

OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL

MANAGEMENT REVIEW AUDIT

CALIFORNIA STATE PRISON,
SACRAMENTO

WARDEN CHERYL PLILER



SEPTEMBER 2000

Memorandum

Date: October 4, 2000

To: C. A. TERHUNE, Director
California Department of Corrections

From: STEVE WHITE 
Inspector General

Subject: MANAGEMENT REVIEW AUDIT OF WARDEN CHERYL PLILER

I am pleased to forward to you the enclosed report of the management review audit of California State Prison, Sacramento Warden Cheryl Pliler, performed by the Office of the Inspector General. The management review audit was conducted pursuant to California Penal Code Section 6051.

The Office of the Inspector General staff furnished a draft version of the report to Warden Pliler and held an exit conference with her and her staff to fully explain the draft report findings. The warden's written response to the draft report findings is included as Attachment A. Attachment B provides the Office of the Inspector General's comments on certain issues raised in the warden's response.

Throughout the course of the management review audit, the Office of the Inspector General staff received excellent cooperation from Warden Pliler and her staff. I wish to acknowledge and express my appreciation for the courtesy extended.

Please call me if you have questions concerning this report.

cc: Robert Presley, Secretary, Youth and Adult Correctional Agency
Cheryl Pliler, Warden, California State Prison, Sacramento

Enclosure

OFFICE OF THE INSPECTOR GENERAL



MANAGEMENT REVIEW AUDIT

Warden Cheryl Piler

**California State Prison, Sacramento
Represa, California**

September 2000

Gray Davis, Governor • Promoting Integrity

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EXECUTIVE SUMMARY

This report presents the results of a management review audit of Warden Cheryl Piler of California State Prison, Sacramento conducted by the Office of the Inspector General in May and June, 2000.

The Office of the Inspector General found that Warden Piler is a capable administrator able to motivate management staff and promote positive morale at California State Prison, Sacramento. Her performance is commendable given the dramatic institutional and managerial changes that have occurred since her arrival at California State Prison, Sacramento (primarily converting housing blocks to manage inmates needing enhanced psychiatric care and the frequent rotation in upper management positions). Both the management and line staff of the prison, as well as employee union representatives, rated positively Warden Piler's ability to manage the institution. The audit team obtained these evaluations through direct personal interviews and from written responses to questionnaires distributed to numerous California State Prison, Sacramento employees.

Other areas revealed room for improvement. Despite Warden Piler's administrative successes and popularity at California State Prison, Sacramento, the Office of the Inspector General's audit team noted that internal and external demands have limited her involvement in day-to-day custody issues. The audit team gathered evidence showing that the warden is unable to participate in use-of-force and lockdown meetings. In addition, her present schedule inhibits her ability to maintain a physical presence in some of the facilities, including administrative segregation units. That factor drew criticism from certain line staff and inmates. Although the warden's limited involvement in these areas is not cause for alarm, it is an indication that she relies heavily on the chief deputy warden and the associate wardens and could improve in this area.

The Office of the Inspector General's audit team also discovered various issues at California State Prison, Sacramento requiring immediate action by the warden and her management team. Among the most notable of these issues were:

- A budget deficit in excess of \$5.4 million (excluding health care);
- Failure to process CDC Form 602 inmate appeals in a timely manner;
- Inadequate documentation to demonstrate that the apprentices in the Correctional Peace Officer Standards and Training apprentice program fully complied with prescribed standards;
- Unreliability of the "Identix Touchlock II" security system used by the various institutions; and
- Potential liability pertaining to the institution's delay in the mandated removal of several underground storage tanks.

The budget deficit, the need for the removal of the underground storage tanks, and the unreliability of the Identix Touchlock II system issues are beyond the warden's immediate control and are not unusual for an institution at the level of California State Prison, Sacramento.

These issues have been brought to the attention of management at the California Department of Corrections. However, the Office of the Inspector General believes the remaining issues are within the warden's scope of control and should be immediately addressed by Warden Plier and her administrative staff.

Throughout the review process, the audit team received excellent cooperation and assistance from Warden Plier and the staff at California State Prison, Sacramento.

INTRODUCTION

The Office of the Inspector General conducted its management review audit of Warden Cheryl Plier at California State Prison, Sacramento pursuant to its authority under California Penal Code Section 6051. This section stipulates that the Inspector General shall conduct management review audits of any warden in the Department of Corrections who has held his or her position for more than four years or of any Department of Corrections facility following the confirmation of a new warden. The management review audit includes, but is not limited to, issues relating to personnel, training, investigations, and financial matters.

BACKGROUND

Cheryl Plier was appointed warden of California State Prison, Sacramento in July 1998. The warden is an exempt employee appointed by the Governor and confirmed by the Legislature. Previous to this appointment, she served as warden at the California Correctional Center in Susanville for approximately three years. She began her career with the California Department of Corrections in March 1968, as a clerk-typist at the California Correctional Center in Susanville. She has held various other positions with the department and the Board of Prison Terms.

California State Prison, Sacramento is located on approximately 1,200 acres in the eastern portion of Sacramento County, within the town of Folsom. It has in excess of 1,300 employees and an operating budget of approximately \$91 million. Of the \$91 million, \$76 million is designated for non-medical institution costs and is under the authority of the warden, and \$15 million is designated for medical costs and is under the sole authority of the prison's chief medical officer and, as such, is outside the warden's responsibility.

Construction began on California State Prison, Sacramento in November 1984 and was completed on October 1, 1986. At first, California State Prison, Sacramento served as an expansion of Folsom State Prison and was intended to take over Folsom's mission of housing maximum-security inmates. Collectively, the two institutions were referred to as California State Prison, Folsom, also known as "Old Folsom" and "New Folsom." In October 1992, the name of New Folsom was changed to California State Prison, Sacramento and the prison began to be administered as a separate institution with its own warden. California State Prison, Sacramento was designed for a capacity of 1,536 inmates, housed in its three semi-autonomous Level IV facilities, and 192 inmates housed in its minimum-security (Level I) facility. The institution

regularly operates at almost twice its capacity, however, averaging more than 2,900 Level IV inmates and approximately 288 Level I inmates.

Although the prisons are now separate institutions, they continue to carry out certain joint functions. California State Prison, Sacramento provides correctional treatment center care and administrative segregation housing for California State Prison, Folsom's Level I and II inmates as well as for the City of Folsom's community correctional facility. Range operations, fire department, special emergency response team, negotiations management team, honor guard, citizen's advisory committee, crisis mental health beds, food services, and laundry are all functions accomplished through the joint efforts of the two prisons.

California State Prison, Sacramento is constructed in the department's most secure prison design, the so-called "180-degree" design, referring to the configuration of the cellblocks (housing units). The cellblocks are partitioned into three separate, self-contained sections, forming a half circle (180 degrees). The partitioning of sections, blocks, and facilities insures maximum control of movement and swift, decisive isolation of disruptive incidents, thereby ensuring effective overall management of a large inmate population. In addition, separation of facilities allows for the physical separation of inmate enemies.

California State Prison, Sacramento houses Level IV inmates serving long-term sentences, as well as inmates who have proved to be management problems at other institutions. In April 1996 the California Department of Corrections implemented a set of determinants for housing Level IV inmates within correctional facilities with either the 180- or 270-degree design. California State Prison, Sacramento, having a 180-degree design, continues to be a valuable departmental resource, with its capability of handling those inmates profiled as needing the extra security provided by the 180-degree prison design. Inmates fitting the high security needs profile are those identified as validated gang members, those recently released from a security housing unit, new life-without-parole commitments, or inmates who have exhibited recent violent or escape-prone tendencies.

OBJECTIVES, SCOPE AND METHODOLOGY

The objectives of the management review audit were to evaluate the warden's performance in:

1. Planning, organizing, directing, and coordinating all correctional, business management, work-training incentive, educational, and related programs within California State Prison, Sacramento; and
2. Formulating and executing a progressive program for the care, treatment, training, discipline, custody, and employment of inmates.

In order to accomplish these objectives, the audit team performed various procedures in the general areas of mission focus, communications, institution safety and security, inmate programming, personnel, training, financial management, external relationships and environmental responsibility. Those procedures included:

1. Analytical reviews of various financial information comparing California State Prison, Sacramento to other institutions as well as reviewing California State Prison, Sacramento data trends;
2. Conducting interviews with the warden, administrative staff, custody and non-custody employees, and inmates;
3. Distributing questionnaires to randomly selected California State Prison, Sacramento employees requesting responses regarding the warden's communication abilities;
4. Physically observing the facilities and operations of California State Prison, Sacramento; and
5. Gathering, reviewing, and analyzing pertinent documents related to key systems, functions, and processes to substantiate the observations made during on-site visits and the interviews.

The management review audit team did not review Category I and Category II investigations or inmate death investigations because these areas are currently under investigation by the California Department of Corrections Office of Internal Affairs and the Office of the Inspector General did not wish to duplicate that effort. The Office of the Inspector General did not review the quality of health care services provided to inmates. The Office of the Inspector General did, however, review the inmate appeals process (CDC 602s) pertaining to medical issues.

Fieldwork was performed at the institution between May 22, 2000 and June 23, 2000. The Office of the Inspector General also obtained and reviewed certain payroll and financial information maintained by the California State Controller and the California Department of Corrections.

FINDINGS AND RECOMMENDATIONS

The Office of the Inspector General found Warden Plier to be a popular and personable warden with strong interpersonal and leadership skills. In her prior assignment as warden at California Correctional Center, she was extremely active in community activities, and displayed those characteristics as an ambassador for the Department of Corrections.

Warden Plier received high ratings from union representatives and California State Prison, Sacramento's administrative and line staff for her leadership abilities in a Level IV institution. The overwhelming majority of staff reported a high level of satisfaction with her performance.

Comments from staff included:

- *We are very glad she's here.*
- *She has done an outstanding job as warden of CSP-Sac.*
- *She's the best.*
- *It's a pleasure having her in command.*
- *The warden is a people person who is aware of important issues, and does what it takes to get the job done.*

- *Perhaps most importantly she has a genuine positive attitude/disposition which sure is refreshing in prison work.*

The Office of the Inspector General's audit team observed two noteworthy examples of Warden Pliler's interpersonal and leadership skills during the fieldwork portion of the management review audit.

The first instance occurred when an inmate on the yard at California State Prison, Sacramento slashed a correctional officer severely in the face and neck. Audit team staff members from the Office of the Inspector General were informed that Warden Pliler went to the hospital and stayed with the injured officer until midnight. After leaving the hospital, she returned to the facility where the incident occurred and remained there until the early hours of the morning briefing the custody officers on duty.

The second instance pertained to a training exercise conducted by the warden. Each institution annually conducts realistic exercises to train management staff on how to respond in emergency situations. Warden Pliler invited the Office of the Inspector General's audit team to attend the most recent exercise at California State Prison, Sacramento. She then updated the training exercise to include the effects of recent management changes made at the institution that left the chief deputy warden and key facility captain positions vacant and a number of associate warden positions staffed with individuals who were relatively inexperienced. The warden changed the scripted scenario at the last minute by removing herself from the command structure and becoming a hostage along with the public information officer. The warden also used her office as the hostage scene, thereby forcing the command center to move to a secondary location. The last-minute modifications were designed to demonstrate how the remaining management team would remodel the command structure during an emergency. These actions by Warden Pliler provided a realistic and challenging exercise problem for management staff. Subsequent scoring of the exercise by the Department of Corrections emergency preparedness evaluation team was positive and complimentary. The evaluation team report concluded that the California State Prison, Sacramento staff is "well-prepared for any emergency that they may experience"

The following findings identify areas needing improvement.

FINDING 1

The institution's budget deficit continues to increase. This trend is expected to continue unless the institution's budget is adjusted to reflect its realistic needs.

As of June 23, 2000, the last day of the audit team's fieldwork, California State Prison, Sacramento projected a budget deficit (excluding health care) in excess of \$5.4 million. When Warden Pliler was appointed in July 1998, the institution's deficit was approximately \$1.2 million (excluding workers' compensation and utilities). A deficit of this magnitude has severe consequences for the warden's ability to effectively manage the institution budget.

The importance of managing an institution's budget is reflected in section 32 of the 1999 Budget Act, which stresses the importance of operating within the approved budget and forbids expenditures in excess of appropriations without prior consent by the Department of Finance.

Although the deficit has increased under Warden Piler's supervision, the majority of the deficit is beyond the warden's individual control. In fact, the Office of the Inspector General's team traced the primary cause of the deficit increase to unfunded or under-funded mission changes and policy decisions by the California Department of Corrections affecting inmate housing. For example:

- In 1997, the department required that Level IV inmates be placed into 180/270 degree housing, with the more violent inmates assigned to 180-degree housing. As a result of this decision, California State Prison, Sacramento inherited more violent Level IV inmates. During the same period, the department also selected California State Prison, Sacramento as the institution to provide department-required mental health programs, resulting in a reduction of general population inmates and a corresponding increase in the number of inmates with mental health problems. These inmates, designated for enhanced outpatient program and psychiatric security housing, require more staff time and more single-cell housing because they are more violent and unpredictable. According to repeated memoranda to the California Department of Corrections from Warden Piler, the annual budgets for California State Prison, Sacramento do not address the full staffing requirements needed for managing the mental health inmates.
- The California Department of Corrections instituted a policy of screening inmates for single-cell housing at initial and annual classification reviews, resulting in more inmates being housed in single cells. This policy decision affected California State Prison, Sacramento by reducing its overall inmate population, straining staffing resources, and negatively affecting the institution's budget. The Department of Finance and the Legislature approved the reduction of staff to a level lower than the warden deemed appropriate to house the inmates safely, forcing the warden to fill unbudgeted posts.

These decisions have resulted in California State Prison, Sacramento's ever-increasing budget deficit and have compounded the California Department of Corrections' overall budget deficiency.

The Office of the Inspector General gathered documentation in the field showing that the warden and her administrative team have communicated these issues to the California Department of Corrections without satisfactory resolution. Faced with the alternative of reducing staff to budgeted levels, which could have adversely affected staff and inmate safety, or filling unbudgeted posts — such as moving staff to oversee inmates newly assigned to the administrative segregation overflow area — Warden Piler ultimately chose to do the latter.

RECOMMENDATION

The Office of the Inspector General recommends that the Department of Corrections perform a custody staffing audit to determine the appropriate level of

staffing required to maintain the safety and security of the institution and the programming needs of the institution's specialized population.

The Department of Finance and the Legislature should participate in the audit to ensure that the institution's budget is balanced permanently and safely. Until this is accomplished, it is difficult to hold the warden solely accountable for the budget deficit.

FINDING 2

Inmate and parolee appeal forms are not processed in a timely manner.

The Office of the Inspector General found that 23 of 50 CDC 602 inmate/parolee appeal forms reviewed were not processed in a timely manner or were considered "lost" at the first or second formal review level. The 50 appeals were non-statistically selected from the total listing of California State Prison, Sacramento appeals for the calendar year ended December 31, 1999 and through May 8, 2000 of the current calendar year. The specific findings included the following:

- Thirteen of 42 first level appeals were overdue from nine to 105 days;
- Two of 12 second level appeals were overdue from 22 to 94 days;
- Eight of the overdue appeals were medical related; and
- Six of the medically related appeals were considered "lost" by the health care manager's office.

Section 3084.6 of Title 15 of the California Code of Regulations addresses the requirements for appeal time limits. That section states:

Informal level responses to inmate appeals shall be completed within 10 working days. First level responses shall be completed within 30 working days, second level responses within 20 working days, or 30 working days if first level is waived.

California State Prison, Sacramento has an automated system capable of tracking appeals and generating various management reports. One such report is an inmate/parolee overdue appeal report, which is generated every Monday for the chief deputy warden and again every Wednesday for follow up by division heads, supervisors and managers. Although the collecting, tracking, and reporting of inmate appeals is the ultimate responsibility of the warden, the chief medical officer of California State Prison, Sacramento is directly responsible for the disposition of medical appeals.

The Office of the Inspector General reviewed the May 19, 2000 inmate/parolee overdue appeal report and noted that 108 inmate appeals were overdue (65 on first-level review and 43 on second-level review).

The overall administrative burden for managing the appeals process can dramatically increase when appeals are not resolved in a timely manner. If inmates perceive that their concerns are not being addressed properly and promptly, their dissatisfaction may jeopardize the overall safety of

other inmates and custody staff. Similarly, the lack of responsiveness can exacerbate the appeals process because inmates will begin to file new appeals on previously unresolved issues.

California State Prison, Sacramento also has problems tracking informal appeals. For example, appeal logbooks at the four facilities were missing documentation of completed responses or dispositions. Furthermore, none of the four facilities uses a standardized log for tracking informal appeals. Finally, staff at Facility A, administrative segregation, reported that they were unaware of the institution's policy for tracking informal appeals.

RECOMMENDATION

The Office of the Inspector General recommends that Warden Plier:

- Implement effective monitoring processes to ensure that inmate/parole appeals are processed promptly. The warden should review the status of the appeal reports weekly until the appeal backlog is eliminated. Once the appeal backlog is eliminated, the warden should continue to periodically review the status of appeals and ensure timely resolution. If additional resources are necessary, the warden should address this issue either through redirection of staff or through the budgetary process.
- Ensure that a standard informal appeals log book is developed defining all required information to be used consistently by all facilities; and
- Provide additional training, if necessary, in California State Prison, Sacramento's policies and procedures for processing inmate appeals.

FINDING 3

There is inadequate documentation to demonstrate that the apprentices in the Correctional Peace Officer Standards and Training apprentice program fully complied with prescribed standards.

Correctional peace officers fulfill responsibilities requiring sound application selection criteria and training standards for applicants before they assume their duties. The Commission on Correctional Peace Officer Standards and Training is empowered, under Penal Code Section 13301, to develop, approve, and monitor standards for the selection and training of state correctional peace officer apprentices at each institution.

In part those standards require apprentices, upon finishing basic academy training, to complete a minimum of 3,600 hours of experience during 24 qualifying months of on-the-job training. In addition, apprentices must perform at least 2,400 hours in a curriculum of various prescribed work assignments.

In examining a sample of the training records for six correctional officers who completed the apprentice program after January 1999, the Office of the Inspector General noted several inconsistencies with those standards. Specifically:

- The number of hours reported for each apprentice's program requirements did not reconcile with the hours recorded on the time sheets of individual apprentices. The audit team noted instances where time sheet hours exceeded program summary reports by as much as 171 hours and, conversely, where summary reports exceeded time sheets by 832 hours.
- The individual time sheets of three apprentices did not record the minimum 3,600 qualifying hours required during the 24-month program period.
- One apprentice was deficient in the prescribed task of "supervising inmates" by 91.50 hours.
- None of the six apprentice files examined contained a final probation report, which should have been prepared at the completion of the program.

RECOMMENDATION

To mitigate the potential for exposing the institution and the department to civil liability, the Office of the Inspector General recommends that the institution's in-service training unit develop policies, procedures, and controls to monitor apprentices' progress and completion of the Correctional Peace Officer Standards and Training apprenticeship program.

The procedures should provide for reconciliation of apprentice time sheets with total reported program hours. The procedures should also ensure that documentation of all required program milestones (probation reports, for example) is included in the apprentice files in accordance with statute and with the terms of the memorandum of understanding for Bargaining Unit 6.

FINDING 4

The warden's busy schedule limits her time in custody areas.

Warden Plier's commitments to the Department of Corrections and to other governmental agencies limit her ability to fully participate in many of the custody functions at California State Prison, Sacramento. The Office of the Inspector General reached this conclusion during fieldwork by interviewing custody and non-custody staff, reviewing executive reports and minutes of meetings, evaluating responses to questionnaires from a cross-section of California State Prison, Sacramento staff, and interviewing Warden Plier.

In addition to serving as the warden at California State Prison, Sacramento, Warden Plier has, on several occasions, acted as the Department of Corrections regional administrator. She is also a commissioner with the Correctional Peace Officers Standards and Training Commission, attends various wardens' meetings, and performs special projects for the Department of Corrections headquarters. All of these commitments take her away from the institution and detract from her day-to-day custody functions as a warden.

The Office of the Inspector General noted that Warden Plier:

- Does not regularly attend lockdown meetings or sign weekly lockdown status reports (also known as state-of-emergency reports) sent to the California Department of Corrections regional administrator. The chief deputy warden chairs lockdown meetings twice weekly and signs the reports. The Office of the Inspector General was told that the warden attends lockdown meetings when she is on site.

The ongoing lockdown of inmates is a critical issue at California State Prison, Sacramento, and has been the focal point of recent investigations. These lockdowns are a result of gang violence and restrict the inmates' freedom and ability to participate in programs. The chief deputy warden, associate wardens and all captains attend lockdown meetings twice weekly, and the regional administrator receives weekly reports on the institution's lockdown status.

- Does not lead the executive use-of-force executive review committee activities meetings. The committee meets once or twice a month to review every use-of-force incident. The review can result in corrective action that affects custody operations. California State Prison, Sacramento has the second-highest rate of reportable incidents in the state compared to other prisons. About half of these incidents involve use of force. Although her signature does not appear on meeting rosters, Warden Plier is brought in to the meetings to participate in specific incidents. Case sampling by the Office of the Inspector General confirmed that Warden Plier signed off on cases heard during meetings in which her signature did not appear on the attendee list.
- Has limited interaction with the inmate advisory councils in Facilities B and C. The Office of the Inspector General obtained documentation showing that Warden Plier had not met with the Facility B's inmate advisory council for more than a year. California State Prison, Sacramento has been in a volatile state with ongoing lockdowns since the warden arrived. According to the warden, present institution policy prohibits the warden meeting with inmate advisory councils when the inmates are under lockdown status.
- Is limited from spending enough time in the facilities. Comments from staff and inmates through interviews and questionnaires confirmed this situation. Warden Plier admits that other commitments prevent her from spending as much time she would like in the facilities.

Because California State Prison, Sacramento is a Level IV, 180-degree institution, custody issues are a key component in managing inmates and staff. Accordingly, a majority of priority issues at the institution are custody related. The warden's limited involvement in custody issues means that she places a high level of reliance on her chief deputy warden and other administrative staff. As a result, her knowledge of important custody matters that are discussed in meetings she is unable to attend often comes through second-hand information rather than by personal involvement.

RECOMMENDATION

The Office of the Inspector General recommends that the warden prioritize her workload to allow for greater involvement in custody matters.

FINDING 5

The Identix Touchlock II System does not work properly and, apparently, some of the institution staff members do not use it.

During fieldwork, the audit team noted that California State Prison, Sacramento's Identix Touchlock II system with Datatag identification cards was not working properly. The Identix Touchlock II is a security system that identifies each individual entering a secured perimeter through the use of picture identification cards and fingerprint verification. To use the system, individuals swipe their identification cards through the terminal and then place their fingertips on a reader pad. The system's objective is to enhance institutional security by identifying staff, volunteers, vendors, visitors, and other individuals authorized to be on the institution's grounds. The system is also designed to report staff working outside normal shift times, thereby allowing for better management of work hours.

On June 21, 2000, audit team staff asked the custody officer at the A/B facilities pedestrian sallyport to demonstrate the system's operation. The custody officer used his own card in the first reader. When the door opened, he held his finger on the reader, waited, and then had to pull his finger back when the door closed without recognizing his fingerprint. He then turned to the reader on the opposite side of the walkway and swiped his identification card. The protective door did not open, apparently because the system did not recognize his card. Custody officers had previously informed the auditors that the system only worked "about half of the time" and had recently failed for the warden. In approximately ten trips through this pedestrian sallyport, the auditors never witnessed an institution staff member actually using the system.

The Office of the Inspector General obtained a June 21, 2000 memorandum signed by California State Prison, Sacramento's chief deputy warden indicating that the Identix Touchlock II system had been upgraded. The memo stated that new cards would be issued, and that all staff would be required to enter the secured perimeter using the Identix Touchlock II system beginning July 10, 2000. As of the writing of this report, the Office of the Inspector General has not received additional information to confirm whether the system is now operational.

The California Department of Corrections purchased the Identix Touchlock II system for approximately 39 sites throughout the state at a cost of approximately \$4 million. The Office of the Inspector General has received information that many of the other institutions have experienced similar problems with the system. Although other institutions are not within the specific scope of this review, this matter may bear additional review at a later date.

RECOMMENDATION

The Office of the Inspector General recommends that the warden continue to work cooperatively with the Department of Corrections to make the necessary corrective changes to the Identix Touchlock II system to ensure that it is fully operational at California State Prison, Sacramento.

FINDING 6

The institution faces potentially highly significant fiscal liability for failing to remove underground storage tanks in a timely manner.

Sacramento County has mandated that California State Prison, Sacramento remove 11 underground storage tanks located throughout the institution because toxic substances from the storage tanks have contaminated the surrounding soils. This issue dates back to early 1998 and 1999 when independent studies performed by private environmental consultants confirmed that California State Prison, Sacramento's underground storage tanks did not comply with federal and state laws that became effective December 22, 1998. The removal of the underground storage tanks involves multiple governmental agencies and coordination with the Department of Corrections. Warden Piler's files confirm that she has maintained an ongoing dialog with department officials and has kept them informed about the progress of the remediation work.

California State Prison, Sacramento has subsequently drained all the underground storage tanks and installed above-ground storage tanks to meet fuel storage needs. However, difficulties in obtaining a contractor to remove the underground storage tanks have required the institution to request revisions of the removal deadline. The most recent deadline granted by Sacramento County was June 22, 2000. As of the close of the audit team's fieldwork on June 23, 2000, the underground storage tanks had not been removed.

California State Prison, Sacramento is liable for fines and penalties from the county of up to \$5,000 per tank for each day the deadline is not met. On July 7, 2000, the Office of the Inspector General requested the status of the removal process from the hazardous materials specialist at California State Prison, Sacramento. He reported that Sacramento County was allowing the institution to fill four underground storage tanks located in the individual facilities with cement in lieu of removing them and that the remaining seven tanks were in the process of being removed, with project completion expected by the end of July 2000.

Although California State Prison, Sacramento has commenced the removal process, it may still be liable for fines and penalties in excess of \$2 million for completing the project after the June 22, 2000 deadline (11 tanks times 39 days times \$5,000 per day per tank).

RECOMMENDATION

The Office of the Inspector General recommends that California State Prison, Sacramento continue to expedite the underground storage tank filling and removal process. At the same time, the institution should negotiate with Sacramento County to either extend the final deadline by approximately one month or waive all fines and penalties to mitigate their impact on an already significant budget deficit.

FINDING 7

The institution is not in compliance with the regulatory requirement for providing dental examinations to inmates.

California State Prison, Sacramento does not provide a complete dental examination within 14 days following a newly committed inmate's transfer to the institution from the reception center. The Office of the Inspector General non-statistically selected 31 inmate central files to determine whether this procedure was being performed in accordance with Section 3355.1 (b) of Title 15 of the California Code of Regulations, which states:

Each newly committed inmate shall within 14 days following transfer from a reception center to a program facility receive a complete examination by a dentist who shall develop an individual treatment plan for the inmate.

In all 31 cases, the inmate's central files contained no evidence of any dental examinations while the inmate was at California State Prison, Sacramento. The Office of the Inspector General interviewed the institution's chief dentist who said that because of the lack of staffing, dental work was only performed when requested by inmates and not on a routine schedule.

Subsequent review of inmate medical files confirmed that examinations were not performed within the 14-day requirement but did reveal that documentation was available for subsequent dental work.

California State Prison, Sacramento is failing to comply with the governing regulations. Moreover, preventive dental care is typically less costly than treatment undertaken after a condition has progressed.

RECOMMENDATION

The Office of the Inspector General recommends that California State Prison, Sacramento comply with the requirement to examine inmates within 14 days of their transfer from the reception center to the institution. Although the chief medical officer would be directly responsible for implementing this finding, the warden should monitor the progress of resolving the problem.

FINDING 8

The equal employment opportunity complaint and investigation case files contain inadequate documentation.

Of the 39 equal employment opportunity complaints filed at California State Prison, Sacramento from January 1, 1998 through mid-May 2000, six individual case files were missing documentation recording critical steps in the complaint and investigation process. Without complete and proper documentation, the institution is open to potential liability stemming from litigation.

Specifically, in two cases, form CDC 693s (discrimination complaint guide) were missing signatures and other critical information. In two other cases, the forms were missing altogether. Five case files were missing the standard acknowledgement letters, while another contained no investigative report.

One particular file was still classified as “pending” 444 days after receipt of the original complaint, and was still unresolved as of the final day of the audit team’s fieldwork.

Section 33030.1 of the Department of Corrections Operations Manual establishes the department’s intent to promote administration of sound personnel policy and standards by establishing a uniform method of investigating, reporting, and processing complaints involving possible violations of Government Code Sections 19572(w) and (x), concerning discrimination and retaliation.

On June 9, 2000, the Office of the Inspector General spoke with the institution’s equal employment opportunity coordinator, who stated that inadequate staffing, combined with the stresses of controlling a population of inmates acknowledged as among the most difficult, distracts available staff from other tasks, such as maintaining equal employment opportunity case files on a current basis.

Neglecting to periodically monitor and update case files increases the risk of cases remaining unresolved for unacceptable periods of time. This problem occurred with at least one file the audit team noted. In addition, the lack of documentation recording critical events may have detrimental ramifications to the institution and the department should a complaint become the subject of civil litigation.

RECOMMENDATION

The Office of the Inspector General recommends that the institution’s equal employment opportunity coordinator develop a system to track and monitor equal employment opportunity cases to assure that cases are resolved in a timely fashion, and that all critical documentation is complete.

Development and maintenance of such a system should not prove difficult, as only 39 cases were filed at the institution during the two and one-half year period the Office of the Inspector General examined. The most critical element of this system will be regular periodic monitoring of the caseload to identify the cases most urgently in need of attention. The monitoring function is a task for which one individual, preferably the equal employment opportunity coordinator, must be ultimately responsible.

FINDING 9

Employee probation and performance reports are not completed in a timely manner. California State Prison, Sacramento’s system to ensure staff probation and annual performance reports are completed in a timely manner is inadequate. The audit team non-statistically selected

50 custody and non-custody personnel files to determine whether they contained current completed performance and probation reports. Of the 50 employee personnel files reviewed, 22 files (44%) did not contain current performance reports. The average delinquency was 12.36 months; four were delinquent in excess of two years. Fourteen of the 50 employee personnel files (28%) lacked probation reports for applicable probationary periods.

The Office of the Inspector General obtained a list of overdue performance reports for custody employees only that, as of April 2000, totaled 132 delinquent reports.

The Office of the Inspector General found that in one instance the lack of a current performance report impaired the institution's ability to discipline one of its employees. In that instance, an adverse action was reduced from a salary reduction of 5 % for six months to a letter of reprimand because the employee's performance report was 11 months delinquent. The Office of the Inspector General reviewed the adverse action case files of 13 employees and noted that, in nine of those cases, performance reports were overdue.

The Office of the Inspector General also noted that performance and probation reports were missing in every one of the six Correctional Peace Officer Standards and Training apprentice program apprenticeship files it reviewed.

RECOMMENDATION

The warden should take steps to ensure that performance and probationary reports are completed on time.

The importance of preparing employee performance and probationary reports in a timely manner must emanate from the warden. Warden Plier must stress to her administrative staff that untimely reporting detrimentally affects the entire institution. Monthly reports from the custody and non-custody databases should be reviewed at the executive staff meetings where the warden and her staff can ensure that supervisors and managers are taking proper action to eradicate the present backlog and maintain the reports at an acceptable level.

FINDING 10

The emergency operations plan was not submitted in a timely manner.

As of the last day of the audit team's fieldwork, the warden had not signed or submitted the institution's emergency operations plan to the Department of Corrections Institution Division Emergency Operations Unit, as required each January.

According to the institution's public information officer, a current listing of emergency contacts and corresponding telephone numbers was still being updated for the warden's approval. The absence of an updated emergency operations plan with current telephone numbers for critical contacts could delay response times during an emergency.

RECOMMENDATION

Warden Piler should implement procedures to ensure that the emergency operations plan is updated and ready to be submitted to the Department of Corrections for review each January.

FINDING 11

The various facilities do not manage and process the inmate rules violation reports in a consistent manner.

There is no consistency among California State Prison, Sacramento's three maximum-security facilities (designated as Facilities A, B and C) with regard to managing and maintaining CDC-115 rules violation report forms. Facilities A and C do not maintain voided CDC-115 forms or provide copies to the chief disciplinary officer. Facilities A and C destroy the voided forms. At Facility B, however, the chief disciplinary officer receives copies of the voided CDC-115 forms and maintains them as part of the institution register and files. At Facility C, the Office of the Inspector General's review of the 1999 disciplinary action log (CDC Form 1154) disclosed a list of approximately 26 CDC-115 forms that contained no documentation on the disposition of the underlying incidents. None of the three facilities consistently documents the reasons for voiding CDC-115 forms or provides explanations to the chief disciplinary officer for monitoring and auditing purposes.

The Office of the Inspector General's examination of a sample of CDC 115 forms disclosed the following examples of due process violations or other irregularities in handling the disciplinary process:

- A hearing was conducted two days before the subject inmate was permitted to examine the evidence against him.
- A senior hearing officer erred in a "not guilty" finding when the documentary evidence revealed an admission of guilt by the inmate.
- Several CDC-115 forms were voided without explanation.
- In two separate instances, disciplinary hearings resulted in disparate punishments of cell partners charged as co-offenders in the same violation. Subsequent appeal reviews should have disclosed the inequities.
- A senior hearing officer failed to address and adjudicate a second incident of misconduct included in a CDC-115, and administered a degree of discipline (counsel and reprimand) inconsistent with the "not guilty" finding.
- A copy of a CDC-115 form was not issued to an inmate within 15 days of the incident.
- In ten instances, inmates were not provided a copy of the completed CDC-115 form within five days of the chief disciplinary officer's review.

The warden and her management staff are not reviewing the disciplinary action log (Form CDC-1154) on a regular basis or assuring that the log is regularly updated. California Code of Regulations, Title 15, Section 3312(b) and department policy requires all disciplinary actions to be reviewed by the chief disciplinary officer to ensure that, among other things, CDC 115 and 115-A forms are complete, due process and time constraints are met, and findings and resultant disposition are justified by documentation.

RECOMMENDATION

The Office of the Inspector General recommends that the warden's office implement a monitoring system to ensure that CDC-115 forms are processed promptly and uniformly among the facilities.

The inmate disciplinary process requires due process and consistency in disposition. On a weekly basis, either the warden or the chief deputy warden should review the status of the reports with Facilities A, B, and C, taking appropriate action when necessary to ensure prompt resolution of inmate disciplinary cases.

A written explanation should be required of any official authorizing the voiding of a CDC-115 form. Furthermore, for proper monitoring and auditing purposes, copies of all voided CDC-115 forms must be forwarded to the chief disciplinary officer for the institution register and files.

Copies of completed CDC-115 and 115-A forms should be delivered to inmates within five working days of the chief disciplinary officer's review.

FINDING 12

California State Prison, Sacramento incurs high costs in workers' compensation expenditures and related service fees paid to the State Compensation Insurance Fund.

California State Prison, Sacramento has the third highest rate of workers' compensation costs as compared to payroll costs of all California Department of Corrections institutions. California State Prison, Sacramento's workers' compensation costs have increased from \$4.2 million in fiscal year 1998-99 to a projected total of almost \$4.9 million in fiscal year 1999-2000. As of April 18, 2000, service fees to the State Compensation Insurance Fund for open disability claims and litigated cases were over \$60,000 a month.

Workers' compensation costs have increased because of California State Prison, Sacramento's mission change to housing more violent inmates, including Level IV inmates with mental health problems. Staff assaults have increased as a result, adding to the number of claims filed. The State Compensation Insurance Fund and California State Prison, Sacramento share responsibility for managing the claims caseload. Institution staff monitors cases the State Compensation

Insurance Fund is handling to ensure that the cases are closed in a timely manner, while the State Compensation Insurance Fund bills the institution for each open case. The staff at California State Prison, Sacramento has not kept pace with the workload increase, resulting in cases remaining open longer and subsequent higher billing from the State Compensation Insurance Fund.

RECOMMENDATION

The Department of Corrections should increase the workers' compensation staff at California State Prison, Sacramento.

The warden has submitted a budget concept statement to California Department of Corrections headquarters requesting additional staff to manage the workers' compensation caseload. The Office of the Inspector General recommends that the department grant the warden's request, which will contribute greatly in bringing workers' compensation costs under control.

FINDING 13

There are internal control weaknesses in accounting for the inmate trust funds.

On February 29, 2000, California Department of Corrections internal auditors informed the warden that bank reconciliations had not been done since June 30, 1999. Furthermore, the internal auditors reported that due to staff shortages, the trust accounting supervisor, who had the authority to sign checks, access bank check stock, and make deposits and withdrawals from the bank, was performing incompatible duties. This same supervisor was also responsible for performing the bank reconciliations, but had not completed them as of May 25, 2000. Subsequently, the Department of Finance performed an internal control review of California State Prison, Sacramento's trust accounting system, and informed the Office of the Inspector General that as of July 6, 2000, the institution had completed the bank reconciliations through May 2000, and that no problems had been noted.

During most of fiscal year 1999-2000 the trust accounting office operated with a 57 % staff shortage due to vacant positions. Staff levels were inadequate to maintain the proper separation of duties and bank reconciliations. The emphasis for the trust accounting office was to process inmates' deposits and withdrawals.

Section 8060 of the State Administrative Manual requires that all bank and centralized state treasury system accounts be reconciled promptly at the end of each month. The bank reconciliation is an important internal control procedure to deter and, if applicable, identify fraudulent activities. Compounding the situation was the lack of separation of duties in the trust accounting office. The potential for fraud was very great. However, the business manager did perform some cursory reviews and the Department of Finance auditors did not identify any problems. Therefore, it appears this problem resulted in no fiscal improprieties.

Warden Pliler officially knew of this problem by February 29, 2000, and should have known much sooner through her own staff. It does not appear the institution placed enough emphasis on maintaining proper internal controls to insure the safety of inmate properties.

RECOMMENDATION

The Office of the Inspector General recommends that in the future, if vacancies occur in the trust accounting office and internal controls are compromised, the warden should take action to redirect resources to this area.

If necessary, staff from other accounting units in the California Department of Corrections should be used to assist with the inmate trust accounting system.

ATTACHMENT A

VIEWS OF RESPONSIBLE OFFICIAL

STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY

GRAY DAVIS, Governor

**DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON - SACRAMENTO**P.O. Box 290002
Represa, CA 95671-0002
(916) 985-8610

September 19, 2000

Steve White
Inspector General
Office of the Inspector General
801 K Street, Suite 1900
Sacramento, CA 95814**CALIFORNIA STATE PRISON-SACRAMENTO/MANAGEMENT REVIEW AUDIT
CONDUCTED BY THE OFFICE OF THE INSPECTOR GENERAL**

Dear Mr. White:

As you are aware, during May and June 2000, the Office of the Inspector General (OIG) conducted a management review audit at California State Prison-Sacramento (SAC).

Attached for your review are my responses relative to the individual findings and recommendations of your office. Should you require additional information, please do not hesitate to contact me at (916) 985-1120.

In closing, I would like to once again express my appreciation to you and your staff for your professionalism in conducting this review and providing relevant recommendations.

Sincerely,

Handwritten signature of Cheryl K. Pliler in cursive script.

CHERYL K. PLILER
Warden

Attachment

CALIFORNIA STATE PRISON-SACRAMENTO
RESPONSE TO
OFFICE OF THE INSPECTOR GENERAL
"MANAGEMENT REVIEW AUDIT"
CALIFORNIA STATE PRISON-SACRAMENTO
SEPTEMBER 19, 2000

1. FISCAL AND BUDGET MANAGEMENT

INSTITUTION BUDGET DEFICIT

Inspector General Finding

The institution's budget deficit continues to increase. This trend is expected to continue unless the institution's budget is adjusted to reflect its realistic needs.

Inspector General Recommendation

The Office of the Inspector General recommends that the Department of Corrections perform a custody-staffing audit to determine the appropriate level of staffing required to maintain the safety and security of the institution and the programming needs of the institution's specialized population.

SAC Response

We concur with the recommendation that the Department of Corrections (CDC) perform a custody staffing audit to determine the appropriate level of staffing required to maintain the safety and security of the institution and the programming needs of the institution's specialized population. Various factors contributing to the institution's budget deficit include mandated mission changes, departmental policy application, and staff use of sick leave. (1) CDC's current budget allocation model results in disbursement inequities among the 33 institutions. This model does not account for the operational differences among varying custody levels of institutions, internal missions of each institution, and varying effects of the application of Departmental policy on each institution. California State Prison-Sacramento (SAC) has struggled budgetarily and custodially with all aforementioned areas. (2) The celling criteria for the psychiatric units in conjunction with the mandated implementation of the department's single celling criteria has resulted in a substantial loss in Average Daily Population (ADP), which is our funding base. In 1999, we lost approximately \$1.52 million in funding due to our ADP decline. This translates to lost custody staff funding, something we are not willing to compromise. (3) We experienced a 42 percent increase in Workers' Compensation dollars spent; yet this area was funded at less than fiscal year 1997-1998 actual expenditures. The funding for our utilities has also been grossly inadequate due to the funding at less than fiscal year 1996-1997 actual expenditures. (4) The increased security hazards have increased staff use of sick leave and the department's budget allocation process does not account for

such operational situations in Level IV 180 design institutions. Custody and business management staff work closely in monitoring employee sick leave usage. The overall trend is partially attributed to the application of the federal and state mandated Family Medical Leave Act (FMLA), as we recognize the needs of our employees and their families and accommodate all qualifying employees.

2. INMATE APPEAL PROCESS

INMATE APPEAL TIME CONSTRAINTS

Inspector General Finding

Inmate and parolee appeal forms are not processed in a timely manner.

Inspector General Recommendation

- Implement effective monitoring processes to ensure that inmate/parolee appeals are processed promptly. The warden should review the status of the appeal reports weekly until the appeal backlog is eliminated. Once the appeal backlog is eliminated, the warden should continue to periodically review the status of appeals and ensure timely resolution. If additional resources are necessary, the warden should continue to periodically review the status of appeals and ensure timely resolution. If additional resources are necessary, the warden should address this issue either through redirection of staff or through the budgetary process.
- Ensure that a standard informal appeals log book is developed defining all required information to be used consistently by all facilities; and
- Provide additional training, if necessary, in California State Prison, Sacramento's policies and procedures for processing inmate appeals.

SAC Response

We agree with the OIG's findings that SAC does have inmate appeals that are overdue. The recommendation that the warden implement an effective monitoring process is well taken; however, it should be noted that SAC has a monitoring process, which is currently in place. It should be further noted that some of the overdue appeals are assigned to the Health Care Manager, and in some cases to other institutions for response. When an appeal is assigned to another institution and becomes overdue, a telephone call is placed to that institution's Appeals Coordinator to expedite the response. If further action is necessary, a written request is sent to the institution concerning the overdue appeal. With regard to medical appeals, the Health Care Manager is afforded a copy of the information gathered from the monitoring process. In that health care is not within the chain of command of the warden, our function is limited to information gathering and sharing.

With regard to all overdue appeals, the issue is frequently addressed in Executive Staff meetings and managers are reminded of the importance of the process. However, it is recognized that as major incidents occur, the priority shifts to handling emergency situations.

SAC agrees to consider standardizing the informal appeals logbooks, which are currently in place in each facility. In that these log books are not required per departmental policy, they exist as a means to satisfy facility-tracking purposes only. The recommendation is well taken in that if SAC intends to keep the informal log in the facilities, a standardized form shall be adopted.

We also agree that additional training in the area of processing appeals is an effort that is recognizably beneficial, and we strive to ensure that staff receive adequate training in this area. Given the amount of appeals processed at SAC, it is also recognized that while training in and of itself is important, workload and staffing issues play an equally important role in the overall success of this endeavor. For example, Folsom State Prison (FSP) and SAC each have one CC II and one Office Tech. assigned to the appeals function. During fiscal year 99-00, FSP processed 1,794 inmate appeals while SAC processed 4,550 inmate appeals. BCS's have been submitted annually to address this issue without success.

3. TRAINING

APPRENTICESHIP PROGRAM

Inspector General Finding

There is inadequate documentation to demonstrate that the apprentices in the Correctional Peace Officer Standards and Training apprentice program fully complied with prescribed standards.

Inspector General Recommendation

To mitigate the potential for exposing the institution and the department to civil liability, the Office of the Inspector General recommends that the institution's In-Service Training unit develop policies, procedures, and controls to monitor apprentices' progress and completion of the Correctional Peace Officer Standards and Training Apprenticeship Program.

SAC Response

In February 2000, the Office of Compliance, Program & Fiscal Audit Branch, conducted an apprenticeship audit at SAC wherein they reviewed 34 areas with 32 areas in full compliance, for an overall rating of 94%.

Notwithstanding the noted discrepancies in auditing, it is important to address the deficiencies pointed out by the OIG. Therefore, the Local Apprenticeship Subcommittee (LAS) will audit each individual file prior to submission of a candidate's name for State Certificate of Completion upon conclusion of the Apprentice Program. The audit shall ensure each apprentice's total 103-A's contains the minimum number of hours required for each work process category in addition to completion of the 3600 qualifying hours required during the 24-month program period. The LAS will reconcile these actual totals with the computer tracking system. The LAS shall also ensure that all probationary reports are completed in a timely manner and are present in the file at completion of the program.

✓ 4. MISSION FOCUS

WARDENS INVOLVEMENT IN CUSTODY MATTERS

Inspector General Finding

The warden's busy schedule limits her time in custody areas.

Inspector General Recommendation

The Office of the Inspector General recommends that the warden prioritize her workload to allow for greater involvement in custody matters.

SAC Response

1 I strongly disagree with the assessment that I exhibit limited involvement in custody issues at SAC. Custody issues are, and always have been my number one priority. I work very hard to ensure that my involvement is extensive with respect to custody matters.

The workload for a warden in a 180-degree design institution is extensive, and I am called upon to participate in duties, which also require me to be absent from the institution. However, the findings by the OIG are incorrect in reflecting that I have not been fully participating in the custody functions at SAC. On the contrary I, like any manager of a large organization, manage in part by delegating sufficient authority for staff to manage their areas of responsibility. I of course insist that those staff continue to report to me on the status of those areas. I am very much involved in the operation of this institution and do so in addition to the other obligations required of me. The finding that I have limited involvement in custody issues is based upon the auditors conclusions that I do not attend lockdown meetings, executive use of force meetings, or spend enough time in the facilities. This sadly misrepresents not only the involvement I have in those functions but reflects poorly on the ability of the auditors to recognize fully what is required to manage an institution such as SAC. In fact, if I cannot be present at

lockdown meetings or use of force meetings due to other obligations, I insist on being briefed, and I make the final decisions with regard to any concerns that may exist.

The OIG makes reference to the many demands upon my time, yet their recommendation suggests that prioritizing my workload will allow for greater involvement in custody matters. The logic does not necessarily follow that if the workload is too demanding because of the mission and extensive commitments, that my prioritizing of the workload will satisfy a greater involvement in custody matters.

2 There is also reference made to my not having met with Facility B's Inmate Advisory Council (IAC) for more than a year. Yet documentation was provided to the OIG that I was present at a Facility B inmate advisory meeting in April 2000. Other meetings that were scheduled were cancelled due to emergency circumstances. When I am unavailable to attend scheduled IAC meetings, either the Chief Deputy Warden or the Division Head for that facility attends these meetings; I then require an extensive briefing on any pending issues.

5. INSTITUTION SAFETY AND SECURITY

IDENTIX TOUCHLOCK II SYSTEM

Inspector General Finding

The Identix Touchlock II System does not work properly, and apparently some of the institution staff members do not use it.

Inspector General Recommendation

The Office of the Inspector General recommends that the warden continue to work cooperatively with the Department of Corrections to make the necessary corrective changes to the Identix Touchlock II System to ensure that it is fully operational at California State Prison-Sacramento.

SAC Response

The Identix Touchlock II System has had problems with both the ID Card software program and with the equipment. The Data Tag program, originally used to issue the ID cards, had a problem with the bar code not being able to be read by the Identix Touchlock II. Since the Touchlock II is in a weatherproof housing unit, it relies on the card swipe to open the unit for the fingerprint. If the unit will not open with the card swipe, the system cannot be used.

Identix has since developed their own ID Card program and SAC has reissued ID cards for all employees. However, the Identix program keeps losing the templates and the ID

cards will not open the unit. In addition, the new ID card program is printing out bar codes that are unreadable in the Touchlock II units.

To correct these situations, Trans Tech has been called to repair the faulty equipment and program. They have made several visits to SAC and have replaced several of the Touchlock II units. They have taken our program back to Oregon with them and cannot find the problem. There is no maintenance agreement with Trans Tech so Information Systems (AISA's) has been working with the Business Office to do a contract for the maintenance agreement. Headquarters has also been contacted on this situation since they were working on a maintenance agreement originally. It appears that SAC is not the only institution that has experienced this problem. Headquarters is looking into the guarantee on the program, since we have had it less than a year.

Meanwhile, we are trying to remedy problems as they occur. We have put out memos to staff that they must use the equipment to enter the prison. Since there are still problems with the ID cards and equipment, this is an area that is continuing to be addressed with Trans Tech and Headquarters, as recommended by the OIG' report.

We concur with the OIG finding and welcome continued cooperation with the Department of Corrections at Headquarters for resolution to the changes needed in order to make the Identix System fully operational.

6. UNDERGROUND STORAGE TANKS

REMOVAL OF UNDERGROUND STORAGE TANKS

Inspector General Finding

The institution faces potentially highly significant fiscal liability for failing to remove underground storage tanks in a timely manner.

Inspector General Recommendation

The Office of the Inspector General recommends that California State Prison-Sacramento continue to expedite the underground storage tank filling and removal process. At the same time, the institution should negotiate with Sacramento County to either extend the final deadline by approximately one month or waive all fines and penalties to mitigate their impact on an already significant budget deficit.

SAC Response

Due to circumstances beyond our control and the direct involvement of the Office of State Architects and CDC Headquarters, our ability to comply with the mandates regarding the underground storage tanks removal was limited.

The underground storage tanks filling and removal process will be completed by November 1, 2000. We are in compliance with Sacramento County requirements, and it does not appear that there will be any fines or penalties imposed.

7. MEDICAL

DENTAL EXAMINATIONS FOR INMATES

Inspector General Finding

The institution is not in compliance with the regulatory requirement for providing dental examinations to inmates.

Inspector General Recommendation

The Office of the Inspector General recommends that California State Prison-Sacramento comply with the requirement to examine inmates within 14 days of their transfer from the reception center to the institution.

SAC Response

These issues have been addressed with the Health Care Manager and Chief Dentist at SAC. Corrective measures are being developed to accommodate providing this service to inmates within the allotted 14 days upon their arriving from the reception center. However, the Chief Dentist indicates that workload demands and staffing shortages greatly impact regular compliance with this recommendation.

8. INQUIRIES AND INVESTIGATIONS

EQUAL EMPLOYMENT OPPORTUNITY

Inspector General Finding

The equal employment opportunity complaint and investigation case files contain inadequate documentation.

Inspector General Recommendation

The Office of the Inspector General recommends that the institution's equal employment opportunity coordinator develop a system to track and monitor equal employment opportunity cases to assure that cases are resolved in a timely fashion and that all critical documentation is complete.

SAC Response

SAC's EEO office has implemented a new tracking system to supplement the current EEO log.

It should be noted that a CDC 693 is not a required document. A complainant may choose not to utilize this form, and in the case mentioned, the EEO office would not generate one. During the reporting process to the Department's EEO Office, on a quarterly basis, the 693's are included only if utilized by the complainant.

SAC's EEO office does not conduct investigations. When a case is referred to the Discrimination Complaint Unit or to another outside agency to investigate, the EEO office will receive notification of the outcome of the investigation.

It is the intent of SAC's EEO office to provide acknowledgment letters within the prescribed time limit, and we will strive to ensure that these letters are submitted in a timely manner.

SAC's EEO office received notification on July 25, 2000, of the findings of the investigation conducted by the Department of Fair Employment and Housing regarding the long term pending case, which was reviewed by the OIG; the case is now closed.

9. PERSONNEL

EMPLOYEE PROBATION AND PERFORMANCE REPORTS

Inspector General Finding

Employee probation and performance reports are not completed in a timely manner.

Inspector General Recommendation

The warden should take steps to ensure that performance and probationary reports are completed on time.

SAC Response

Understanding the importance of probationary and performance reports, SAC will step up its efforts to ensure that these reports are completed in a timely manner. It should be noted, however, when emergency situations arise, as they often do here at SAC, supervisors that are responsible for producing the evaluations are faced with prioritizing the emergency efforts far above the evaluations.

Immediate proactive measures have been taken to offset the delinquency rate of these evaluations. Ideally a performance evaluation report is generated monthly to identify

performance evaluations that are due on employees. Due to a high turnover in the Personnel Office, this report was not being processed for the past year. However, since the OIG review, these reports have been distributed for the months of July, August, and September. These efforts have met with positive results wherein SAC has decreased the number of outstanding reports by 11% in just two months. We are confident that by continuing to use the Performance Evaluation Report, we will dramatically decrease the number of outstanding evaluations.

10. EMERGENCY OPERATIONS

EMERGENCY OPERATIONS PLAN

Inspector General Finding

The emergency operations plan was not submitted in a timely manner.

Inspector General Recommendation

Warden Plier should implement procedures to ensure that the emergency operations plan is updated and ready for submittal to the Department of Corrections for review each January.

SAC Response

SAC agrees to ensure that the emergency operations plan is updated and submitted to the Department of Corrections for review in a timely manner. It should be noted that an Emergency Operation Plan was in place at the time of the audit; however, due to needed updates, the document had not been reviewed and signed.

11. INMATE RULE VIOLATION REPORTS

PROCESSING INMATE RULE VIOLATION REPORTS IN CONSISTENT MANNER

Inspector General Finding

The various facilities do not manage and process the inmate rules violation reports in a consistent manner.

Inspector General Recommendation

The Office of the Inspector General recommends that the warden's office implement a monitoring system to ensure that CDC-115 forms are processed promptly and uniformly among the facilities.

SAC Response

In the OIG's report of finding, seven areas of due process irregularities were discovered in 23 Rule Violation Reports (RVR). The following is a review of those findings:

3

- A hearing was conducted two days before the subject inmate was permitted to examine the evidence against him.

It was determined after reviewing this RVR that a typographical error was made on the RVR. This is supported by the entry in the Disciplinary Log (CDC 1154), that documents the hearing was held two days after the inmate received all evidence against him. Therefore, the hearing was conducted properly and all time constraints were met even though the typographical error suggests otherwise. Closer review of completed RVR's will be conducted for typographical errors in the future.

- A Senior Hearing Officer (SHO) erred in a Not Guilty finding when the documentary evidence revealed an admission of guilty by the inmate.

Our review of this RVR reveals that there was sufficient evidence to find the inmate guilty. The SHO failed to properly consider the documentary evidence available at the hearing. SHO's will be given direction to base decisions on a preponderance of evidence. If the SHO determines that an inmate is a victim and fought with another inmate in self-defense, that determination must be more clearly documented and explained.

- Several CDC Form 115's were voided without explanation.

A group of four RVR's were identified as being voided without an explanation documented in the Disciplinary Log (CDC 1154). Disciplinary staff have received written direction to provide a written explanation by an authorized SHO regarding the reason for voiding an RVR with a copy of the RVR documenting the explanation and forwarded to the Chief Disciplinary Officer (CDO) for inclusion in the register.

4

- In two separate instances, disciplinary hearings resulted in disparate punishments of cell partners charged as co-offenders in the same violation. Subsequent appeal review should have disclosed the inequities.

A group of four RVR's were identified as receiving disparate punishments. In two RVR's both cell partners were charged with same offense. One was dismissed while the other was found guilty and assessed a credit loss. The inmate who received the guilty finding and credit loss took full responsibility for the infraction. This type of outcome for a RVR written for cell partners is not unusual and is not considered disparate or unfair treatment.

5

The other two RVR's were issued to cell partners wherein both cell partners were found guilty. However, one received 30 days loss of credit and the other ten days loss of credit. This disposition is within the Division F credit loss schedule of 0 - 30 days. This difference is not viewed as disparate or overly unfair treatment. It is felt that in both cases SAC SHO's were well within the regulations as encompassed in the disciplinary rules and processes.

- A SHO failed to address and adjudicate a second incident of misconduct included in a CDC form 115, and administered a degree of discipline (counsel and reprimand) inconsistent with the Not Guilty finding.

These two RVR's were incorrectly adjudicated in that the SHO failed to acknowledge a more serious offense of Possession of Alcohol.

6

- A copy of a CDC Form 115 was not issued to an inmate within 15 days of the incident.

This RVR was issued to the inmate well after the 15-day time constraint; however, the facility was under a State of Emergency at the time the RVR was issued and heard. This postponement of time constraints is authorized per California Code of Regulations (CCR), Title 15, Section 3383.

- In ten instances, inmates were not provided a copy of the completed CDC Form 115 within five days of the CDO's Review (CCR 3320(L)).

7

Six RVR's were from C Facility and it was determined that two of them were received within the required five day limit. The other four RVR's were on average three days past the five-day limit. However, it should be noted that during this time frame of the aforementioned RVR's, C Facility was under a State of Emergency.

8

There was one RVR in B Facility and it was determined to be 20 days beyond the five-day limit. However, B Facility was also under a State of Emergency at the time.

There were three RVR's in A Facility with one being one day late, another three days late, and the third nine days late. Facility managers have been instructed to closely monitor the process of providing a copy of the CDC Form 115 within five days after the CDO's review.

- The OIG reported that there is inconsistency among SAC's three facilities with regard to processing voided CDC Form 115's. Currently, only B Facility is forwarding voided RVR's to the CDO for placement in the register. Additionally, the OIG commented that the Warden or Chief Deputy Warden should review the

disciplinary action log on a weekly basis. This would not be given high priority. (see section 4)

These observations are noted and the CDO will be instructed to review the disciplinary log on a quarterly basis. This is consistent with CCR Section 3312 (b). In addition, the Facility Captains are to conduct regular reviews of the facility disciplinary logs.

It should be noted that because SAC is a Level IV 180 design institution, it processes approximately 4,500 RVR's in an average year. Keeping this in mind, we view each RVR as a legal document requiring strict adherence to the requirements of the California Code of Regulations.

12. WORKERS COMPENSATION EXPENDITURES

WORKERS COMPENSATION EXPENDITURES AND RELATED SERVICE FEES PAID

Inspector General Finding

California State Prison-Sacramento incurs high costs in worker's compensation expenditures and related service fees paid to the State Compensation Insurance Fund.

Inspector General Recommendation

The Department of Corrections should increase the worker's compensation staff at California State Prison-Sacramento.

SAC Response

The OIG's finding is accurate in that Worker's Compensation costs have increased at SAC because of our multi faceted missions. SAC has been designated to house some of the most violent Level IV inmates in the CDC system. Additionally, SAC has also been designated to house violence-prone inmates with mental health needs. This has resulted in a rise in the number of staff assaults and Worker's Compensation cases.

Pending resolution of the Budget Concept Proposal submitted by SAC to increase budgeted staff for Worker's Compensation issues, we will perform a Cost Benefit Analysis to determine the sufficient savings that can be realized by closing open cases and used to fund additional personnel. It should be noted that from July 1998 to the present, 721 cases have been closed due to SAC's proactive approach to fiscal responsibility.

13. INMATE TRUST FUND

ACCOUNTING FOR THE INMATE TRUST FUNDS

Inspector General Finding

There are internal control weaknesses in accounting for the inmate trust funds.

Inspector General Finding

The Office of the Inspector General recommends that in the future, if vacancies occur in the trust accounting office and internal controls are compromised, the warden should take action to redirect resources to this area.

SAC Response

The staff vacancies that caused the internal control weaknesses have been filled, and training is in progress to ensure proper separation of duties and bank reconciliation's.

COMMENTS OF THE OFFICE OF THE INSPECTOR GENERAL

1 The Office of the Inspector General recognizes Warden Plier's extensive workload, as well as the unique complexities of managing a 180-degree design institution, as evidenced by certain of the findings and recommendations in this report. As the warden's response confirms, however, her duties, including activities extraneous to the operations of California State Prison, Sacramento frequently require her absence from the institution. These activities detract from her ability to fully participate in many custody matters.

The Office of the Inspector General reached its conclusions from reviewing logbooks, meeting minutes, and other custody documentation, as well as from interviewing institution staff. Many institution custody staff members communicated similar concerns to the audit team both orally and in writing. As the warden's response suggests, many custody matters can be delegated but a briefing is not the same as active participation. The Office of the Inspector General's finding and recommendation stem from the fact, as well as the staff perception, that the warden is often absent from the institution.

2 The warden reports that she was present at a Facility B inmate advisory council meeting in April 2000. The Office of the Inspector General did receive meeting minutes documenting her attendance at an April 28, 2000 meeting, but the finding refers to a prior memorandum, dated April 4, 2000. In this memorandum, the inmate advisory committee executive body commented that the warden had not met with them for more than a year. The earlier memorandum may have precipitated the warden's attendance at the April 28, 2000 meeting.

3 In regard to the hearing that was conducted two days before the subject inmate was permitted to examine the evidence against him, although the warden asserts a typographical error was made on the rules violation report, it must be pointed out that the senior hearing officer signed and dated the rules violation report in several different places using the alleged incorrect date.

4 Although the warden's response indicated that was the case, a review of the rules violation report for the inmate who received the guilty finding and credit loss did not reveal whether or not the inmate took full responsibility for the infraction. The subject was read the charges and pled "not guilty" and further stated, "I had only been in that cell for a couple of months, and I had no idea that weapon was there."

The subject was found guilty based on the preponderance of evidence indicating that the correctional officer received confidential information that a weapon was being held in cell FB4-105, which was occupied by the two inmates in question. The information did not identify which inmate possessed the weapon. Furthermore, a special notation on the rules violation report stated that there was confidential information noted on the rules violation report. However, the senior hearing officer did not use the confidential information in the hearing.

Given that no other evidence was presented, the Office of the Inspector General could not determine if or when the inmate "took full responsibility for the infraction."

5 In the case of the two rule violation reports issued to the cell partners who were both found guilty, the Office of the Inspector General does not dispute that the senior hearing officer was well within the regulations as encompassed in the disciplinary rules and processes. However, the disposition and loss of credit resulted in disparate punishment. The inmate

who pled “guilty” to the charge was assessed ten days loss of credit, yet, the inmate who pled “not guilty” was found guilty and assessed 30 days loss of credit.

There was no documentation to explain the unequal treatment. Subsequent reviews of the rule violation reports should have considered the inmates’ plea to the charges and disclosed the inequities in the assessment of credit loss.

- ⑥ The Office of the Inspector General concurs that the facility was under a state of emergency.
- ⑦ The chief disciplinary officer inaccurately dated one of the two rule violation reports from Facility C identified as being received within the required five-day limit. The Office of the Inspector General’s review of the second rule violation report could not determine whether or not it was received within the required time limit. The other four reports were from three to twenty-five days past the five-day limit.
- ⑧ The Office of the Inspector General concurs that both Facilities B and C were under a state of emergency during the above mentioned timeframes.