Process
- Inquiries and Investigations
- Fiscal and Budget Management
- External Relationships

In measuring the warden's performance in each of the 40 performance indicators, the management review team performed the following procedures:

- Interviewed Warden Witek and solicited comments and input from selected CIM staff to gain insight and perspective on various issues.
- Conducted on-site visits to physically observe and inspect the various CIM facilities and operations.
- Gathered, reviewed, and analyzed documents related to key systems, functions, and processes. This was done to substantiate the observations made during on-site visits and as the result of interviews.

Using the information gathered from the above procedures, the management review team assigned one of three performance ratings (exceeds standards, meets standards, or needs improvement) to each of the 44 performance indicators. The ratings are defined as follows:

- **Exceeds standards:** The warden's performance is fully in compliance with laws and regulations or significantly exceeds the minimum requirements with no significant recommendations needed to bring performance to standard.
- **Meets standards:** The warden has complied with laws and regulations and is substantially in compliance with policy standards, but minor improvement is required to bring about full compliance with established departmental policy.
- **Needs improvement:** The warden's performance is significantly out of compliance with laws, regulations, or departmental policy, and immediate attention is required to remedy the situation.

RESULTS OF THE MANAGEMENT REVIEW AUDIT

The management review team rated the warden's performance as meeting standards in 34 of the 40 performance indicators. For the remaining six performance indicators, two were rated as exceeding standards and four as needing improvement. A summary of the warden's ratings for the 40 performance indicators is provided as an attachment to this report.

The following section provides a more detailed discussion of the performance categories in which the management review team rated the warden as exceeding standards or needing improvement.

Exceeds Standards:

Inmate Assignment – The warden has demonstrated strong leadership and commitment to facilitating the development of a wide range of academic and vocational education programs. CIM's academic and vocational programs have been given the maximum six-year accreditation by the Western Association of Schools and Colleges in comparison with three-year accreditation

given to most other institutions. The California Department of Correction (CDC) Advisory Committee on Correctional Education, after a site visit, issued a report on June 18, 1999, that recommended adoption of CIM's education program as a model for other correctional facilities. The warden and staff continually look for ways to improve CIM's education program.

Interaction with the Community and State/Local Officials – The warden is extremely involved with the community and is highly respected by citizens and local officials. He regularly participates in local community events. Through his personal involvement and by encouraging others, he has generated an exemplary number of contributions to local charities. His efforts have led to various awards, letters of appreciation, media articles, and institutional records on community services provided.

Needs Improvement:

Warden Presence/Visibility – The warden acknowledged that he rarely finds the time to walk around the institution and make his presence felt. The CIM staff and inmates surveyed commented on the warden's lack of visibility and indicated the desire to see him more. Although most of the staff that responded to a management review team questionnaire viewed the warden's performance as positive in terms of accessibility, the warden can improve his effectiveness by walking around the institution on a regular basis.

RECOMMENDATION

The warden should improve his visibility by instituting regular walks around the institution.

Staff Performance Reports – Inadequate management focus and attention is apparently causing a serious problem with delinquent staff performance reports at CIM. The associate warden of business services was unaware that she has overall responsibility for ensuring timely completion of staff performance reports. The personnel office is usually more than two months behind in sending out notices that the reports are due or overdue. In addition, the personnel office does not have an effective tracking system to monitor the progress and due dates of the performance reports. Following are examples of the problems noted during the review:

- The staff performance reports for all chief deputy wardens and all associate wardens are delinquent; one manager has not had a performance report since 1991.
- The associate warden of business services, who has the overall responsibility for overseeing CIM's process for completion of the staff performance reports, has not completed a performance report for a manager under her direct supervision since 1992. CIM's personnel officer has not had a performance report completed since 1997.
- Most of the personnel files reviewed disclosed that the performance reports were at least two years delinquent. Many were more than five years delinquent.

RECOMMENDATION

The warden should establish a task force to develop and implement appropriate control mechanisms to facilitate timely completion of staff performance reports. The task force should seek ways to improve the performance report tracking system to identify reports due or overdue and direct such information to the appropriate individuals. In addition, the warden should periodically issue directives to all staff to emphasize the need to complete performance reports in timely manner. Those who repeatedly failed to do so should be held accountable.

Category I and Category II Investigations -- Of the sample of eight investigation cases that were selected for review, the management review team found four of the cases (50%) to be incomplete. In two of the cases, the investigators apparently reached decisions without asking the subjects an essential question that has potential impact on the outcome of the case. Thus, even though the management review team agrees with the conclusions reached, the team considered these two cases to be incomplete. In the third and fourth cases, the management review team disagrees with the investigative findings because they do not agree with the facts of the cases. Both cases would require reinvestigation or a reassessment of findings.

Although two of the four incomplete cases were conducted by the California Department of Correction's Office of Internal Affairs, the warden is responsible because it is his duty to review the cases before the report is released and action taken.

On another matter related to the investigations, the management review team found that the investigative services unit did not maintain accurate inventory of the narcotic evidence by tracking the cumulative total weight of the narcotics in storage and the total by drug type. Without an accurate inventory, someone could remove a portion of the narcotics without being detected.

RECOMMENDATIONS

- The warden should institute review procedures, including appropriate quality control checklists, to closely scrutinize the investigations and ensure completeness.
- The warden should direct the investigative services unit to maintain an accurate inventory of the narcotic evidence.

Management of Collateral Budget Areas – CIM apparently has not devoted sufficient resources to address its maintenance and repair needs. As of July 31, 1999, CIM had 344 work orders outstanding, 312 (approximately 78%) of which had been outstanding for more than 90 days. Meanwhile, according to the facility's plant operations maintenance report for July 1999, only 3,678 of the 10,080 hours worked (36%) were related to addressing the outstanding work orders. Given the age of many of CIM's facilities, this condition is expected to deteriorate further unless additional resources are assigned to meet this need.

The area of paperwork management also needs improvement. CIM's paperwork management program coordinator was unable to produce the paperwork retention and disposition schedule for

the entire prison. Several administrative units contacted were not aware that such a program was in place, nor did they possess an approved copy of the retention schedule pertaining to the unit. Given the need for space, it is imperative that unneeded records are disposed of in a timely manner.

The management review team also found that the warden had not updated the facility's organizational charts to reflect current budget allocation and personnel assignments. An up-to-date organization chart is important in that it clearly establishes the line of authority, assigns responsibility, and specifies the allocation of the facility's staff resources.

RECOMMENDATIONS

- The warden should review the facility's plant operations maintenance reports and explore means to redirect resources to address work orders that have been outstanding for more than 90 days.
- The warden should taken action to ensure that a paperwork disposition and retention schedule is prepared for each unit within the facility and that all units adhere to the prescribed schedule.
- The warden should immediately update the facility's organizational chart.

ADDITIONAL RECOMMENDATIONS

The following recommendations were made by the management review team in specific performance categories in which the warden's performance meets or exceeds standards, but the management review team believed that operational effectiveness could be enhanced by the information:

- **Mission Statement.** The California Department of Corrections should formalize a requirement that all institutions develop mission statements, as recommended in the "Competency Profile of Warden/Superintendent" of the National Institute for Corrections. Efforts should be made to ensure that the mission statement translates into measurable goals and objectives in all functional areas and becomes a part of the performance appraisal process. Warden Witek has a current mission statement for CIM, but should consider revising it to a more goal-oriented document.
- **Contingency Planning and Exercise.** The warden should require that each page of the facility emergency operations plan include the revision date to facilitate updating of telephone numbers or various provisions of the plan.
- **Inmates Disciplinary Process and Administrative Segregation Units.** The warden should develop an administrative segregation management document that contains cumulative information regarding the reason for an inmate's placement in the unit. A summary of each

institution classification committee action and the reason for continuing the placement should be included.

- **Supervisor/Management Training.** The warden should ensure that all supervisors and managers serving as administrative officer of the day meet the Penal Code Section 832 training requirement. Compliance with this training requirement should be fully documented.
- **Agreements with Local Law Enforcement Agencies.** The warden should initiate mutual aid agreements with the California Highway Patrol and the county sheriff. In addition, the warden should consider expanding the scope of the mutual aid agreement with the Chino Police Department. Finally, the warden should seek clarification from the county district attorney concerning each party's responsibility with respect to the mutual aid agreement between the two organizations.

SUMMARY OF THE MANAGEMENT REVIEW AUDIT RATINGS

Following is a category-by-category summary of the ratings assigned by the management review audit team as a result of its review of Warden Witek's performance.

Mission Focus	
Mission statement	Meets standards
Organizational structure	Meets standards
Communication	
Communication with management	Meets standards
Communication with line staff	Meets standards
Communication with labor and special interest representatives	Meets standards
Communication with inmates	Meets standards
Warden presence and visibility	Needs improvement
Institution Safety and Security	
Contingency planning and exercises	Meets standards
Institution security	Meets standards
Escapes and external advisement of escapes	Meets standards
Inmate disciplinary process and Admin. Segregation Units/Security Housing Units	Meets standards
Inmate appeals and litigation	Meets standards
Lockdown process	Meets standards
Staff assaults	Meets standards
Use-of-force policies and procedures	Meets standards
Cleanliness, sanitation, and safety	Meets standards
Inmate Programs	
Classification process	Meets standards
Early/late releases	Meets standards
Inmate assignments	Exceeds standards
Inmate religious programs	Meets standards
Inmate access to medical services	Meets standards
Inmate mental health services	Meets standards
Suicide Prevention and prevention programs	Meets standards
Substance abuse programs	Meets standards
Personnel	
Staff Performance Reports	Needs improvement
Employee recognition program	Meets standards
Staff assignments	Meets standards
Employee grievances	Meets standards

Training

Supervisor and manager training	Meets standards
Mandatory training (MOU) 7K	Meets standards
C-POST apprenticeship program	Meets standards

Inquiries and Investigations

Investigations (Categories I and II)	Needs Improvement
Adverse actions and Equal Employment Opportunity process	Meets standards

Fiscal and Budget Management

Fiscal accountability	Meets standards
Budget management	Meets standards
Management of collateral budget areas	Needs improvement

External Relationships

Agreements with local law enforcement agencies	Meets standards
Interface with community and State/local officials	Exceeds standards
Non-Profit Organizations'	Meets standards
Citizens' Advisory Committee	Meets standards

Attachment 1

**Warden Witek's response to his
Management Review Audit**

DEPARTMENT OF CORRECTIONS

California Institution for Men

P.O. Box 128

Chino, CA 91708

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January 26, 2000

Bill Pruitt, Assistant Inspector General
Office of the Inspector General
PO Box 348780
Sacramento, CA 95834

SUBJECT: Response to Management Review Audit
Warden Larry Witek
California Institution for Men
Chino, California

Dear Mr. Pruitt:

I would like to take this opportunity to thank the Inspector General and his staff for the professional manner in which they conducted the Warden's Management Review Audit at the California Institution for Men (CIM). I would like to personally thank Jerry Hanson, Deputy Inspector General, for the manner in which he presented the audit team to CIM and the direction that he provided. This audit could have been viewed as a very uncomfortable process; however, this was minimized through the professionalism of Mr. Hanson and his staff.

My overall review of the final audit report was very positive. I am pleased to meet the standards in thirty four (34) of the forty (40) performance indicators. I am also proud to have exceeded the standards in the areas of community relations and inmate assignments.

There were four (4) areas that I was rated as improvement needed and I would like to speak specifically to each one of those areas.

WARDEN PRESENCE / VISIBILITY:

I agree with the overall assessment that visibility of the Warden could be improved and that regular scheduled walks should be instituted. I would like to note that I do not believe I stated that I rarely find time to walk around the institution; however, I know that I would have admitted that it is difficult to find time to travel throughout the institution. I know that I do exhibit a strong presence within the institution and that I tour many areas. I will admit that I am not able to tour as much as I would like to; however, I do believe there are some factors that need to be considered. These would include the complexity and size of this institution and the workload of the CIM Warden. I believe that the audit team would agree that it would be considered one of the more difficult prisons in the Department of Corrections to manage.

STAFF PERFORMANCE REPORTS:

I fully agree with this audit finding and I will be committed to follow the recommendations of the audit team.

CATEGORY I AND CATEGORY II INVESTIGATIONS:

Prior to receiving the Management Review Audit report I was unaware of any concerns related to specific investigations that were reviewed by the audit team. The final audit report that I received did not give specific information related to the investigations that were reviewed and how they were determined to be incomplete. During the review of my final audit report on January 20, 2000 with Bill Pruitt, Assistant Inspector General, and Maybel Wong, Assistant Inspector General, I brought this to their attention and indicated that it would be very difficult for me to respond to this area without that information. They agreed that this information would be provided to me so that I would be able to include my specific concerns in the Management Review Audit response.

- Please refer to Attachment A for a detailed response related to performance indicator "Category I and Category II Investigations".

MANAGEMENT OF COLLATERAL BUDGET AREAS:

I concur with the finding that CIM has not devoted sufficient resources to address maintenance and repair needs. I do believe that there are some mitigating factors related to this rating. The physical plant at CIM would be rated as one of the most difficult to maintain due to its age and the complexity of responding to maintenance issues. CIM has large quantities of asbestos and lead paint and some simple repairs become complex considering these factors. The management team at CIM and the maintenance managers and supervisors have been working very hard over the last several years to improve the maintenance response at CIM. I do understand that there is a need for continued improvement and responding to work orders is a very important issue.

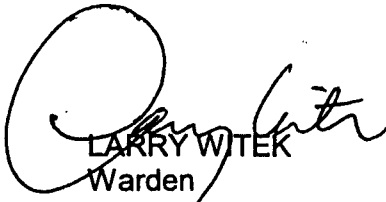
This area also addresses CIM's paperwork management and updating the facility organizational charts. I concur with the audit team's findings in these areas and concur with the recommendations that were made.

In addition to the above information, the audit report speaks to additional recommendations. These recommendations are related to CIM's Mission Statement, contingency planning and exercise, inmate's disciplinary process at administrative segregation units, supervisor/management training, and agreements with local law enforcement agencies. I believe that the audit gave some very good recommendations in these areas and, as the Warden at CIM, I will be focusing on the implementation of these recommendations.

I would like to recognize you and Maybel Wong for the professional manner in which you reviewed the audit report with me. You stated to me that the original report consists of over one hundred (100) pages. I would like to request a copy of the original report as I believe this would give me detailed information that could assist me in managing this institution.

In conclusion, I would like to again thank the Inspector General and his staff for the professional manner in which they conducted the Management Review Audit at CIM. I am appreciative of the specific areas that were addressed and the recommendations that were submitted.

Respectfully,



LARRY WITEK
Warden
California Institution for Men

Attachment

Attachment 2

**The Office of the Inspector General's comments
regarding Warden Witek's response**

COMMENTS

Office of Inspector General's Comments on the Response from Warden Larry Witek

The following comments are provided by the Inspector General to clarify issues raised by the warden. The numbers correspond to the numbers placed in the response.

1

The warden's response included an attachment that contains confidential information and thus is not included as a part of this report. In the attachment, Warden Witek requested the Office of the Inspector General re-examine the original assessment of the management review team that California Institution for Men (CIM) needs to improve in the quality of Category I and Category II investigations. Warden Witek provided the Office of the Inspector General with a detailed response analyzing the facts and findings of four of the eight cases reviewed by the management review team. Warden Witek's response is summarized here and is followed by the Office of Inspector General's comments:

A. Cases 1 and 2 involve the same accused staff. When the first investigation was concluded, the allegation of misconduct was sustained against the officer. The case reviewers, including Warden Witek, relied or partially relied on information provided by a witness who gave conflicting information germane to the issue of whether the accused subject's actions were appropriate. Warden Witek believed that the weight of evidence was against the accused subject and sustained the complaint.

Case 2 is a re-investigation of Case 1 regarding the issue of whether the accused staff was dishonest during the original investigation. Based on the weight of evidence, the allegation of dishonesty was not sustained.

The management review team continues to believe that the investigations were deficient. In Case 1, the management review team disagreed with how the information from the witness was used in sustaining the charges. The relevant testimony provided two significantly different accounts of the accused subject's actions. The conflicting information was not addressed in the investigation or otherwise reconciled. Case 2 was substandard due to a major error in questioning the accused staff and due to process errors in tape-

recording witnesses. The question of whether to re-investigate the two cases based on the management review team findings is a decision that should be made by the warden.

- B. Case 3 involves the off-duty conduct of a CIM employee. The investigation did not address possible misconduct that may have occurred in addition to the original complaint. Warden Witek's position is that the evidence was not sufficiently compelling to warrant the expanded investigation.

The management review team found that there was sufficient information to question the employee regarding other potential misconduct and the issue should have been pursued.

- C. In Case 4, the accused CIM employee and a key witness were not interviewed during the investigation. Warden Witek supports this decision, ostensibly on the basis that the evidence was strong and that there was no mandate that the accused staff be interviewed.

The management review team found that the investigation was incomplete because facts indicated that possible misconduct, in addition to original complaint, may have occurred. The accused employee's failure to follow established guidelines was undisputed and therefore justified the employee being questioned by the assigned investigator.

The referenced report is in fact a working document that was used to compile this report. The document is available for the warden's review upon request at the facilities of the Office of the Inspector General.