



## February 2024 Intake Unit Impact Case Blocks Published in March 2024

As part of our statute, the Office of the Inspector General (the OIG) maintains an Intake Processing Unit, which receives complaints from the incarcerated population and the public, in communication with our office. Intake staff respond to these communications, which can exceed 650 complaints each month. Complaints arrive to us through regular mail, by phone calls (toll-free

hotline), and as web inquiries received via our website. Below are 10 complaints for which our Intake staff conducted a review or inquiry and have closed as of February 2024. These cases highlight a variety of matters in which the actions of OIG staff had an impact on the complainant and may result in further OIG monitoring of inquiries or investigations conducted by departmental staff.

### Incident Date

July 5, 2020

### Case Type

Prison Rape Elimination Act (PREA); Rules Violation Report (RVR)

### Mission

Division of Adult Institutions: General Population (Males)

### OIG Case Number

23-0041729-PI

### Complaint Summary

On December 16, 2021, the OIG received a mail complaint from an incarcerated person who alleged she was sexually assaulted by a male incarcerated person on July 5, 2020. The incarcerated person alleged that an Investigative Services Unit officer attempted to have her sign a second Prison Rape Elimination Act (PREA) closure form that identified the investigation was unsubstantiated. Furthermore, the incarcerated person alleged the male incarcerated person who committed sexual assault admitted to participating in the abusive sexual contact, and incarcerated person requested that the alleged PREA aggressor be held accountable.

### OIG Actions

The OIG reviewed the PREA investigative file and departmental grievance records. The OIG found a PREA closure form dated August 17, 2020, stating that the investigation was concluded as unsubstantiated. Based on the OIG's review, we identified potential concerns that the investigation had not been conducted in accordance with the department's procedures and training. On June 21, 2022, the OIG requested that the department reopen the PREA investigation. In addition, on March 7, 2023, the OIG notified the department that the male incarcerated person received a lesser charge of consensual participation in sodomy, when the evidence documented in the investigation substantiated the sexual assault allegation. The OIG requested that the department conduct further inquiry into the issuance of the rules violation report for the alleged PREA aggressor.

### Disposition

On September 14, 2022, after the investigation was reopened, the department determined that the incarcerated person's allegation of having been sexually assaulted by another incarcerated person was substantiated. As a result of the substantiated allegation, on February 2, 2023, a rules violation report was reissued, reheard, and revised from sexual assault to consensual participation in sodomy by the male incarcerated person. Since the rules violation report was not entered timely, time constraints were not met, which precluded the department from holding the male incarcerated person accountable for his actions.

Furthermore, on March 10, 2023, a confidential request for an Office of Internal Affairs' investigation was submitted by the warden for potential misconduct by a lieutenant regarding the rules violation report hearing for the male incarcerated person. On April 19, 2023, the Office of Internal Affairs' Central Intake Panel rejected the request for an investigation. The OIG's Discipline Monitoring Unit requested reconsideration of this decision and recommended to add a captain as an additional subject. On May 10, 2023, the Office of Internal Affairs accepted the investigation, and the OIG's Discipline Monitoring Unit selected the investigation for monitoring.





#### Incident Date

October 15, 2021

#### Case Type

Allegation against an  
Incarcerated Person;  
Safety Concern

#### Mission

Board of Parole Hearings

#### OIG Case Number

23-0057701-PI

#### Complaint Summary

On June 7, 2023, the OIG received a mail complaint from an incarcerated person (complainant) alleging a negative letter was submitted with his name to the Board of Parole Hearings (BPH) for a parole consideration hearing of another incarcerated person on October 15, 2021. The complainant alleged when the incarcerated person attended his parole hearing, a letter was identified as being submitted by the complainant. Subsequently, the complainant was labeled as a “rat, snitch” by other incarcerated persons for allegedly submitting the letter to the BPH. However, the complainant stated he never wrote a letter to the BPH regarding the incarcerated person.

#### OIG Actions

On May 31, 2023, the complainant filed a grievance to report a potential safety concern based on a letter he alleged he never submitted to BPH. The complainant was interviewed by staff at the institution, at which time the complainant denied having any safety concerns. Thus, the grievance was closed, and the complainant remained housed in the same facility as the incarcerated person.

The OIG reviewed the BPH parole-hearing transcript for the incarcerated person. The transcript confirmed that a parole commissioner identified the complainant by his last name during the hearing. The letter raised concerns whether the incarcerated person was suitable for parole. Subsequently, the incarcerated person was denied parole.

Furthermore, the OIG reviewed the letter allegedly submitted by the complainant to BPH and other handwritten grievances completed by the complainant. The OIG noted several discrepancies in the handwriting and signature of the letter submitted to the BPH. Most notably, a different first name of the complainant was included in the letter to the BPH.

On June 14, 2023, the OIG submitted a notification to the hiring authority regarding possible safety concerns for the complainant, and the OIG also notified the executive officer for the Board of Parole Hearings of the possible falsified letter submitted to the BPH.

#### Disposition

The hiring authority notified the OIG that both the complainant and incarcerated person agreed to be housed together in the same facility and took no further action. The BPH initiated an investigation regarding this concern and on January 12, 2024, notified the OIG that the BPH investigation confirmed the letter allegedly submitted by the complainant to the BPH was fraudulent. The BPH investigation and findings were documented in a confidential memorandum and placed in the incarcerated person’s electronic central file. Further, BPH’s legal division completed a miscellaneous decision to ensure future parole hearing panels are aware of the investigation’s findings.



#### Incident Date

December 14, 2023

#### Case Type

Employee Misconduct

#### Mission

California Correctional  
Health Care Services  
(CCHCS)

#### OIG Case Number

23-0069808-PI

#### Complaint Summary

On December 14, 2023, the OIG received an anonymous complaint via our website on behalf of incarcerated persons in specialized medical housing. Specifically, the complainant alleged a nursing supervisor required nursing staff to use an unapproved suicide risk assessment form and held "experimental meetings" off the nursing floor. Furthermore, the complainant alleged that the nursing supervisor jeopardized the health and safety of the patients in completing these tasks to work on completing an advanced medical degree.

#### OIG Actions

The OIG reviewed the complaint, which included partial information of possible witnesses and the last name of an incarcerated person who allegedly received care from the nursing supervisor. Based on review of departmental records, the OIG was able to identify the names and job titles of the witnesses along with the full name and department number of the incarcerated person. The anonymous complaint and updated information that OIG staff identified were submitted to the undersecretary for Health Care Services on January 2, 2024, to conduct further review and inquiry.

#### Disposition

On January 18, 2024, a director at the California Correctional Health Care Services notified the OIG that the nursing supervisor did not use departmental data for personal gain. In addition, it was determined that the suicide risk screening tool used at the institution was a validated tool and approved by the department. Institutional leadership also reeducated staff on the reason for the changes to the tool to ensure full awareness.



#### Incident Date

August 6, 2023

#### Case Type

Employee Misconduct;  
Parole Violation

#### Mission

Division of Parole  
Operations (DAPO)

#### OIG Case Number

23-0061891-PI

#### Complaint Summary

On August 11, 2023, the OIG received a voicemail complaint from a complainant who alleged that on August 6, 2023, an officer made racist and derogatory statements in an online gaming chatroom. Furthermore, the complainant alleged the officer stated he took incarcerated persons to private areas within a prison and beat incarcerated persons for looking at officers wrongly.

#### OIG Actions

The OIG reviewed several social media accounts and conducted internet research that matched information provided in the complaint. Our office requested and received a signed waiver from the complainant, so we could share the complaint information with the department to conduct an inquiry or investigation for the allegation of staff misconduct. Although the complainant was unable to provide the officer's name, the complainant submitted screenshots of the online gaming chatroom site, which included an image of the alleged officer. On August 24, 2023, the OIG shared with the Office of Internal Affairs the complaint information and screenshots of the online gaming chatroom site involving the alleged officer.

#### Disposition

The Office of Internal Affairs conducted an inquiry regarding this allegation. It was determined that the individual alleged to be an officer was a former nonsworn departmental employee. The former employee was on active parole for a prior conviction and violated parole conditions by being online and using a personal computer. The OIG was informed by the Office of Internal Affairs that the Division of Adult Parole Operations staff had investigated whether a parole revocation was warranted. The OIG reviewed the parolee's electronic central file which had no documentation that this parole violation was considered prior to the individual being discharged from parole on September 14, 2023.



#### Incident Date

June 26, 2023

#### Case Type

Employee Misconduct

#### Mission

Office of Internal Affairs'  
Allegation Investigation  
Unit

#### OIG Case Number

23-0064898-PI

#### Complaint Summary

On October 27, 2023, the OIG received a complaint from an incarcerated person regarding a lack of confidentiality during an investigative interview conducted by the Office of Internal Affairs' Allegation Investigation Unit (AIU). The incarcerated person stated that he was interviewed several months ago by an investigator via video conference for an allegation of staff misconduct. The incarcerated person stated the investigator instructed custody staff to leave the interview room at the start of the interview. However, several custody staff allegedly remained in the interview room, off-camera. Because the incarcerated person feared retaliation by answering questions in the presence of other custody staff, he refused to participate in the interview.

#### OIG Actions

The OIG located a grievance filed by the incarcerated person on June 26, 2023, alleging that an unknown sergeant encouraged the incarcerated person to kill himself after he admitted to feeling suicidal. The OIG identified that the AIU investigation was still in process and pending a review by the hiring authority. In addition, the OIG found an attempted interview with the incarcerated person had taken place via video conference on August 4, 2023. The investigator noted that the incarcerated person had declined to participate in the interview and that the investigator was unable to obtain clarification for the approximate time when the alleged misconduct occurred and information to assist in identifying the subject.

The OIG found the investigation was submitted to the hiring authority on August 28, 2023, but was still pending review by the hiring authority. Due to the compromised confidentiality of the interview with the incarcerated person, the inability to identify the name of the sergeant, and the need to ensure a thorough and appropriate investigation, the complaint was referred to the OIG's Staff Misconduct Monitoring Unit (SMMU) to monitor the investigation.

#### Disposition

On November 7, 2023, the OIG's SMMU notified the hiring authority that the OIG had selected to monitor the AIU investigation regarding the sergeant's alleged misconduct. On November 27, 2023, the AIU reinterviewed the incarcerated person in a confidential setting with OIG SMMU staff present, and the incarcerated person was able to identify the name of the sergeant involved in the incident on June 26, 2023, as the sergeant had also facilitated the initial interview on August 4, 2023, via video conference.



#### Incident Date

August 4, 2023

#### Case Type

Employee Misconduct;  
Excessive or Unnecessary  
Use of Force

#### Mission

Division of Adult  
Institutions: Reception  
Center and Camps (Males)

#### OIG Case Number

23-0056645-PI

#### Complaint Summary

On May 19, 2023, the OIG received a mail complaint in Spanish from an incarcerated person who alleged that on February 25, 2023, an officer placed his arm on the incarcerated person's throat, and other officers applied pressure on him that resulted in a broken ankle. The incarcerated person alleged he was then handcuffed to a medical bed, but was not provided medical attention. On the same incident date, the incarcerated person stated he was transferred to another prison and then received medical attention and had surgery to repair his broken ankle.

#### OIG Actions

Our office staff translated the complaint from Spanish to English, and then we reviewed the documentation of a use-of-force incident, which occurred on February 25, 2023. Our review found the broken ankle had not been identified during the department's use-of-force review. Furthermore, the OIG identified the incarcerated person did not report the ankle injury at the institution where the incident had occurred, but instead had first reported ankle pain at the institution to which he had been transferred.

The OIG identified that the incarcerated person submitted an allegation of staff misconduct for excessive force by officers. The allegation was assigned on March 29, 2023, to the Office of Internal Affairs' Allegation Investigation Unit (AIU) for an investigation. The incarcerated person alleged an officer punched the incarcerated person in the head and pressed an elbow to the incarcerated person's throat. A second officer allegedly applied pressure to the incarcerated person's right ankle, breaking it.

On July 12, 2023, the OIG met with the incarcerated person and obtained a signed waiver letter in Spanish to allow the OIG to share the complaint with the Office of Internal Affairs' AIU investigator.

#### Disposition

On July 14, 2023, the OIG's Staff Misconduct Monitoring Unit began monitoring the AIU investigation. The OIG provided the incarcerated person's correspondence and signed Spanish waiver form to the AIU investigator.



### Incident Date

November 9, 2023

### Case Type

Release Date Calculation;  
Employee Misconduct;  
Excessive or Unnecessary  
Use of Force

### Mission

Division of Adult  
Institutions: General  
Population Males

### OIG Case Number

23-0068423-PI

### Complaint Summary

On November 29, 2023, we received a complaint forwarded by the Office of the Governor, from an incarcerated person, who alleged he was abused and dragged by officers on an unidentified date while he was undergoing a medical crisis. Furthermore, the incarcerated person alleged his release date was continuously changed whenever the release date drew near.

### OIG Actions

The OIG located a previous allegation of staff misconduct filed by the incarcerated person alleging that on April 18, 2023, he had a medical crisis and passed out. The incarcerated person alleged that six officers subsequently twisted the incarcerated person's arms, smashed his face into the ground, and placed their knees on his neck. The OIG's Staff Misconduct Monitoring Unit monitored the investigation. On December 19, 2023, the OIG concurred with the hiring authority's decision to not sustain the allegations.

The OIG identified the incarcerated person's release date was revised from November 9, 2023, to February 22, 2024, due to a loss of credits applied for three rules violation reports issued during 2023. However, we found that each of these violations were never heard or finalized, and two violations were in a pending status more than 10 months after being issued. Furthermore, the OIG found the incarcerated person submitted three grievances contesting his release-date change to the Office of Grievances. However, the three grievances were rejected due to being anticipatory since the rules violation reports were never finalized. On December 21, 2023, the due process concerns, and loss of credits for past rules violation reports, were elevated to the hiring authority for an expedited review.

### Disposition

On December 21, 2023, the hiring authority conducted an expedited review of the due process issues identified by the OIG. Based on the Chief Disciplinary Officer's review, the three rules violation reports were voided along with the associated credit loss. Thus, on December 28, 2023, the incarcerated person was released to postrelease community supervision.



### Incident Date

July 31, 2023

### Case Type

Prison Rape Elimination  
Act (PREA): Staff Sexual  
Harassment; Rules  
Violation Report

### Mission

Division of Adult  
Institutions: General  
Population Males

### OIG Case Number

23-0061582-PI

### Complaint Summary

On August 7, 2023, the OIG received a voicemail from an incarcerated person who alleged he was issued a rules violation report in retaliation for submitting a staff sexual harassment allegation against an officer in 2022. The incarcerated person stated he was notified that on May 25, 2023, the investigation determined his allegation was unfounded. However, on July 31, 2023, the incarcerated person was issued a rules violation report for filing a "False Report of a Criminal Offense" regarding the past staff sexual harassment allegation submitted on July 12, 2022.

### OIG Actions

The OIG located a Prison Rape Elimination Act (PREA) allegation regarding staff sexual harassment by an officer that was referred on July 13, 2022, to the Office of Internal Affairs' Allegation Inquiry Management Section for an allegation review. The inquiry was completed and submitted on October 26, 2022, to the hiring authority for review. On May 25, 2023, the hiring authority found that the allegation was unfounded and notified the incarcerated person more than six months after the inquiry was completed.

Departmental regulations state that the charges of a rules violation report shall be heard within 30 days from the date when the incarcerated person was provided a copy of the report. The OIG found that the incarcerated person was provided with the rules violation report on July 31, 2023, for filing a false report of a criminal offense. This report was issued to the incarcerated person 87 days after the outcome of the PREA review, which was determined to be unfounded. Furthermore, departmental policy states that an allegation identified as unsubstantiated or unfounded does not constitute false reporting.

On November 14, 2023, the OIG elevated the above concerns to the hiring authority to conduct additional review of the rules violation report.

### Disposition

On November 18, 2023, the hiring authority notified the OIG that the department's subsequent review found no evidence that the incarcerated person knowingly made a false report. Thus, the hiring authority voided the rules violation report issued on July 31, 2023, for filing a false report of a criminal offense.





#### Incident Date

November 13, 2022

#### Case Type

Employee Misconduct;  
Serious Bodily Injury  
Based on Medical  
Evaluation

#### Mission

Division of Adult  
Institutions: High Security

#### OIG Case Number

23-0056690-PI

#### Complaint Summary

On May 19, 2023, the OIG received a web complaint from a third party that alleged custody staff shot an incarcerated person in his eye with a Block Gun on an unspecified date. The third party further alleged that the incarcerated person had made past complaints, but nothing had been documented by departmental staff.

#### OIG Actions

The OIG was able to locate a use-of-force incident involving the incarcerated person on November 13, 2022. However, the incarcerated person had not submitted a grievance or allegation of staff misconduct regarding this incident. The incarcerated person was identified as a victim of a three-on-one fight. We found that a control booth officer aimed at the incarcerated person's right leg and fired a 40mm less-lethal sponge round. However, according to the officer, the 40mm round struck the incarcerated person in the abdomen due to movement by the incarcerated person, and lag time. We reviewed medical records immediately following the incident and found that the incarcerated person refused medical treatment even though active bleeding was noted above his right eye. The next day, the incarcerated person reported facial pain and numbness to medical staff due to having been "struck by a rubber bullet yesterday." Medical staff ordered an X-ray for facial fractures and provided ice for treatment.

On November 18, 2022, five days after the incident, the X-ray results documented multiple fractures to the right-lateral eye socket, the sinus area, and the cheek bone of the incarcerated person. Medical records also stated the incarcerated person had been "shot in the eye." However, medical staff had not shared those results with custody staff regarding serious bodily injury that had possibly been caused by custody staff's use of force. Thus, no interview was conducted with the incarcerated person regarding how the serious bodily injury occurred.

On May 30, 2023, the OIG notified the hiring authority and the chief medical executive that the incarcerated person sustained a serious bodily injury that could have been caused by custody staff's use of force.

#### Disposition

The OIG was informed by the hiring authority that serious bodily injury notification processes were initiated. On May 30, 2023, the incarcerated person was interviewed regarding his injury and informed a custody lieutenant he was shot by a "tower cop" on November 13, 2022, and almost lost his eye and afterward, could not feel the right side of his face. On June 6, 2023, an allegation of staff misconduct for excessive or unnecessary use of force and misconduct resulting in significant injury of an incarcerated person was assigned for an investigation to the Office of Internal Affairs' Allegation Investigation Unit.



**Incident Date**

August 11, 2022

**Case Type**

Rules Violation Report

**Mission**

Division of Adult  
Institutions: High Security

**OIG Case Number**

23-0053048-PI

**Complaint Summary**

On March 30, 2023, the OIG received a mail complaint from an incarcerated person that he received a rules violation report on August 11, 2022, for indecent exposure which he alleged that he did not commit.

**OIG Actions**

The OIG determined that the incarcerated person was found guilty of indecent exposure with prior convictions for a sexual misconduct related offense and had lost 150 days of credits. However, our review found the rules violation report did not include any documentation supporting any prior conviction of the sexual misconduct. Furthermore, sentencing information and legal documents showed no record of any past sexual misconduct conviction.

On May 3, 2023, the OIG notified the hiring authority that the rules violation report issued to the incarcerated person on August 11, 2022, did not support any prior sexual misconduct conviction.

**Disposition**

On May 4, 2023, the hiring authority notified the OIG that the chief disciplinary officer would reissue and rehear the rules violation report. On January 17, 2024, the OIG found that the rules violation report was never reclassified or reheard and requested updated status from the hiring authority. On February 4, 2024, the rules violation report was reheard, and a due process violation was identified. Thus, the hiring authority voided the rules violation report and the credit loss of 150 days that had been previously applied to the incarcerated person.