OFFICE OF THE INSPECTOR GENERAL

• PROMOTING INTEGRITY •

STEVE WHITE, INSPECTOR GENERAL

MANAGEMENT REVIEW AUDIT
FOLLOW-UP REVIEW

SUPERINTENDENT XAVIER RUIZ
HEMAN G. STARK YOUTH CORRECTIONAL FACILITY
CHINO, CALIFORNIA

JULY 2002

GRAY DAVIS, GOVERNOR

State of California

Office of the Inspector General
801 K Street, Suite 1900
Sacramento, CA 95814

Memorandum

Date: July 11, 2002

To: JERRY HARPER, Director
California Youth Authority

From: STEVE WHITE
Inspector General

Subject: AUDIT OF THE HEMAN G. STARK YOUTH CORRECTIONAL FACILITY

Enclosed is a copy of the final report of the management review audit follow-up conducted by the Office of the Inspector General of Superintendent Xavier Ruiz of the Heman G. Stark Youth Correctional Facility. The report includes Superintendent Ruiz's response to the draft report as an attachment.

The follow-up audit was performed because an earlier management review by the Office of the Inspector General found serious problems at the institution and also determined that the institution had not fully complied with action items ordered by the Governor as a result of a previous investigation. The follow-up audit determined that in the fifteen months since the management review audit, Superintendent Ruiz and California Youth Authority administrators have made only marginal progress in improving the operation of the Heman G. Stark Youth Correctional Facility. Furthermore, a core function of the institution, providing counseling to wards, has worsened from service levels previously found unsatisfactory.

Please call me if you have questions concerning this report.

cc: Robert Presley, Secretary, Youth and Adult Correctional Agency
Xavier Ruiz, Superintendent, Heman G. Stark Youth Correctional Facility

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CONTENTS

EXECUTIVE SUMMARY 3
INTRODUCTION 5
OBJECTIVES, SCOPE, AND METHODOLOGY 5
FINDINGS AND RECOMMENDATIONS 7
FINDING 1 7
FINDING 2 9
FINDING 3 13
FINDING 4 16
FINDING 5 18
FINDING 6 19
FINDING 7 19
FINDING 8 21
FINDING 9 22
FINDING 10 23
FINDING 11 24
GOVERNOR'S ACTION ITEMS 26
GOVERNOR'S ACTION ITEM 1 26
GOVERNOR'S ACTION ITEM 2 27
GOVERNOR'S ACTION ITEM 3 28
GOVERNOR'S ACTION ITEM 4 29
GOVERNOR'S ACTION ITEM 5 30
GOVERNOR'S ACTION ITEM 6 30
GOVERNOR'S ACTION ITEM 7 31
ATTACHMENT
VIEWS OF RESPONSIBLE OFFICIAL 33

EXECUTIVE SUMMARY

This report presents the results of a follow-up review to a management review audit conducted of Superintendent Xavier Ruiz and the Heman G. Stark Youth Correctional Facility. The management review audit was conducted from May 2000 through October 2000 under the authority vested in the Inspector General under *California Penal Code* Section 6051. The 2000 management review audit found serious problems at the institution and also determined that the institution had not fully complied with action items ordered by the Governor as a result of an earlier investigation by the Office of the Inspector General. The seriousness of the findings from the management review audit prompted the follow-up review in December 2001 and January 2002.

The follow-up review found that in the fifteen months since the management review audit, Superintendent Ruiz and California Youth Authority administrators have made marginal progress in improving the operation of the Heman G. Stark Youth Correctional Facility. The institution has fully implemented fewer than half of the Office of the Inspector General's recommendations. Furthermore, a core function of the institution, providing counseling to wards, has worsened from service levels previously found unsatisfactory. Other important functions, including conducting internal affairs investigations and dealing with ward grievances, have not improved

The follow-up review did find improvement in some areas, including full compliance in the management and monitoring of wards in temporary detention.

Of the 44 recommendations addressed to the superintendent and the institution, only 18 (41%) have been fully implemented and six (14%) have been substantially implemented. At the same time, 10 (23%) of the 44 recommendations addressed to the superintendent and the institution have not been implemented, while another 10 (23%) have been only partially implemented.

Numerous mission-critical recommendations have not been implemented or have been only partially implemented. Following are some of the most important areas of partial implementation or non-implementation of the Office of the Inspector General's recommendations:

- The institution has regressed in providing individual and small group counseling—the most fundamental aspect of the ward treatment program. Testing in the follow-up review revealed that only 30.6% of the wards sampled received the required frequency of individual and small group counseling. This represents a decline of more than 25 percentage points from the unsatisfactory compliance rate of 56% found in the management review audit. Furthermore, in the period following the management review audit, the superintendent did not clarify for the staff the requirement for weekly counseling sessions despite the staff confusion cited in the audit report about the required frequency of counseling. At the time of the management review staff members believed they were required to provide counseling only twice a month. The follow-up review found that the compliance rate even with the twice a month requirement was still only 54.8%.

- Problems with the ward grievance system continue. The institution does not investigate all ward grievances in a timely manner. The follow-up review found 24 open staff action grievances more than 30 days old, one of which dated back to August 2000. Another seven staff action grievances received from May through July 2001 were still outstanding as preliminary fact-finding investigations. Of the 44 outstanding regular grievances, 11 (25%) were more than 30 days old.

- The institution has not developed written policies and procedures for conducting internal affairs investigations. Moreover, the institution is not properly tracking investigative casework. Careful monitoring of individual investigations to ensure thoroughness, proper disposition, and prompt completion is not always accomplished.

In some areas of the institution's operation, there was noteworthy progress in implementing the Office of the Inspector General's recommendations. Following are some of the most significant instances of the institution's progress:

- The institution's Lyle Egan High School, operated by the California Youth Authority Education Services Branch, is now fully accredited by the Western Association of Schools and Colleges. The superintendent, the school principal, and members of their respective staffs have made an effort to provide a positive learning environment. Class cancellations due to a shortage of substitute instructors have declined, and service delivery rates in special education improved in three of four categories.
- The management and monitoring of wards in temporary detention has improved significantly. Wards now receive counseling daily and are tracked by the ward information network system.
- Employee performance is now carefully monitored. A tracking system has been developed to ensure that performance appraisals and probationary reports are completed in a timely manner. The superintendent receives the report and holds supervisors and managers accountable for delinquent reports.

Of the seven recommendations addressed to the California Youth Authority, the department has fully implemented one recommendation—that the department monitor wards in temporary detention. The department now has an electronic tracking system for doing so. The department partially implemented three recommendations, all of which related to its ward information network (WIN 2000) system. The system is still being installed statewide. The department has implemented none of the three remaining recommendations. The first of the three recommendations was for the department to adopt clear criteria for distinguishing between Level I and Level II investigations. The second recommendation was for the department to establish policies and procedures for ensuring consistency between investigative evidence and the decisions reached from that evidence. The third recommendation called for the auditing of the ward information network system; however, it may be too early for the department to implement the recommendation because the WIN 2000 system is not yet operational statewide.

The follow-up review also determined that the institution and the department have fully implemented nine out of eleven recommendations ordered by the Governor in connection with seven action items, and have partially implemented the remaining two recommendations.

INTRODUCTION

In October 2000, the Office of the Inspector General conducted a management review audit of Superintendent Xavier Ruiz of the Heman G. Stark Youth Correctional Facility. The audit, carried out pursuant to *California Penal Code* Section 6051, was intended to assess the superintendent's performance in carrying out the essential functions of the facility and to make recommendations to correct problems identified.

The management review audit found significant problems at the institution. The facility had not achieved full compliance with seven action items ordered by the Governor as a result of a previous Office of the Inspector General investigation. In addition, there were deficiencies in the investigative process, the education program, treatment services, the ward grievance process, and various other areas of operation. The Office of the Inspector General presented eleven findings and 51 recommendations in the management review audit report. Of the 51 recommendations, 44 were addressed to the institution and seven were directed to the California Youth Authority.

Because of the seriousness of the problems at the Heman G. Stark Youth Correctional Facility, the Office of the Inspector General conducted a follow-up review in December 2001 and January 2002 to assess the institution's progress in implementing the recommendations from the management review audit.

OBJECTIVES, SCOPE, AND METHODOLOGY

The Office of the Inspector General visited the Heman G. Stark Youth Correctional Facility and interviewed Superintendent Ruiz, members of his administrative staff, education administrators, rank-and-file employees, and wards. The staff of the Office of the Inspector General also reviewed various institution records, logs, policies and procedures, and reports, including the superintendent's August 2001 response to the management review audit. Members of the review team also visited living units and reviewed ward files, observed operations, and inspected equipment and supplies. In certain areas of operation, the Office of the Inspector General conducted audit tests to verify compliance with recommendations and in other areas, the review team relied upon information reported by the institution.

To assess the California Youth Authority's progress in implementing recommendations addressed to the department, the review team visited the department's Sacramento headquarters and interviewed various administrators. The Office of the Inspector General also reviewed investigation reports and records and conducted telephone interviews with department staff.

After completing the on-site follow-up, the Office of the Inspector General classified the progress of the department and the institution in implementing each recommendation into one of the following four categories:

- **Fully implemented:** The recommendation has been implemented and no further corrective action is necessary.

- **Substantially implemented:** More than half of the corrective actions necessary to fulfill the recommendation have been implemented.
- **Partially implemented:** Half or less than half of the corrective actions necessary to fulfill the recommendation have been implemented.
- **Not implemented:** The recommendation has not been implemented.

The following section lists the recommendations associated with each of the findings from the 2000 management review audit, provides the status of the recommendation, and explains the basis for the status determination. Where appropriate, the Office of the Inspector General has provided follow-up recommendations. Also included is a status report on the seven action items ordered by the Governor.

FINDINGS AND RECOMMENDATIONS

ORIGINAL FINDING 1:

The Heman G. Stark Youth Correctional Facility does not have a system to ensure that allegations of staff misconduct are promptly and properly investigated. Moreover, management actions relative to such investigations appear to be questionable.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
The Office of the Inspector General recommends that Superintendent Ruiz systematically manage internal affairs investigations of alleged staff misconduct with the goal of improving their effectiveness and timeliness. **At a minimum, his management methodology should include:**		
• Accurate, complete, and timely logs for tracking investigations.	NOT IMPLEMENTED	The institution is not properly tracking investigative casework. The employee who developed the investigation database left the institution before fully implementing the system, and the staff member assigned to the project is unable to generate the investigative logs because the database is incomplete.
• Careful monitoring of individual investigations to ensure thoroughness, proper disposition, and prompt completion within the framework established by the Peace Officers Bill of Rights and other statutory limitations.	PARTIALLY IMPLEMENTED	The institution staff provided the Office of the Inspector General with a copy of a memorandum to the superintendent documenting that the administrative assistant met with the internal affairs unit to discuss the status of open investigation cases. However, the memorandum indicates that five cases are pending adverse action by the legal department. Some of the cases are numbered beginning "00," suggesting that they were opened during the year 2000, and they appear to have exceeded the statutory time frames. In addition, there is no evidence that the reports discussed in the institution's corrective action plan have been used. For example, page 16 of the action plan says that the database can sort cases at 12 a.m. every day and generate a report to alert the superintendent when cases have become overdue. Evidence of such reports was not provided.

• Development and inclusion in the *Heman G. Stark Youth Correctional Facility Administrative Policy and Operations Manual* of written policies and procedures governing internal affairs investigations.	NOT IMPLEMENTED	The institution has not developed written policies and procedures governing internal affairs investigations.
• Adoption of clear criteria for differentiating between Level I and Level II investigations. If "serious injury" continues as a criterion for differentiation, thoroughly define the term. Update the *California Youth Authority Internal Affairs Investigations Policy and Procedures Manual.*	NOT IMPLEMENTED	The California Youth Authority has not adopted clear criteria for categorizing investigations as Level I and Level II.
• Establishment of policies and procedures to ensure that judgments regarding the disposition of investigation cases are consistent with the evidence presented.	NOT IMPLEMENTED	The California Youth Authority has delegated the responsibility for making investigative findings to the superintendents of the institutions. The Office of the Inspector General was unable to assess the impact of this decision during the follow-up review. Of the ten files selected for review at the internal affairs office in Sacramento, eight files were missing signed investigative reports. For many of the files reviewed, other relevant documentation for assessing the investigative process and conclusions was missing.

FOLLOW-UP RECOMMENDATIONS:

The Office of the Inspector General recommends that the institution do the following:

- Develop written policies and procedures governing internal affairs investigations for inclusion in the *Hemen G. Stark Youth Correctional Facility Administrative Policy and Operations Manual.*
- Develop accurate, complete, and timely logs for tracking investigations and ensure that the staff is properly trained.

The Office of the Inspector General also recommends that the California Youth Authority do the following:

- Adopt clear criteria for differentiating between Level I and Level II investigations.
- Ensure that investigation files contain, at a minimum, signed investigation reports and documentation used to support the investigative conclusion.

ORIGINAL FINDING 2:

Heman G. Stark Youth Correctional Facility educational and vocational classes are poorly attended and wards' academic achievement is low in comparison to other California Youth Authority facilities.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
In order to improve attendance and academic and vocational achievement at the Heman G. Stark Youth Correctional Facility, the Office of the Inspector General recommends that Superintendent Ruiz:		
• Continue the policies of unit-specific lockdown versus institution-wide lockdown, Phase II entry instead of Phase I entry into the institution, and continued programming for wards moving between living units in lieu of one-week programming suspensions.	FULLY IMPLEMENTED	According to its August 2001 progress report, the institution has continued its policy of living unit-specific lockdowns. This practice allows school to continue for wards in those living units not involved in the incident that precipitated the lockdown. New wards enter Heman G. Stark in Phase II status, thus facilitating timely education integration. Existing Phase I wards are being assessed for potential education integration.
• Work with ward representatives and institution education administrators as well as Education Services Branch administrators to provide the best possible learning environment. Within the framework of institutional security, the superintendent should encourage the exchange of ideas through regular meetings and the resumption of activities such as the Vocational	SUBSTANTIALLY IMPLEMENTED	The institution reports it has implemented a ward advisory committee, the members of which meet with administration and educational representatives. These wards provide feedback and voice concerns in weekly meetings. They also disseminate information to the ward population, fostering vital dialog for the continued improvement and understanding of the institutional environment. Trade advisory committee members representing the vocational community still do not visit Heman G. Stark because of security concerns. Therefore, all interaction with committee members takes place outside the institution. Although meeting with community trades people is important for keeping abreast of current practices and technologies, it is equally important

Industrial Clubs of America competition and open houses.		for the trades people to be knowledgeable about the trade facilities within the institution.
• Promptly fill teaching vacancies, especially those in academic/special education. Work to provide competitive teacher compensation by upgrading pay scales, using compensation exceptions provided for by law and other suitable methods.	SUBSTANTIALLY IMPLEMENTED	The institution uses a variety of methods to recruit potential hires for all classifications. A recruiting team conducts regular tours of the institution and participates in department-wide employment workshops. The institution also gives presentations to recruit applicants from local colleges and universities. The institution has a 24-hour recruitment hotline and has hosted a career exposition at the facility. The institution's Lyle Egan High School is using retired annuitants and permanent intermittent teachers to address shortages in teacher staffing. These methods clearly demonstrate a commitment to hire qualified teachers, and while teacher vacancies still exist, particularly within special education services, educational services are improving.
• Make every effort to compile a list of qualified substitute instructors so that classes can continue without cancellation when an instructor is sick, takes vacation, or is otherwise absent.	SUBSTANTIALLY IMPLEMENTED	The organization chart for Lyle Egan High School identifies numerous substitute teachers available within the academic, vocational, and special education classifications. During the management review audit period, January 1999 through June 2000, 37% of the total class cancellations resulted from a lack of substitute teachers to fill in for the regular teaching staff. Statistics gathered for the follow-up period, September 2000 through November 2001, revealed that class cancellations due to the lack of substitutes fell to 26% of total class cancellations.
• Explore ways to lessen the disruption or cancellation of classes due to other types of trade holds. For example, the causes of Unisec failures should be examined and corrected.	SUBSTANTIALLY IMPLEMENTED	The institution's education administration has explored various ways to minimize disruptions and cancellation of classes. These approaches include: hiring retired annuitants and permanent intermittent teachers; leasing a power generator during the state's energy shortage; and approving a new security system to replace the Unisec system. These measures show how representatives of the education and security functions can work together to address problems of mutual concern.
• Ensure that all class cancellations are	PARTIALLY	Notwithstanding the accomplishments noted above, there was an increase in

for valid reasons and that all alternatives to cancellation have been explored.	IMPLEMENTED	the average number of class cancellations per month. During the management review audit period, Lyle Egan High School experienced an average of 280 class period cancellations per month. During the follow-up period, class period cancellations increased to an average of 398 per month. The education administration and the superintendent have made numerous efforts to keep classes open. As noted previously, teacher recruitment, the use of substitute teachers, the hiring of retired annuitants and permanent intermittent teachers, the leasing of a power generator, and the future installation of a security system to replace the Unisec system are all credible efforts to keep classes open. Yet with the number of class cancellations increasing, the institution should analyze further why classes are cancelled.
• Insist on the accurate reporting of ward attendance by instructors. Provide training as necessary and implement supervisory review and signature controls.	NOT IMPLEMENTED	Lyle Egan High School still has problems with the accuracy of teacher-prepared attendance reports and the principal's monthly average daily attendance reports. The follow-up review revealed that many statistics were missing from the monthly average daily attendance report or clearly were not credible. For example, five reports contained absenteeism rates of less than one percent. These weaknesses undermine the credibility of other statistics that do appear to be accurate. Further undermining the credibility of the statistics is a statement found on several reports that claimed the data was incorrect. In fact, many of the reports were not signed because the principal had no faith in the computations. Lyle Egan High School administrators recognize the attendance-keeping problem, and have begun working on an integrated attendance-reporting project. The project includes testing an integrated spreadsheet-based attendance keeping system. The complexity of the attendance computations makes this project a difficult one. The Office of the Inspector General recognizes the effort to address this problem.
• Consider resuming programs and activities such as open houses and the Vocational Industrial Clubs of America	NOT IMPLEMENTED	Lyle Egan High School cites the ambivalence of trade advisory committee members to visiting the institution because of the institution's security measures. Without developing a mutual understanding of these programs among the education staff, the trade advisory committee members, and the

competition.		security staff, these activities will be lost as tools for ward educational development.
• Ensure the use of trade advisory committees as outlined in Sections 3410 and 3420 of the *Education Services Branch Manual.*	NOT IMPLEMENTED	As discussed above, the trade advisory committees reportedly meet outside of the institution. In addition, one trade advisory list contained only one person who could still be reached, and that person had not participated on the trade advisory committee for years.
• Comply with all recommendations of the Western Association of Schools and Colleges in order to obtain full accreditation for Lyle Egan High School.	FULLY IMPLEMENTED	In May 2001, Lyle Egan High School received its accreditation from the Western Association of Schools and Colleges, thus fulfilling the school's objective and the Office of the Inspector General's recommendation.
• Comply with all requirements of the *Nick O. v. Terhune* stipulation and order.	FULLY IMPLEMENTED	Lyle Egan High School was released from the *Nick O. vs. Terhune* stipulation and order, thus relieving the school of the need to submit special education monthly service provider reports to the Youth Law Center, the federal court monitor. The Office of the Inspector General's testing of special education shows that, despite the lifting of the stipulation and order, service delivery rates improved in three of four categories. During the follow-up review period of September 2000 through November 2001 the percentages of wards receiving 90% or more service time were as follows: Resource Specialist Program 70% Special Day Classes 21% Speech/Language Treatment 74% School Psychologist Therapy 81% By way of contrast, during the management review audit period of January 1999 through June 2000, the percentage of wards receiving 90% or more service time were as follows: Resource Specialist Program 54% Special Day Classes 38% Speech/Language Treatment 54% School Psychologist Therapy 52%

		The special day class is the only special education program whose delivery rates have decreased since the conclusion of the management review audit.

FOLLOW-UP RECOMMENDATIONS:

The Office of the Inspector General recommends that the California Youth Authority Education Services Branch and the institution education administrators do the following:

- Continue to recruit qualified substitute teachers to lessen the number of cancellations when an instructor is sick, takes vacation, or is otherwise absent.
- Continue to recruit special education instructors, especially for the delivery of special day classes.
- Analyze why class cancellations have increased.
- Work to provide competitive teacher compensation by upgrading pay scales, using compensation exceptions provided for by law and other suitable methods.
- Ensure that the trade advisory committees are truly functioning as outlined in Sections 3410 and 3420 of the *Education Services Branch Manual;* ensure the use of meeting agendas and minutes to develop and organize effective committee goals.
- Work to improve the accuracy and reliability of the monthly average daily attendance report, especially those fields related to the computation of average daily attendance.
- Continue working on the integrated attendance-reporting project.

ORIGINAL FINDING 3:

Wards have not been provided with required treatment services.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
In addition to continuing his policies of Phase II entry and isolating lockdowns to living units, Superintendent Ruiz should take the following actions to improve ward assessment and counseling:		
• Ensure that the A/B Team living unit's orientation curriculum contains a section devoted to the California Youth Authority's time-cut policy and that the policy is discussed	PARTIALLY IMPLEMENTED	The orientation curriculum contains a section on the California Youth Authority's time-cut policy, but minimal improvement was found in completing the orientation of newly arrived wards within ten working days. The rate of compliance changed from 57.7% in the management review audit to 64.3% in the follow-up review.

appropriately with newly arrived wards. Document this discussion in the ward's records.		
• Develop a casework management system that meets the content and frequency criteria laid out in Section 4000 et seq. of the *Institutions and Camps Branch Manual.* Of particular importance is the prompt and proper conducting of an initial case conference that includes all parties, including the youth correctional counselor. Part of this system should be a scheduling component that facilitates the availability of the ward, the parole agent, the youth correctional counselor, a teacher, and other staff as necessary.	**PARTIALLY IMPLEMENTED**	The purpose of the case conference system is to ensure that the ward participates in treatment and training programs. The most fundamental aspect of ward treatment is individual and small group counseling. The follow-up review found that wards received the one-hour of weekly-required individual and small group counseling only 30.6% of the time. This was a decline of more than 25 percentage points from the unsatisfactory compliance rate of 56% found in the management review audit. Superintendent Ruiz stated that a shortage of 29 youth correctional counselors and the uncertainty over the required frequency of individual and small group counseling sessions have adversely affected the compliance rate. Yet, in the period following the management review audit, the superintendent did not clarify for staff the requirement for weekly counseling sessions. At the time of the management review audit, staff members believed they were required to provide counseling only twice a month. The follow-up review found that even using the twice a month criterion, the compliance rate was still only 54.8%. Although counseling was deficient, the institution has made progress in conducting case conferences in the manner required by Section 4000 et seq. of the *California Youth Authority Institution and Camps Branch Manual.* Specifically, 91.7% compliance was found in assigning wards to a youth correctional counselor within three working days. Initial and follow-up case conferences were held on schedule nearly 83% of the time, and they met content standards more than 88% of the time.
• Clarify policies governing assessment and counseling procedures in order to eliminate confusion regarding issues such as 60-day versus 90-day progress conferences.	**FULLY IMPLEMENTED**	With the exception of the required frequency for individual and small group counseling sessions (discussed below), the institution has clarified policies governing assessment and counseling procedures. Parole agents now generally conduct initial case conferences and progress case conferences in accordance with departmental policy. Wards and youth correctional

		counselors routinely attend. In the past, only a parole agent met with the ward.
• Hold treatment team supervisors and parole agent IIIs accountable for monitoring the work of parole agents.	NOT IMPLEMENTED	The institution developed an auditing system to review staff compliance with the frequency and content requirements of Section 4000 et seq. of the *California Youth Authority Institutions and Camps Branch Manual.* Although the parole agent IIIs found high rates of noncompliance in the frequency of individual and small group counseling through the use of the auditing system, they described the audit system as ineffective because they have no line authority through the superintendent or the deputy superintendent to hold the staff accountable for deficient casework.
• Work with the education administrators at the Heman G. Stark Youth Correctional Facility to ensure teacher availability and participation in ward assessment and counseling.	PARTIALLY IMPLEMENTED	As of the date of the Office of the Inspector General's follow-up visit, teachers were not attending case conferences at most living units. The institution has scheduled teachers to attend case conferences, but concerns for teachers' safety have slowed progress.
• Notwithstanding that there may be a contractual agreement regarding the frequency of formal counseling, the superintendent and the California Correctional Peace Officers Association should immediately restore the frequency of formal counseling to the once-per-week California Youth Authority standard.	NOT IMPLEMENTED	During the management review audit, the superintendent said he was constrained by a collective bargaining agreement that required counseling only twice per month. During the follow-up audit, the institution supplied the Office of the Inspector General with the document it deemed relevant to the counseling frequency question. The Office of the Inspector General's review of the document revealed it to be a local change in operational procedure and not a collective bargaining agreement. Furthermore, the document stipulated a net requirement of four counseling contacts per ward each month. When the Office of the Inspector General discussed this issue with the superintendent on January 23, 2002, the superintendent agreed that four counseling contacts per month were required, provided that they consisted of a combination of two individual counseling sessions and two small group meetings. When the Office of the Inspector General returned to the institution to brief treatment administrators on their follow-up test results, the superintendent still had not communicated this information to the administrators.

FOLLOW-UP RECOMMENDATIONS:

The Office of The Inspector General recommends that the institution do the following:

- Develop an effective casework auditing system that requires each treatment team supervisor to audit two cases monthly from each of his or her youth correctional counselors' caseload. The audit sheet should enumerate all standards listed in Section 4000 *et seq.* of the *California Youth Authority Institutions and Camps Branch Manual.* The institution should use work improvement discussions, letters of instruction, and other progressive disciplinary measures for parole agents and counselors whose work is found to be unsatisfactory and for treatment team supervisors and senior youth correctional counselors who fail to address poor employee performance. In addition, the superintendent should empower the parole agent IIIs with the authority to review audit sheets and recommend corrective action and possible staff discipline to the superintendent.
- The casework auditing system should generate a monthly report of the institution's compliance rates with Section 4000 requirements. This report should go to the superintendent, the assistant deputy director for the California Youth Authority's Institutions and Camps southern region, and the California Youth Authority headquarters. The assistant deputy director and the superintendent should meet monthly to discuss trends in the compliance rates, progressive discipline against non-performing employees, staff vacancies in parole and counselor areas, ideas for improving compliance, and other pertinent issues.
- Make every effort to fill vacant youth correctional counselor positions.
- Send teachers to case conferences.
- Convey to all staff the need for, and importance of, weekly individual and small group counseling sessions.

ORIGINAL FINDING 4:

System deficiencies and inadequate effort have resulted in ward grievances not being promptly and appropriately addressed.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
In order to improve the ward grievance process, the Office of the Inspector General recommends that Superintendent Ruiz establish an action plan to correct the serious deficiencies noted in this report. **The plan should include a timeline for implementation and should include measures to accomplish the following**:		
• Immediately investigate all backlogged adverse action grievances. Forward a copy of each investigation to the Office of the	PARTIALLY IMPLEMENTED	Although the backlog found at the time of the management review audit has been eliminated, the Office of the Inspector General found 24 open staff action grievances more than 30 days old, one of which dated back to August 2000. There were also seven staff action grievances that were received in

Inspector General for review.		May, June, and July 2001 that are still outstanding as preliminary "fact-finding" investigations. The institution did not provide the Office of the Inspector General with a copy of each investigation for review.
• Change the criterion relating to adverse action in the *Heman G. Stark Youth Correctional Facility Administration and Operations Manual* to accurately reflect policy set in the *California Youth Authority Institutions and Camps Branch Manual.*	FULLY IMPLEMENTED	The *Heman G. Stark Youth Correctional Facility Administration and Operations Manual* has been changed to accurately reflect policy established in the *California Youth Authority Institutions and Camps Branch Manual.*
• Investigate all future ward grievances as specified in the Governor's September 24, 1999 letter to Youth and Adult Corrections Agency Secretary Robert Presley.	NOT IMPLEMENTED	See comments on the first recommendation listed above for Original Finding 4.
• Develop a system for ensuring that all ward grievance forms are properly reconciled, centrally located in the wards rights office, and fully completed. The system should also ensure that every complaint is promptly and adequately addressed.	PARTIALLY IMPLEMENTED	Although the ward grievance forms are now centrally located in the ward rights office, the treatment team supervisors for the living units are not reconciling the pre-numbered ward grievance forms. The Office of the Inspector General also found that of the 44 outstanding regular grievances, 11 were more than 30 days old and had not been processed in a timely manner.
• Provide training to all staff members and ward grievance clerks involved in the ward grievance process. The training should cover the system recommended above as well as the specific procedures described in the	FULLY IMPLEMENTED	According to the institution's August 2001 response to the management review audit, training on the ward grievance process has been provided as part of the 7K mandated training curriculum. The superintendent informed the Office of the Inspector General that the institution has provided training to ward grievance clerks.

Heman G. Stark Youth Correctional Facility Administrative Policy and Operations Manual.		
• Establish an oversight function to monitor the ward grievance process and report any deficiencies directly to the superintendent on a regular basis. The superintendent should ensure that staff members are held accountable for their responsibilities in the ward grievance process.	SUBSTANTIALLY IMPLEMENTED	The wards rights office is the oversight function for monitoring the ward grievance process. However, as evidenced by the number of staff action grievances that are still outstanding as preliminary "fact-finding" investigations, the superintendent is not always ensuring that staff members are held accountable for their responsibilities in the process.

FOLLOW-UP RECOMMENDATIONS:

The Office of the Inspector General recommends that the institution do the following:

- Superintendent Ruiz should hold the treatment team supervisors for the living units accountable for reconciling the pre-numbered ward grievance forms as described in the *Heman G. Stark Youth Correctional Facility Administrative Policy and Operations Manual.*
- The superintendent should also hold staff accountable for processing ward grievances, particularly preliminary "fact-finding" investigations on staff action grievances, in a timely manner.

ORIGINAL FINDING 5:

All wards, including those in Phase II and III, have been confined to eating in their rooms since the 1996 staff murder, hampering socialization efforts.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
The Office of the Inspector General recommends that Superintendent Ruiz reintroduce cafeteria dining for wards whose behavior has made them an acceptable risk. This reintroduction	PARTIALLY IMPLEMENTED	Superintendent Ruiz is still in the process of testing the cafeteria dining concept in the living units. As part of this testing, W/X and I/J Teams have weekend dining, but wards in other living units continue to eat in their rooms. There is no written plan with milestone dates for phasing-in cafeteria dining.

should be carefully planned, continually evaluated, and phased in gradually, with full implementation by July 1, 2001.		

FOLLOW-UP RECOMMENDATION:

The Office of the Inspector General recommends that the institution develop a written plan with milestone dates for phasing in cafeteria dining for the institution's general population. The plan should set January 1, 2003 or earlier as the date for full implementation.

ORIGINAL FINDING 6:

Northern Hispanic wards are transferred from N.A. Chaderjian Youth Correctional Facility to the Heman G. Stark Youth Correctional Facility for punitive purposes, rather than for treatment.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
The director of the California Youth Authority should work with Superintendent Ruiz and the N.A. Chaderjian Youth Correctional Facility superintendent to cease the inter-facility transfers of Northern Hispanics and to ensure that all special management unit confinement is based on programming criteria rather than on a pre-determined length of stay.	NOT IMPLEMENTED	As noted in the superintendent's response to the finding, "[I]nter-facility transfers of Northern Hispanics must continue based on the need for some wards to experience a change in environment in order to stabilize constant disruptive behavior." During the Office of the Inspector General's follow-up review in December 2001, the superintendent reaffirmed this policy on inter-facility transfers of Northern Hispanic wards.

FOLLOW-UP RECOMMENDATIONS:

None.

ORIGINAL FINDING 7:

The management and monitoring of wards in temporary detention needs improvement.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
The Office of the Inspector General recommends that Superintendent Ruiz take the following actions to improve the management and monitoring of wards in temporary detention:		
• Immediately distribute a policy reminder to all appropriate staff members regarding the policies and procedures to be followed in managing and monitoring wards in temporary detention. At a minimum, this policy reminder should state that:	FULLY IMPLEMENTED	In February 2001, the superintendent distributed two policy reminders to the appropriate staff.
• All living units must monitor and track wards in temporary detention using the ward information network system.	FULLY IMPLEMENTED	The Office of the Inspector General found that the living units are using the ward information network to monitor and track wards in temporary detention.
• All staff must ensure that wards sign the YA 8.415 form upon entry into temporary detention or note on the form that the ward refused to sign.	FULLY IMPLEMENTED	The Office of the Inspector General's follow-up review determined that the staff is ensuring that wards sign the YA 8.415 form upon entry into temporary detention.
• Wards in temporary detention should receive the minimum ten minutes of counseling a day. This counseling should be appropriately documented.	FULLY IMPLEMENTED	The Office of the Inspector General reviewed ward files and confirmed that wards in temporary detention were getting counseling every day.
• Routinely conduct spot audits of the ward information network current	FULLY IMPLEMENTED	According to the superintendent, he has implemented the executive officers program, whereby staff members working on weekends review all

temporary detention summary report to ensure that the ward information network system accounts for all wards in temporary detention.		temporary detention extensions and ensure, among other things, that all documentation is completed correctly. The Office of the Inspector General reviewed documentation and confirmed that wards in temporary detention were being visited by the executive officers on the weekend.
• Hold program administrators accountable for the proper administration of temporary detention in their respective living units.	FULLY IMPLEMENTED	In February 2001, the superintendent issued policy reminders to the program administrators and announced that they would be held accountable for properly administering temporary detention in their living units.
The Office of the Inspector General also recommends that the California Youth Authority oversee the management and monitoring of wards in temporary detention at its institutions.	FULLY IMPLEMENTED	The California Youth Authority has a monitoring system that electronically tracks wards in special management programs. This ward information network-based monitoring system allows the director to personally review and track longstanding cases. Recently, a departmental classification committee was established to provide oversight and direction of wards in chronic detention.

FOLLOW-UP RECOMMENDATIONS:

None.

ORIGINAL FINDING 8:

The disciplinary decision-making system needs improvement.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
The California Youth Authority and Superintendent Ruiz should carefully monitor the disciplinary decision-making system to ensure that staff training has resulted in the improvements necessary to make the disciplinary decision making system and the WIN 2000 effective tools.	PARTIALLY IMPLEMENTED	Although the superintendent has made progress in training staff and verifying the accuracy of the cases in the database, some disciplinary cases are being lost because mandated time frames are not being met. The Office of the Inspector General's review of a December 2001 WIN 2000 disciplinary decision-making system report at Heman G. Stark Youth Correctional Facility documented 18 incidents in which the 24-day time limit to process an action was exceeded by at least 30 days. Thirteen cases

Superintendent Ruiz should also monitor the performance of the new disciplinary decision-making system to ensure that issues such as timeliness arising during the system transition are effectively addressed.		had exceeded the time frame by more than 60 days.

FOLLOW-UP RECOMMENDATION:

The Office of the Inspector General recommends that the superintendent hold the appropriate staff at the living units accountable for processing disciplinary cases in a timely manner so that disciplinary actions are not lost when mandated time frames are not met.

ORIGINAL FINDING 9:

Staff performance appraisals and probationary reports are overdue.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
The Office of the Inspector General recommends that Superintendent Ruiz take the following actions to assure the prompt evaluation of employee performance:		
• Notify all staff of the importance of performance appraisals and probationary reports to the mission of Heman G. Stark Youth Correctional Facility.	FULLY IMPLEMENTED	According to the institution's August 2001 response to the management review audit, "an audit is conducted periodically of ALL personnel files." This audit generates a report noting which files remain outstanding and are not in compliance with the annual performance appraisal requirement.
• Instruct the personnel officer to log all delinquent appraisals and reports, including all contacts with supervisors and managers. This log should be submitted to the superintendent monthly and made a topic of management meetings.	FULLY IMPLEMENTED	According to the institution's August 2001 response to the management review audit, a tracking log for reviewing performance appraisals and probationary reports has been devised to ensure that all reports are generated promptly and that the supervisors' performance expectations are clear. The tracking log is provided to the superintendent monthly and any deficiencies are corrected.

• Provide a copy of the above log to the education administration at the Heman G. Stark Youth Correctional Facility.	FULLY IMPLEMENTED	According to the institution, the education staff receives the audit and tracking log.
• Work with the education administration to hold supervisors and managers accountable for the timely generation of performance appraisals and probationary reports.	FULLY IMPLEMENTED	The audit and the tracking log ensure that delinquent performance appraisals and probationary reports are brought to the superintendent's attention so that corrective action can be taken with the supervisors responsible.
• Include this responsibility in supervisors' and managers' own performance expectations and appraisals.	FULLY IMPLEMENTED	According to the superintendent, supervisors and managers are evaluated on their ability to evaluate staff performance in an accurate and timely manner.

FOLLOW-UP RECOMMENDATIONS:

None.

ORIGINAL FINDING 10:

Facility safety and security could be enhanced.

ORIGINAL RECOMMENDATIONS:	STATUS:	COMMENTS:
In order to improve safety and security at the Heman G. Stark Youth Correctional Facility, the Office of the Inspector General recommends that Superintendent Ruiz take the following actions:		
• Ensure that all living units maintain suicide risk lists and are equipped with cut-down kits.	PARTIALLY IMPLEMENTED	During the follow-up review, the Office of the Inspector General visited three living units. Two living units had suicide risk lists, but the lists were one week old. Departmental suicide prevention and response policy requires that the list be updated and printed daily. The third living unit, an intensive treatment program unit, did not have a suicide risk list. The

		program administrator said that all wards in that unit were considered to be at risk of suicide. All three living units had cut-down knives in accessible locations.
• Ensure that security personnel conduct thorough random searches of employees (custody and non-custody) and their possessions at the vehicle sally port and the main entrance to the facility.	NOT IMPLEMENTED	At the time of the Office of the Inspector General's follow-up visit, the institution had not initiated random searches because of objections from a collective bargaining unit. In a letter dated December 6, 2001, the superintendent notified the unit's representative that the facility intended to begin random searches under the authority of Title 15, *California Code of Regulations.*
• Require the logging of visitor searches and their results.	FULLY IMPLEMENTED	According to the institution's August 2001 response to the management review audit, visitor searches are conducted regularly for all visitors who arrive to meet with wards. A visiting log in the reception area records the results of searches.

FOLLOW-UP RECOMMENDATIONS:

The Office of the Inspector General recommends that the institution do the following:

- Ensure that suicide risk lists are updated daily and maintained in each living unit, including intensive treatment program units.
- Begin random searches of employees.

ORIGINAL FINDING 11:

The ward information network system has numerous weaknesses.

ORIGINAL RECOMMENDATION(S):	STATUS:	COMMENTS:
To improve the usefulness of the ward information network system, the Office of the Inspector General recommends that the California Youth Authority take the following actions:		

Review California Youth Authority policies and procedures governing the ward information network system to ensure that they accomplish the following: • Restrict access to the ward information network system consistent with sound general and application controls.	PARTIALLY IMPLEMENTED	According to the manager of the California Youth Authority's Applications Development Section, the ward information network system has been transferred from the department's Institutions and Camps Branch to the Applications Development Section. The section has implemented log-in controls and other measures intended to restrict access to the department's new ward information network (WIN) 2000 system. However, the system has been installed at only four of the department's 11 institutions.
• Control and prioritize ward information network system programming requests consistent with the needs of the California Youth Authority, the institutions, and other parties.	PARTIALLY IMPLEMENTED	The manager of the Applications Development Section said that the section is developing a service request system in conjunction with a help desk. For the short term, the section staff is working to develop an Excel spreadsheet that will assist in scheduling programming requests.
• Provide feedback to the institutions and other ward information network system users regarding the status of their programming requests.	PARTIALLY IMPLEMENTED	The manager of the Applications Development Section said that feedback to the institutions and other system users is presently informal. The feedback consists of e-mails in response to inquiries.
• Enforce the above policies and procedures by periodically auditing the ward information network system.	NOT IMPLEMENTED	To date, four institutions have had WIN 2000 completely installed. Heman G. Stark is scheduled for implementation in August 2002. Once the system is installed department-wide, audit-type activities can be conducted.
In addition, the Office of the Inspector General recommends that the superintendent develop the appropriate requests to correct known system deficiencies, including those cited above.	SUBSTANTIALLY IMPLEMENTED	The superintendent, through the institution's LAN programmer, has made the appropriate requests. Some problems have been corrected. For example, parolees have been nearly eliminated from class rosters. In other cases, the system deficiencies remain to be acted upon by the Applications Development Section.

FOLLOW-UP RECOMMENDATIONS:

The Office of the Inspector General recommends that the California Youth Authority do the following:

- Continue department-wide implementation of the WIN 2000 system.
- Once implementation is complete, thoroughly test the system to ensure that access to the system is controlled properly, that programming requests are assigned priority according to departmental policy, and that timely feedback on the status of service requests is provided to institutions and other users.
- Upon full implementation, conduct periodic audits of the WIN 2000 system.

GOVERNOR'S ACTION ITEMS

GOVERNOR'S ACTION ITEM 1:

Conduct an immediate and comprehensive review of California Youth Authority use-of-force policies, including use of weapons, gas, and chemical dispensing devices, wristlocks, and restraints. Corrections in policy omissions and supplemental training must be completed within 60 days.

CORRECTIVE ACTIONS:	STATUS:	COMMENTS:
The California Youth Authority has issued revised policies and procedures governing the use of restraint. Superintendent Ruiz provided the Office of the Inspector General with a copy of the *California Youth Authority Institutions and Camps Branch Manual* draft revision of the restraint policies and procedures. The draft revision, dated October 29, 1999, was issued in final form on February 16, 2000. The policy addresses restraint standards and equipment, chemical restraints, use of the 37mm gas gun, and staff training requirements.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. The comments section of Governor's Action Item 3, below, discusses a review by the Office of the Inspector General of the institution's use of a 37mm gas gun during an incident that occurred subsequent to the management review audit.
Superintendent Ruiz also provided the management audit team with a copy of the *California Youth Authority Restraint Policies and Procedures Training Manual,* which addresses department restraint standards, objectives, and goals.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. No testing was conducted during the follow-up review.

The superintendent provided records of training sessions conducted November 8, 1999 through November 19, 1999 for youth correctional officers and youth correctional counselors at the Heman G. Stark Youth Correctional Facility.		

FOLLOW-UP RECOMMENDATIONS:

None.

GOVERNOR'S ACTION ITEM 2:

Conduct an immediate and comprehensive review of room/cell extraction procedures with consideration for the safety of staff and wards. Any weapons and all equipment used in this process must be approved by the director. Retraining on room/cell extraction procedures must be completed within 60 days. Videotape all room/cell extractions, review tapes of all incidents within 24 hours, and keep videotape in evidence for one year.

CORRECTIVE ACTIONS:	STATUS:	COMMENTS:
Heman G. Stark issued a revised policy on room/cell extractions on February 16, 2000. Superintendent Ruiz provided the Office of the Inspector General with a copy of a November 4, 1999 draft of the revised policy and with a copy of Heman G. Stark's revised room/cell extraction policy training materials. The new policy states that only departmentally approved equipment can be used in a room extraction. The superintendent sent a memorandum to the chief of security reminding the chief of the revised	SUBSTANTIALLY IMPLEMENTED	The revised policy on room/cell extractions states that "special consideration shall be given to wards with identified medical conditions or wards who may not be able to understand directions based on mental illness, language barrier or other condition presented by an individual with exceptional needs." However, the procedures do not specifically define these considerations. Also, the procedure was changed to mandate that more protective clothing be worn during a room/cell extraction. Three items on the equipment list—polycapter shield, protective gloves, and a universal protection suit—are only recommended.

room/cell extraction policy.		
Superintendent Ruiz also provided records documenting that training on room/cell extractions was conducted on April 18 and April 20, 2000 for tactical team members and selected youth correctional officers.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. No testing was conducted during the follow-up review.

FOLLOW-UP RECOMMENDATIONS:

None.

GOVERNOR'S ACTION ITEM 3:

Immediately ban the use of 37mm weapons and gas dispensing devices for cell extractions and suspend the use of 37mm weapons in all California Youth Authority facilities until use-of-force policies are reviewed and approved by the agency.

CORRECTIVE ACTIONS:	STATUS:	COMMENTS:
On August 13, 1999, the superintendent sent a memorandum to the O/R Team's treatment team supervisor and the chief of security immediately banning the use of 37mm gas guns for cell extractions. All 37mm gas guns were removed from the facility housing units and placed in the emergency equipment room pending departmental policy changes and approval for their use.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. During the follow-up review, the superintendent told the Office of the Inspector General that 37mm gas guns remain outside the housing units.
A new departmental policy relating to the use of 37mm gas guns was approved on February 16, 2000. Under the new	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. During the follow-up review, the Office of the Inspector General reviewed an outdoor incident

policy, the use of the 37mm gas gun during room extractions is prohibited. The new policy also prohibits directly discharging 37mm gas guns at distances of less than ten feet from the target object.		that was the subject of a subsequent lawsuit. The plaintiffs alleged that a staff member improperly direct-fired foam baton rounds at a ward from less than 10 feet. The Office of the Inspector General determined that the manufacturer's specifications permit the direct firing of foam baton rounds. None of the medical and investigative reports reviewed mentioned the distance from which the rounds were fired.
Under current policy at the Heman G. Stark Youth Correctional Facility, 37mm gas guns are not stored in the housing units.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. As noted above, during the follow-up review, the superintendent stated that 37mm gas guns remain outside the housing units.

FOLLOW-UP RECOMMENDATIONS:

The Office of the Inspector General recommends that the California Youth Authority do the following:

- Require that every "use of restraint" report clearly state the firing distance of projectiles and chemical agents.
- Require that officials who review such reports consider the distance in evaluating the reports.

GOVERNOR'S ACTION ITEM 4:

Immediately discontinue the Phase III unrestrained group program.

CORRECTIVE ACTIONS:	STATUS:	COMMENTS:
On September 28, 1999, the superintendent sent a memorandum to the O/R Team's treatment team supervisor documenting the decision made during a discussion on September 23, 1999 to immediately discontinue the Level III unrestrained group sessions.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. No testing was conducted during the follow-up review.

FOLLOW-UP RECOMMENDATIONS:

None.

GOVERNOR'S ACTION ITEM 5:

Immediately eliminate the use of "open prescriptions" for psychotropic medications and review all policies relating to the administration of medications to ensure that proper medical protocol is followed.

CORRECTIVE ACTIONS:	STATUS:	COMMENTS:
The Heman G. Stark medical staff informed the Office of the Inspector General that the institution has eliminated the use of open prescriptions for psychotropic medications. The facility's chief medical officer has reviewed and approved all Heman G. Stark Youth Correctional Facility policies regarding the administering of medications.	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. No testing was conducted during the follow-up review.

FOLLOW-UP RECOMMENDATIONS:

None.

GOVERNOR'S ACTION ITEM 6:

Complete a comprehensive audit of the ward grievance process within 45 days, including proper documentation of all actions taken at each stage of the process. Eliminate the use of polygraphs as a basis for determining whether to investigate a ward grievance. All ward grievances must be investigated.

CORRECTIVE ACTIONS:	STATUS:	COMMENTS:
The California Youth Authority conducted an audit of the ward grievance process and issued a report on November 8, 1999.	SUBSTANTIALLY IMPLEMENTED	The California Youth Authority's audit of the ward grievance process was reviewed by the Office of the Inspector General. Deficiencies found in the scope of the audit were described in the 2000 management review audit report. The Office of the Inspector General reviewed the ward grievance process as part of the follow-up review. The results are reported under Original Finding 4 of this report.

FOLLOW-UP RECOMMENDATIONS:

See the follow-up recommendations for Original Finding 4 of this report.

GOVERNOR'S ACTION ITEM 7:

Install additional video surveillance cameras in the O/R Team living unit facilities to monitor "blind spots" and to improve observation in areas where coverage is inadequate.

CORRECTIVE ACTION:	STATUS:	COMMENTS:
Additional cameras were installed in the O/R Team living unit facilities to monitor "blind spots."	FULLY IMPLEMENTED	During the management review audit, the Office of the Inspector General determined that corrective action had been taken. During the follow-up review, the Office of the Inspector General visited the O/R Team living unit and observed that the cameras and monitoring system were operable.

FOLLOW-UP RECOMMENDATIONS:

None.

ATTACHMENT

VIEWS OF RESPONSIBLE OFFICIAL

YOUTH AND ADULT CORRECTIONAL AGENCY Gray Davis, Governor, STATE OF CALIFORNIA

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July 5, 2002

John Chen
Chief Deputy Inspector General
Office of the Inspector General
801 K Street, Suite 1900
Sacramento CA 95814

Dear John:

First, I would like to thank you for the time you and your staff afforded me when preparing your Management Review Audit Report. It is acknowledged that improvements have been recognized where it was warranted. However, the critical areas identified in the report are what concern me most.

I would like to submit the following as a general response to the Executive Summary portion of the report. A more detailed report of each of the recommendations, and their status regarding implementation, will be forwarded to the Director no later then September 1, 2002.

In the Executive Summary several recommendations have not been implemented or have been only partially implemented. My primary concentration will be to address the ten identified areas that have not been implemented. I would briefly like to explain our plan of action in dealing with these areas of concern.

"The Office of the Inspector General found that Heman G. Stark Youth Correctional Facility had regressed in providing individual and small group counseling to the ward population."

The regression of individual and small group counseling can be directly attributed to the vacant positions at the institutions. This deficiency in staff has been addressed Department wide by allowing Correctional Officers from the Department of Corrections to laterally promote to the Youth Correctional Counselor classification at the Youth Authority. Heman G. Stark Youth Correctional Facility currently has 11 individuals who have been cleared under these circumstances and will be attending a brief academy starting on July 22, 2002. This will allow for placement at the institution around the first of September. Also, in a memorandum dated June 26, 2002 the Department of Personnel Administration, and the State Personnel Board, approved incumbent Youth Correctional Officers to lateral transfer to a Youth Correctional Counselor. These additional staff will have a direct positive effect on the individual and small group counseling services provided to the ward population.

"The Office of the Inspector General found problems with the ward grievance system. The institution does not investigate all ward grievances in a timely manner."

I review all grievances for possible investigation referral. If during my review I find that a grievance has potential to result in adverse action, a preliminary inquiry is ordered. The results of this inquiry determine if a formal investigation will be required, or if the grievance is denied as Staff Action. This process allows me to have direct supervision of each Staff Action grievance written at my institution. I

can then prioritize the grievances dealing with the most serious charges first, but still respond to those less serious in nature in a timely manner. Your follow-up review mentions that you found 31 open Staff Action grievances, and 44 outstanding regular grievances. Each of these grievances has been resolved either through the preliminary inquiry process, or informal or formal resolution process. The tracking system utilized to account for these grievances has been re-tooled, and additional check-and-balance steps have been added to eliminate the possibility for this backlog to materialize.

"The Office of the Inspector General found several deficiencies in the policies and procedures for conducting internal affairs investigations. The institution is not properly tracking or monitoring individual investigations to ensure thoroughness, proper dispositions, and prompt completion."

The database system that was established pursuant to your 2000 management review audit, has been fine tuned and contains accurate information to insure each individual case is dealt with in a timely manner. The database utilized at H.G.S.-Y.C.F. is the same database used by the department's Internal Affairs Unit. The database system follows each case from the preliminary inquiry process, to completion. It is my Administrative Assistant's main job responsibility to track and monitor each open case. Twice a month the Administrative Assistant makes contact with the assigned institutional liaison from the Southern Internal Affairs Office. During this contact each case is reviewed for progress and accuracy of information. Several of the issues in this area require that an outside departmental division get involved to implement and establish criteria to meet the requirements of your recommendation. The development of written policies and procedures relating to conducting internal affairs investigations is one example. The Internal Affairs Unit, and myself, will be collaborating on this issue to insure that the policies and procedures are consistent and accountable.

"The Office of the Inspector General found that there was no clear criteria for distinguishing between a Level I and Level II investigation."

Again, this is an issue that the Internal Affairs Unit will be addressing.

"The Office of the Inspector General found that no policy and procedures have been established to insure consistency between investigative evidence, and the decisions reached from that evidence."

Once again, this is an issue that the Internal Affairs Unit will be addressing.

"The Office of the Inspector General found that the Ward Information Network (W.I.N.) needed to be audited for accuracy, and accountability."

The Department is currently in the process of upgrading the W.I.N. 2000 system. At this time the WIN 2000 system upgrade has not been administered statewide. To insure that an accurate and accountable audit is conducted, the system needs to be fully operational. Once the system has been updated, an audit can then be conducted.

It is my intention to demonstrate positive progress as a direct result of the action taken based on the recommendations you have requested. Again, a more detailed account of each of these areas will follow in September. Please feel free to contact me at 906-606-5071 if you have any questions regarding HGS' corrective action plan. Thank you for your time and consideration.

X. Ruiz

Xavier Ruiz
Superintendent

cc: Richard Kai
Allison Nicholson