

Office of the Inspector General



Accountability Audit

Review of Audits of the California Department of Corrections and Rehabilitation

2010–2011

May 2011

State of California



May 3, 2011

Matthew L. Cate, Secretary
California Department of Corrections and Rehabilitation
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Dear Mr. Cate and Mr. Kelso:

Enclosed is the Office of the Inspector General's 2011 Accountability Audit of the California Department of Corrections and Rehabilitation (CDCR). This audit analyzes 90 open recommendations from nine prior audit and special review reports. We performed an initial review of 69 recommendations that we identified in seven audit and special review reports completed in 2009 and performed a subsequent review of 21 recommendations that we identified in two audit reports issued in 2008.


Overall, we found that CDCR has satisfactorily implemented 82 percent of the recommendations we made that are still relevant. Also, the California Prison Health Care Services (CPHCS) implemented two of three recommendations, or 67 percent, that we made directly to it. This represents a significant improvement from our 2010 Accountability Audit, which resulted in an overall implementation rate of only 62 percent. Work remains for several recommendations including unimplemented recommendations from the following reports: CDCR's Supervision on Parolee Phillip Garrido; California State Prison, Solano Quadrennial and Warden Audit; and Inmate Cell Phone Use Endangers Prison Security and Public Safety.

With regard to reports issued in 2009, we have presented 13 follow-up recommendations, including two new recommendations that we made during this current accountability audit. However, this audit represents our final review of unimplemented recommendations from reports issued in 2008. Responses from CDCR and CPHCS appear as attachments to the report.

Matthew L. Cate, Secretary
J. Clark Kelso, Receiver
2011 Accountability Audit of the California Department of Corrections and Rehabilitation (CDCR)
Page 2
May 3, 2011

Thank you for the professional manner and cooperation that your staff displayed during the accountability audit.

Sincerely,



BRUCE A. MONFROSS
Inspector General (A)

cc: Kim Holt, External Audits Manager, Office of Audits and Court Compliance
Johnny Hui, Chief of Internal Audits, Internal Audit Program, California Prison Health Care
Services

Enclosure

Contents

Executive Summary	1
Introduction	7
Background.....	7
Objectives, Scope, and Methodology	9
Audit Results	12
Initial Follow-up Results for Seven Reports Issued in 2009:	
California Department of Corrections and Rehabilitation’s Supervision of Parolee Phillip Garrido	14
California State Prison, Solano Quadrennial and Warden Audit.....	29
California Department of Corrections and Rehabilitation’s Office of Internal Affairs Information Security.....	50
Inmate Cell Phone Use Endangers Prison Security and Public Safety	55
\$1.3 Million in Unemployment Insurance Benefits Paid to the California Department of Corrections and Rehabilitation’s Adversely Separated Employees	64
Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation	74
Management of the California Department of Corrections and Rehabilitation’s Administrative Segregation Unit Population	78
Follow-up Results for Two Reports Issued In 2008:	
California Institution for Men Quadrennial and Warden Audit.....	88
Salinas Valley State Prison Quadrennial and Warden Audit.....	94
Response from the California Department of Corrections and Rehabilitation	Attachment 1
Response from the California Prison Health Care Services	Attachment 2

Executive Summary

This comprehensive accountability audit presents the results of the Office of the Inspector General's annual follow-up of previous audit and special review recommendations issued to the California Department of Corrections and Rehabilitation (CDCR) and the California Prison Health Care Services (CPHCS). In this accountability audit, the Office of the Inspector General (OIG) assesses CDCR's and CPHCS' progress in implementing past recommendations from nine audits and special reviews affecting CDCR. We found that CDCR implemented 61 (or 82 percent) of the 74 recommendations we made that were still applicable and that were counted in our assessment. In addition, we separately made three recommendations to CPHCS in one of the nine reports and found that CPHCS implemented two (or 67 percent) of those recommendations.

Remaining unaddressed are the following critical recommendations: CDCR's parole agents need additional training and need to further utilize the Global Positioning Satellite (GPS) monitoring program; CDCR needs to complete effective implementation of its new state-wide inventory tracking system; CDCR needs to implement further enhancements to its cell phone interdiction techniques; and CDCR should develop a process to accurately account for the costs it incurs to house inmates in administrative segregation units (ASU).

We started this year's accountability audit analyzing CDCR's and CPHCS' efforts to take corrective action on 90 unresolved recommendations (87 to CDCR and 3 to CPHCS). We performed an initial review of 69 recommendations (66 to CDCR and 3 to CPHCS) that we identified in seven audit and special review reports completed in 2009 and performed a subsequent review of 21 recommendations that we identified in two audit reports issued in 2008. We found that seven of the 87 recommendations we made to CDCR were no longer applicable, and we chose to "agree-to-disagree" with CDCR about the validity and status of six other recommendations. Those six recommendations relate to CDCR's armed-post policy directive that, for certain temporary assignments, allows custody officers to work armed posts without fulfilling weapons proficiency requirements. The Office of the Inspector General recommended that CDCR change its policy, but CDCR disagrees with us, arguing that the recommendations are "not applicable" and therefore did not implement them. While the OIG believes the recommendations remain valid, we consider them unresolved and will no longer include them in future accountability audits.

During our upcoming 2012 accountability audit, we will report on the 11 unimplemented recommendations identified in reports completed in 2009, as well as two additional recommendations we made during this current 2011 accountability audit. However, because the three unimplemented recommendations from 2008 have already been subject to at least one previous follow-up accountability audit, this report will be our final review of those recommendations.

The Reason for Performing Accountability Audits

Our mission is to safeguard the integrity of California's correctional system. One way we carry out this mission is to audit CDCR to uncover criminal conduct; administrative wrongdoing; poor management practices; waste; fraud; and other abuses by staff, supervisors, and management.

To bring public transparency to the state's correctional system, in 2004 we began publishing our audit reports on the OIG website. This public posting is essential because prisons are, by their very nature, places where most events occur outside the public view. The public airing of our audit reports provides an incentive to CDCR to remedy problems affecting its divisions and prisons. In 2005 we began conducting the comprehensive "accountability audit." The accountability audit provides periodic follow-up results on previous audits and special reviews, and it assesses whether CDCR and CPHCS have implemented each of our recommendations. This unified audit allows us to efficiently track CDCR's and CPHCS' progress and keep important issues in the public eye.

Overall Results of OIG's 2011 Review

Tables 1 and 2, on the following page, summarize the implementation status of the 90 outstanding recommendations we made to CDCR and CPHCS in reports issued in 2008 and 2009, which were included in the scope of our audit. We considered recommendations with a fully or substantially implemented status as satisfactorily implemented. We considered recommendations with a partially or not implemented status as unsatisfactorily implemented. The matrixes in the body of this report detail CDCR's and CPHCS' responses as well as our assessment of their progress in implementing each recommendation.

Table 1
Summary of the 2011 Accountability Audit Results Pertaining to CDCR

Reports Reviewed for 2011 Accountability Audit	Unimplemented Recommendations Prior to 2011 AA	Satisfactory Implementation	Unsatisfactory Implementation	Success Rate*	Not Applicable or Unresolved-Related to Armed Post Policy
Initial Follow Up – 2009 Reports					
CDCR's Supervision of Parolee Phillip Garrido	14	10	4	71%	0
California State Prison, Solano Quadrennial and Warden Audit**	16	12	2	86%	2
CDCR's Office of Internal Affairs Information Security	4	4	0	100%	0
Inmate Cell Phone Use Endangers Prison Security and Public Safety	9	3	3	50%	3
\$1.3 Million in Unemployment Insurance Benefits Paid to CDCR's Adversely Separated Employees	7	7	0	100%	0
Union-Paid Leave Reimbursements Owed to the CDCR	4	3	0	100%	1
Management of the CDCR's Administrative Segregation Unit	12	10	1	91%	1
Subtotal	66	49	10	83%	7
Subsequent Follow Up – 2008 Reports					
California Institution for Men Quadrennial and Warden Audit**	5	2	0	100%	3
Salinas Valley State Prison Quadrennial and Warden Audit**	16	10	3	77%	3
Subtotal	21	12	3	80%	6
Grand Total	87	61	13	82%	13

* Success rate is the number of recommendations satisfactorily implemented divided by the number of total recommendations after excluding recommendations we identified as not applicable or unresolved.

**Report includes unresolved-armed post policy recommendation(s).

Table 2
Summary of the 2011 Accountability Audit Results Pertaining to the California Prison Health Care Services

Reports Reviewed for 2011 Accountability Audit	Unimplemented Recommendations Prior to 2011 AA	Satisfactory Implementation	Unsatisfactory Implementation	Success Rate*	Not Applicable or Unresolved-Related to Armed Post Policy
Initial Follow Up – 2009 Reports					
California State Prison, Solano Quadrennial and Warden Audit – Pertaining Only to the California Prison Health Care Services	3	2	1	67%	0

Audits Issued in 2009 (Initial Follow-up)

Overall, CDCR fully or substantially implemented 49 of the 66 recommendations from seven reports issued in 2009. We determined that six recommendations were no longer applicable and designated one other recommendation as “unresolved.” Therefore, we excluded those seven recommendations from our overall assessment. This resulted in a satisfactory implementation rate of 83 percent. The unresolved recommendation related to CDCR’s armed-post policy directive that, for certain temporary assignments, allows custody officers to work armed posts without fulfilling weapons proficiency requirements. The Office of the Inspector General believes that CDCR should change its policy. Although we have continued to make audit recommendations on this subject since 2008 and have discussed the matter with CDCR during that time, CDCR continues to assert that the recommendations are not applicable. To further pursue this issue would waste staff resources. Therefore, we chose to “agree-to-disagree” with CDCR about the validity and status of the recommendation, will consider it unresolved, and will no longer include the recommendation in future accountability audits.

The California Prison Health Care Services satisfactorily implemented two of three recommendations from our 2009 report on the California State Prison, Solano quadrennial and warden audit. This resulted in a satisfactory implementation rate of 67 percent.

Our initial assessment of recommendations for audits completed in 2009 revealed the following:

- For *CDCR’s Supervision of Parolee Philip Garrido* review: CDCR satisfactorily addressed 10 of the 14 recommendations we made. But further enhancements are needed in the areas of CDCR parole agent training and active GPS monitoring.
- For the *California State Prison, Solano Quadrennial and Warden Audit*: CDCR and California State Prison, Solano (CSP Solano) satisfactorily addressed 12 of the 14 still-applicable recommendations. One recommendation not implemented requires improved functionality of CDCR’s statewide inventory tracking system. One other unimplemented recommendation relates to CDCR’s armed post policy for certain temporary assignments, which will be dropped from future accountability audits. In addition, we made a new recommendation to CDCR about training prisons’ transportation staff. With regard to recommendations we made to CPHCS, it fully implemented two of the three recommendations but still needs to improve communication with the prisons regarding its procurement activities.
- For the *CDCR’s Office of Internal Affairs Information Security* review: we found that OIA satisfactorily addressed all four recommendations relating to encryption and protection of employees’ laptop computers and email, assigning state property tags to its laptop computer inventory, and tracking and conducting physical counts of its inventory.

- For the *Inmate Cell Phone Use Endangers Prison Security and Public Safety* review: CDCR fully addressed three of the six still-applicable recommendations. It remains for CDCR to further evaluate the effectiveness and cost to conduct airport-style screening at prisons and to restrict the size of carrying cases being brought into the secure areas of prisons. We also made one new recommendation during this current 2011 accountability audit recommending that CDCR explore other technological advances in cell phone detection.
- For the *\$1.3 Million in Unemployment Insurance Benefits Paid to the CDCR's Adversely Separated Employees* review: we found that CDCR satisfactorily addressed all seven of the recommendations we made. Generally, CDCR has developed better practices for timely handling UI benefit cases and has strengthened communication with EDD.
- For the *Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation* review: CDCR fully addressed all three of the still-applicable recommendations and significantly improved its practices for billing the Service Employees International Union and collecting reimbursable union-paid leave.
- For the *Management of the CDCR's Administrative Segregation Unit (ASU) Population* review: CDCR fully addressed ten of the eleven still-applicable recommendations. It developed policies and procedures that effectively address inmates' rights to due process and timely release from administrative segregation. The one recommendation that CDCR did not implement is to develop a process to accurately account for ASU costs statewide.

In our review of these seven reports, we made 12 follow-up recommendations to CDCR, including two new recommendations that we made during this current 2011 accountability audit, and we made one follow-up recommendation to CPHCS. We expect to review these follow-up recommendations in our upcoming 2012 accountability audit.

Audits Issued in 2008 (Subsequent Follow-up)

In our subsequent follow-up on the status of recommendations from two audit reports that were included in the previous accountability audit, we found that CDCR had fully or substantially implemented 12 of the 21 recommendations from the previous year. We determined that one recommendation was no longer applicable and designated five recommendations as "unresolved." As a result, CDCR successfully implemented 80 percent of our recommendations. The five "unresolved" recommendations were excluded from our overall implementation assessment and are related to CDCR's armed-post policy directive that we discussed previously. And as we categorized CDCR's response on this topic in the 2009 report recommendations, we chose to "agree-to-disagree" with CDCR about the validity and status of those five recommendations.

Notable examples of recommendations implemented since our last accountability audit and recommendations that remain unimplemented include the following:

- The California Institution for Men (CIM) satisfactorily implemented two of the five remaining recommendations from our November 2008 audit. CIM reported that its custody supervisors verify that its custody officers, who are permanently assigned to armed posts, are compliant with requirements for quarterly firearms qualification training. Also, CIM has taken steps to install video surveillance equipment in its minimum support facility's visiting area. All three of the unimplemented recommendations relate to CDCR's armed post policy for certain temporary assignments and are designated as unresolved.
- Salinas Valley State Prison (SVSP) and CDCR satisfactorily implemented 10 of the 16 remaining recommendations from our October 2008 audit. The prison improved its delivery of educational programs and its cell search policies, procedures, and processes. It remains for SVSP to ensure that custody officers permanently assigned to armed posts are current with quarterly weapons qualifications. We determined that one unimplemented recommendation was no longer applicable and two others, related to CDCR's armed post policy for certain temporary assignments, are unresolved.

We Will No Longer Follow Up On Older Recommendations

We believe that it is not in the state's interest to continue expending our limited resources to pursue recommendations that CDCR is either unable to address, due to its own limited resources, or will not address, due to disagreement with our recommendation. Therefore, this report will stand as our final assessment regarding those subsequent yet unimplemented follow-up recommendations from the 2008 reports.

Introduction

This report presents the results of the OIG's follow-up audit of nine previous audits and special reviews of CDCR and its subdivisions, and of operations pertaining to the California Prison Health Care Services (CPHCS). The reports for these audits and reviews were issued in 2008 and 2009. The purpose of the follow-up audit was to assess and report on CDCR's progress in implementing our previous recommendations. We performed this accountability audit under California Penal Code section 6126, which assigns the OIG responsibility for oversight of CDCR.

Background

The mission of CDCR is to enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities. Responsible for approximately 286,000 adult offenders who are either incarcerated or under parole supervision, CDCR has an operating budget for fiscal year 2010-11 of approximately \$9.0 billion.

The California Department of Corrections and Rehabilitation includes various headquarter offices, administrative divisions, and operating divisions. Its operations are organized into three main program areas: Adult Operations, Adult Programs, and Juvenile Justice. A fourth area, Correctional Health Care Services is administered by both an independent, court-appointed Receiver and by CDCR's Division of Correctional Health Care Services. Each of those four program areas includes various divisions and offices. In the following pages we identify and briefly describe entities subject to the audits and special reviews covered in this 2011 accountability audit.

ADULT OPERATIONS

Adult operations consist of the Division of Adult Institutions and the Division of Adult Parole Operations, which perform the following functions:

- The Division of Adult Institutions oversees CDCR's 33 adult prisons. Its objective is to provide safe and secure detention facilities to protect society from further criminal activities and to provide necessary services, such as feeding, clothing, record keeping, inmate classification assessments, and employee training.
- The Division of Adult Parole Operations' primary objective, consistent with the need for public safety, is to increase the rate and degree of the successful reintegration and release into society of offenders paroled from state prison. One of this division's responsibilities is to determine the level of parole supervision needed based on case factors related to the offender's propensity for violence, past criminal history, and current service needs.

ADULT PROGRAMS

Adult Programs is responsible for the design and operation of programs that enable offenders to successfully reenter society. These programs address the deficits that led offenders to criminal behavior and provide services critical to offenders' success on parole. Adult Programs provides effective evidence-based programming to adult offenders and creates strong partnerships with local government, community-based providers, and the communities to which offenders return. The Office of Correctional Education (OCE) is one of four offices that comprise adult programs.

CORRECTIONAL HEALTH CARE SERVICES

The Correctional Health Care Services provides medical, dental, and mental health care to the inmate population statewide consistent with adopted standards for quality and scope of services within a custodial environment. This care is administered by an independent, court-appointed Receiver and by CDCR's Division of Correctional Health Care Services.

California Prison Health Care Services

As a result of a class action lawsuit known as *Plata v. Schwarzenegger*, the federal court found in October 2005 that California's delivery system for prison medical care was not meeting constitutional standards. Therefore, the federal court imposed a receivership to raise the delivery of medical care to constitutional standards and in February 2006 appointed a Receiver to manage the state's delivery of medical services to inmates in California prisons. The current Receiver operates his executive, administrative, and patient care operations primarily through CDCR's California Prison Health Care Services (CPHCS). Specifically, the CPHCS' responsibilities include inmate medical and related services, such as the nursing, pharmaceutical, and laboratory services. Medical services do not include dental, mental health, substance abuse, or juvenile healthcare.

Division of Correctional Health Care Services

CDCR's Division of Correctional Health Care Services provides administrative support functions for operations related to dental and mental health care delivery. Separate programs of Statewide Dental and Statewide Mental Health Care Services provide dental services and mental health services to CDCR inmates. Similar to the current federal court-mandated oversight of inmates' medical services, CDCR's delivery of dental care and mental health services are also subject to monitoring by a court-appointed monitor and special master. This monitoring results from the *Perez v. Cate* and *Coleman v. Schwarzenegger* lawsuits.

OFFICE OF LEGAL AFFAIRS

CDCR's Office of Legal Affairs (OLA) manages all litigation involving CDCR, provides legal advice and assistance to CDCR's secretary and employees, and represents CDCR in administrative proceedings.

OFFICE OF INTERNAL AFFAIRS

CDCR's Office of Internal Affairs (OIA) is responsible for investigating allegations of employee misconduct within CDCR. Its agents pursue misconduct investigations regardless of the CDCR employee's position or rank. Further, the OIA agents are responsible for conducting investigations in a manner that provides a complete and thorough presentation of all facts regarding the allegation, while refraining from conjecture or opinion.

ADMINISTRATION

Several headquarters administrative operations, such as Enterprise Information Services, Human Resources, Labor Relations, and the Office of Business Services, play critical roles in developing solutions to our recommendations.

Objectives, Scope, and Methodology

The accountability audit provides periodic follow-up on previous audits and special reviews and assesses whether CDCR has implemented each of our recommendations. This unified audit allows us to efficiently track CDCR's progress and keep important issues in the public eye.

The 2011 accountability audit presents the first follow-up review for the following seven reports issued by the OIG. Their issue dates and the number of OIG recommendations are in parentheses.

Reports Issued in 2009:

1. The California Department of Corrections and Rehabilitation's Supervision of Parolee Phillip Garrido (November 2009) (14 Recommendations)
2. California State Prison, Solano Quadrennial and Warden Audit (July 2009) (19 Recommendations)
3. CDCR's Office of Internal Affairs Information Security (May 2009) (4 Recommendations)
4. Inmate Cell Phone Use Endangers Prison Security and Public Safety (May 2009) (9 Recommendations)
5. \$1.3 Million in Unemployment Insurance Benefits Paid to the California Department of Corrections and Rehabilitation's Adversely Separated Employees (March 2009) (7 Recommendations)

6. Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation (February 2009) (4 Recommendations)
7. Management of the CDCR's Administrative Segregation Unit Population (January 2009) (12 Recommendations)

Because this is the first assessment for the recommendations from these seven reports, the recommendations that have not yet reached the level of "substantially implemented" or "fully implemented" will be considered follow-up recommendations in this report and subject to future accountability audits.

This 2011 accountability audit also follows up on recommendations related to two audits included in the previous accountability audit and originally published in 2008. This second-time follow-up was performed on recommendations that had not yet reached the level of "substantially implemented" or "fully implemented" in the previous accountability audit. Their issue dates and the number of OIG recommendations are in parentheses.

Reports Issued in 2008:

1. California Institution for Men Quadrennial and Warden Audit (November 2008) (5 Recommendations)
2. Salinas Valley State Prison Quadrennial and Warden Audit (October 2008) (16 Recommendations)

The nine reports included in the 2011 accountability audit contained 90 recommendations. Eighty-seven of the recommendations were applicable to CDCR and three recommendations were applicable to CPHCS. In August 2010, we requested a written implementation status from both CDCR and CPHCS by October 7, 2010. Both complied with our request.

Audit Procedures

After considering each recommendation's impact relative to matters of safety and security, fiscal significance, and political or public sensitivity, our review team conducted an initial risk assessment of all 90 recommendations and ranked them as high, medium, or low risk. The team's assessment resulted in the following levels of risk:

<i>Risk Ranking</i>	<i>Recommendations</i>
High Risk	43
Medium Risk	31
Low Risk	16
Total	90

To conduct our fieldwork, we initially assessed the responses for reasonableness and applicability to the recommendation. Then for those recommendations assessed at a “high” or “medium” risk and for which CDCR and CPHCS reported the recommendation as “fully implemented” or “substantially implemented,” our inspectors developed audit procedures to validate the reported implementation level. Those recommendations assessed as “low risk” and those recommendations reported by CDCR and CPHCS as only “partially implemented” or “not implemented” generally were not subjected to any additional audit procedures.

For the “high” and “medium” risk recommendations subjected to additional audit procedures, we analyzed the documents that CDCR and CPHCS provided. For some recommendations we interviewed CDCR’s and CPHCS’ employees, obtained additional information and documentation that we deemed necessary, and conducted on-site testing at several prisons.

Finally, we classified CDCR’s and CPHCS’ progress in implementing each recommendation into one of the following five 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 fewer than half of the corrective actions necessary to fulfill the recommendation have been implemented.
- **Not implemented:** The recommendation has not been implemented.
- **Not applicable:** The recommendation is no longer applicable.

We performed our audit fieldwork from October to December 2010.

Audit Results

This section presents the status of our recommendations for the following nine reports:

Initial Follow-up:

- The California Department of Corrections and Rehabilitation's Supervision of Parolee Phillip Garrido (November 2009)
- California State Prison, Solano Quadrennial and Warden Audit (July 2009)
- CDCR's Office of Internal Affairs Information Security (May 2009)
- Inmate Cell Phone Use Endangers Prison Security and Public Safety (May 2009)
- \$1.3 Million in Unemployment Insurance Benefits Paid to the California Department of Corrections and Rehabilitation's Adversely Separated Employees (March 2009)
- Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation (February 2009)
- Management of the CDCR's Administrative Segregation Unit Population (January 2009)

Subsequent Follow-up:

- The California Institution for Men Quadrennial and Warden Audit (November 2008)
- The Salinas Valley State Prison Quadrennial and Warden Audit (October 2008)

Summary of Results

Within these nine reports, we provided CDCR with 87 recommendations. Overall, we found that CDCR has fully or substantially implemented 61 (or 82 percent) of the recommendations that were still applicable and that were included in our assessment. In addition, within the CSP Solano quadrennial and warden audit report, we provided CPHCS with three recommendations and found that CPHCS fully implemented two (or 67 percent) of them.

We determined that seven recommendations were no longer applicable and six other recommendations, related to CDCR's armed post policy for certain temporary assignments, were unresolved. Of the remaining 13 recommendations to CDCR that were either partially implemented or not implemented, we noted that four were impacted by CDCR's current budget constraints. Similarly the one remaining recommendation to CPHCS was also impacted by the budget.

This was our subsequent and final review of the three remaining 2008 recommendations. However, in our upcoming accountability audit, we plan to report on all 10 of the remaining 2009 recommendations we made to CDCR that are still applicable, as well as the two additional recommendations that we made during this current accountability audit. We will also follow-up on the remaining recommendation we made to CPHCS. As stated above, we will no longer

pursue follow-up on six recommendations from our 2008 and 2009 reports that related to CDCR's armed post policy for certain temporary assignments.

Tables 3 and 4 below summarize the progress made in implementing the 90 recommendations.

Table 3
Summary of Follow-up Results for CDCR

Report	Fully Implemented	Substantially Implemented	Partially Implemented	Not Implemented	Unresolved -Related to Armed Post Policy	Not Applicable	Total	Success Rate*
CDCR's Supervision of Parolee Phillip Garrido	8	2	4	0	0	0	14	71%
California State Prison, Solano Quadrennial and Warden Audit	10	2	1	1	1	1	16	86%
CDCR's Office of Internal Affairs Information Security	3	1	0	0	0	0	4	100%
Inmate Cell Phone Use Endangers Prison Security and Public Safety	3	0	2	1	0	3	9	50%
\$1.3 Million in Unemployment Insurance Benefits Paid to the CDCR's Adversely Separated Employees	3	4	0	0	0	0	7	100%
Union-Paid Leave Reimbursements Owed to the CDCR	3	0	0	0	0	1	4	100%
Management of the CDCR's Administrative Segregation Unit	10	0	0	1	0	1	12	91%
California Institution for Men Quadrennial and Warden Audit	1	1	0	0	3	0	5	100%
Salinas Valley State Prison Quadrennial and Warden Audit	9	1	3	0	2	1	16	77%
Total	50	11	10	3	6	7	87	82%

* Success rate is the number of recommendations fully or substantially implemented divided by the number of total recommendations after excluding recommendations we identified as not applicable or unresolved.

Table 4
Summary of Follow-up Results for the California Prison Health Care Services

Report	Fully Implemented	Substantially Implemented	Partially Implemented	Not Implemented	Unresolved -Related to Armed Post Policy	Not Applicable	Total	Success Rate*
California State Prison, Solano Quadrennial and Warden Audit	2	0	1	0	0	0	3	67%

California Department of Corrections and Rehabilitation's Supervision of Parolee Phillip Garrido

Summary of Original Review Results

In November 2009, the Office of the Inspector General issued a report¹ on our review of CDCR's supervision of parolee Phillip Garrido. Garrido was arrested in August 2009 along with his wife for the 1991 kidnapping and sexual assault of then-11-year-old Jaycee Dugard. During the course of the following 18 years, Garrido reportedly sexually assaulted Jaycee—fathering two children—while holding her captive on the grounds of his residence in Antioch, California.

For the last 10 years of Jaycee's captivity, CDCR's parole division supervised Garrido. The report revealed systemic problems that transcended parolee Garrido's case and jeopardized public safety. The review resulted in 14 recommendations to help CDCR address the deficiencies we identified in parolee supervision.

Among other findings, the review revealed that, during the time CDCR was responsible for Garrido, it failed to supervise him as a high-risk sex offender, failed to adequately train parole agents to conduct parolee home inspections, and failed to use Global Positioning Satellite (GPS) information to determine that Garrido was violating the terms of his parole. Furthermore, CDCR's passive GPS monitoring program fell short of its potential, thereby providing the public with a false sense of security and raising concerns about its use.

2011 Follow-up Results

The OIG found that CDCR satisfactorily implemented 10 of the 14 recommendations from our 2009 review. For example, CDCR's Division of Adult Parole Operations (DAPO) implemented the following corrective actions:

- Ensured that sex offender parolees are correctly assessed for their risks to re-offend using CDCR's revised assessment tool;
- Required its parole agents to investigate, resolve, and record the resolution to all GPS system alerts; and
- Trained its parole agents and supervisors on using its GPS monitoring system and on referring parolees to mental health assessment when appropriate.

However, CDCR still needs to take additional action on four recommendations, which we will review in our 2012 accountability audit to assess their implementation. Generally, additional training is needed for CDCR's parole agents. Also, agents must make further use of the GPS monitoring program.

The matrix on the following pages presents the 2011 follow-up results.

¹ "Special Report: CDCR's Supervision of Parolee Phillip Garrido" may be found on the OIG's Web site: http://www.oig.ca.gov/media/reports/BOI/Special_Report_on_CDCRs_Supervision_of_Parolee_Phillip_Garrido.pdf

California Department of Corrections and Rehabilitation's Supervision of Parolee Phillip Garrido

Finding 1

The department incorrectly classified Garrido as a low-risk offender and later failed to use a newly-developed assessment tool to correctly classify him as high-risk. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Ensure that all sex offender parolees have been correctly assessed for their risks to re-offend using the department's revised assessment tool. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. All current active sex offenders have been assessed via the appropriate sex offender risk assessment tool based on gender. DAPO has implemented a monthly audit tool utilized for all PC 290 parolees (male and female) See attached Policy No. 10-04, Definition and Designation of High Risk Sex Offenders dated February 11, 2010.</i></p> <p>Office of the Inspector General's Comments: We obtained a list of all sex offender parolees CDCR is currently supervising. We then visited four parole offices and reviewed the parole file for 10 sex offender parolees at each office to determine if CDCR had completed a Static-99 assessment for the parolee. CDCR had completed assessments on all of the 40 sex offender parolees we reviewed.</p>
Provide training to its parole agents and supervisors on properly classifying parolees, including serious sex offenders. (November 2009)	Partially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Partially Implemented. See attached Policy No. 10-04. See attached Policy No. 10-08, Policy and Procedures on the use of Global Positioning System Technology as a supervision tool dated June 14, 2010. DAPO has revised the Sex Offender training program and is moving forward with High Risk Sex Offender training for Parole Agents relating to the classification and supervision of PC290 registrants.</i></p>

Recommendation	Status	Comments
		<p><i>At the present time DAPO is in the process of implementing the California Parole Supervision and Reintegration Model (CPSRM). On August 1, 2010, DAPO deployed the CPSRM pilot in one parole unit per region. Components of the CPSRM training include the proper classification and case planning strategies needed by field staff. As this model is implemented throughout the division, all staff will receive this critical training.</i></p> <p>Office of the Inspector General's Comments: The Office of the Inspector General did not perform any audit procedures to verify CDCR's representation.</p>

Follow-up Recommendation

The California Department of Corrections and Rehabilitation should take the following action:

- Provide training to its parole agents and supervisors on properly classifying parolees, including serious sex offenders. (November 2009)

Finding 2

Although its supervision of Garrido improved significantly over the final few years, the department repeatedly failed to adequately supervise Garrido throughout the 10-year period of its parole supervision. Further, parole supervisors failed to provide proper supervision over parole agents overseeing Garrido. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Enforce appropriate standards for parole agents to properly supervise their assigned parolees and for parole supervisors to properly supervise parole agents. (November 2009)	Substantially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Substantially Implemented. See attached memorandum dated September 30, 2009, "Effective Supervision Strategies" (attached). Beginning in April 2010, DAPO began monthly production of a PC 290 supervision disparity list as an additional resource in supervision management. This list is posted on the DAPO Administrator's Report webpage and is addressed during weekly conference calls with the administrator's.</i></p> <p>Office of the Inspector General's Comments: We reviewed the September 2009 memorandum and believe that the memorandum adequately addresses our recommendation.</p>

Follow-up Recommendation

None

Finding 3

The department failed to obtain key parole information on Garrido from federal parole authorities. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Require parole agents to obtain parole information from federal or other state parole authorities when a parolee has been recently supervised by these entities. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Policy No. 10-06, Obtaining Records from Federal, State and Local Law Enforcement, Parole, Probation, and Corrections Authorities was released on February 17, 2010 and is attached.</i></p> <p>Office of the Inspector General's Comments: We reviewed the February 2010 policy and believe that the policy adequately addresses our recommendation.</p>

Follow-up Recommendation

None

Finding 4

The department's current passive GPS monitoring program is ineffective as a proactive tool and provides a false sense of security to the public. (November 2009)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Move all sex offender parolees to the active GPS monitoring program, or significantly enhance the passive GPS monitoring program. (November 2009)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. The GPS policy, which was initially released on March 18, 2010 and rereleased on April 16, 2010 and again on June 14, 2010, requires periodic GPS Track Reviews for Passive cases which covers four days each calendar month. For this period, this is the same level of track scrutiny afforded to active GPS cases. (Revised Policy No. 10-08 dated June 14, 2010 is attached.)</i></p> <p>Office of the Inspector General's Comments: CDCR's response falls short of its commitment to periodically review all GPS tracks. During a subsequent review involving the GPS monitoring program, we found that the level of GPS supervision CDCR requires in its Revised Policy 10-08 resulted in approximately 87 percent of the GPS data for sex offender parolees supervised at the passive level of supervision being ignored. Since CDCR has assigned approximately two-thirds of its sex offender parolees to its passive GPS level of supervision based on the parolees' Static 99 score, it should review all GPS data for those parolees. A task force that CDCR convened reached similar conclusions and recommended that CDCR review comprehensive GPS data for all sex offender parolees.</p> <p>CDCR reports that it has made efforts to obtain requisite resources to address this recommendation. However, due to the economic condition of the state, CDCR has been unable to obtain the required resources. Consequently, we will continue to monitor CDCR's response to this recommendation until adequate resources are available.</p>

Follow-up Recommendation

The California Department of Corrections and Rehabilitation should take the following action:

- Move all sex offender parolees to the active GPS monitoring program, or significantly enhance the passive GPS monitoring program. (November 2009)

Finding 5

The department has no policies guiding parole agents on how to monitor parolees assigned to the passive GPS monitoring program. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Develop and implement a comprehensive Global Positioning System (GPS) monitoring policy. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. The GPS policy was initially released on March 18th, 2010 and rereleased on April 16th, 2010 and again on June 14, 2010 (Revised).</i></p> <p>Office of the Inspector General’s Comments: We reviewed the policy and believe that it adequately addresses our recommendations.</p>

Follow-up Recommendation

None

Finding 6

The department failed to use its GPS system to monitor Garrido's compliance with a 25-mile travel restriction. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Require parole agents to fully use the capabilities of the GPS monitoring system, such as establishing a zone to monitor parolees' compliance with conditions of parole that they not travel more than specified distances from their houses without prior approval. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. The GPS policy requires the use zones and/or curfews when consistent with factors specific to the offender.</i></p> <p>Office of the Inspector General's Comments: We reviewed the policy and believe that it adequately addresses our recommendation.</p>

Follow-up Recommendation

None

Finding 7

The department routinely ignored alerts from the GPS system indicating that Garrido was not following parole instructions or had repeated and regular loss of GPS signal. This failure to use GPS to monitor Garrido raises concerns not only about its current use of GPS but also its planned future expansion of GPS monitoring. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Require parole agents to investigate, resolve, and record the resolution to all GPS system alerts. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. The GPS policy requires parole agents to document GPS investigations/alerts that require a response or resolution in the Record of Supervision and GPS database and to investigate repeated GPS Alerts.</i></p> <p>Office of the Inspector General’s Comments: We reviewed the GPS policy and believe that it substantially addresses our recommendation. In addition, after the OIG issued its June 2010 report on CDCR’s supervision of parolee John Gardner, CDCR convened a task force that also recommended that CDCR use a monitoring center to receive and triage alerts.</p>
Provide training to its parole agents and supervisors on using its GPS monitoring system to ensure parolees comply with their conditions of parole and take appropriate actions to ensure that parole agents use the system to enforce the conditions of parole. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Initial and On-Going Supervisor reports were developed to help ensure compliance. (Reports and screen shots attached) GPS supervisors were trained on utilizing reports to ensure compliance. The GPS Policy details protocols and procedures. (Training rosters or sign-in sheets are attached)</i></p> <p>Office of the Inspector General’s Comments: We reviewed the information provided by CDCR and agree that CDCR has substantially addressed our recommendation.</p>

Follow-up Recommendation

None

Finding 8

Department failures resulted in several missed opportunities to discover the existence of Garrido's three victims that he held captive in a concealed compound on his property. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Provide training to its parole agents and supervisors on contacting neighbors to obtain collateral information on parolee behavior. (November 2009)	Partially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Partially Implemented. See attached memo regarding Effective Supervision Strategies dated September 30, 2009. Incorporated additional training components into Parole Agent academy, relating to increasing observational techniques, as well as additional search techniques. Additional emphasis has been placed on the need to obtain increased collateral information from various sources.</i></p> <p>Office of the Inspector General's Comments: The Office of the Inspector General did not perform any audit procedures to verify CDCR's representation.</p>
Provide training to its parole agents and supervisors on referring parolees to mental health assessment when appropriate. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. See attached memorandum, Policy Number 09-21.</i></p> <p>Office of the Inspector General's Comments: We reviewed the documentation provided by CDCR and agree that it has fully implemented our recommendation.</p>
Establish a mechanism to obtain and share information with local public safety agencies. (November 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. The LEADS Modernization, also known as LEADS 2.0, Pilot Program was initiated on May, 2010, with full program implementation occurring on June 14, 2010.</i></p> <p>Office of the Inspector General's Comments: The CDCR uses its LEADS 2.0 system to effectively communicate parolee information to local law enforcement agencies. Additionally, in June 2010 CDCR issued a comprehensive GPS monitoring policy which requires parole</p>

Recommendation	Status	Comments
		agents to collaborate with local law enforcement agencies at least every six months.

Follow-up Recommendation

The California Department of Corrections and Rehabilitation should take the following action:

- Provide training to its parole agents and supervisors on contacting neighbors to obtain collateral information on parolee behavior. (November 2009)

Finding 9

The department does not provide adequate training to parole agents to conduct parolee home inspections. (November 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Provide training to its parole agents and supervisors on conducting a parolee home inspection, including search techniques on how to be aware of clues to potential parole violations or other criminal behavior. (November 2009)	Substantially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Substantially Implemented. Adult Parole Program staff incorporated information on how to conduct a home inspection, including search techniques on how to be aware of clues to potential parole violations or other criminal behavior into our Field Training classes at the Parole Agent Academy class, and is a component of current curriculum. The lesson plan is pending final approval by curriculum design.</i></p> <p>Office of the Inspector General's Comments: We reviewed the proposed lesson plans as well as on-the-job training information CDCR provided to agents in the field, and agree that it has substantially implemented our recommendation.</p>
Implement a field training officer program to provide on-the-job training to parole agents after they complete the academy and have been assigned parole caseloads. (November 2009)	Partially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Partially Implemented. The Field Training Program premise has been established and approved. A workgroup has been assembled and has developed the field training manual. The memorandum to the Office of Labor Relations and Regulation Policy and Management Branch is being prepared for notice to the union and for notice to the Office of Administrative Law for implementation as a pilot program.</i></p> <p>Office of the Inspector General's Comments: We did not perform any audit procedures to verify CDCR's representation.</p>

Follow-up Recommendation

The California Department of Corrections and Rehabilitation should take the following action:

- Implement a field training officer program to provide on-the-job training to parole agents after they complete their coursework at the academy and have been assigned parole caseloads. (November 2009)

California State Prison, Solano Quadrennial and Warden Audit

Summary of Original Audit Results

In July 2009, the Office of the Inspector General issued an audit report² on the operations at California State Prison, Solano (CSP Solano). The report presented four findings and 19 recommendations to remedy issues where the prison or CDCR needed to improve performance or achieve compliance with laws and regulations. One significant finding was related to \$512,000 in wasteful procurement and warehousing practices. Despite state law that requires CDCR to minimize fiscal waste, we found 483 pieces of new equipment valued at \$215,000 sitting unused in storage areas. Much of the unused equipment identified at CSP Solano was part of larger statewide purchases, and similar equipment from those purchases was noted at several other prisons, including equipment procured by the CPHCS. Also, when we reviewed these statewide purchase documents we identified an additional \$297,000 that was wasted on vendor payments for inadequate services, unclaimed rebates, and overpayments of taxes. The procurement and warehousing problems may have cost CDCR in excess of \$6.8 million statewide.

Our inspectors also identified other operational weaknesses at CSP Solano, including the following: ineffective use of resources to rehabilitate inmates, non-compliance with weapons training requirements, and inadequate safeguarding of inmate central files.

2011 Follow-up Results

The OIG found that CDCR, CPHCS, and CSP Solano satisfactorily addressed 14 of the 19 recommendations we reported in our 2009 audit. We determined that one unimplemented recommendation was no longer applicable. Corrective actions were implemented in the areas of property inventory and warehouse accountability, inmate rehabilitation and programming activities, and ensuring that custody officers who are permanently assigned to armed posts are held accountable for being quarterly weapons qualified.

One recommendation that CDCR did not implement relates to its armed post policy directive that, for certain temporary assignments, allows custody officers to work armed posts without fulfilling weapons proficiency requirements. CDCR assessed the recommendation as not applicable. While we maintain that the recommendation is valid, we have discussed the issue with CDCR since 2008 and have determined that to further pursue the matter would be an ineffective use of staff resources. Therefore, we “agree-to-disagree” with CDCR about the validity and status of the recommendation, consider it “unresolved,” and will no longer pursue follow-up on the issue.

The three remaining applicable recommendations, which were either partially implemented or not implemented, involve inadequacies with CDCR’s department-wide inventory tracking system, communication between CPHCS procurement and the prison, and storage of inmates’ institutional C-files. In addition, during this current accountability audit we recommended that

² “California State Prison, Solano Quadrennial and Warden Audit” may be found on the OIG’s Web site: [http://www.oig.ca.gov/media/reports/BOA/audits/Quadrennial Audit 2009-07 Solano State Prison.pdf](http://www.oig.ca.gov/media/reports/BOA/audits/Quadrennial%20Audit%202009-07%20Solano%20State%20Prison.pdf)

CDCR train prisons' transportation staff in the proper utilization of lethal force in community settings. We plan to review the status of all four recommendations in our 2012 accountability audit. The matrix on the following pages presents the 2011 follow-up results.

California State Prison, Solano Quadrennial Audit

Finding 1

Wasteful warehousing and procurement practices at CSP Solano and headquarters resulted in \$512,000 of unused equipment, lost rebates, and inadequate computer imaging services. Moreover, similar problems related to unused equipment at other institutions may be indicative of a statewide problem worth millions of dollars. (July 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
<p>Complete the development and implementation of the computer inventory tracking feature of its Business Information System (BIS) so that Enterprise Information Services (EIS) and the Office of Correctional Education (OCE) can assess each institution’s specific needs before initiating statewide consolidated orders for computer and other equipment. (July 2009)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. SOL Deployment completed – December 2009. The on-site supervisor will be responsible for overseeing and conducting a bi-annual inventory of the warehouse. Specifically the IT supervisor will identify all IT related equipment, develop a plan and note their date for installation and deployment. This may require coordination with the specific program or IT Project Managers to ensure milestones are met in a timely manner. For IT equipment purchased by the institution, the IT Supervisor will develop a project plan and schedule installation to ensure IT assets are installed in a timely manner.</i></p> <p><i>They will also note when equipment was slated for deployment and the reason(s) for delay of deployment (e.g., resource issues, program problems, budget). The IT supervisor will then report the findings to the warden and EIS management team and report constraints or delays.</i></p> <p>Office of the Inspector General’s Comments: We visited CDCR’s Enterprise Information Services (EIS) office and met with its managers to better understand the functionality of its Business Information System (BIS) and Microsoft SharePoint applications. According to the EIS, both applications are being used to ensure that safeguards and oversight exist in the prison procurement process. EIS stated they had the ability to identify what IT property was stored in inventory at any prison by</p>

Recommendation	Status	Comments
		<p>using the Asset Location Report in BIS.</p> <p>In November 2010, we interviewed the property controller and IT analysts at CSP Solano and found that the prison does not track new computer equipment it receives in the BIS. Rather, the property controller notifies the IT analysts when the equipment is received and tagged, and the analysts enter the data onto their internally developed medical and non-medical use equipment inventory lists. Once the equipment is deployed, the IT analysts notify the controller who then enters the equipment into BIS, as time permits. The controller indicated that the BIS is complex, not very user-friendly, and that the training she received was limited. As a result, it is too time-consuming to use BIS on a daily basis.</p> <p>To assess statewide usage of BIS for inventory control purposes, we surveyed the property controllers at six other prisons in November and December 2010. At all six prisons we contacted, BIS was not the exclusive system used for inventory control. For example, one prison uses the Property Control System (PCS), the precursor to the BIS, to track new equipment. The other five prisons track some of their new equipment in BIS but, because of problems with BIS, they continue to use PCS to track certain items. For example, we were told that education equipment purchased with federal funds is not traceable as an asset in BIS, and that donated equipment and untagged equipment could not be entered into the prison’s inventory through BIS. We were also told about other problems with BIS.</p> <p>Specifically, property controllers told us that BIS does not allow them to separate equipment into individual units, to give each unit a unique property number when multiple pieces are entered from a single purchase order. Also, several property controllers expressed concern that BIS allows them or others to access and change the status of equipment at prisons other than their own, such as relocating equipment in BIS from one prison to another. In fact, two of them cited cases in which equipment had been accessed and changed in BIS without the approval of each affected property controller.</p> <p>Furthermore, some property controllers stated that they were behind in entering equipment into BIS due, in part, to insufficient training and a lack of guidance on the complexities of BIS’ features and navigation structure. They</p>

Recommendation	Status	Comments
		<p>believe they need more extensive and frequent BIS training to become proficient. They also reported that they often cannot get timely guidance on BIS questions because they have only one point-of-contact at CDCR headquarters.</p> <p>Given the above information, it does not appear that BIS can provide an accurate accounting of IT equipment. Therefore, we find our recommendation only partially implemented.</p>
<p>Provide training to EIS and OBS Procurement office employees who prepare and authorize statewide consolidated purchase orders to review the purchase orders and ensure they are accurate, consistently written, and agree with state requirements and negotiated terms of vendor contracts. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Desktop Manual - Fully Implemented (12/1/2009) Process Flow published to Sharepoint and Desktop Manual Completed. October 2009: Working sessions to standardize processes and create manual. Process flow developed and in final review. August 2009: Policies and guidelines from the State Contracting Manual and Department Operations Manual have been used as a guide to develop CDCR IT Policy & Procedures Desktop Manual. An online of all processes has been developed and working sessions between staff and management will occur during the months of August and September to finalize the manual.</i></p> <p><i>Training Plan – Fully Implemented (11/1/2009) Contract and Procurement staff completed all required workshops. October 2009: Training plan developed in Sharepoint. Staff completed California Procurement and Contracting Academy (Cal-PCA) and are taking required workshops in November/December 2009 to be eligible for the intermediate Cal-PCA training. August 2009: Working with EIS training coordinator to enroll staff in the Basic and Advanced Procurement Certification Programs.</i></p> <p><i>SharePoint Site – Fully Implemented (12/31/2009) Sharepoint site has been implemented and populated with guidelines and Process Flow documents. This item is being closed out as it will continually be updated as changes/updates occur to processes. October 2009: Contract and Procurement requirements gathered and site developed in accordance with these requirements. Process flow has been finalized, and acceptance testing will be completed in November for site to Go Live in December. August 2009: Sharepoint site has been created and in</i></p>

Recommendation	Status	Comments
		<p><i>the process of defining required formatting and tools that will be utilized to house EIS Contract and Procurement documents.</i></p> <p><i>Contracting & Procurement Manual – Fully Implemented (12/15/2009) With the implementation of Office of the Chief Information Officer Policy Letter 09-05, delegation to execute IT Contracts and Procurement throughout the Department has transitioned to EIS. As a result, this item has been combined with the Desktop Manual referenced above and one manual will be used for IT Contracts and Procurements.</i></p> <p><i>October 2009: Sessions still occurring to finalize manual. August 2009: EIS Contracts and Procurement Manager will set up working sessions during the month of September to gather and compile the data needed to incorporate into the Manual.</i></p> <p>Office of the Inspector General’s Comments: During our visit to CDCR’s EIS office in November 2010, the EIS staff demonstrated the functionality of its Business Information System (BIS). The BIS procurement application has built-in safeguards that prompt or require the user to input accurate and consistent contract specifications and agree with state requirements and negotiated terms of vendor contracts. According to EIS management, all users of the BIS procurement application have received Department of General Service’s California Procurement and Contracting Academy (Cal-PCA) training. EIS provided six copies of recent training certificates for our review.</p> <p>We also reviewed CDCR’s Information Technology Acquisition Plan (ITAP) Processes and Procedures. The ITAP was implemented by the State Office of Chief Information Officer in July 2009 and formalized the process for approving large information technology (IT) purchases. We noted that three levels of managers at CDCR must review and approve the requests before they go forward to the ITAP committee each quarter.</p>

Recommendation	Status	Comments
<p><i>California Prison Health Care Services should:</i></p>		
<p>Assess each institution’s current needs before initiating statewide consolidated purchase orders for computer equipment. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Prison Health Care Services’ response: <i>Fully Implemented. Completed recruitment of at least two field support IT employees per each of the 33 prisons. See attachment #1 for organization chart of IT institutional staff.</i></p> <p><i>All institutional requests for IT goods and/or services are routed through IT executive management for approval before IT Acquisitions procures goods and/or services. A sample copy of Intra-office Requisition (IOR) and Workgroup Computing Justification (CDC 1855) are attached. The IOR is required to be signed by the CIO and the 1855 by the Deputy CIO prior to execution of every purchase order. See Attachment #2.</i></p> <p><i>The procurement of statewide consolidated computer equipment has been suspended. Each Institution purchase of computer (equipment) is executed on a case-by-case basis. A survey of equipment needs is conducted at every institution and a list of computers needed for migration are attached. See attachment #3. All open ended purchase orders (PO’s) are periodically reviewed to ensure that blanket purchases would not be executed. All equipment has been received and IT Acquisitions will not process requests for non-GS \$mart open-ended PO’s.</i></p> <p>Office of the Inspector General’s Comments: We reviewed CPHCS’ September 2010 organization chart showing that two or more IT analysts were assigned to each of CDCR’s 33 prisons. These IT analysts report to a CPHCS IT supervisor who is assigned to their prison (alone) or to a group of prisons in the geographic area. CPHCS has two IT analysts working at CSP Solano who report to a supervisor whose office is located at the neighboring California Medical Facility. CPHCS has 17 supervisor positions throughout the State’s northern, central, and southern regions. The supervisors each report to their respective regional Data Process Manager, who reports to CPHCS’ Deputy Chief Information Officer (DCIO). Finally, the DCIO reports to the Chief Information Officer, who reports to the Receiver.</p> <p>As discussed above, during our November 2010 site visit to CSP Solano we</p>

Recommendation	Status	Comments
		<p>found that the prison does not track its new computer equipment inventory into CDCR’s BIS as it is received. Rather, the property controller tags the equipment (unless it has already been tagged at CDCR headquarters), inspects the equipment, and attaches a copy of the supporting documents to the pallet. Next she notifies the appropriate IT analyst that the equipment is ready to be picked up. The CPHCS’ and CSP Solano’s IT analysts each maintain internal spreadsheets to track the new medical and non-medical use equipment until they deploy it. Once deployed, the IT analysts notify the property controller, who then enters the equipment into the BIS, as time permits.</p> <p>In reviewing supporting documentation for some of the new equipment, we found that CPHCS continues to use consolidated statewide purchase orders to procure medical use equipment for new projects. However, because CPHCS assigned its own IT analysts to each prison, it is now able to better assess the individual needs of each facility before it transfers equipment to individual prisons. For example, the CPHCS IT analysts at CSP Solano worked with CPHCS’ program technical lead for its recent Electronic Unit Health Record (eUHR) project to determine how many new computers and monitors (computer systems) were needed at CSP Solano. Working together, they agreed to use existing stock-on-hand that had been purchased to either upgrade older systems or to use for another project. As a result, CPHCS purchased only 12 new computer systems to support CSP Solano’s needs for the eUHR project, which required installing new systems at 126 locations.</p>
<p>Improve its communication with institutions about why equipment is ordered and where it belongs. (July 2009)</p>	<p>Not Implemented</p>	<p>California Prison Health Care Services’ response: <i>Not Implemented. A memo has been drafted explaining the procurement processes for HQ and institutions and is pending CPHCS management approval. Dissemination of memorandum is dependent on development of BIS asset tracking enhancements, which has been delayed due to budgetary issues. In the interim, Business Services of CPHCS is researching and considering an interim solution to strengthen the asset management function.</i></p> <p>Office of the Inspector General’s Comments: We did not perform any audit procedures to verify CPHCS’ representation.</p>

Recommendation	Status	Comments
<p>Train employees who prepare and authorize purchase orders to review the purchase orders and ensure they are accurate, consistently written, and agree with state requirements and negotiated terms of vendor contracts. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Prison Health Care Services’ response: <i>Fully Implemented. IT Acquisitions’ staff are trained to use Business Information Systems (BIS). All BIS users must be trained prior to being approved for access.</i></p> <p><i>IT Acquisitions staff receive annual basic training on procurement of goods and services, and all are CAL-PCA certified. The Cal-PCA basic certificate program outline and a sample certificate is attached. See Attachment #4.</i></p> <p><i>CPHCS procurement staff currently use the BIS to manage and track all IT procurements. Every purchase is entered into BIS. See Attachment #5 for samples.</i></p> <p>Office of the Inspector General’s Comments: Our inspectors reviewed a copy of a training certificate issued to one of CPHCS’ procurement employees as well as documents outlining the Department of General Services’ Cal-PCA Basic Certificate Program. The program is a five-day course designed to give state procurement staff the basic knowledge and skills needed for their responsibilities. To receive the certificate, attendees must first complete the Attorney General’s on-line Ethics course. The course covers state codes and regulations, contract law, contract structure, ethical decision-making, the acquisition process, and other topics.</p> <p>We also reviewed the two consolidated statewide purchase orders that CPHCS used to procure equipment for the eUHR project that included the computer systems it purchased for CSP Solano. The purchase orders, which each totaled over \$650,000, included authorized signatures and accurate line item calculations of equipment and tax costs.</p>
<p><i>CSP Solano’s warden should:</i></p>		
<p>Assign warehouse or IT staff members to annually inventory computer equipment stored in the institution’s warehouse and update the property control database records accordingly. (July 2009)</p>	<p>Substantially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. The quarterly inventory was completed in March and not completed in June due to workload and vacancies. The next audit is scheduled to be completed in September. The number of stored computers in</i></p>

Recommendation	Status	Comments
		<p><i>the Warehouse has been reduced to 24 by replacing older computers with those in the warehouse. Moving the remaining computers out will be limited, as the priority has shifted to deployment of SOMS equipment, in anticipation of SOMS ERMS roll-out this fall.</i></p> <p>Office of the Inspector General’s Comments: As addressed above, CSP Solano does not use CDCR’s BIS to track and control its new computer equipment. Rather, the property controller maintains supporting records for inventory related to its purchase, location and disposition, and the IT analysts track the equipment on internally developed inventory lists. We reviewed the lists, which identify all medical and non-medical use computer equipment that is not yet deployed. Once the equipment is deployed, the IT analysts notify the property controller, who then enters the equipment into the BIS, as time permits.</p> <p>During our November 2010 visit to CSP Solano, we walked through areas of the prison where computer equipment is stored and pending deployment; these areas include a medical administrative building where the CPHCS’ IT analysts have an office, the support warehouse, and CSP Solano’s IT storage area. According to a CPHCS IT analyst, all of the computer equipment stored in his office area was pending deployment for the eUHR project. In addition, we found that most of the medical-use computer equipment stored in the support warehouse was also purchased to support the eUHR project. Most non-medical-use computer equipment was stored in the IT storage area, a small secured office within CSP Solano’s mailroom. Most of those components were systems received in June or July 2010 and were purchased for education use or the Strategic Offender Management System (SOMS) project. The older computer components were well organized and CSP Solano’s IT analyst identified specific plans to either deploy the components, donate them to a school, or keep them as emergency replacements.</p> <p>Our inspectors also reviewed the CPHCS’ IT analysts’ inventory listing of non-deployed medical equipment, which identified the equipment we saw during our walk-through of the storage areas. In addition, we reviewed Solano’s IT analysts’ quarterly inventory report dated September 30, 2010, which listed the prison’s non-medical use computer equipment awaiting deployment. The report included detailed information about the equipment,</p>

Recommendation	Status	Comments
		<p>addressing the receipt date, purchase order number, intended purpose and planned use, and locations and dates for deploying it. While the property controller is behind in entering newly deployed equipment into the BIS, we found that she maintains all supporting documentation for the equipment in an orderly fashion and is slowly entering the data into the BIS.</p>
<p>Ensure that the Property Control Board fulfills its duties. Specifically, the board should identify equipment that is unneeded and work with the department’s EIS or OCE, or with Prison Health Services to determine whether there are other institutions to which the unneeded equipment can be redirected. For equipment that is significantly damaged or obsolete, the board should determine how the institution should dispose of it. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Quarterly Reviews were conducted by the Property Control Board in 11/09, 02/10, 05/10, and 08/10). Copies of the review from May and August are attached as proof of practice.</i></p> <p>Office of the Inspector General’s Comments: Our inspectors reviewed the minutes from the Property Control Board’s quarterly meetings. The board conducted eight meetings during the past two years, most recently meeting on September 16, 2010. During those meetings, the board addressed property issues and concerns and discussed planned actions for disposing obsolete or unneeded property. We also reviewed various correspondence, property survey reports, property transfer reports, and other documentation that supported the board’s efforts to dispose of unneeded property. The unneeded property included some of the equipment items that the OIG addressed in its July 2009 audit report, such as motors, computer components, and x-ray equipment.</p>

Follow-up Recommendations

The California Department of Corrections and Rehabilitation should take the following action:

- Complete the development and implementation of the computer inventory tracking feature of its Business Information System (BIS) so that Enterprise Information Services (EIS) and the Office of Correctional Education (OCE) can assess each prison’s specific needs before initiating statewide consolidated orders for computer and other equipment. (July 2009)

The California Prison Health Care Services should take the following action:

- Improve its communication with prisons about why equipment is ordered and where it belongs. (July 2009)

Finding 2

CSP Solano does not have adequate rehabilitative opportunities for its inmates and does not use its limited resources effectively. (July 2009)

Recommendation	Status	Comments
<i>CSP Solano’s warden, in conjunction with the department’s executive management team should:</i>		
Identify and implement additional programming opportunities for unassigned inmates. (July 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Changes have been made related to the new Education Models. In the proof of practice documents, a listing was provided of the ILTAGs & Self Help programs effective February 2010.</i></p> <p>Office of the Inspector General’s Comments: We analyzed CompStat data for July 2009 and July 2010 regarding CSP Solano’s inmate leisure time activity group data and found that the number of groups, meetings, and attendees all significantly increased when we compared the two time periods. In addition, using the same CompStat data for the same time periods, vacant inmate work assignments were reduced 63 percent. The groups and self help programs provide additional programming opportunities for unassigned inmates.</p>
Fill vacant teacher positions. (July 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. All teaching positions were filled. Recently one staff member has retired as of August 1, 2010, but due to the hiring freeze we are unable to fill this position. An addition Coach position was awarded, and will be filled through the SROA list.</i></p> <p>Office of the Inspector General’s Comments: CDCR reported teacher layoffs in fiscal year 2009-2010 that were a result of a \$250 million reduction in its rehabilitative programs. This sum reportedly represents over a third of the previous year’s budget for adult programs. During our November 2010 visit to CSP Solano, the prison’s education principal said there are only four job vacancies in the education department, and only one of the four vacancies is a teacher position. But due to the state’s hiring freeze, the principal is unable to fill vacancies. We did not perform any</p>

Recommendation	Status	Comments
		other audit procedures to verify the department’s representation.
<p>Ensure that rehabilitative job assignments are made available to those unassigned inmates with the greatest literacy and rehabilitative needs such as those inmates nearing parole. Conduct a review of the institution’s entire current academic, vocational, and PIA inmate assignments to identify those long-term inmates who are least likely to parole and offer those assignments to inmates with shorter sentences. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. SOL is an Assembly Bill (AB) 900 pilot institution. Currently, AB 900 has identified inmates having 0-36 months to serve on their sentences with a Compass and California Static Risk Assessment (CSRA) score, indicating a moderate to high possibility to recidivate. Those inmates are assigned to the appropriate SAP and Education programs.</i></p> <p><i>All half time positions have been deleted due to the new Academic Program Models, which was based on Budget reductions. The new models will ensure better access to programs for those inmates with shorter sentences and who have a moderate to high risk of re-offending. The new models require the inmate to attend class two days a week instead of five days a week, thus allowing more inmates to have access to the Education program. Inmates will have access to tutors and will be issued weekly homework packets to complete when they are not in class.</i></p> <p>Office of the Inspector General’s Comments: We reviewed documentation describing the Office of Correctional Education’s (OCE) newly developed New Academic Education Models (NAEM). According to a CDCR fact sheet, one key principle of the NAEM is to target limited resources on programs most effective in reducing recidivism and that can reach the greatest number of moderate and high risk-to-reoffend inmates. CSP Solano has implemented these specific education models in accordance with Senate Bill X3-18. Based on the NAEM, an academic education inmate placement priority schedule was developed in which inmates in Work Group A-2 with the earliest release date are given first priority for placement on waiting lists for academic education. We did not perform any other audit procedures to verify the department’s representation.</p>
<p>Develop and implement a long-term strategy that focuses on assigning inmates who would benefit the most from the institution’s academic, vocational, and PIA rehabilitation assignments. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. The institution is in compliance with requirements of the new rehabilitation model. Inmates are being assigned based on their needs as identified through various testing processes. Currently we utilize the CSRA scores, TABE and the Academic Inmates Placement Priority Assignment chart to assign inmates to Vocation and Academic classes. We</i></p>

Recommendation	Status	Comments
		<p><i>also utilize these criteria to place inmates in the Literacy Program. Education has been represented on Classification committees to ensure adequate placement is taking place.</i></p> <p>Office of the Inspector General’s Comments: As stated above, the NAEM have been developed by CDCR’s OCE and CSP Solano has implemented these specific education models in accordance with Senate Bill X3-18. We did not perform any other audit procedures to verify the department’s representation.</p>
<p>Ensure that inmates reading below a sixth grade level are only temporarily assigned to a non-academic program until an appropriate academic program is available. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Test of Adult Basic Education (TABE) scores are recorded, updated, and issued weekly. UCC and ICC ensure inmates are placed in appropriate academic programs according to TABE levels. Based on staff resources, every effort is made to ensure an academic representative attends UCC and ICC to make sure appropriate placement of inmates in academic programs.</i></p> <p>Office of the Inspector General’s Comments: According to CSP Solano’s education principle during our November 2010 visit, there is an education representative that attends every institutional classification committee hearing. Also, as required by the OCE under the NAEM, inmates reading below certain grade levels must be assigned to, or placed on, priority-based waiting lists for adult basic education classes as determined by the inmates’ TABE scores. We did not perform any other audit procedures to verify the department’s representation.</p>
<p>Ensure that inmates attend class for the mandatory school day. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. All custody and education staff are fully trained on DOM Section 52020.20 Inmate Count and Movement.</i></p> <p>Office of the Inspector General’s Comments: We reviewed examples of daily absence accountability reports used by each teacher or instructor for each class, to document if and when students arrive to their classes. If inmates do not attend class for the mandatory school day, CSP Solano correctional officers or teachers/instructors will take disciplinary action against the inmate. The OIG obtained examples of Rules Violation</p>

Recommendation	Status	Comments
		<p>Reports (CDC 115s) given to inmates who failed to report to school. We did not perform any other audit procedures to verify the department's representation.</p>
<p>Ensure that teachers record class time based on actual inmate attendance and on the department's required minimum number of allowable school day hours. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Training has been provided to all education staff regarding proper documentation of X, S, E, and A Time. Staff schedules have been adjusted to allow for processing inmates to and from work and Education programs to maximize class time for inmates participating in education programs.</i></p> <p>Office of the Inspector General's Comments: We reviewed example copies of the permanent class record card that each teacher/instructor completes daily for each inmate's school attendance. Based on that review, it appears that teachers are recording the actual hours of inmate class attendance daily.</p>

Follow-up Recommendation

None

Finding 3

Department weapons policies and practices compromise the safety of staff, inmates, and the public. (July 2009)

Recommendation	Status	Comments
<i>CSP Solano's warden should:</i>		
<p>Ensure that all officers assigned to armed posts complete the quarterly weapons qualification. (July 2009)</p>	<p>Substantially Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. IST provides a list of staff deficient in quarterly weapons qualifications to all custody supervisors. Supervisors ensure staff are relieved from their posts in order to attend the appropriate training. Additionally, supervisors verify staff's compliance by reviewing CDCR Form 861, Range Certification Cards. SOL has not had any staff who have failed to qualify for range in the last six months. Corrective action is provided to staff failing to meet annual and quarterly qualification requirements.</i></p> <p>Office of the Inspector General's Comments: Despite the prison's response and actions listed above, our fieldwork at CSP Solano in November 2010 revealed that six officers worked armed posts during October and November 2010 after their quarterly weapons qualification had expired. But according to the chief deputy warden, all six officers were later redirected from the armed post assignment and are being issued a Letter of Instruction (LOI) or, if they previously received a LOI on this issue, an adverse action. Furthermore, we were told that all seventeen officers who were on the prison's September 30, 2010, deficiency list for not being quarterly weapons-qualified are subject to disciplinary action if they do not become weapons-qualified in the quarter required. Because CSP Solano is holding their officers accountable, we find that our recommendation was substantially implemented.</p>
<p>Ensure that each month the In-Service Training Unit prepares a list of officers who are in compliance with the annual or quarterly weapons qualification requirement and distribute the list to the personnel assignment office and the watch office. (July 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. IST provides a list of staff deficient in quarterly weapons qualifications to all custody supervisors. Supervisors ensure staff are relieved from their posts in order to attend the appropriate training. Additionally, supervisors verify staff's compliance by reviewing CDCR Form 861, Range Certification Cards. SOL has not had any staff who have failed to qualify for range in the last six months. Corrective action is provided to</i></p>

Recommendation	Status	Comments
		<p><i>staff failing to meet annual and quarterly qualification requirements.</i></p> <p>Office of the Inspector General’s Comments: During our visit to the prison in November 2010, we verified that CSP Solano’s In-Service Training Office generates a weekly spreadsheet of staff deficient in quarterly weapons qualifications and forwards the spreadsheet to all custody supervisors and managers.</p>
<p>Provide the institution transportation staff with additional training in transporting and guarding inmates in public areas. (July 2009)</p>	<p>Not Applicable</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. SOL is fully compliant with departmental policy.</i></p> <p>Office of the Inspector General’s Comments: The Office of the Inspector General agrees that the recommendation is not applicable to CSP Solano and that the prison is in compliance with CDCR’s policy. Because this issue is not suited to be addressed at the prison level, we will forward our recommendation to CDCR headquarters to be addressed in the 2012 accountability audit.</p>
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Revise the DOM section 32010.19.7 to delete the wording “as part of their regular or special assignment.” (July 2009)</p>	<p>Unresolved</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. SOL is fully compliant with departmental policy.</i></p> <p>Office of the Inspector General’s Comments: The OIG continues to disagree with CDCR management regarding this matter. We maintain that CDCR’s November 4, 2004, memorandum, which allows noncompliant peace officers to temporarily work armed posts due to a swap or overtime, is in conflict with both the state’s Penal Code and CDCR’s operations manual. Moreover, we maintain that unless CDCR complies with the law and strives to ensure that qualified officers are in every armed post, it risks unnecessary tragedy and opens itself to costly lawsuits in the event of a questionable shooting.</p> <p>However, because we have discussed this issue with CDCR since 2008 and have determined that to further pursue the matter would be an inefficient use of staff resources, we “agree-to-disagree” with CDCR about the validity and</p>

Recommendation	Status	Comments
		status of our recommendation. Therefore, we will consider the recommendation as “unresolved” and will no longer follow up on this matter.

Follow-up Recommendation

We make the following (new) recommendation to addresses training needs for armed transportation employees at the prisons. The California Department of Corrections and Rehabilitation should take the following action:

- Train prisons’ transportation staff in the proper utilization of lethal force in community settings. (April 2011)

Finding 4

Critical inmate history files are stored in a modular building that lacks an adequate fire protection system. (July 2009)

Recommendation	Status	Comments
<i>CSP Solano’s warden should:</i>		
<p>(Until the all paper c-file records are electronically scanned) Take all necessary steps to protect the property located within the modular buildings where the institution’s c-files are stored and follow the fire marshal’s recommendations for enhancing staff safety. (July 2009)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. Electronic C-File Record scanning is scheduled to begin in Reception Centers in September 2010. SOL’s date to begin scanning of files is tentatively scheduled for November 2010. Training for staff on the use of the ERMS portion of SOMS has begun. Records Office staff is complete. Counseling and management staff are scheduled for September 2010. Implementation of the ERMS is outside of the control of staff at SOL.</i></p> <p>Office of the Inspector General’s Comments: We visited CSP Solano in November 2010 and verified that the inmate central files are still stored in the same wooden modular buildings that lack a fire protection system. CSP Solano management provided us with a copy of a fiscal year 2009-2010 major capital outlay budget change proposal (BCP) to expand the prison’s administration building in order to house the inmate central files, but the BCP was not funded. Since then, the Electronic Record Management System (ERMS) was scheduled to begin scanning at reception centers like CSP Solano in September 2010. However, delays have set back the implementation of ERMS to May 2011. Meanwhile, the inmate central files remain exposed in an unprotected location and storage area, where the actual central files are not in fireproof enclosures. Therefore, our recommendation is only partially implemented.</p>

Follow-up Recommendation

The California State Prison, Solano should take the following action:

- Until the all paper c-file records are electronically scanned, take all necessary steps to protect the property located within the modular buildings where the prison's c-files are stored and follow the fire marshal's recommendations for enhancing staff safety. (July 2009)

California Department of Corrections and Rehabilitation's Office of Internal Affairs Information Security

Summary of Original Review Results

In May 2009, the Office of the Inspector General issued a report³ regarding our review of the security of information systems maintained by CDCR's Office of Internal Affairs (OIA). Specifically, our inspectors assessed whether OIA took appropriate security measures to protect personal, confidential, and sensitive data from unauthorized access or use and whether OIA maintained proper accountability for its laptop computers.

As a law enforcement entity, it is not unreasonable for OIA agents to have personal, confidential, and sensitive data on their laptop computers. Yet, we found that OIA violated numerous state rules by not adequately protecting the data stored on its agents' laptop computers. OIA is required by law and regulation to protect such information from unauthorized disclosure. However, OIA failed to protect the personal, confidential, and sensitive data on its laptops through encryption. Also, OIA agents and managers increased the risk of unauthorized access by emailing confidential information to unsecured email addresses. Lastly, we found that OIA did not maintain adequate inventory control over its laptop computers and that several were lost or stolen during calendar year 2008.

The report presented three findings and four recommendations.

2011 Follow-up Results

The OIG found that OIA has fully or substantially addressed all four recommendations relating to its laptop computers. Specifically, the OIA now ensures that data on its laptop computers and documents attached to employees' outgoing email are encrypted and protected. In addition, all its laptop computers are fitted with state property tags, tracked, and inventoried on a regular basis.

The matrix on the following pages presents the 2011 follow-up results.

³ "Special Review: CDCR's Office of Internal Affairs Information Security" may be found on the OIG's Web site: http://www.oig.ca.gov/media/reports/BOA/reviews/Special_Review_of_Internal_Affairs_Information_Security.pdf

California Department of Corrections and Rehabilitation's Office of Internal Affairs Information Security

Finding 1

The Office of Internal Affairs violated numerous state rules by not encrypting the personal, sensitive, and confidential data stored on its agents' laptop computers, which could lead to the inadvertent release of confidential information. (May 2009)

Recommendation	Status	Comments
<i>The Office of Internal Affairs should:</i>		
Follow the SAM requirements and obtain, install and use encryption software so that all personal, sensitive and confidential data stored on its laptop computers is protected. (May 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. With the assistance of Enterprise Information Services, (EIS) and state contractors, the Office of Internal Affairs, (OIA) installed McAfee encryption software on OIA laptops in May 2009.</i></p> <p>Office of the Inspector General's Comments: We visited OIA's headquarters office in November 2010 and examined seven laptop computers. We found that six were protected with McAfee full-disk encryption software. The one laptop without encryption remained onsite for training purposes and was labeled as such.</p>

Follow-up Recommendation

None

Finding 2

The Office of Internal Affairs agents and managers violated state rules by sending confidential emails to unsecured email addresses. (May 2009)

Recommendation	Status	Comments
<i>The Office of Internal Affairs should:</i>		
<p>Develop and implement a policy that ensures that personal, sensitive, or confidential information that is attached to emails is protected. If necessary, OIA should restrict or prohibit personal, sensitive, or confidential attachments to emails sent outside of OIA's email system. (May 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. CDCR has policy directing staff to protect information stored and transmitted over electronic data systems. An OIA memo dated April 17, 2009 was sent to all OIA staff directing them not to send confidential e-mails to personal e-mail accounts or others without a business need. We have ensured all OIA staff have signed the CDCR form 1857 Computing Technology Use Agreement within the past year, reminding them of policies contained in that directive. On April 22, 2009 the OIA IT Unit sent instructions to all OIA staff providing direction to encrypt individual documents transmitted as an e-mail attachment.</i></p> <p>Office of the Inspector General's Comments: We reviewed the April 2009 memorandum from OIA's management to employees addressing the need for e-mail encryption when sending confidential information. We also reviewed the April 2009 instructions from OIA's IT unit to employees regarding encryption procedures. In addition, we visited OIA's headquarters office in November 2010 and tested five employees' email records to determine whether personal, sensitive, or confidential attachments were sent outside of CDCR without encryption. While we found no exceptions for four of the five employees, we noted that one employee sent 14 e-mails outside of CDCR with unencrypted confidential or sensitive attachments. Therefore, management should consider reiterating its policy to all staff members.</p>

Follow-up Recommendation

None

Finding 3

The Office of Internal Affairs does not maintain adequate control over its inventory of laptop computers despite state requirements to do so. (May 2009)

Recommendation	Status	Comments
<i>The Office of Internal Affairs should:</i>		
Develop and implement an accurate inventory tracking system and periodically audit its inventory to account for all of its laptop computers. (May 2009)	Substantially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Create inventory of all laptop computers. Maintain that inventory at each regional office and a master inventory of all laptops at OIA headquarters. Audit inventory annually.</i></p> <p>Office of the Inspector General's Comments: We reviewed OIA's inventory tracking system in November 2010 for its headquarters office and found that all seven of the laptops, from our above sample, were included in the inventory. However, two of the seven had inaccurate user or location information. Furthermore, nine other laptops listed on the inventory spreadsheet did not have any user or location information identified. OIA also told us that it conducts an internal peer review annually that includes a physical inventory component, although its current review had not been finalized as of November 18, 2010. Because OIA implemented an inventory tracking system and a process to conduct an annual physical count of its laptop computers, we determined that the recommendation is substantially implemented.</p>
Ensure that each laptop computer is fitted with a CDCR property tag and logged into the inventory system upon receipt to maintain adequate control over its information technology assets. (May 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Obtain property tags from the CDCR Business Services Division. Place property tags on all untagged laptops.</i></p> <p>Office of the Inspector General's Comments: When we reviewed the seven laptop computers in our sample above, we found that each computer had a CDCR property tag and that the tag number was included on the inventory tracking system.</p>

Follow-up Recommendation

None

Inmate Cell Phone Use Endangers Prison Security and Public Safety

Summary of Original Review Results

In May 2009, the Office of the Inspector General released a report⁴ regarding the proliferation of contraband cell phones in California prisons, finding that the unauthorized possession of cell phones and electronic communication devices by inmates is one of the most significant problems facing CDCR. Our review revealed that in the last three years, cell phone seizures in state prisons have increased by nearly 1,000 percent. Those responsible for this smuggling activity include employees, visitors, outside accomplices, minimum-support-facility inmates who work outside perimeter fences, and contract employees. Our review also disclosed that CDCR's current security entrance procedures are largely ineffective in keeping cell phones out of its prisons. As a result, employees and visitors bring cell phones into prisons without fear of discovery.

The introduction and possession of cell phones in state prisons is a low-risk, high-reward endeavor because it carried no criminal consequences, making the activity merely an administrative violation. Inmates' access to cell phones allows them to communicate with their associates inside and outside of prison and to plan illegal activities.

We reported three findings and made nine recommendations to help CDCR address the problem of cell phones in California's prisons.

2011 Follow-up Results

The OIG found that CDCR satisfactorily addressed three of the nine recommendations and determined that three unimplemented recommendations were no longer applicable. Implemented recommendations included increasing cell phone detection activities at prisons through the "Operation Disconnect" program, sponsoring legislation that makes inmate acquisition of a cell phone a criminal offense for both the provider and the inmate, and collaborating with other state and federal correctional agencies to lobby the Federal Communications Commission (FCC) for an exemption in using cell phone jamming devices.

The California Department of Corrections and Rehabilitation needs to further its progress in evaluating the effectiveness and cost to conduct airport-style screening at prisons and restricting the size of carrying cases being brought into the secure areas of prisons. In addition, we made one new recommendation during this current accountability audit, recommending that CDCR explore other technological advances in cell phone detection. We will review the status of those recommendations as part of our 2012 accountability audit.

The matrix on the following pages presents the 2011 follow-up results.

⁴ "Special Report: Inmate Cell Phone Use Endangers Prison Security and Public Safety" may be found on the OIG's Web site: http://www.oig.ca.gov/media/reports/BOI/Special_Report_of_Inmate_Cell_Phone_Use.pdf

Inmate Cell Phone Use Endangers Prison Security and Public Safety

Finding 1

The department is unable to effectively control the proliferation of cell phones with its current interdiction and detection methods. This allows inmates to compromise the safety and security of staff, other inmates, and the general public by communicating via cell phones, text messages, and the Internet. (May 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Request additional funds to purchase cell phone detection solutions and jamming devices (if subsequently approved by the FCC). (May 2009)	Not Applicable	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. CDCR’s Division of Adult Institutions will submit a Budget Concept Statement to request authority to establish a Contraband Detection Unit. This Unit will be responsible for the statewide effort on the eradication of cell phones in statewide facilities. Part of their function will include the development of proposals to include cell phone detection systems, analysis of recovered phones, and canine operations.</i></p> <p><i>Facilities Management Branch prepared a BCP requesting resources to meet this recommendation. The BCP will be submitted to the DOF.</i></p> <p>Office of the Inspector General’s Comments: Because state and local law enforcement agencies are currently barred by the Federal Communications Commission from using jamming devices, we determined that our original recommendation is no longer applicable. But due to technological advances, there are potential alternative solutions to cell phone detection, such as “managed access.” Therefore, we recommend that CDCR explore other technological solutions to address the detection of illegal cell phones in State prisons.</p>
Request resources and funds to conduct airport-style screening including metal and canine detection, and when necessary, manual searches of persons entering California	Partially Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Partially Implemented. Evaluate the effectiveness and cost to conduct airport style screening at a CDCR institution as a pilot project. A pilot has been</i></p>

Recommendation	Status	Comments
<p>prison facilities. (May 2009)</p>		<p><i>approved and a BCP is in the review process to establish at one prison as a pilot. Partially Implemented – Submit BCP to obtain funding for training and enhancement of canine operations statewide in order to assist in the eradication of cell phones in CDCR facilities. A BCP has been submitted and is in the review process. Fully Implemented – Conduct statewide training to enhance contraband searches through “Operation Disconnect” searches conducted by local officials. These “Operation Disconnect” searches are being conducted at all CDCR adult institutions on a monthly basis.</i></p> <p>Office of the Inspector General’s Comments: We reviewed the proposed BCP outlining a pilot visitor screening program to be tested at CSP Solano. We also reviewed the November 2, 2009, memorandum authorizing Operation Disconnect as well as the operation plan CDCR will use.</p>
<p>Restrict the size of all carrying cases being brought into the secure areas of prisons by all persons including backpacks, briefcases, purses, ice chests, lunch boxes, file boxes, etc., so that they may be x-rayed. (May 2009)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Partially Implemented. This has been partially addressed in that there are currently Departmental guidelines restricting the size and types of cases/containers brought into the institutions. The April 15, 1997, Deputy Director, David Tristan memorandum has been revised and currently awaiting signature. A regulation change to limit the size of lunchboxes, brief cases and purses will also be completed and routed through the appropriate approval process to Regulation and Policy Management Branch. (with subsequent approval and processing and possible labor negotiations.</i></p> <p>Office of the Inspector General’s Comments: We reviewed a May 24, 2010, memorandum from CDCR’s Director of the Division of Adult Institutions notifying wardens that the number as well as the size of items employees may bring on grounds will be limited as well as the size of the item. The implementing regulation is pending approval.</p>
<p>Require staff and visitors to place all personal items in see-through plastic containers. (May 2009)</p>	<p>Not Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Implemented. Inmate visitors currently are required to place their items in clear see through bags; however, the items they are permitted to bring in are restricted significantly compared to staff. Implementation of this</i></p>

Recommendation	Status	Comments
		<p><i>procedure would slightly enhance contraband detection however, unless all carry through items were required to be clear technology, efforts would be easily circumvented through other items such as briefcases, clothing, backpacks, etc. Research was conducted and examples of new products were presented.</i></p> <p><i>There is a significant cost that would be associated with the purchase of these clear technology items, the state and or its employees will have to absorb these costs. Additionally, there is a labor issue and will require statewide negotiations. Based on the foregoing, CDCR will not move forward with this recommendation. Based on the foregoing, this CAP item will not be fully implemented and is considered complete.</i></p> <p>Office of the Inspector General’s Comments: CDCR reported the necessary protocols are in place to limit inmates’ visitors from introducing contraband items into their facilities. In reference to CDCR employees, CDCR reported that the clear plastic containers would be expensive to purchase and that their use is viewed as a labor issue requiring union bargaining unit contract negotiations.</p>
<p>Request additional resources and funds to increase detection activities similar to “Operation Disconnect.” (May 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. A request for additional funding was submitted via a BCP and denied by the Department of Finance. In the interim the Department has proceeded with its efforts using local resources from both the institutions and OIA. Training has been provided by the OIA to all institutions. The training included methods for implementation of Project Disconnect. Institutional coordinators have been assigned to continue security enhancement and cell phone detection efforts at a local and statewide level. K-9 Operations will continue under current fiscal constraints. A statewide draft Operational Procedure for Operation Disconnect has been completed and pending approval.</i></p> <p>Office of the Inspector General’s Comments: The CDCR submitted a BCP to fund the program, but that was denied by the Department of Finance. The CDCR is implementing a version of Operation</p>

Recommendation	Status	Comments
		Disconnect. We reviewed the November 2, 2009 memorandum authorizing Operation Disconnect as well as the operational plan the CDCR will use.
Ensure all quarterly contract vendor packages be shipped directly to prisons and correctional camps. (May 2009)	Not Applicable	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. Department Operations Manual (DOM) Article 43; Section 54030 meets the requirements of this recommendation.</i></p> <p>Office of the Inspector General’s Comments: We reviewed DOM section 54030 and agree with CDCR’s response.</p>
Implement an anonymous cell phone smuggling reporting system for employees and inmates. (May 2009)	Not Applicable	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Implemented. Solano evaluated pilot using a dedicated line through the PBX system where inmates have the ability to call or leave a message on a dedicated voice mail in the Security & Investigations office. Any calls placed from institution phones can be identified in a phone report. This negates the concept of anonymity of the call, and everybody is aware of this capability. The results of the evaluation identified that calls placed from outside the prison phone system, (i.e. citizens, inmate family members, calls placed from a cell phone), cannot be traced, so this is the only type of call that would actually have anonymity. Based on the foregoing, this will not be implemented. The Department currently has processes in place for citizens, inmates and staff to report misconduct which maintains confidentiality.</i></p> <p>Office of the Inspector General’s Comments: Based on CDCR’s response, we determined that this recommendation is no longer applicable.</p>

Follow-up Recommendations

The California Department of Corrections and Rehabilitation should take the following actions:

- Request resources and funds to conduct airport-style screening including metal and canine detection, and when necessary, manual searches of persons entering California prison facilities. (May 2009)
- To facilitate security scanning by x-ray, restrict the size of all carrying cases being brought into the secure areas of prisons by all persons. This includes backpacks, briefcases, purses, ice chests, lunch boxes, and file boxes. (May 2009)
- Require staff and visitors to place all personal items in see-through plastic containers. (May 2009)

In addition, due to the technological advances in cell phone detection we make the following (new) recommendation. The California Department of Corrections and Rehabilitation should:

- Explore technological advances in cell phone detection methods, such as “managed access”; identify currently available solutions that can address the detection of illegal cell phones in State prisons; and implement a suitable solution. (April 2010)

Finding 2

There are currently no criminal consequences for the introduction or possession of cell phones in prison. (May 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Continue efforts to seek legislative change to make the introduction or possession of cell phones in all correctional facilities a criminal offense. (May 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. CDCR has continued efforts to support legislation to make the possession and or distribution of cell phones in a state prison a criminal offense. Senate Bill 525 (Padilla), which was vetoed by the Governor on September 29, 2010, would have made it a misdemeanor to provide a cell phone to an inmate or ward; however, there would have been no penalty for the inmate/ward’s possession of a cell phone. For the past three years, the Department has sponsored legislation that would have made it a felony to introduce a cell phone into a state prison or juvenile facility, and for an inmate or ward’s possession of a cell phone. The Department is currently supporting a new bill sponsored by Senator Padilla that is currently going through the legislative process.</i></p> <p>Office of the Inspector General’s Comments: We did not perform any audit procedures to verify CDCR’s representation.</p>

Follow-up Recommendation

None

Finding 3

Enhanced security methods are readily available to the Department, although state and local law enforcement agencies are barred by the FCC from using technology that interferes with cell phone signals. (May 2009)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Collaborate with other state and federal correctional agencies to lobby the Federal Communications Commission (FCC) for an exemption in using cell phone jamming devices. (May 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. At the request of Senator Dianne Feinstein, Secretary Matthew Cate has flown to Washington, DC to lobby federal lawmakers to approve legislation authorizing the use of cell phone jamming devices in correctional facilities. The Department has recently sent a Governors Office Action Request (GOAR) to approve a pilot project to test various cell phone jamming and interdiction technologies. The pilot would require interested vendors to obtain Federal Communications Commission exemptions to demonstrate their technologies.</i></p> <p><i>Meetings were conducted with the statewide Warden’s Advisory Group Coordinator; Facility Planning, Construction & Management (FPCM) stakeholders; and the Chief Deputy Secretary, FPCM to discuss strategies in moving forward with “managed access” technology. Staff attended a demonstration of “managed access” technology facilitated by the Mississippi Department of Corrections (MDOC) in conjunction with Tecore representatives at the MDOC facilities in Parchman, Mississippi on September 8, 2010. A BCP was submitted for “managed access”, however it was denied due to costs associated with its implementation. A GOAR was drafted requesting a pilot to test a managed access system at CSP-Sol and CMF. The pilot at the institutions was recently completed and the results are being analyzed for possible future rollout state-wide.</i></p> <p>Office of the Inspector General’s Comments: We reviewed CDCR’s working group report, which reviewed various technologies that may prevent inmates from using wireless communication</p>

Recommendation	Status	Comments
		devices within prisons.

Follow-up Recommendation

None

\$1.3 Million in Unemployment Insurance Benefits Paid to the California Department of Corrections and Rehabilitation's Adversely Separated Employees

Summary of Original Review Results

In March 2009, the Office of the Inspector General released a report⁵ disclosing that CDCR inappropriately paid unemployment insurance (UI) benefits to former employees who were terminated under adverse circumstances. The review found that in fiscal years 2006-2007 and 2007-2008, CDCR paid \$1.3 million in unemployment insurance benefits for the terminated employees. Employees that have been fired for cause are not entitled to UI benefits. The review also found that CDCR's lack of internal procedures to effectively process unemployment insurance forms and poor communication between CDCR and the Employment Development Department (EDD) contributed significantly to these employees receiving UI benefits.

CDCR often failed to respond to EDD or provide them with the facts concerning former employees' misconduct, which then resulted in EDD granting UI benefits to those employees. The review found that, of the 1,045 employees terminated for cause during the two-year review period, 186 employees (18 percent) inappropriately received UI benefits.

In our report, we identified five findings and made seven recommendations.

2011 Follow-up Results

The OIG found that CDCR fully or substantially addressed all seven recommendations. Generally, CDCR has developed better practices for handling UI benefit cases promptly and has strengthened its processes and communication with EDD.

The matrix on the following pages presents the 2011 follow-up results.

⁵ "Special Report: \$1.3 Million in Unemployment Insurance Benefits Paid to the CDCR's Adversely Separated Employees" may be found on the OIG's Web site: [http://www.oig.ca.gov/media/reports/BOI/Unemployment Insurance Benefits to Fired Employees.pdf](http://www.oig.ca.gov/media/reports/BOI/Unemployment_Insurance_Benefits_to_Fired_Employees.pdf)

\$1.3 Million in Unemployment Insurance Benefits Paid to the California Department of Corrections and Rehabilitation's Adversely Separated Employees (March 2009)

Finding 1

The CDCR does not provide timely responses to the EDD concerning its adversely separated employees. (March 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Implement monitoring to ensure the personnel staff complete the EDD Employer Notice forms within the ten-day requirement. (March 2009)	Substantially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Substantially Implemented. All institutions and facilities received a memorandum on February 10, 2010, explaining the importance of completing Unemployment Insurance (UI) claims quickly and a link to the Office of Inspector General (OIG) special report on UI benefits. The memo instructed the Institutional Personnel Officers (IPO) to assign an owner and create UI distribution lists to receive Sharepoint notification emails (which will be delivered when an EDD claim has been uploaded to the Sharepoint site). Office of Personnel Services (OPS) and Accounting have agreed on an interim process of scanning the UI claims and sending the claim forms by email to the appropriate institution/facility distribution list. This will allow quicker delivery of the UI claim form to the appropriate destination, thus improving the ability to meet the 10-day deadline. OPS began the Sharepoint pilot project in May 2010, and it has been successfully completed. Full implementation of the Sharepoint workflow roll-out to all institutions to occur on September 23, 2010. Sharepoint will be more effective than the current interim process because the site allows monitoring by OPS staff and allows running of reports and tracking the status of claims are assigned to institutions/facilities.</i></p> <p>Office of the Inspector General's Comments: According to CDCR's Chief of Personnel Services, as of</p>

Recommendation	Status	Comments
		<p>September 25, 2010, the SharePoint system has been rolled out to all of the prisons. Having all prisons online has facilitated the oversight of the unemployment insurance (UI) process to ensure employees complete all UI forms within the identified timeframes. A designated statewide UI monitor reviews the SharePoint data regularly, and if necessary, contacts the appropriate institutional personnel officer to ensure the responses are processed on a timely basis.</p>

Follow-up Recommendation

None

Finding 2

The CDCR often provides minimal details about the adverse separation to the EDD. (March 2009)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Ensure that staff provide sufficient information concerning the facts that led to the separations when responding to EDD Employer Notices. (March 2009)</p>	<p>Substantially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. OPS developed procedures for IPO’s and headquarters staff with guidelines about information that can be disclosed to EDD. Procedures were disseminated on May 28, 2010. For non-sworn staff, the Notice of Adverse Action (NOAA) or Rejection on Probation (ROP) is currently attached to the UI EDD claim and factual information that specifically refutes the employee’s statement is provided, if applicable. For peace officers, CDCR is limited by law to providing only the Government Code section for which the employee was separated, and the CDCR employee completing the form may not elaborate any further.</i></p> <p><i>The California Unemployment Insurance Appeals Board (CUIAB) hearings are public hearings. Any party can request that witnesses be excluded from the hearings. The Administrative Law Judge also has the option of deeming a hearing confidential. CDCR’s Office of Legal Affairs (OLA) is working with the CUIAB to establish procedures to ensure that confidentiality of peace officer records is maintained during CUIAB hearings by making all CDCR CUIAB hearings confidential. The further release of information for Peace Officers is pending a decision by the Administrative Law Judge as to whether to designate all CDCR CUIAB hearing as confidential. Once this confidentiality is obtained, it will allow CDCR to respond in full to the employee’s claim for UI benefits and will allow CDCR employees to provide the NOAA and ROP for sworn and non-sworn staff.</i></p> <p>Office of the Inspector General’s Comments: According to CDCR’s Chief of Personnel Services, CDCR continues to work with the California Unemployment Insurance Appeals Board to make all</p>

Recommendation	Status	Comments
		CDCR hearings confidential. This will allow CDCR to provide more information as it relates to peace officers since CDCR is currently limited by law in the information it can provide because the hearings can be public.

Follow-up Recommendation

None

Finding 3

The EDD does not always make contact with CDCR before making its determination. (March 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Communicate regularly with EDD to ensure EDD representatives do not make decisions without employer input. (March 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. CDCR OPS staff maintain constant communication with the EDD. OPS developed procedures for IPO's and headquarters staff with guidelines about information that can be disclosed to EDD. Procedures were disseminated on May 28, 2010.</i></p> <p>Office of the Inspector General's Comments: According to CDCR's Chief of Personnel Services, CDCR contacts EDD employees as necessary on a regular basis. Their designated statewide UI monitor is responsible for the communication between CDCR and EDD. Much of the communication takes place via email so that CDCR has a record of what is communicated.</p>

Follow-up Recommendation

None

Finding 4

No single point of contact or standard procedures for UI claims at the CDCR. (March 2009)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Identify a single point of contact to address the UI claims process within the CDCR. (March 2009)</p>	<p>Substantially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. The IPO at each institution is designated the single point of contact. A CDCR UI distribution email address has been established for each institution/facility. Regional Accounting Offices receive the EDD forms and correspondence, along with billing information. The EDD UI forms are scanned by accounting office staff within 24 hours and sent by email to the appropriate UI distribution list. The IPO, Employee Relations Officer (ERO) and Personnel Supervisor simultaneously receive notification of a new EDD form being received via UI distribution list. The full implementation of the Sharepoint site for all institutions is scheduled for September 23, 2010. The distribution lists were created to receive the Sharepoint notification email that will sent automatically to the UI distribution list when an EDD form has been uploaded to the site. In addition to the IPO, the assigned owner (usually an AISA), the ERO, and Personnel Supervisors will receive the notification. Allowing multiple members to receive the notification will ensure the forms are received and processed timely. The Sharepoint site includes information on due dates and dates forms mailed to the EDD. Accountability for form completion can be tracked via the Sharepoint site and will be monitored by OPS staff at headquarters.</i></p> <p>Office of the Inspector General’s Comments: We did not perform any audit procedures to verify CDCR’s representation.</p>
<p>Develop written procedures for processing the various EDD forms. (March 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. OPS has partnered with EDD to develop department-specific training for IPO’s and HQ staff on the complete processing of UI</i></p>

Recommendation	Status	Comments
		<p><i>claims. OPS developed procedures for IPO's and headquarters staff with guidelines about information that can be disclosed to EDD. Procedures were disseminated May 28, 2010. OPS has been working with CDCR's Office of Public and Employee Communication (OPEC) on the process for recording EDD's UI presentation overview, which includes creating a webinar so the field can participate. Once OLA obtains approval to make all CUAIB hearings confidential, the training will be finalized and delivered via webinar. The statewide training has been tentatively rescheduled for October, pending confirmation from OLA.</i></p> <p>Office of the Inspector General's Comments: We did not perform any audit procedures to verify CDCR's representation.</p>

Follow-up Recommendation

None

Finding 5

When given the opportunity to appeal the EDD decisions, the CDCR rarely responds. (March 2009)

Recommendation	Status	Comments
<i>The California Department of Corrections and Rehabilitation should:</i>		
Ensure staff meet the EDD's deadlines so that CDCR does not waive its right to appeal cases when the EDD grants UI benefits. (March 2009)	Substantially Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Substantially Implemented. OPS has developed detailed procedures for IPO's and HQ staff that were distributed May, 28, 2010. Part of those procedures include information on first- and second-level appeals. OPS has collaborated with EDD to provide training via webinar to all sites. Training is tentatively scheduled for October 2010. An element of the pending training is the designation of confidentiality for CUIAB hearings for peace officers.</i></p> <p>Office of the Inspector General's Comments: According to CDCR's Chief of Personnel Services, the statewide UI monitor monitors the statewide SharePoint site on a daily basis. The site identifies new claims and provides due dates for submitting documents to EDD. The monitor contacts the IPO when the document is nearing the deadline to ensure a response is provided to EDD promptly. Non-compliance with the reporting requirements are reported to the prison warden and appropriate steps are taken, such as requiring refresher training or administering progressive discipline.</p>
Ensure that staff appeal claims when possible. (March 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. OPS has developed detailed appeal procedures for IPO's and HQ staff that were distributed May 28, 2010. The procedures include information on first- and second-level appeals. The delivery of EDD forms and letters via email to specific sites has allowed timely response for purposes of appeal as applicable.</i></p> <p>Office of the Inspector General's Comments: We reviewed OPS' detailed appeal procedures for IPO and headquarters</p>

Recommendation	Status	Comments
		employees. It appears that CDCR has set up an adequate system to ensure employees are aware of the appeal process. Being able to electronically deliver the EDD forms to the various sites shortens the delivery receipt of information.

Follow-up Recommendation

None

Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation

Summary of Original Review Results

In February 2009, the Office of the Inspector General issued a report⁶ on our review of CDCR's billing of the Service Employees International Union (SEIU) for union-paid leave. The review identified that CDCR's Office of Labor Relations (OLR) was not billing SEIU for union-paid leave despite government accountability laws and provisions in SEIU bargaining agreements that require reimbursement to the state. Four months after the OIG began its review, the OLR began to bill SEIU. However, that was two years after the OLR had assumed the billing responsibility from CDCR's regional accounting offices. Furthermore, the OIG found that at least \$2.2 million in reimbursable leave still remained unbilled.

This was the OIG's second report citing problems with CDCR's management of union leave. The first report, issued in July 2006, found that CDCR lost potentially millions of dollars because it neglected to track and control union leave time and failed to collect reimbursements owed to the state.

During our 2009 review, we made two new recommendations to the OLR and further recommended that the OLR act on remaining recommendations from our 2006 review. Based on the OIG's last follow-up on the 2006 review, only two recommendations remained unimplemented. Therefore, during this 2011 accountability audit, we are following up on a total of four recommendations that the OIG made to OLR concerning union-paid leave reimbursements.

2011 Follow-up Results

The OIG found that CDCR fully implemented three of the recommendations. We deemed the fourth one not applicable. CDCR's OLR has successfully improved its practices for billing and collecting SEIU union-paid leave. As a result, the OLR reduced the unpaid balance from \$2.7 million down to \$130 thousand.

The matrix on the following pages presents the 2011 follow-up results.

⁶ "Special Review: Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation" may be found on the OIG's Web site:
[http://www.oig.ca.gov/media/reports/BOA/reviews/Department of Corrections and Rehabilitation Slow to Collect Money Owed by Labor Union.pdf](http://www.oig.ca.gov/media/reports/BOA/reviews/Department_of_Corrections_and_Rehabilitation_Slow_to_Collect_Money_Owed_by_Labor_Union.pdf)

Union-Paid Leave Reimbursements Owed to the California Department of Corrections and Rehabilitation

Finding 1

Up to \$2.7 million in reimbursable leave remains to be billed. (February 2009)

Recommendation	Status	Comments
<i>The Office of Labor Relations should:</i>		
<p>Commit staff resources to review documents supporting union-paid leave, including leave requests, time sheets, and CLAS data dating back to the July 2005 beginning of the SEIU contracts; identify amounts not previously billed by the regional accounting offices; and bill the SEIU for each month through December 2007. (February 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. The review and reconciliation of SEIU Union Paid Leave (UPL) for the time period July 2005 through February 2009 was completed as of September 2009. Procedures have been developed and are in place for ongoing UPL review, reconciliation and billing.</i></p> <p>Office of the Inspector General’s Comments: We visited CDCR’s Office of Labor Relations (OLR) in November 2010 and met with its managers and other staff members to obtain an understanding of the billing process. OLR employees provided us with a detailed demonstration of OLR’s entire review, reconciliation, and billing processes, along with a copy of the related written procedures.</p> <p>Also, we reviewed OLR’s billing and payment log and found that OLR significantly reduced the amount of SEIU reimbursable union leave from \$2.7 million to \$129,782. The \$129,782 outstanding balance represents amounts billed to the SEIU, but unpaid, for December 2009, March 2010, and May through July 2010 time periods. Although OLR’s monthly billings are always one month in arrears, to allow payroll to close, its workload fell behind in recent months due to a 40 percent vacancy rate and two employee’ extended absences. As a result, OLR only recently billed the SEIU for the June and July 2010 billing cycles; at the beginning of December 2010 it had a two-month backlog in its workload. Nevertheless, we concluded that OLR’s current procedures for reviewing, reconciling, and billing the SEIU for reimbursable union leave are sufficiently timely and OLR is effectively</p>

Recommendation	Status	Comments
		collecting past due amounts owed to CDCR.
Regularly bill the SEIU for union-paid leave on a monthly or quarterly basis thereafter. (February 2009)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. OLR has successfully and fully implemented a monthly UPL reconciliation and billing process. Invoices are submitted monthly to the union, one month in arrears.</i></p> <p>Office of the Inspector General’s Comments: Based on our review of OLR’s billing and payment log and its processes for reviewing, reconciling, and billing SEIU for reimbursable union leave, we determined that OLR is sufficiently current in billing the SEIU for reimbursable union paid leave on a monthly basis and is effectively collecting amounts due.</p>
<i>Act on the following outstanding recommendations from our 2006 report on union leave time as reported in our March 2009 Accountability Audit:</i>		
Conduct periodic audits to ensure that time is recorded accurately and union leave time is reconciled monthly. (July 2006)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Auditing occurs as a part of the monthly reconciliation process prior to billing the union. As part of this process, the Institutional Personnel Officers continue to be involved in the overall auditing of UPL usage.</i></p> <p>Office of the Inspector General’s Comments: Based on OLR’s demonstration of its review and reconciliation processes during the OIG’s November 2010 visit, the OLR has procedures in place to accurately record and reconcile union leave time on a monthly basis. Also, SEIU’s paying CDCR the billed invoice amounts indicates that SEIU agrees that CDCR’s billing invoices are accurate.</p>
Once a new contract is negotiated for Bargaining Unit 6, reconsider the need for requesting legislative funding for union issues addressed in labor contracts, such as	Not Applicable	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Implemented. At present time, no contract for the California Correctional Peace Officers Association (CCPOA) exists. There are no foreseeable</i></p>

Recommendation	Status	Comments
<p>compensation for Bargaining Unit 6 executive vice presidents and chapter presidents. (July 2006)</p>		<p><i>negotiations to reach a contract with CCPOA Bargaining Unit 6 (BU6). UPL is a separate agreement from the MOU for BU6. If at such time negotiations for a new UPL agreement resume, compensation for BU6 executive vice presidents will be reviewed. Chapter "Presidents Day" has been eliminated. At this time, CDCR is actively involved in a UPL lawsuit with BU6 to recuperate unpaid billing.</i></p> <p>Office of the Inspector General's Comments: Although a new Bargaining Unit 6 labor contract was recently agreed to, it has not yet been approved by the Legislature and Governor. But because that approval process occurs outside of a timeline that the OLR can control, we determined that this recommendation is no longer applicable.</p>

Follow-up Recommendation

None

Management of the California Department of Corrections and Rehabilitation's Administrative Segregation Unit Population

Summary of Original Review Results

In January 2009, the Office of the Inspector General issued a report⁷ regarding our review of CDCR's management of administrative segregation units (ASU) in selected California prisons and identified repeated failures to comply with CDCR policies. The review found that some inmates are held in segregation units longer than required, resulting in unnecessary operating costs and the denial of inmates' due process rights.

Administrative segregation units house inmates in isolated cells that require extra custody officers to control the inmates. Consequently, the cost of housing an inmate in administrative segregation is higher than housing the inmate in a general population unit. When the OIG reviewed administrative segregation operations at eight prisons, inspectors found that three of those prisons had violated CDCR policies intended to provide inmates with due process and timely release from administrative segregation.

The OIG concluded that the problems identified at three prisons were indicative of problems in prisons throughout California and made twelve recommendations to address those issues.

2011 Follow-up Results

The OIG found that CDCR has fully implemented ten of the twelve recommendations. However, we determined that one unimplemented recommendation was no longer applicable. CDCR has developed policies through memoranda that effectively address inmates' rights to due process and their timely release from administrative segregation. Specifically, CDCR documented its expectations for completing investigations, disciplinary hearings, classification hearings, and parole board hearings on a timely basis. It also developed a process to monitor dates when investigations, hearings, and other actions are conducted to ensure that inmates are released timely from ASUs. However, CDCR still needs to develop a process to accurately account for ASU costs statewide. We will assess the implementation status of the remaining recommendation during our 2012 accountability audit.

The matrix on the following pages presents the 2011 follow-up results.

⁷ "Special Review: Management of the California Department of Corrections and Rehabilitation's Administrative Segregation Unit Population" may be found on the OIG's Web site: [http://www.oig.ca.gov/media/reports/BOA/reviews/Management of the California Department of Corrections and Rehabilitation's Administrative Segregation Unit Population.pdf](http://www.oig.ca.gov/media/reports/BOA/reviews/Management_of_the_California_Department_of_Corrections_and_Rehabilitation's_Administrative_Segregation_Unit_Population.pdf)

Management of California Department of Corrections and Rehabilitation's Administrative Segregation Unit Population

Finding 1

CSP Los Angeles County, CSP Solano, and San Quentin State Prison routinely violate the rights of inmates to due process and timely release from administrative segregation. (January 2009)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Develop defined expectations for completing investigations, including specific timelines for each type of investigation. The department should prioritize investigations, identify required resources, and establish due dates in order to complete investigations on time. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds addresses placement of inmates in ASU pending prison gang validation and inmates placed in ASU pending investigation into safety concerns. Additionally, memorandum dated April 15, 2009, titled Office of Inspector General Special Review Into the Management of CDCR Administrative Segregation Unit Population addresses gang validation/investigation specific time lines.</i></p> <p><i>The CDCR does have guidelines established for investigation of disciplinary matters (misconduct) as defined in the California Code of Regulations (CCR), Title 15, Section 3335, Segregated Housing. Specifically, Section 3338 (e), Hearing on Segregated Housing, assumes the alleged misconduct or criminal activities to be factual and thus utilizes the same time constraints for ASU placement for Rules Violation Reports.</i></p> <p>Office of the Inspector General's Comments: We reviewed the March 18, 2009, and April 15, 2009, memoranda submitted by CDCR and found that they adequately define expectations for completing investigations.</p>

Recommendation	Status	Comments
<p>Require managers and supervisors at adult prisons to closely monitor tracking logs for inmate disciplinary reports and account for the status of every incomplete inmate disciplinary report. The results of completed inmate disciplinary reports should be forwarded to the classification staff in a timely manner. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated February 20, 2009, titled Administrative Segregation Tracking Logs, addresses tracking logs and was revised on April 15, 2009 and on May 27, 2009. Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses tracking of ASU populations. Memorandum dated June 11, 2009, titled Administrative Segregation Unit Bed Utilization Mandatory Training, directed the Division of Adult Institutions (DAI) to complete the required training by August 21, 2009. All mandatory training was completed on September 28, 2009.</i></p> <p>Office of the Inspector General's Comments: We reviewed the February 20, 2009, memorandum regarding items to be included in ASU tracking logs as well as the two related revisions. We also reviewed the March 18, 2009, memorandum regarding the appropriate use of ASU beds and the associated required training. We found that the memoranda and the required training adequately communicate the expectations that managers and supervisors must closely monitor ASU tracking logs.</p>
<p>Standardize its tracking log program for managing ASU cases. The program should include a "responsible party" section with due dates to help managers identify the progress of work associated with ASU cases. The program should also contain detailed dates regarding transfer endorsements, BPH hearings, and CSR approval. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated February 20, 2009, titled Administrative Segregation Tracking Logs, addresses tracking logs and was revised on April 15, 2009 and on May 27, 2009. Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses tracking of ASU populations.</i></p> <p>Office of the Inspector General's Comments: We reviewed the February 20, 2009, memorandum regarding items to be included in ASU tracking logs as well as the two related revisions. We also reviewed the March 18, 2009, memorandum regarding the appropriate use of ASU beds. The February 2009 memorandum addresses the importance for wardens and their executive staff to review ASU tracking logs to ensure all information is used to effectively manage their ASU population.</p>

Recommendation	Status	Comments
<p>Require that classification staff and managers at adult prisons conduct analytical reviews of tracking logs to ensure that investigations and other actions are completed and that hearings are held in a timely manner, and that cases are monitored on an ongoing basis. ICC's should carefully review inmates' case factors and determine whether continued segregation is necessary. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. An ASU Bed Utilization Audit was conducted at Deuel Vocational Institution in February 2009. Due to California's fiscal crisis, all state-wide audits ceased. The audits recommenced with Richard J. Donovan being audited in April 2009; High Desert State Prison, Calipatria State Prison, Pelican Bay State Prison, and Ironwood State Prison in May 2009; Central California Women's Facility and North Kern State Prison in June 2009. The aforementioned prisons were identified and audited due to being in ASU overflow status for over 60 days.</i></p> <p><i>Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses inmate placement in ASU and their retention not to be longer than the minimum time necessary to provide protection of staff, inmates.</i></p> <p><i>Memorandum dated June 11, 2009, titled Administrative Segregation Unit Bed Utilization Mandatory Training, directed DAI to complete the required training by August 21, 2009.</i></p> <p><i>All mandatory training was completed on September 28, 2009.</i></p> <p>Office of the Inspector General's Comments: We reviewed two memoranda dated March 18 and June 11, 2009. We also reviewed the eight ASU bed utilization audits. The results of these audits identified areas of concern similar to those that we identified in this audit. In addition, we performed a follow-up review at Deuel Vocational Institution in November 2010. Comparing the results to the February 2009 CDCR audit, we noted that the population in ASU was lower by about 10 percent. In addition, the number of inmates housed for more than 90 days was significantly lower, about 50 percent. However, the percentages of cases meeting the required deadlines for two selected categories were about the same as they were in 2009. We encourage CDCR to make every effort to perform more ASU bed utilization audits to determine if the additional direction and training provided in late 2009 improved compliance with</p>

Recommendation	Status	Comments
		ASU policies and procedures.
<p>Rescind the May 5, 2008, memorandum that increased the time frames for submitting transfer referrals to a CSR to 90 days. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated May 5, 2008, titled Revised Time Frames for Transfer Referrals to Classification Staff Representatives, was rescinded and memorandum titled Time Frames for Transfer Referrals to Classification Staff Representatives, addresses the new time frames.</i></p> <p>Office of the Inspector General's Comments: We reviewed the January 28, 2009, policy titled <i>Timeframes for Transfer Referrals to Classification Staff Representatives (CSR)</i>, which rescinded the May 5, 2008, memorandum. The effect of this change reduces the length of time that CDCR staff has to refer a transfer recommendation to the CSR, thereby removing inmates from the ASU on a more timely basis. This recommendation was adequately addressed by CDCR.</p>
<p>Provide ongoing training on assigning and retaining inmates in the ASU to the correctional counselors and managers who are responsible for processing ASU placements. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses CCR, Title 15, Sections 3335, Administrative Segregation; 3336, Segregation Order; and 3337, Review of Segregation Order.</i></p> <p><i>Memorandum dated June 11, 2009, titled Administrative Segregation Unit Bed Utilization Mandatory Training, directed DAI to complete the required training by August 21, 2009.</i></p> <p><i>All mandatory training was completed on September 28, 2009.</i></p> <p>Office of the Inspector General's Comments: We reviewed the March 18, 2009, memorandum that provided direction to CDCR employees regarding the utilization and management of ASU beds, and the June 11, 2009, memorandum requiring that all ASU employees be provided the appropriate training. Documentation provided by CDCR shows that the required training was completed by September 28, 2009.</p>

Recommendation	Status	Comments
		This recommendation, then, was adequately addressed by CDCR.
<p>Ensure that correctional counselors at adult prisons schedule all inmates serving determinate SHU terms for a classification hearing within at least 30 days prior to the expiration of the SHU term. In cases when the inmate remains a threat to safety and security, staff members should comply with regulations by issuing a new lock-up notice to the inmate and provide due process protections for his changed reasons for segregation. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses issuance of a new CDCR Form 114D, Administrative Segregation Unit Placement Notice.</i></p> <p><i>Memorandum dated June 11, 2009, titled Administrative Segregation Unit Bed Utilization Mandatory Training, directed DAI to complete the required training by August 21, 2009.</i></p> <p><i>All mandatory training was completed on September 28, 2009.</i></p> <p>Office of the Inspector General's Comments: We reviewed the March 18, 2009, memorandum that provided direction to CDCR employees regarding the utilization and management of ASU beds, and the June 11, 2009, memorandum requiring that all ASU employees be provided the appropriate training. Documentation provided by CDCR shows that the required training was completed by September 28, 2009. This recommendation, then, was adequately addressed by CDCR.</p>
<p>Develop a system and criteria for coordinating BPH hearings for inmates housed in the ASU to prevent delays caused by postponed BPH hearings. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated February 20, 2009, titled Administrative Segregation Tracking Logs, addresses tracking logs and was revised on April 15, 2009 and on May 27, 2009.</i></p> <p>Office of the Inspector General's Comments: We reviewed the February 20, 2009, memorandum that requires the inclusion of the next scheduled date for the inmate's Board of Parole Hearing in the ASU tracking log. This recommendation was adequately addressed by CDCR.</p>

Recommendation	Status	Comments
<p>Create standard desk procedures for staff members responsible for maintaining the prison transfer lists and ensure compliance with the procedures. The ICC chairpersons should become proactive in seeking resolution for inmates spending unusually long periods in the ASU waiting to transfer to another prison. (January 2009)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. CDCR reviewed and assessed current procedures pertaining to Prison transfer lists and has established the following directives:</i></p> <p><i>Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, sets expectations for Classification & Parole Representative's to ensure transfer lists are properly tracked and the original transfer endorsement date is utilized.</i></p> <p><i>Memorandum dated February 20, 2009, titled Administrative Segregation Tracking Logs, addresses tracking logs and was revised on April 15, 2009 and on May 27, 2009.</i></p> <p>Office of the Inspector General's Comments: We reviewed the four memoranda identified above and noted that CDCR adequately provided direction to employees and provided procedures to track ASU inmates who are endorsed for transfer. Also, according to the Division of Adult Institutions' deputy director, CDCR conducts audits to monitor prisons' compliance with these procedures. Specifically, it conducted audits at eight prisons during April and May 2010 reviewing approximately 679 cases (or 25 percent) of the ASU population at those prisons.</p>
<p>Develop effective comparative statistics (CompStat) methods for tracking the prisons' use of ASU bed space. Currently, these CompStat reports require that prisons report the average length of stay for inmates in the ASU and analysis of the budgeted beds, including overflow. A more effective method is to capture the number of stays over 200 days, 400 days, or 800 days, including data justifying the specific reasons for extended ASU retention. In addition, CompStat data could include information identifying time frames affecting the availability of</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. As of January 2009, COMPSTAT began to capture the number of stays of inmates housed in ASU over 200, 400, and 800 days. However, data justifying specific reasons for extended stays are being identified on the Ad Seg Bed Utilization portion of this CAP (Item # 4).</i></p> <p><i>Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses the process pertaining to gang validations, time spent on transfer lists and expired transfer endorsements.</i></p>

Recommendation	Status	Comments
<p>ASU bed space, such as the length of gang validations, time spent on transfer lists, and expired transfer endorsements. (January 2009)</p>		<p>Office of the Inspector General's Comments: We reviewed the March 18, 2009, memorandum as well as current CompStat reports and noted that there has been a significant increase in the data captured relative to ASU operations. In addition to identifying the number of inmates that exceeded 200, 400, and 800 days housed in ASU, the transfer information identifies by housing type (such as general population, sensitive needs, and secured housing unit) the number of inmates endorsed for transfer. As a result, we found that CDCR adequately addressed this recommendation by improving their capturing of ASU bed-space data.</p>
<p><i>The Classification Services Unit should:</i></p>		
<p>Implement a system for its CSRs to follow up on problematic ASU cases. Each CSR visiting a prison could review past issues and inquire when staff members have not rectified the problems. (January 2009)</p>	<p>Not Applicable</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Memorandum dated March 18, 2009, titled Utilization and Management of Administrative Segregation Beds, addresses responsibilities of institutional staff and managers to monitor, track, and resolve issues pertaining to all ASU cases. CSRs were provided ASU Extension training in February 2009.</i></p> <p>Office of the Inspector General's Comments: Because this recommendation is covered within another recommendation identified above, we designated it as not applicable.</p>

Follow-up Recommendation

None

Finding 2

The California Department of Corrections and Rehabilitation incurs additional costs as a result of the unnecessary retention of inmates in administrative segregation. (January 2009)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Develop a process to accurately account for ASU costs statewide. The level of detail should include added special program costs, such as mental health, in addition to custody costs. The effective management of ASU must consider both due process and cost factors. (January 2009)</p>	<p>Not Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. DCHCS assessed its ability to update the staffing methodology to account for costs associated with ASU mental health and after further review and consideration cannot accomplish this task without cost and additional staff workload. The OIG recommendation would require a process that “accurately accounts for ASU costs.” This is perceived as distinct from projecting costs based on staffing assumptions or historical estimates. Current cost identification and tracking tools such as CALSTARS and Business Information System are not designed to capture expenses at this level of detail. To do so would require the development of ad hoc tracking systems resulting in significant costs and additional staff workload. Current Mental Health (MH) staffing assignments for ASU are specific to the needs of each unit based on the capacity, census, physical plant, MH patient classification, and other operational factors.</i></p> <p>Office of the Inspector General’s Comments: CDCR responded that it is not financially viable to accurately account for ASU costs, which is consistent with the response we received when we initially inquired into the costs of managing the ASUs. The OIG estimated that it cost \$130 million annually just to cover the costs of additional correctional officers’ salaries needed to staff the ASUs statewide. Moreover, there are additional special program costs, such as mental health, that would further increase that amount. We believe that CDCR should be able to monitor the costs associated with an operation of this</p>

Recommendation	Status	Comments
		magnitude. Therefore, the recommendation is still applicable but not implemented.

Follow-up Recommendation

The California Department of Corrections and Rehabilitation should take the following action:

- Develop a process to accurately account for ASU costs statewide. The level of detail should include added special program costs, such as mental health costs, in addition to custody costs. The effective management of ASU must consider both due process and cost factors. (January 2009)

California Institution for Men Quadrennial and Warden Audit

Summary of Original Audit Results

In November 2008, the Office of the Inspector General issued a report⁸ on the operations at California Institution for Men (CIM) and the performance of its warden. Our inspectors identified six audit findings and made 17 recommendations. The findings focused on prison infrastructure, weapons training, and the lack of surveillance equipment on one visiting yard.

2010 Follow-up Results

During its 2010 accountability audit, the OIG found that CDCR and CIM had fully implemented over half of the original recommendations, and we deemed two other recommendations no longer applicable. However, CDCR and CIM did not implement four recommendations related to mandatory quarterly firearms training for correctional officers. Also, CIM had only partially implemented our recommendation to install video surveillance cameras in the minimum support facility visiting area.

2011 Follow-up Results

The OIG found that CIM satisfactorily implemented two of the five recommendations made in the 2010 accountability audit report. The prison purchased video surveillance equipment and is in the process of installing the equipment in its minimum support facility's visiting area to curb visitors from introducing contraband. Also, the prison reported that its custody supervisors now verify custody officers' compliance with weapons proficiency requirements before assigning them to armed posts.

The three remaining recommendations, which CDCR did not implement, relate to its armed post policy directive that, for certain temporary assignments, allows custody officers to work armed posts without fulfilling weapons proficiency requirements. CDCR assessed the three recommendations as not applicable. Although we maintain that the recommendations are valid, our discussions on the issue with CDCR since 2008 have demonstrated that to pursue the matter further would not be an effective use of staff resources. Therefore, we "agree-to-disagree" with CDCR about the validity and status of the recommendations, and consider them "unresolved" and no longer pursue follow-up on the issue.

The matrix on the following pages presents the 2011 subsequent follow-up results.

⁸ "California Institution for Men Quadrennial and Warden Audit" may be found on the OIG's Web site: [http://www.oig.ca.gov/media/reports/BOA/audits/Quadrennial and Warden Audit 2008-11](http://www.oig.ca.gov/media/reports/BOA/audits/Quadrennial%20and%20Warden%20Audit%202008-11) CA Institution for Men.pdf

The California Institution for Men Quadrennial and Warden Audit

Finding 4

CIM allows peace officers who have not attended mandatory quarterly firearms training sessions to assume armed posts at the institution and off-site in local hospitals. (November 2008)

Recommendation	Status	Comments
<i>The California Institution for Men should:</i>		
<p>Instruct supervisors to periodically review the master roster to ensure their familiarity with peace officers assigned to armed posts and those who could be assigned to armed posts in a “relief” position. (November 2008)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. IST provides a list of staff deficient in quarterly weapons qualifications to all custody supervisors. Supervisors ensure staff are relieved from their posts in order to attend the appropriate training. Additionally, supervisors verify staff’s compliance by reviewing CDCR Form 861, Range Certification Cards. Corrective action is provided to staff failing to meet annual and quarterly qualification requirements.</i></p> <p>Office of the Inspector General’s Comments: This recommendation is still applicable and, based on CIM’s information provided above, the recommendation is fully implemented. We did not perform any audit procedures to verify CDCR’s representation.</p>
<p>Limit armed post assignments only to peace officers who complete a quarterly firearms qualification session as required in the department’s Operations Manual section 32010.19.7. (November 2008)</p>	<p>Unresolved</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. CDCR does not agree with the OIG’s interpretation. CIM is in compliance with current Department policy in that an employee who is not in one of the categories noted in the November 4, 2004, memorandum due to swap or overtime is NOT doing so as part of their regular assignment. This is a voluntary emergency/temporary assignment. Therefore, these employees will not be required to be quarterly qualified prior to working an armed post but will comply with their annual training requirements.</i></p>

Recommendation	Status	Comments
		<p>Office of the Inspector General’s Comments: The OIG continues to disagree with CDCR management regarding this matter. We believe that CDCR’s November 4, 2004, memorandum, which allows noncompliant peace officers to temporarily work armed posts due to a swap or overtime, is in conflict with both the State’s Penal Code and CDCR’s operations manual.</p> <p>However, because we have discussed this issue with CDCR since 2008 and have determined that to further pursue it is not an effective use of staff resources, we “agree-to-disagree” with CDCR about the validity and status of our recommendation. Therefore, we consider the recommendation “unresolved” and will no longer follow-up on this matter.</p>
<p>Allow officers who complete an annual qualification session during CIM’s designated months of February, May, August, or November to work armed posts through special assignment in the three months following the annual qualification. For example, officers who complete annual qualification sessions during May would be eligible to work armed posts during June, July, or August. Moreover, officers who complete annual qualification sessions during a quarter would be eligible to work armed posts during the remainder of that quarter. (November 2008)</p>	<p>Unresolved</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. CDCR does not agree with the OIG’s interpretation. CIM is in compliance with current Department policy in that an employee who is not in one of the categories noted in the November 4, 2004, memorandum due to swap or overtime is NOT doing so as part of their regular assignment. This is a voluntary emergency/temporary assignment. Therefore, these employees will not be required to be quarterly qualified prior to working an armed post but will comply with their annual training requirements.</i></p> <p>Office of the Inspector General’s Comments: As addressed above, while the OIG maintains that the recommendation is valid, we “agree-to-disagree” with CDCR and will no longer follow-up on this matter.</p>

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Repeal those provisions of the November 4, 2004, department-wide memorandum that allow officers to assume armed posts without completing quarterly firearms qualification requirements. (November 2008)</p>	<p>Unresolved</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. CDCR does not agree with the OIG’s interpretation. CIM is in compliance with current Department policy in that an employee who is not in one of the categories noted in the November 4, 2004, memorandum due to swap or overtime is NOT doing so as part of their regular assignment. This is a voluntary emergency/temporary assignment. Therefore, these employees will not be required to be quarterly qualified prior to working an armed post but will comply with their annual training requirements.</i></p> <p>Office of the Inspector General’s Comments: As addressed above, while the OIG maintains that the recommendation is valid, we “agree-to-disagree” with CDCR and will no longer follow-up on this matter.</p>

Finding 5

The visiting area for CIM’s Minimum Support Facility accommodates hundreds of inmates and visitors, but the institution lacks an effective means of monitoring visiting activities to control the exchange of contraband. (November 2008)

Recommendation	Status	Comments
<i>The California Institution for Men should:</i>		
<p>Install surveillance cameras with video recording capabilities in the Minimum Support Facility’s visiting area and allocate sufficient staff to operate the cameras and monitors. (November 2008)</p>	<p>Substantially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. CIM has submitted a Budget Concept Statement (BCS) for the additional staff and a minor capital outlay request for four cameras. In addition, CIM has also put in a request to the Asset Forfeiture Committee (FC) as another avenue to request the cameras. The BCS for additional Personnel Years (PY) was denied and the FC denied CIM’s original request because it contained PYs. CIM has resubmitted the request for cameras and the Executive Asset Forfeiture Review Board approved their request in June 2009. However, additional quotes were obtained for the stationary cameras and is substantially higher cost than what the FC approved. CIM is still waiting for approval for the BCS that was submitted in from the Asset Forfeiture Review Board for the purchasing of the video equipment. Current Visiting staff will be used to operate and monitor video equipment.</i></p> <p><i>Executive Asset Forfeiture Review Board approved the CIM request for specific funding and disbursement of \$6,719.67 for the purchase of video surveillance equipment for the CIM MSF Visiting area. On 8-25-10, CIM obtained a price quote for all related equipment for \$6,494.58 and submitted a CDC 954 to purchase video surveillance system. The camera’s was received at CIM on September 15, 2010 and is pending installation.</i></p> <p>Office of the Inspector General’s Comments: According to a CIM representative, CIM received a partial shipment of the video surveillance equipment in September 2010, and the balance was received a month or two later. CIM intends to install and make the equipment operational in January 2011, using existing visiting custody employees. Also, a budget concept statement for two additional correctional officers to operate the surveillance equipment was turned down. We were</p>

Recommendation	Status	Comments
		<p>also informed in December 2010 that an electrical line is being run for the system following the removal of an obstructive tree. Because of the amount of effort and resources already invested to implement the recommendation, the status is deemed substantially implemented.</p>

Salinas Valley State Prison Quadrennial and Warden Audit

Background on Original Audit

In October 2008, the Office of the Inspector General issued an audit report⁹ on the operations at SVSP and the performance of its warden. Our inspectors identified six audit findings and made 21 recommendations that focused on inmate programming, daily cell search documentation, the timing of use-of-force reviews, and weapons training.

2010 Follow-up Results

During its 2010 accountability audit the OIG found that SVSP had substantially or fully implemented eight of the 21 recommendations, or 38 percent, made during our 2008 audit. SVSP sufficiently implemented our recommendations related to inmate assignments and tracking quarterly weapons qualifications. However, CDCR's budget constraints diminished SVSP's ability to increase its academic education classes. Also, the prison's correctional officers were still not properly recording cell search information and were not ensuring that custody officers permanently assigned to armed posts were meeting weapons training requirements.

2011 Follow-up Results

The OIG found that SVSP and CDCR have satisfactorily implemented 10 of the 16 recommendations made in the 2010 accountability audit report. However, we determined that one of the unimplemented recommendations was no longer applicable. SVSP implemented CDCR's new education models, thereby expanding educational opportunities to inmates. Also, the prison incorporated new procedures to fully comply with CDCR's cell search policy. Furthermore, for custody officers who are permanently assigned to armed post positions but are noncompliant with weapons proficiency requirements, SVSP implemented a process to hold them accountable if they accept an armed post assignment without notifying supervising officers of their noncompliant status.

However, CDCR still needs to continue its analysis of use-of-force staffing levels and SVSP still needs to address two recommendations related to quarterly weapons qualifications for armed-post permanent assignments. SVSP custody supervisors do not ensure that custody officers, who are permanently assigned to armed post positions, are current with their quarterly weapons qualification requirements.

The last two unimplemented recommendations relate to CDCR's armed post policy directive that, for certain temporary assignments, allows custody officers to work armed posts without fulfilling weapons proficiency requirements. CDCR assessed the recommendations as not applicable. Although we maintain that the recommendations are valid, our discussions on the issue with CDCR since 2008 have demonstrated that to pursue the matter further would not be an

⁹ "Salinas Valley State Prison Quadrennial and Warden Audit" may be found on the OIG's Web site: [http://www.oig.ca.gov/media/reports/BOA/audits/Quadrennial and Warden Audit 2008-10](http://www.oig.ca.gov/media/reports/BOA/audits/Quadrennial%20and%20Warden%20Audit%202008-10) Salinas Valley State Prison.pdf

effective use of staff resources. Therefore, we “agree-to-disagree” with CDCR about the validity and status of the recommendations, and consider them “unresolved” and will no longer pursue follow-up on the issue.

The matrix on the following pages presents the 2011 subsequent follow-up results.

Salinas Valley State Prison Quadrennial and Warden Audit

Finding 2

Only a small percentage of inmates at Salinas Valley State Prison are assigned to academic education classes, and classes are often canceled because of security concerns and other disruptions. (October 2008)

Recommendation	Status	Comments
<i>Salinas Valley State Prison should:</i>		
Increase the academic educational opportunities available to inmates. (October 2008)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Senate Bill X3-18 amended Penal Code Section 2933 and created a new section PC 2933.05. This law and subsequent budget cuts eliminated two vocational programs, two bridging classes, two distant learning classes and traditional ESL classes. However eleven, New Academic Education Models (NAEM), have been implemented. SVSP has implemented these specific education models in accordance with SB X3-18 and as approved by the CDCR Office of Correctional Education.</i></p> <p>Office of the Inspector General’s Comments: Our inspectors analyzed SVSP’s CompStat data for the 13-month period from July 2009 through July 2010 and found that inmate enrollment increased 60 percent in academic programs.</p>
<i>Expand the number of seats available in academic education classes by:</i>		
Using two shorter classroom sessions each school day but enroll a larger number of inmates, thus allowing more inmates to participate in academic education while using existing resources. (October 2008)	Fully Implemented	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. The NAEM classes have increased the student to teacher ratio as follows:</i> <i>Three model 1 programs (54:1 ratio) two classes of 27 students. One in the a.m. and one in the afternoon.</i> <i>Two model 3 programs (108:1 ratio) four different class sessions with 27 students each. A morning session of lower level students meets five days per week for three hours each day. Three afternoon sessions, one group meeting</i></p>

Recommendation	Status	Comments
		<p><i>three days per week for three hours each session and the other two meeting one day per week for three hours each session. Afternoon sessions include homework that must total 15 hours per week including class time. Six model 5 programs (84:1 ratio) with seven different class sessions. Each session having 6-12 students who meet from one to three days per week depending on their reading score.</i></p> <p>Office of the Inspector General's Comments: Our inspectors analyzed SVSP's CompStat statistical data for the 13-month period from July 2009 through July 2010 and found that inmate enrollment increased 60 percent in academic programs.</p>
<p><i>If limiting class cancellations is not practical because of the nature of the inmate population and facility constraints:</i></p>		
<p>Reevaluate the academic education program and examine other methods of delivering academic instruction to inmates. (October 2008)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. The implementation of Senate Bill X3-18 brought specific academic curriculum conducive to SVSP High Security inmate population. The model 5 programs are specifically designed to serve the needs of this type of inmate(s).</i></p> <p>Office of the Inspector General's Comments: We did not perform any audit procedures to verify CDCR's representation.</p>
<p>Limit formal classroom-based instruction and develop in-cell study courses for inmates. (October 2008)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. The NAEM specifically includes homework (in cell) study as part of the inmate instruction and thus course completion.</i></p> <p>Office of the Inspector General's Comments: We did not perform any audit procedures to verify CDCR's representation.</p>

Finding 3

Inadequate oversight by supervisors and managers contributes to custody staff members not performing required cell searches, potentially jeopardizing the safety of the staff and inmates. (October 2008)

Recommendation	Status	Comments
<i>Salinas Valley State Prison should:</i>		
<p>Immediately enforce the department’s cell search policy, requiring supervisors and managers to provide appropriate oversight of that function. (October 2008)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Operational Procedure 19 was amended on August 25, 2009 and revised in September 2010, providing specific instruction regarding the standardized process for the completion, logging and supervisorial/managerial review of required cell searches. In addition, commencing in November 2008 a monthly proof of practice memorandum is forwarded to the CDW by the respective second level manager. The proof of practice documentation is maintained by the respective Captain. The request for policy change is pending DAI review.</i></p> <p>Office of the Inspector General’s Comments: Our inspectors reviewed SVSP’s cell search tracking documentation for the period of 10/1/10 through 10/26/10 at two housing units during an on-site visit to the prison in October 2010. Based on that review, we concluded that SVSP is following CDCR’s cell search policy and completing three cell searches per day for both the 2nd and 3rd watches.</p> <p>In addition, inspectors reviewed SVSP’s monthly activity reports for June, July, and August 2010. We found that the associate warden or correctional administrator for each facility had submitted monthly reports to the acting chief deputy warden. The reports addressed their review of cell search tracking information for each facility and evidenced their oversight of the cell search function.</p>
<p>Implement one standardized procedure for documenting cell searches. (October 2008)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Operational Procedure 19 was amended on August 25, 2009 and revised in September 2010. A standardized cell search recording procedure was also incorporated into this procedure as well as a Manager/Supervisor checklist for ongoing compliance. The proof of practice</i></p>

Recommendation	Status	Comments
		<p><i>documentation is maintained by the respective Captain.</i></p> <p>Office of the Inspector General's Comments: We reviewed SVSP's September 2010 Operational Procedure 19, which includes standardized procedures for conducting and documenting cell searches. Also, our inspectors reviewed SVSP's cell search documentation at two housing units during an on-site visit to the prison in October 2010. Based on that review, SVSP is following CDCR's cell search policy and completing three cell searches per day for both the 2nd and 3rd watches. In addition, SVSP has implemented one standardized procedure for documenting its cell searches.</p>
<p>Initiate progressive discipline for non-compliance with the department's cell search policy. (October 2008)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. The CDW continues to monitor for non-compliance concerns based on the monthly proof of practice memorandums from respective second level managers. Supervisors and managers will initiate progressive discipline when required for violations of this directive based on weekly/monthly reviews.</i></p> <p>Office of the Inspector General's Comments: We did not perform any audit procedures to verify CDCR's representation.</p>
<p>Ensure that written policies and procedures clearly document those cell search forms that must be both completed by employees and reviewed by supervisors. (July 2010)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation's response: <i>Fully Implemented. Operational Procedure 19 was amended on August 25, 2009 and revised in September 2010, to provide directive to employees regarding cell search forms that must be completed and reviewed by supervisors.</i></p> <p>Office of the Inspector General's Comments: As indicated above, we reviewed SVSP's operational procedures for conducting and documenting cell searches. The procedures clearly identify that custody officers are required to conduct the searches and prepare specified documents and that sergeants are required to review those documents weekly and captains are to review them monthly.</p>

Finding 4

Salinas Valley State Prison does not review its use-of-force incident packages on time. (October 2008)

Recommendation	Status	Comments
<i>Salinas Valley State Prison should:</i>		
<p>Immediately implement and monitor compliance with a use-of-force policy that aligns with the department’s statewide policy ordered by the federal court to review all use-of-force incident packages within 30 days of the incident date. (October 2008)</p>	<p>Substantially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. The Use of Force policy was revised and approved on August 20, 2010. SVSP obtained this approval on August 24, 2010. The changes specific to reviewing the use of force incident within 30 days in accordance with this new regulation have been initiated and full compliance is anticipated on or before September 24, 2010.</i></p> <p>Office of the Inspector General’s Comments: We reviewed SVSP’s use-of-force incident log for the period of June 1, 2010, through September 25, 2010, and identified 110 recorded incidents that were at least 30 days old (from the incident date). We found that 61 of those incidents, or 55 percent, were reviewed within 30 days of the incident date. This rate is substantially improved from the three percent rate we found during both our 2010 accountability audit and our original 2008 audit. Therefore, we find that the prison has substantially implemented the recommendation.</p>
<p>Require timely submission of use-of-force incident packages by staff members to the use-of-force coordinator. (October 2008)</p>	<p>Not Applicable</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Substantially Implemented. Progress continues to be made in the amount of backlog use of force incidents. Currently there are 10 backlog use of force incident reports as opposed to the 70 reflected in the last review. The Use of Force policy was revised and approved on August 20, 2010. SVSP obtained this approval on August 24, 2010. Based on the revised review process full compliance is expected on or before September 24, 2010.</i></p> <p>Office of the Inspector General’s Comments: In our original SVSP audit, we relied on an internal local institutional DOM section to arrive at our recommendation. Subsequently, SVSP now follows the August 20, 2010, revised DOM Section 51020, which does not require staff to submit a completed use-of-force incident package to the use of force</p>

Recommendation	Status	Comments
		<p>coordinator within ten calendar days. Therefore, this recommendation is no longer applicable.</p>
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Perform an analysis of the use-of-force staffing levels at its adult prisons, including SVSP, to determine whether appropriate use-of-force staffing levels exist to ensure that each prison processes its use-of-force packages within 30 days, considering the annual number of use-of-force incidents at each prison. (October 2008)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Partially Implemented. An analysis was not conducted; a survey was completed of all adult institutions for the fiscal year 2008-2009 which demonstrated some institutions had a backlog of over the 30 day review. In effort to mitigate the backlog, overtime was authorized.</i></p> <p><i>The Use of Force policy was revised and approved on August 20, 2010. SVSP obtained this approval on August 24, 2010. Mission Associate Directors will monitor 30 day initial review progress to identify staffing considerations as may be determined appropriate. Staffing concerns associated with the current backlog have been attributed to the amount of High Security inmate population and associated misconduct which is not present at lower level institutions.</i></p> <p>Office of the Inspector General’s Comments: We did not perform any audit procedures to verify CDCR’s representation.</p>

Finding 5

Salinas Valley State Prison does not ensure that peace officers permanently assigned to armed posts remain current in quarterly weapons qualifications. (October 2008)

Recommendation	Status	Comments
<i>Salinas Valley State Prison should:</i>		
<p>Ensure that noncompliant peace officers are not assigned to armed posts until compliant with the qualification requirements. (October 2008)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. IST provides a list of staff deficient in quarterly weapons qualifications to all custody supervisors. Supervisors ensure staff are relieved from their posts in order to attend the appropriate training. Additionally, supervisors verify staff’s compliance by reviewing CDCR Form 861, Range Certification Cards. Corrective action is provided to staff failing to meet annual and quarterly qualification requirements.</i></p> <p><i>A tracking system has been put in place to identify employees assigned to armed posts who are not current in quarterly weapons qualification. A list of non-compliant staff is forwarded to the Watch Office and identified staff are re-directed until appropriately qualified. In addition to the tracking system, the Continuous/Conditional Bid forms for officers and sergeants include the statement that an employee must meet all qualifications, specified in this procedure prior to the date of assignment to the Personnel Preferred Post Assignment.</i></p> <p>Office of the Inspector General’s Comments: During our on-site visit to SVSP in October 2010, OIG inspectors selected seven officers reported as noncompliant with their required quarterly weapons qualification for more than one reporting period during September and October 2010. While we identified that on ten occasions the watch office or yard supervisor appropriately redirected a noncompliant officer to a non-armed post, we equally identified ten occasions on which they did not. Specifically, five of the seven sampled officers were assigned to, and worked, armed post positions on one to three occasions prior to re-qualifying. One of</p>

Recommendation	Status	Comments
		<p>the five officers was permanently assigned to an armed control tower and the other four held relief officer assignments. Therefore, the OIG considers the recommendation only partially implemented.</p>
<p>Ensure that custody supervisors review the most recent listing of noncompliant officers and use the information to determine when officers need to be redirected to a non-armed post. (July 2010)</p>	<p>Partially Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. IST provides a list of staff deficient in quarterly weapons qualifications to all custody supervisors. Supervisors ensure staff are relieved from their posts in order to attend the appropriate training. Additionally, supervisors verify staff’s compliance by reviewing CDCR Form 861, Range Certification Cards. Corrective action is provided to staff failing to meet annual and quarterly qualification requirements.</i></p> <p><i>A tracking system has been put in place to capture employees assigned to armed posts who are not current in quarterly weapons qualification. A list of non-compliant staff is forwarded to the Watch Office and all first and second line supervisors and managers. Staff identified as non-compliant are re-directed until appropriately qualified.</i></p> <p>Office of the Inspector General’s Comments: During our testing of seven noncompliant officers (addressed above), we found that SVSP has a system in place to track noncompliant officers and that custody supervisors sometimes use it to redirect noncompliant peace officers to a non-armed post. However, because we found numerous occasions on which noncompliant officers were assigned to and worked an armed post, we consider the recommendation only partially implemented.</p>
<p>Ensure that noncompliant correctional officers are held accountable if they do not notify the watch commander and supervisor of their noncompliant status before accepting any assignment to work at an armed post. (July 2010)</p>	<p>Fully Implemented</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Fully Implemented. Progressive discipline has been initiated on non-compliant correctional officers and all peace officers are being held accountable for complying with existing policy as prescribed in DOM 32010.19.10.</i></p> <p>Office of the Inspector General’s Comments: We reviewed a memo from SVSP’s Employee Relations Office stating that SVSP issued 54 letters of instruction to custody employees “addressing expired range qualification,” from January 10, 2010, through</p>

Recommendation	Status	Comments
		<p>September 20, 2010. The memo also stated that four cases were referred for administrative review and that, of those four, three are pending direct action and one is pending completion of the review process. This indicates that SVSP has taken corrective action and implemented a process to hold its noncompliant peace officers accountable, when appropriate.</p>

Finding 6

The California Department of Corrections and Rehabilitation risks the safety and security of its prisons and the public by not requiring quarterly weapons training for peace officers temporarily assigned to armed posts. (October 2008)

Recommendation	Status	Comments
<p><i>The California Department of Corrections and Rehabilitation should:</i></p>		
<p>Ensure that (except in extreme emergencies) all peace officers assigned to armed posts, either permanently or temporarily, meet the quarterly qualification requirements as specified in the California Penal Code, the California Code of Regulations, and the California Department of Corrections and Rehabilitation’s Operations Manual. (October 2008)</p>	<p>Unresolved</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. CDCR does not agree with the OIG’s interpretation. SVSP is in compliance with current Department policy in that an employee who is not in one of the categories noted in the November 4, 2004, memorandum due to swap or overtime is NOT doing so as part of their regular assignment. This is a voluntary emergency/temporary assignment. Therefore, these employees will not be required to be quarterly qualified prior to working an armed post but will comply with their annual training requirements.</i></p> <p>Office of the Inspector General’s Comments: The OIG continues to disagree with CDCR management regarding this matter. We maintain that CDCR’s November 4, 2004, memorandum, which allows noncompliant peace officers to temporarily work armed posts due to a swap or overtime, is in conflict with both the State’s Penal Code and CDCR’s operations manual. Moreover, we maintain that, unless CDCR complies with the law and strives to ensure that qualified officers are in every armed post, it risks unnecessary tragedy and opens itself to costly lawsuits in the event of a questionable shooting.</p> <p>However, because we have discussed this issue with CDCR since 2008 and have determined that to further pursue the matter would be an inefficient use of staff resources, we “agree-to-disagree” with CDCR about the validity and status of our recommendation. Therefore, we will consider the recommendation as “unresolved” and will no longer follow-up on this matter.</p>

Recommendation	Status	Comments
<p>Rescind the November 4, 2004, memorandum allowing peace officers who are not qualified quarterly to assume armed posts that require quarterly qualifications. (October 2008)</p>	<p>Unresolved</p>	<p>California Department of Corrections and Rehabilitation’s response: <i>Not Applicable. CDCR does not agree with the OIG’s interpretation. SVSP is in compliance with current Department policy in that an employee who is not in one of the categories noted in the November 4, 2004, memorandum due to swap or overtime is NOT doing so as part of their regular assignment. This is a voluntary emergency/temporary assignment. Therefore, these employees will not be required to be quarterly qualified prior to working an armed post but will comply with their annual training requirements.</i></p> <p>Office of the Inspector General’s Comments: As addressed above, while the OIG maintains that the recommendation is valid, we “agree-to-disagree” with CDCR about the validity and status of this recommendation, and will consider it “unresolved.”</p>

Attachment 1

Response from the California Department of Corrections and Rehabilitation

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



April 25, 2011

Mr. Bruce Monfross
Inspector General (A)
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Dear Mr. Monfross:

This letter is being submitted in response to the Office of the Inspector General's (OIG) *Accountability Audit: Review of Audits of the California Department of Corrections and Rehabilitation (CDCR) 2010-2011*. The overall success rate as stated in this report constitutes a considerable effort from CDCR staff statewide, and we would like to recognize the dedication of those staff to improve operations. Concurrently, we acknowledge that efforts to progress must continue in several areas.

We would also like to thank the OIG for this special review as we value your continued professionalism and guidance. CDCR's Office of Audits and Court Compliance will monitor and document the Department's progress in addressing those recommendations still requiring action.

If you should have any questions or concerns, please call my office at (916) 323-6001.

Sincerely,


SCOTT KERNAN
Undersecretary, Operations

Attachment 2

Response from the California Prison Health Care Services



April 29, 2011

Mr. Bruce A. Monfross
Inspector General, Acting
Office of Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Re: Response to OIG Accountability Audit 2010-2011

Dear Mr. Monfross:

Thank you for the opportunity to review the above draft report from the Office of Inspector General. We are committed to reform the California prison medical health care utilizing best practices with the most cost effective manner.

We would like to provide your office with the most recent updates regarding your office's recommendations as related to the Quadrennial Audit of California State Prison at Solano (CSP-Solano).

Since the automated asset tracking system is still in development, we have implemented an interim solution for tracking Information Technology (IT) assets that strengthen the current asset management function. Additionally, the memo explaining the IT procurement processes for headquarters and institutions will be finalized with the target issue date of May 2011.

Regarding the recommendation on improving our communication with institutions on the order and distribution of equipments, we have assigned a Headquarters single point of contact (SPOC) who coordinates statewide technology procurements and ensures statewide asset management procedures are adhered to. The SPOC coordinates with both the vendors and the Institution Health Care IT Supervisors regarding IT commodity shipment and delivery dates. In addition, the Headquarters Project Management Office (PMO) has published a communication plan template and holds each Project Manager (PM) accountable for developing and following their submitted plans. To provide independent project oversight, we hired a third party consulting firm to oversee the project management lifecycle principles (scope, schedule, cost). Monthly, the oversight firm presents a report to the Headquarters Turnaround Plan Executive Committee (TPEC), where project deployments/strategies are governed and managed.

Mr. Bruce A. Monfross
OIG Accountability Audit 2010-2011.
April 29, 2011
Page 2

Concerning the walk through of the healthcare IT areas, we have since made significant changes in the work environment of IT. Specifically, we have obtained an area on the "A" side visiting that is dedicated to the HealthCare IT staff. The area consists of three offices, each more than double in size of their previous space, of which two people occupied. Now each Associate Information System Analyst has their own office and the third is for the IT Supervisor who shares his time between CSP-Solano and California Medical Facility (CMF). This arrangement provides better oversight and additional space to function more effectively. In addition to these offices, there is a large central area (approximately 50x30 ft) that is used as an area to store, prepare and deploy IT equipment.

Again, we would like to thank you and your staff for the valuable review and recommendations.

Sincerely,



J. Clark Kelso
Receiver

cc: Elaine Bush, Chief Deputy Receiver, CPHCS
Lori Austin, Chief Executive Officer, California State Prison, Solano
Mitzi Higashidani, Director, Administrative Support Services, CPHCS
Liana Bailey-Crimmins, Chief Information Officer, CPHCS
Kathleen Webb, Director, Policy and Risk Management Services, CPHCS
Johnny Hui, Chief of Internal Audit, Internal Audit Program, CPHCS