

**OFFICE OF THE INSPECTOR GENERAL**



**BUREAU OF AUDITS AND INVESTIGATIONS**

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**QUARTERLY REPORT  
APRIL-JUNE 2007**

**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 April 1, 2007, through June 30, 2007. 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 audit activities and warden candidate evaluations the office completed during the second quarter of 2007. All 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 the Governor nominates for appointment as a state prison warden. Within 90 days, the Inspector General advises the Governor 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 that pertain to the Inspector General’s evaluation of warden candidates are confidential and absolutely privileged from disclosure.

During the second quarter of 2007, the Office of the Inspector General initiated evaluations of the qualifications of seven warden candidates. In addition, the Office of the Inspector General submitted evaluation reports to the Governor for seven other warden candidates.

## **SUMMARY OF AUDITS DIVISION ACTIVITIES**

During the second quarter of 2007, the Audits Division continued to assess the California Department of Corrections and Rehabilitation’s success in implementing the Office of the Inspector General’s recommendations from prior audits of the Division of Juvenile Justice and the Board of Parole Hearings. The Office of the Inspector General analyzed the department’s efforts to take corrective action related to 182 recommendations the Office of the Inspector General made in 15 audit reports issued from 2000 through 2005. The Inspector General issued a final report in the third quarter.

In addition, the Audits Division is conducting audits at the California Institution for Women and Folsom State Prison to assess each warden’s performance one year after his or her appointment to the position and to review aspects of each institution’s operations.

## **SUMMARY OF INTAKE AND INVESTIGATIONS DIVISION ACTIVITIES**

The Office of the Inspector General received 1,118 complaints this quarter concerning the state correctional system, an average of 373 a month. Most complaints arrive by mail or through the Inspector General’s 24-hour toll-free telephone line. Others are brought to the Office of the Inspector General’s attention during audits or related investigations. The Office of the Inspector General may also conduct investigations at the request of department officials in cases that involve potential conflicts of interest or misconduct by high-level administrators.

The Inspector General’s staff responds to each complaint or request for investigation; complaints that involve urgent health and safety issues receive priority attention. Most often, the Inspector General’s staff resolves the complaints at a preliminary stage through informal inquiry by contacting the complainant and the institution or division involved to either establish that the complaint is unwarranted or to bring 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 full investigation by the Office of the Inspector General.

During the second quarter of 2007, the Office of the Inspector General had 28 ongoing investigations and completed seven such investigations. Those investigations are summarized in the table that follows. Cases referred to the Office of Internal Affairs may be monitored by the Office of the Inspector General's Bureau of Independent Review depending on whether the nature of the case meets applicable criteria. 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.

Allegation	Investigation	Result
<p>The Office of the Inspector General received a complaint that secret or hidden rooms were discovered at a prison but not investigated. The investigation sought to determine whether management knew about the rooms and if appropriate action was taken upon their discovery.</p>	<p>The Office of the Inspector General conducted an investigation that included interviews of prison and department staff and a review of key documents. The Office of the Inspector General found that when prison managers learned of the presence of these rooms, they submitted an investigation request, toured the area, secured the scene, and placed an employee on a temporary assignment until completion of the investigation. Later, the rooms were refurbished to eliminate their concealment. The Office of the Inspector General found that management took appropriate action.</p>	<p>The Office of the Inspector General closed this investigation.</p>
<p>The Office of the Inspector General received a complaint alleging that several California Department of Corrections and Rehabilitation employees were the victims of retaliation by another department employee who provided the complainants' names and addresses to various third parties. As a result, the complainants received and were billed for unwanted merchandise.</p>	<p>The Office of the Inspector General conducted an investigation that included a review of the documents related to the case but could not substantiate the allegations.</p>	<p>The Office of the Inspector General closed this investigation.</p>
<p>The Office of the Inspector General received a complaint that a Board of Parole Hearings official failed to report staff misconduct.</p>	<p>The Office of the Inspector General conducted an investigation that included a review of documentary evidence and interviews of pertinent staff members. The Office of the Inspector General could not find sufficient evidence to support the allegation.</p>	<p>The Office of the Inspector General closed this investigation.</p>

Allegation	Investigation	Result
<p>The Office of the Inspector General received a whistleblower complaint alleging that a prison administrator and other prison managers retaliated against an employee who reported wrongdoing.</p>	<p>In its investigation, the Office of the Inspector General performed site visits at the institution, interviewed former and current California Department of Corrections and Rehabilitation staff, interviewed staff from other state agencies, reviewed and examined documentary evidence, and reviewed applicable law. While the investigation disclosed a lack of evidence to sustain the elements needed to support a retaliation finding, the investigation did find that the administrator acted unprofessionally.</p>	<p>The Office of the Inspector General referred the report and its supporting documentation to the hiring authority for appropriate action.</p>
<p>The Office of the Inspector General received an allegation that a parole administrator attempted to circumvent the interview and hiring process relative to vacant Parole Agent II positions.</p>	<p>The Office of the Inspector General reviewed the qualifications appraisal panel's ratings, the Parole Agent II eligibility lists, and State Personnel Board regulations; the office also conducted interviews with panel members, applicants, and witnesses. The Office of the Inspector General found insufficient evidence to support the allegations. However, during the investigation and after being admonished not to do so, a parole administrator inappropriately questioned witnesses regarding their statements to the Office of the Inspector General.</p>	<p>The Office of the Inspector General closed this investigation and referred the parole administrator to the Office of Internal Affairs for investigation.</p>
<p>The Office of the Inspector General received a complaint alleging improprieties and a conflict of interest between California Department of Corrections and Rehabilitation managers and a private company contracting to provide medical services for inmates.</p>	<p>The Office of the Inspector General interviewed department staff and reviewed pertinent documents. The Office of the Inspector General found sufficient evidence to support the allegations against one department manager.</p>	<p>The Office of the Inspector General has referred its findings to the Fair Political Practices Commission.</p>

Allegation	Investigation	Result
<p>The Office of the Inspector General received a complaint alleging that parole administrators targeted a Parole Agent II with a frivolous internal affairs investigation to prevent the Parole Agent II's promotion. The complaint alleged that this was done in retaliation for a report the Parole Agent II made to the Office of the Inspector General regarding wrongdoing.</p>	<p>The Office of the Inspector General conducted an investigation that included interviewing witnesses and reviewing several documents. The investigation was not able to substantiate the allegation.</p>	<p>The Office of the Inspector General closed this investigation.</p>