

# **OFFICE OF THE INSPECTOR GENERAL**

**MATTHEW L. CATE, INSPECTOR GENERAL**



## **BUREAU OF AUDITS AND INVESTIGATIONS**

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**QUARTERLY REPORT**  
**JULY - SEPTEMBER 2005**

**STATE OF CALIFORNIA**

## INTRODUCTION

The Office of the Inspector General investigates and audits the California Department of Corrections and Rehabilitation to uncover criminal conduct, administrative wrongdoing, poor management practices, waste, fraud, and other abuses. This quarterly report summarizes the audit and investigation activities of the Office of the Inspector General for the period July 1, 2005 through September 30, 2005. The report satisfies the provisions of California Penal Code sections 6129(c)(2) and 6131(c), which require the Inspector General to publish a quarterly summary of investigations completed during the reporting period, including the conduct investigated and any discipline recommended and imposed. To provide a more complete overview of the Inspector General's activities and findings, this report also summarizes audits, special reviews, and warden candidate evaluations conducted by the office during the third quarter. All of the activities reported were carried out under California Penal Code section 6125 *et seq.*, which assigns the Office of the Inspector General responsibility for independent oversight of the California Department of Corrections and Rehabilitation.

## EVALUATION OF WARDEN CANDIDATES

With the enactment of Senate Bill 737, which took effect on July 1, 2005, the Legislature assigned the Inspector General responsibility for evaluating the qualifications of every candidate nominated by the Governor for appointment as a state prison warden and to advise the Governor within 90 days whether the candidate is “exceptionally well qualified,” “well qualified,” “qualified,” or “not qualified” for the position. To make the evaluation, California Penal Code section 6126.6 requires the Inspector General to consider, among other factors, the candidate’s experience in effectively managing correctional facilities and inmate populations; knowledge of correctional best practices; and ability to deal with employees and the public, inmates, and other interested parties in a fair, effective, and professional manner. Under California Penal Code section 6126.6(e), all communications pertaining to the Inspector General’s evaluation of warden candidates are confidential and absolutely privileged from disclosure.

During the third quarter of 2005, the Office of the Inspector General evaluated the qualifications of four candidates for warden positions and reported the results of the evaluations to the Governor in confidence.

## SUMMARY OF AUDIT AND REVIEW ACTIVITIES

The Office of the Inspector General completed one audit during the third quarter of 2005. The audit is summarized below.

**Accountability Audit: Review of Audits of the Board of Prison Terms, 2002-2003.** In July 2005, the Office of the Inspector General issued a 49-page audit of the Board of Prison Terms (now the Board of Parole Hearings), which assessed the board’s progress in implementing recommendations from previous audits conducted by the Inspector General in 2002 and 2003. The Office of the Inspector General found that the board had made progress in correcting deficiencies identified earlier, but that significant deficiencies remained. In particular, the audit determined that the board still lacks the information technology needed to accurately identify statutory due dates for conducting hearings for inmates sentenced to indeterminate prison terms. The audit also found that the board’s backlog of overdue hearings for inmates sentenced to indeterminate terms had increased 15 percent, from 1,400 in December 2001 to 1,607 as of March 31, 2005. In addition, the Office of the Inspector General found that the board had misrepresented in official reports the number of indeterminate sentence hearings it held in years 2002 through 2004 by including in the totals hearings that were scheduled but not held, instead of limiting the numbers to hearings that were actually conducted. The board actually held nearly 4,000 fewer hearings during those years than it reported.

Overall, the audit determined that the Board of Prison Terms had fully or substantially implemented fewer than half of the 26 recommendations from the 2002 and 2003 reviews. As a result of the follow-up audit, the Office of the Inspector General issued 12 additional recommendations.

The Board of Prison Terms audit was the second of three comprehensive follow-up audits comprising the Office of the Inspector General's 2005 Accountability Audit. The first of the follow-up audits—a comprehensive follow-up review of the California Youth Authority (now the Division of Juvenile Justice in the new Department of Corrections and Rehabilitation)—was released in January 2005. The third comprehensive follow-up review, covering Adult Operations and Adult Programs (formerly the Department of Corrections) in the new Department of Corrections and Rehabilitation, will be released in the coming months.

The full text of the Board of Prison Terms follow-up audit can be viewed by clicking on the following link to the Inspector General's website: [Accountability Audit: Review of Audits of the Board of Prison Terms 2002-2003 \(July 2005\)](#).

## **SUMMARY OF INVESTIGATIONS**

The Office of the Inspector General receives about 300 complaints a month concerning the state correctional system. Most of the complaints arrive by mail or through the Inspector General's 24-hour toll-free telephone line. Others are brought to the attention of the Office of the Inspector General in the course of audits or related investigations. The Office of the Inspector General may also conduct investigations at the request of department officials in cases involving potential conflicts of interest or misconduct by high-level administrators.

The Inspector General's staff responds to each of the complaints and requests for investigation, with those involving urgent health and safety issues receiving priority attention. Most often the Inspector General's staff is able to resolve the complaints at a preliminary stage through informal inquiry by contacting the complainant and the institution or division involved and either establishing that the complaint is unwarranted or bringing about an informal remedy. Depending on the circumstances, the Office of the Inspector General may refer the case to the Department of Corrections and Rehabilitation's Office of Internal Affairs for investigation. Other complaints require further inquiry or investigation by the Office of the Inspector General. During the third quarter of 2005, the Office of the Inspector General completed 10 such investigations. Those cases are summarized in the tables accompanying this quarterly report. Cases referred to the Office of Internal Affairs are subject to monitoring by the Office of the Inspector General's Bureau of Independent Review. Such cases are not included in the quarterly report until the Office of Internal Affairs investigation is complete. The Bureau of Independent Review reports its monitoring activities semi-annually in a separate report.

Investigation	Result	Status
<p><b>California State Prison, Corcoran.</b> The Office of the Inspector General received a complaint alleging a hostile work environment at California State Prison, Corcoran. The complainant alleged he was not hired for a position because he had previously filed a discrimination complaint against the prison staff.</p>	<p>The Office of the Inspector General found that the Office of Civil Rights of the California Department of Corrections and Rehabilitation was investigating the same complaint and therefore chose to monitor and review that investigation. The Office of the Inspector General subsequently reviewed the department's investigation, including the report of findings, exhibits, and audio-taped interviews. The Office of the Inspector General concurred with the department's finding that there was no nexus between the discrimination complaint and the fact that the employee was not hired for the position.</p>	<p>The Office of the Inspector General closed its investigation.</p>
<p><b>Valley State Prison for Women.</b> The Office of the Inspector General conducted an investigation after receiving a request from a correctional counselor at Valley State Prison for Women to intervene in a sexual harassment investigation involving an associate warden. The correctional counselor reported that she had previously filed a complaint with the Office of Civil Rights of the Department of Corrections and Rehabilitation and with the California Department of Fair Employment and Housing. The request said the Office of Civil Rights failed to conduct a complete and thorough investigation into the matter and had closed the case with no sustained findings against the associate warden. The correctional counselor alleged that the Office of Civil Rights had failed to interview witnesses she had</p>	<p>The Office of the Inspector General requested that the Office of Civil Rights investigation be reopened and the additional witnesses interviewed. As a result of the Office of the Inspector General's intervention, the Office of Civil Rights did reopen the investigation and did interview the additional witnesses and ultimately sustained allegations of sexual harassment.</p> <p>A <i>Skelly</i> hearing on the sustained sexual harassment findings against the associate warden was held on April 5, 2005. As a result of the hearing, he received a 10-day suspension without pay.</p>	<p>The Office of the Inspector General closed its investigation.</p>

Investigation	Result	Status
<p>identified in the complaint.</p> <p><b>Salinas Valley State Prison.</b> The Office of the Inspector General investigated a declaration from an inmate that a correctional officer had tried to solicit another inmate to assault him by offering the inmate contraband.</p>	<p>In the course of the investigation, the inmate admitted that he had lied and that the other inmate had told him what to write in the declaration.</p> <p>The Office of the Inspector General submitted criminal cases against both inmates to the district attorney's office for prosecution. The district attorney declined to prosecute. The case was referred to Salinas Valley State Prison for appropriate action against the two inmates. Subsequently, both inmates were found guilty of false allegations against a peace officer and received sanctions.</p>	<p>The Office of the Inspector General closed its investigation.</p>
<p><b>Sierra Conservation Center.</b> The Office of the Inspector General investigated a complaint from a civilian that she had been falsely accused of smuggling a controlled substance into the prison; that an inmate had been mistreated; and that the inmate had been inappropriately placed on contraband watch.</p>	<p>The Office of the Inspector General reviewed an investigation conducted by the institution into the matter and concluded that the investigation had been appropriate and had been properly conducted.</p>	<p>The Office of the Inspector General closed its investigation.</p>
<p><b>Salinas Valley State Prison.</b> The Office of the Inspector General received a complaint that a medical modification order issued by the Inmate Appeals Branch concerning an inmate's medical condition had not been acted upon. The modification order required the health care manager at Salinas Valley State Prison to conduct an intensive assessment of the inmate's medical and housing needs.</p>	<p>To investigate the complaint, the Office of the Inspector General visited the prison, interviewed staff, and reviewed institution records.</p> <p>A review of the inmate's medical care records determined that he had received and continues to receive appropriate care.</p> <p>A review of third-level modification orders at</p>	<p>The Office of the Inspector General closed its investigation.</p>

Investigation	Result	Status
	<p>the institution and discussions with the medical and institution appeals staff, however, revealed that the institution's weekly medical management meetings did not include discussion of modification orders from the Inmate Appeals Branch. A Salinas Valley State Prison official stated that new procedures are now in place to ensure that third-level modification orders are discussed in the institution's weekly management meetings.</p>	
<p><b>Salinas Valley State Prison.</b> The Office of the Inspector General investigated a complaint from a civilian concerning the location of a sub-armory unit in one of the prison buildings. The complainant alleged the existence of a safety hazard because inmates were able to observe the accessibility of the sub-armory by watching officers.</p>	<p>The Office of the Inspector General brought the concerns to the attention of Salinas Valley State Prison. A prison official indicated that appropriate security measures were in place to protect the safety of staff and inmates. Prison management further advised the Office of the Inspector General that the sub-armory in question no longer exists.</p>	<p>The Office of the Inspector General closed its investigation.</p>
<p><b>Central California Women's Facility.</b> The Office of the Inspector General investigated a complaint from a correctional sergeant that his wife, a correctional officer at the Central California Women's Facility, had unfairly received a job change because of a complaint filed by an inmate's family. The officer also expressed concerns over her safety because, among other reasons, the inmate's family members were her neighbors.</p>	<p>The Office of the Inspector General requested that the institution's investigative unit expand its investigation into the complaint filed by the inmate's family to consider actions taken by the officer before the complaint was filed. The investigative services unit completed the internal affairs investigation resulting from the complaint and did not sustain the allegations against the officer. The officer was reinstated to her position.</p> <p>The Law Enforcement Investigation Unit of the Department of Corrections and Rehabilitation conducted a threat assessment and, as a result, the institution transferred the two inmates to another institution. The Law Enforcement</p>	<p>The Office of the Inspector General closed its investigation.</p>

Investigation	Result	Status
	Investigation Unit determined that the transfer had eliminated the threat.	
<p><b>California Institution for Men.</b> The Office of the Inspector General reviewed documentation submitted by an institution employee alleging that the prison staff violated the civil rights of inmates by restricting their access to religious activities. The employee cited alleged violations of the federal Religious Land Use and Institutionalized Persons Act of 2000. The employee had also complained to the employee relations officer at the prison and had requested that state chaplains receive support in carrying out their assignments.</p>	<p>The Office of the Inspector General determined that the issues presented by the employee are within administrative and managerial prerogative and did not involve employee misconduct.</p>	<p>The Office of the Inspector General closed its investigation.</p>
<p><b>San Quentin State Prison.</b> The Office of the Inspector General conducted an inquiry into a complaint by the mother of an inmate that members of the prison staff were bringing drugs into the institution.</p>	<p>The Office of the Inspector General completed various investigative steps and found no evidence that the prison staff members in question had brought drugs into the institution, but obtained the name and identification number of an inmate and the name, telephone number, and address of a member of the public who may be involved in drug trafficking. The Office of the Inspector General provided the information to the prison's investigative services unit.</p>	<p>The Office of the Inspector General closed its investigation.</p>
<p><b>Mule Creek State Prison.</b> The Office of the Inspector General reviewed documentation from an inmate who alleged that his constitutional rights were violated when a correctional officer attempted to strike him with a flashlight. He alleged that he was injured</p>	<p>The Office of the Inspector General reviewed the incident report, which indicated the inmate's injuries resulted from the inmate's assault of two officers. One of the officers sustained serious injuries in the incident, including a fractured maxilla, broken, loose,</p>	<p>The Office of the Inspector closed its investigation.</p>



Investigation	Result	Status
<p>while attempting to defend himself.</p>	<p>and displaced teeth, and swollen areas around the eye and nose. A lieutenant who aided the officer in the incident sustained injuries to her back, shoulder, arm, hand, leg, and head. Medical staff found that the inmate sustained bleeding, bruising, cuts, redness, and swelling on the back of the hand.</p> <p>The Office of the Inspector General rejected the inmate's request for an investigation and advised him that the evidence suggested that the officer and lieutenant were victims of battery, a violation of Penal Code section 243.</p>	