

OFFICE OF THE INSPECTOR GENERAL

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BUREAU OF AUDITS AND INVESTIGATIONS

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QUARTERLY REPORT
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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, 2007, through September 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 our inspectors' activities and findings, this report also summarizes audit activities, warden and superintendent candidate evaluations, and facility inspections completed during the third 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 AND SUPERINTENDENT 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. In 2006, California Penal Code section 6126.6 was amended to also require the Governor to submit to the Inspector General the names of youth correctional facility superintendent candidates for review of their qualifications. 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/ward 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 and superintendent candidates are confidential and absolutely privileged from disclosure.

During the third quarter of 2007, the Office of the Inspector General initiated evaluations of the qualifications of seven warden candidates. In addition, our office submitted evaluation reports to the Governor for two superintendent candidates.

FACILITY INSPECTIONS

Pursuant to California Penal Code section 6126, the Office of the Inspector General has implemented semiannual inspections of adult correctional institutions and youth correctional facilities. The inspection program’s purpose is for our inspectors to identify unsafe conditions, become more familiar with the institutions, develop contacts with staff members, and identify conditions needing audit or investigation.

Since July 27, 2007, which marked the beginning of the inspection program, our inspectors have visited the following institutions:

- Adelanto Community Correctional Facility
- Avenal State Prison
- California Correctional Center
- California Correctional Women’s Facility
- California Institution for Men
- California Institution for Women
- California Men’s Colony
- California Rehabilitation Center

- California State Prison, Solano
- Desert View Community Correctional Facility
- Deuel Vocational Institution
- El Paso de Robles Youth Correctional Facility
- Heman G. Stark Youth Correctional Facility
- High Desert State Prison
- Lassen County Community Correctional Facility
- Leo Chesney Community Correctional Facility
- Pelican Bay State Prison
- Pleasant Valley State Prison
- Preston Youth Correctional Facility
- Taft Community Correctional Facility
- Ventura Youth Correctional Facility

During this reporting period, we uncovered several safety and security concerns at various institutions, including uncontrolled and uninventoried tools found in a bicycle shop; omission of strip searches after inmates have returned from community work crews; metal stock left in areas easily accessible to inmates; and dilapidated buildings with significant structural damage. Our inspectors notified the warden or superintendent of each finding so appropriate action could be taken.

SUMMARY OF AUDITS DIVISION ACTIVITIES

During the third quarter of 2007, the Office of the Inspector General completed a follow-up review and two management letters and continued its work on warden and institution audits.

Accountability Audit: Review of Audits of the California Department of Corrections and Rehabilitation, 2000–2005

In July 2007, our office issued a public report that assessed the progress made by the California Department of Corrections and Rehabilitation in implementing past recommendations affecting the department's Division of Juvenile Justice (formerly the California Youth Authority) and the Board of Parole Hearings (formerly the Board of Prison Terms). We analyzed the department's efforts to take corrective action related to 15 audit reports issued between 2000 and 2005. Together, the 15 audits included 349 original recommendations—330 directed to the Division of Juvenile Justice and 19 directed to the Board of Parole Hearings. We found that the department, taken as a whole, has successfully addressed about 79 percent of the 349 recommendations reported in the original audits included in this review. To its credit, the Division of Juvenile Justice successfully addressed 83 percent of its 330 recommendations.

However, the Board of Parole Hearings successfully addressed only 11 percent of its 19 recommendations.

In addition, the department's implementation efforts since 2005 raise some concerns. In our 2005 assessment of the 15 audit reports mentioned above, we issued 182 recommendations to the department. Most of these recommendations related to problems identified in previous audits. We determined that of the 182 recommendations, seven were no longer applicable, leaving 175 to review—160 related to the Division of Juvenile Justice and 15 related to the Board of Parole Hearings. Of these recommendations, the department has fully implemented or substantially implemented 108 (62 percent) and has only partially implemented or not implemented the remaining 67 (38 percent), even though it has had ample time to do so—in some cases up to seven years.

We determined that the Division of Juvenile Justice has fully implemented or substantially implemented 67 percent of the 160 recommendations that remained unimplemented as of 2005. We found that the division has failed to make adequate progress on recommendations made in areas such as restricted programs, security, and education. In at least some instances, these continued weaknesses pose additional threats to wards with mental illnesses and might increase the risk of suicide. Nonetheless, we found that the division has made adequate progress responding to recommendations related to most mental health programs and the provision of counseling services to youthful offenders. However, similar to our findings in the 2006 *Accountability Audit: Review of Audits of the California Department of Corrections and Rehabilitation Adult Operations and Adult Programs*, we found that the staff and management of individual juvenile facilities have been more responsive than department headquarters to recommendations resulting from past audits and reviews.

We also determined that the Board of Parole Hearings' responsiveness to prior recommendations was even worse. The board failed to make adequate progress on 93 percent of the recommendations (14 of 15) that were still relevant and were covered in this follow-up review. Because of its continued failure to adequately respond to prior recommendations, the board has exposed the department to ongoing litigation. The board has also wasted taxpayer dollars by conducting unnecessary hearings, using its resources inefficiently, and paying false claims.

You can view the full text of the follow-up review by clicking on the following link to the Inspector General's Web site:
http://www.oig.ca.gov/reports/pdf/2007_accountability_audit.pdf

Letter to Senator Perata about the Board of Parole Hearings' progress in conducting new psychological evaluations for inmates with parole consideration hearings

In August 2007, the Office of the Inspector General issued a letter to Senator Don Perata regarding operations at the Board of Parole Hearings. We informed him of the Board of Parole Hearings' progress in conducting all new psychological evaluations for inmates with parole consideration hearings scheduled on or after May 1, 2007. These evaluations were to be completed and available 60 days before the life prisoner's scheduled hearing date, thereby reducing the number of hearing postponements. Based on our review, we found that the new psychological evaluations were not always completed 60 days before the scheduled hearing. Moreover, even when psychological evaluations were completed before the 60 day requirement, ostensibly to provide ample time for involved parties to identify any concerns with the psychological evaluations before the scheduled hearing, postponements still occurred on the day of the hearing. We concluded that the changes to the psychological evaluation process may not have addressed the issue of last-minute requests for hearing postponements.

Prison Industry Authority letter regarding new enterprise

In September 2007, the Office of the Inspector General issued a management letter to the secretary of the California Department of Corrections and Rehabilitation, who is also the chairman of the Prison Industry Board (PIB). In that letter, we addressed misconduct allegations on the part of the Prison Industry Authority (PIA) and PIB. Private contractors within the business community alleged that PIA and PIB had committed the following acts in developing a proposal to start a peanut butter and jelly packaging enterprise:

- Misappropriated funds.
- Failed to follow public hearing requirements pertaining to peanut butter and jelly packaging.
- Violated sole source bid requirements.
- Claimed to manufacture products not produced by PIA.
- Failed to consider the proposal's impact on California business.

Based on our review, we made the following findings:

- No evidence existed to show that PIA or PIB engaged in misappropriation of funds.
- PIB met its statutory public hearing requirements, but did so only after it purchased equipment to be used in the proposed enterprise.
- PIA and PIB did not violate sole source bid requirements or falsely claim to manufacture products not actually produced by PIA.

- PIA and PIB could provide no documentation that they had analyzed the impact of the proposed enterprise on California industry, as required by Penal Code section 2808(i).

The Office of the Inspector General recommended that PIB follow the requirements of Penal Code section 2808(i) by considering whether an enterprise “would have a comprehensive and substantial adverse impact on California industry which cannot be mitigated.” The board’s decision and reasoning should be made on the record to establish its compliance with California law. PIB should also establish uniform policies and procedures for addressing these issues in the future.

You can view the full text of the management letter to the California Department of Corrections and Rehabilitation by clicking on the following link to the Inspector General’s Web site:

http://www.oig.ca.gov/reports/pdf/pialetter_re_newenterprise.pdf

Warden and institution audits

The Audits Division continued its audits of the California Institution for Women and Folsom State Prison. The purpose of these audits is to assess the warden’s performance one year after his or her appointment to the position and to evaluate the institution’s overall performance. Public reports of these audits are anticipated for release before the end of 2007.

SUMMARY OF INTAKE AND INVESTIGATIONS DIVISION ACTIVITIES

The Office of the Inspector General received 1,051 complaints this quarter concerning the state correctional system, an average of 350 a month. Most complaints arrive by mail or through the Inspector General’s 24-hour toll-free telephone line. Others are brought to our attention during audits or related investigations. We may also conduct investigations at the request of department officials in cases that involve potential conflicts of interest or misconduct by high-level administrators.

Our staff responds to each complaint or request for investigation; complaints that involve urgent health and safety issues receive priority attention. Most often, our 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, we may refer the case to the department’s Office of Internal Affairs for investigation. Other complaints require further inquiry or full investigation by the Office of the Inspector General.

During the third quarter of 2007, the Intake and Investigations Division had 21 ongoing investigations and completed 12 investigations—8 administrative investigations and 4 criminal investigations. Those completed 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
The Office of the Inspector General received a complaint that a contract physician providing psychiatric services for prison inmates charged the state for services not provided.	The Office of the Inspector General conducted an investigation but found no evidence the contractor was billing for services not provided.	The Office of the Inspector General closed the investigation.
The Office of the Inspector General received a complaint alleging an x-ray company was awarded a contract with the California Department of Corrections and Rehabilitation even though it deviated from bid requirements and provided out-dated equipment.	The Office of the Inspector General conducted an investigation that included interviews of prison and department staff and a review of documents related to the contracting x-ray company. Although our inspectors found no evidence of fraud, we identified deficiencies within the contract.	The Office of the Inspector General sent a letter to department executive management notifying them of the deficiencies and out-dated equipment. On October 16, 2007, the department provided a response. We are working with the department to address the issues identified in our investigation.
The Office of the Inspector General received a complaint that medical technical assistants at the California Medical Facility used excessive force during the extraction of an inmate from his cell.	The Office of the Inspector General conducted administrative and criminal investigations that included interviews of prison and department staff and interviews of Department of Mental Health staff. We also reviewed key documents and policies. Our inspectors found that Department of Mental Health staff used excessive force during their extraction of the inmate and caused injuries that were incompatible with a lawful extraction. Other findings included the failure to report and treat the inmate's injuries as required.	The Office of the Inspector General referred the reports and supporting documentation to the hiring authority for appropriate action. In addition, we referred our findings to the district attorney's office for their review and evaluation for prosecution or the filing of criminal charges.
The Office of the Inspector General received a request to investigate potential misconduct by prison employees who had allegedly improperly released an inmate to parole.	The Office of the Inspector General conducted an investigation that included a review of the inmate's central file; a review of pertinent laws, policies, and procedures; and interviews with witnesses and subjects involved with the inmate's release from prison. The investigation found sufficient evidence to support the allegations.	The Office of the Inspector General referred the report and supporting documentation to the hiring authority for appropriate action.
The Office of the Inspector General received a complaint of alleged failures to identify and treat an inmate's mental health issues.	The Office of the Inspector General conducted an investigation that included a review of the inmate's central file; a review of pertinent laws, policies, and procedures; and interviews with witnesses and subjects involved with the inmate's release from	The Office of the Inspector General referred the report and supporting documentation to the hiring authority for appropriate action.

Allegation	Investigation	Result
	prison. Further discussion is prohibited by state and federal laws.	
The Office of the Inspector General received a complaint that a contracted medical professional charged the department for hours not worked.	The Office of the Inspector General conducted an investigation that included interviews of department staff and a review of e-mails, invoices, travel expense claims, and contracts. Our inspectors found insufficient evidence to support the allegation.	The Office of the Inspector General closed the investigation.
The Office of the Inspector General received three complaints alleging a prison administrator sexually harassed a manager, retaliated with frivolous internal affairs investigations, misused state resources, neglected his duties, engaged in unfair hiring practices, placed the safety and security of the institution at risk, and attempted to enlist a manager to be insubordinate.	The Office of the Inspector General conducted an investigation that included interviewing witnesses and reviewing documents. Our inspectors found insufficient evidence to support the allegations.	The Office of the Inspector General closed the investigation.
The Office of the Inspector General received a complaint alleging that a correctional sergeant duped an inmate into wearing women's underwear under the guise that it was "doctor's orders." The inmate was subsequently placed in restraints and escorted down a hallway while staff looked on and laughed.	The Office of the Inspector General conducted administrative and criminal investigations that included several interviews of staff members and review of key documents. Our inspectors found sufficient evidence to support the allegations.	The Office of the Inspector General referred the report and supporting documentation to the hiring authority for appropriate action. In addition, we referred our findings to the United States Attorney's Office for the Central District of California for its review for the filing of criminal charges.